

INQUIRY INTO JUVENILE OFFENDERS

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Summary



SUBMISSION TO

NSW LEGISLATIVE COUNCIL

SELECT COMMITTEE ON

JUVENILE OFFENDERS

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SUMMARY

This submission is provided to assist the Committee in placing into context the issues referred to in the Terms of Reference. While the focus of the Inquiry is on Kariong Juvenile Correctional Centre, formerly Kariong Juvenile Justice Centre, the history and development of the Department of Juvenile Justice, its charter and obligations, and the reviews and reports that have influenced it over the last decade or so are factors which the Committee may wish to draw upon in undertaking this Inquiry.

The submission has been arranged in sections under headings to provide committee members with quick access to topics of interest and importance.

The introduction acknowledges the focus of the Inquiry and the terms of reference that will guide the Committee's deliberations.

The second section details the journey of juvenile justice from the welfare sector of the public service to the present position it occupies at the interface of the justice sector. A brief history of the department, its past and present functions and responsibilities, and the group of young people with whom it works are outlined in this section. This section also describes other government agencies and bodies that have a role in various aspects of the department's work. Resource management issues and a very brief summary of some of the current research in relation to young offenders concludes this section.

The third section of the submission addresses the legislative framework under which the department operates, the changes that have occurred and the impact these changes have had on the department.

The fourth section of the submission considers the detention centre system in the context of the whole department and includes information on a number of elements of the profile of young people in custody. This section also provides a brief description of each detention centre and the programs and services provided within them. The department's objective classification system, behaviour management approach and the some of the key provisions for leave and conditional discharge from custody are addressed in this section. Quality assurance and the department's ongoing attention to assaults conclude this section.

Kariong Juvenile Justice Centre, its history and the reviews and investigations that have resulted in changes and developments at the centre are discussed in the final section of the submission.

INTRODUCTION

The Department of Juvenile Justice is pleased to present this submission to the NSW Legislative Council Select Committee on Juvenile Offenders. The purpose of the submission is to assist the Committee by placing into context the issues and events leading to the transfer of Kariong Juvenile Justice Centre to the Department of Corrective Services in November 2004.

Where appropriate, the submission will provide information to address elements of the Committee's terms of reference.

The summary provided with the submission gives the Committee an overview of its content and structure.

It is hoped that this submission is helpful to the Committee in the task before it. Should the Committee require clarification or further elaboration of the information contained within this submission the department would be only too willing to assist.

DEPARTMENT OF JUVENILE JUSTICE

HISTORY OF DEPARTMENT OF JUVENILE JUSTICE

The Department of Juvenile Justice was established as a separate public service department in late 1993. However, the origins and influences that have shaped it can be found in a number of reports, inquiries, studies, and reform legislation as far back as a Green Paper published in 1978. The Green Paper proposed significant changes to juvenile justice services in the child welfare administration. The 1978 Green Paper was followed in 1980/81 by the overhaul of the Child Welfare Act 1939 and in 1982 a Community Welfare Act was proposed to expand the responsibilities of the then Department of Youth and Community Services. These events changed the landscape of juvenile justice and child welfare in significant ways. What can be seen in these changes was, for the first time, a recognition of the separate needs of children in the care of the state (state wards) from the needs of juvenile offenders. Welfare 'offences' and criminal offences began to diverge.

1983 saw the state government responding to an Australian Institute of Criminology state by state comparison of juvenile incarceration rates in which NSW topped the nation. NSW policy makers and welfare administrators were so concerned about the growing juvenile custody population that two reports were commissioned to examine the issue. The Houston report into services for young offenders and the Pryke report on restructuring services to young offenders recommended further separation of welfare and juvenile offending. A 1986 report by the Premier's Department Women's Coordination Unit – "Girls at risk: report of the Girls in Care Project" added more weight to the dilemmas surrounding the blending of welfare and juvenile justice issues.

By 1987 the state government had placed before Parliament a reform package aimed at making clear the difference between the protection and care needs of children and the system of justice for children and young people who were in breach of the laws of NSW. The reform package included the following:

Children (Criminal Proceedings) Act 1987

Children (Care and Protection) Act 1987

Children (Community Service Orders) Act 1987

Children (Detention Centres) Act 1987

Children's Court Act 1987

In the same year the Royal Commission into Aboriginal Deaths in Custody was established.

In 1989 the federal government's Human Rights and Equal Opportunity Commission published what was known as the Burdekin Report – "Our Homeless Children Report". This report resulted in the funding of a number of strategies and initiatives to address, among other things, the connection between homelessness and juvenile offending.

In 1990 "Kids in Justice: A Blueprint for the 90's" was published by the Youth Justice Coalition (NSW) with funding from the Law Foundation of NSW. This publication was the outcome of a 12 month independent review of the juvenile justice system by an informal group of workers in the youth, welfare and legal sectors. The publication lists 230 recommendations, many of which fall into the following categories:

- A re-orientation of the juvenile justice system toward prevention
- Decriminalising of certain offences associated with juvenile behaviour
- Increased diversion of young people from the criminal justice system
- Priority to be given to community-based programs
- Detention regarded as the last resort and for the minimum period possible

In the same year the NSW Department of Family and Community Services released a policy paper entitled “An Agenda for Juvenile Justice in New South Wales: A Statement of Government Policy, Achievements, Future Directions”.

Interestingly Australia ratified the “United Nations Convention of the Rights of the Child” (CROC) in 1990. The principles outlined in CROC have continued to influence youth policy ever since.

1991 saw operational responsibility for juvenile justice transferred from the Minister for Health and Community Services to the Minister for Justice. It was also in this year that the Office of Juvenile Justice and the Juvenile Justice Advisory Council were established. This change symbolically and administratively recognised the unique nature of juvenile justice and its positioning in the public sector. At this point juvenile justice was separated conceptually from the growing range of concerns in the child welfare sector, particularly those concerns regarding child protection.

On 30 June 1991 Juvenile Justice was transferred to the Department of Corrective Services. On 1 November 1991 the Office of Juvenile Justice was established as a separate entity.

The Office of Juvenile Justice Annual Report 1991/92 Director's Report made clear that the government of the day had determined that the emphasis in juvenile justice should be on rehabilitation and diversion from custody wherever possible. The recognition that juvenile justice had greatly different needs and obligations to the adult system was also articulated in this report.

In the same year The Report of the Royal Commission into Aboriginal Deaths in Custody was handed down with specific actions to be taken by the states to prevent further deaths in custody. A number of the required actions impacted on the administration of juvenile justice in NSW.

Over the next seven financial years the department's annual reports outlined progress toward meeting the relevant recommendations. In 1999 the Attorney General's Department notified the department that no further reports were required. It should be noted that the department continues to be guided by the Royal Commission's findings and recommendations.

In May 1992 the NSW Parliament Legislative Council Standing Committee on Social Issues tabled Report No.4 – Juvenile Justice in NSW. The Standing Committee's terms of reference led it to a full inquiry of crime prevention programs; court diversion schemes; sentencing and community options for the care and management of young offenders; selection and training of staff in relevant youth services; and the adequacy of services to young people in the juvenile justice system. The Committee made 134 recommendations underpinned by a number of principles:

“Crime prevention must be the first response to juvenile crime;

Every effort must be made to prevent the progression of young people from Juvenile Justice to adult gaols;

Young people detained on 'care' matters must be separated from those incarcerated on criminal matters;

Diversion, particularly Police Cautions, should be the first response to minor offences and community based orders be the most frequent sentencing option;

Institutionalisation should always be used as a last resort;

Selection and training of all persons involved with juveniles should be of the highest order;

The victim should be considered and respected;

A coordinated approach between the law enforcement, health, community service, education, housing and juvenile justice authorities is required; and

The community needs to be accurately and sensitively informed of the facts relating to juvenile justice and the rationale behind the determinations of government."

Also in 1992 the Minister for Justice asked the Juvenile Justice Advisory Council to prepare a Green Paper on juvenile justice. The Council produced the paper - "Future Directions for Juvenile Justice in NSW" - in early 1993 as a proposal for a long term strategic plan for juvenile justice in NSW. The Green Paper proposed key principles to inform the operation of the juvenile justice system. As the Standing Committee report had done, this Green Paper acknowledged the fact the juvenile offending and the strategies and services required to address this social problem were the responsibility of a number of key agencies and departments. This began

the ongoing discussion about a whole-of-government response to juvenile justice which continues to this day.

The Green Paper brought together a number of proposals for the government to consider:

- The establishment of a Juvenile Crime Prevention Division and local juvenile crime prevention committees with resources to develop and implement juvenile crime prevention programs;
- The development of mechanisms for police to use in dealing with juvenile offenders – alternative methods to arrest – and a reparation and restitution arrangement between the juvenile offender and victim
- Reduce the number of juvenile offenders appearing in the Children’s Court without reducing the rate of police cautioning;
- Juvenile offenders having access to legal services throughout their encounter with the justice system;
- A number of amendments to particular pieces of legislation to incorporate the principles articulated in the Green Paper - these included proposed amendments to:
 - Sentencing Act 1989 (later repealed)
 - Children (Criminal Proceedings) Act 1987
 - Summary Offences Act 1988
 - Children (Community Service Orders) Act 1987

- Children (Detention Centres) Act 1987
- Victims Compensation Act 1987
- A range of programs and strategies for juveniles sentenced to a community based order; clear and credible alternatives to custody;
- Case management planning for juveniles in detention with a strong focus on reintegration and the establishment of a Juvenile Offenders Review Committee (later the Serious Young Offenders Review Panel);
- A range of specific proposals regarding offending Aboriginal young people and their communities;
- Proposals concerning health, mental health and special needs groups;
- Proposals concerning the provision of education services to young offenders.

While the Green Paper was released for consultation and discussion, the government gazetted the Office of Juvenile Justice as a schedule 1 department. On 10 September 1993 the Department of Juvenile Justice became, and remains today, the only separate department for juvenile justice in Australia.

The government's response to the Green Paper was released as a White Paper in 1994. The White Paper stated the government's policy on juvenile justice and announced several major new initiatives.

“The Government will continue its broad juvenile justice policy directions which focus upon punishments that fit the crime, detention as a necessary sanction for serious and persistent offenders, rehabilitation of young offenders through the provision of

quality education and vocational training programs, and greater involvement of the community in the processes of the juvenile justice system.”

The White Paper expressed the principles upon which the government based its juvenile justice policy direction in similar terms to those articulated in the Standing Committee Report No. 4 and the Green Paper. These principles can be found on pages 3 and 4 of the paper.

In 2000 the Legislative Council Standing Committee on Law and Justice produced report 14 – “Crime Prevention through Social Support Second Report.” The Standing Committee’s terms of reference were to inquire into the relationship between crime and the types of social support afforded to families and communities with particular reference to:

“the impact of changes in the social services support system on criminal participation rates;

support programs that can assist in protecting people from developing delinquent or criminal behaviours; and

the type and level of assistance and support schemes needed to change offending behaviour.”

The Committee included a chapter ‘Young People and Juvenile Justice; Young People at Risk’ in which it applauded the introduction and operation of the Young Offenders Act 1997. At the same time the Committee acknowledged the serious impact of a growing drug use problem on reoffending rates within the juvenile offending population, and the relationship between high recidivism rates and the

small group of young offenders who received a sentence to detention for their first offence.

In the history of the Department of Juvenile Justice there have been 3 Directors General. In September 1993 Mr Ian Graham became the first Director General of the new department. Mr Graham served as Director General until August 1995 when Mr Ken Buttrum was appointed Director General. In November 2000, Mr David Sherlock was appointed as Director General of the department.

The *Young Offenders Act* 1997 is a creative approach to dealing with young who break the law. The Act sets out four options for dealing with young offenders:

Warning

Caution

Youth Justice Conference

Court

A youth justice conference is based on the idea that when a young person offends, they cause hurt, loss or damage to members of the community. At a conference the young offender and members of the community meet to help the young person take steps towards repairing the harm they have caused and taking responsibility for their actions.

Youth Justice Conferencing brings the offender(s), their family and supporters together, face-to-face, with victim(s) and their support people. Together they must agree on a suitable outcome that can include an apology and reasonable reparation to victims.

A conference may be held if:

- The offence is covered by the Young Offenders Act (NSW) 1997, and
- The young person has admitted to the offence and agreed to participate, and
- A warning or caution is not appropriate because of the seriousness of the offence, degree of violence, harm caused to the victim or the offender's criminal history.

THE ROLE AND CHARTER OF THE DEPARTMENT OF JUVENILE JUSTICE

The role and charter of the department has remained constant since 1994. The additional responsibility for introducing young justice conferencing in 1998 under the Young Offenders Act 1997 brought another dimension to the role of the department in making a contribution to safer communities in NSW.

Prior to assuming responsibility for this function, the department's role and charter had been variously described in annual reports in the context of visions, missions, purposes, objectives and values, all of which included references to providing community and custodial services "to maximise the capacity of young offenders to choose positive alternatives to offending behaviour." 'Breaking the crime cycle' and 'breaking the juvenile crime cycle' feature in most annual reports since 1993/94. The 2003/04 Annual Report continues this theme and adds a Statement of Purpose as follows:

"Working together to provide services and opportunities for juvenile offenders to meet their responsibilities and lead a life free of further offending."

The organization has undergone rapid change, both administrative and operational, since 1991, from being embedded in other government bodies to becoming a separate office to an autonomous department.

The legislation under which the department operates, and other legislation and policies which impact on it, make this one of the most challenging and difficult administrations to manage. The competing priorities of doing what is known to be most effective in addressing juvenile offending and, at the same time, responding appropriately to community fears about juvenile offending and anti-social behaviour creates for the department the need to balance multiple tensions and demands. The media pre-occupation with juvenile offending and the views expressed regarding tougher and more punitive responses, together with pressure from human and children's rights advocates is an example of the tensions to be balanced.

The principles relating to the exercise of criminal jurisdiction in the Children (Criminal Proceedings) Act 1987 recognises that "children who commit offences bear responsibility for their actions but, because of their state of dependency and immaturity require guidance and assistance." Getting the balance right between holding children responsible for criminal acts and providing needed assistance and guidance is a major test for the department, governments and the community.

The Council on the Cost and Quality of Government 2000 report on juvenile justice stated: "The Department of Juvenile Justice deals with some of the most vulnerable groups within the youth population. Young offenders are probably one of the most difficult client groups of any NSW Government agency; often severely disturbed young people with histories of sexual and emotional abuse, behaviour problems and substance use."

The COCQOG report goes on...

“Governments around the world are attempting to find the most appropriate way of addressing issues relating to children and young people who come into contact with the justice system. Community and media pressure have driven governments to address the perception that crime is increasing, particularly crime committed by young people.

Different approaches to juvenile justice reflect this broader law and order debate. Broadly speaking, responses have been polarised between punitive approaches where there is a focus on institutionalising young people who offend, even if such offences are minor, and preventative and diversionary approaches that focus on preventing juvenile crime and diverting young people from court processes so that they can be reintegrated successfully into the community.

Young people who commit offences need to be dealt with in a way that provides the best outcome for them, their victims and the community at large. Detention of young offenders has not been found to be the most effective strategy and may lead to a lifelong cycle of criminal involvement or social dependency. Detention is regarded in various human rights instruments as a last resort to be used only where alternatives have been fully considered and deemed inappropriate.”

Over recent years, through the Results and Services Plan process, the department has been able to further clarify and define the opportunities and challenges it faces. Safer communities is the NSW Government priority on which the department’s efforts are focused and it contributes to the achievement of this priority through:

- Ensuring that young offenders are managed effectively to complete their legal obligations to meet the department's duty of care obligations;
- Working to reduce reoffending by young offenders for whom the department has responsibility.

The department's focus is on reducing the risk factors that might lead to reoffending and, at the same time ensuring effective management of young offenders according to national and other recognised standards and international conventions. This requires an integrated approach at the service delivery level.

THE YOUNG PEOPLE WE WORK WITH

Client Profile – General

Target group as per legislation:

Young people between the ages of 10 and 18 years who have come into contact with the department either through police referral (young offenders referred for conferencing) or the court system.

In the 2003-2004 financial year a total of 1713 referrals were made by police and the courts to youth justice conferencing under the provisions of the Young Offenders Act 1997.

In the same period, 2836 young people were supervised in the community as a result of court orders. The average age of these young people was 17 years. 86% of the young people supervised in the community were male; 14% were female.

Custody figures for the 2003-04 financial year show that the daily average number in custody was 302. Of this figure, 95% were males (average age 17 years) and 5% were female. The custody population can be further broken down to show that young people on remand – that is unsentenced – made up 48.7% of the total.

The large majority of young offenders are adolescent boys in the 15-17 years age range. Girls and young women make up a very small number (17 %) of young offenders in contact with the juvenile justice system.

Over-representation

Much has been reported about the over-representation of Aboriginal and Torres Strait Islander young people in the juvenile justice system. Even with the best intentions this over-representation continues to challenge and disappoint juvenile justice administrators across Australia. In 2003-2004 the number of ATSI young people in NSW in contact with the department represented 24% of all young people under the direct control or supervision of the department. The very large number of ATSI young people who are subject to custodial orders (43%) is of particular concern to the department.

Offending Profile

The seriousness of juvenile offending has increased if seen in the context of some categories of offences. (The prevalence of some other categories of offences appears to have dropped significantly. This finding is consistent with the noted fall in the overall Australian crime rate.)

A trend upward in terms of offences against the person – includes homicide and related offences, aggravated sexual assault, aggravated robbery, non-aggravated

robbery and aggravated assault. From Children’s Court finalised appearance data over the period 1994/95 to 2003/04 the increase in these offences is in the order of 10 percentage points.

	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Homicide and related offences	8	15	25	12	13	14	15	10
Aggravated Assault (sexual)	90	98	111	122	124	101	91	81
Aggravated Robbery	367	391	472	534	559	460	607	569
Non-aggravated robbery	91	105	107	140	144	123	137	89
Aggravated Assault	93	110	93	117	104	91	110	110

However, criminologists point out that the most likely victims of juvenile offending – especially offences against the person – are also juveniles. At the same time there has also been an increase in some of the less serious offences such as breaching orders, summary and traffic offences.

WHAT IS KNOWN ABOUT JUVENILE OFFENDERS

Quite apart from those young people whose contact with the juvenile justice system is brief, there are some well researched factors associated with repeat or persistent offending. The department’s primary assessment instrument, the Youth Level of Service – Case Management Inventory Australian Adaptation (YSCMI-AA), measures risk factors that have been shown to be associated with reoffending. Since this instrument came into use in the department in 2002, the three most common risk factors (there are 8 risk factors in the assessment tool) among the young offender population are substance abuse, personality and behaviour factors, and peer relations. While these factors cannot be considered predictive of further criminal behaviour, they do make an important contribution to the general understanding of the population and implications for service provision.

The instrument also presents a rating on the risk of reoffending and, while the purpose of this rating is to structure effective case management planning, it does place in context the time and resources the department must devote to making a contribution to reducing reoffending. Since its commencement in 2002, the YLSCMI-AA indicates the following levels of risk of reoffending among sentenced young offenders:

High –	37%
Medium –	29%
Low –	34%

The 2003-2004 Annual Report described the client population in the following terms:

“Many factors are associated with the involvement of juveniles in crime. These factors are often the same as those that relate to the difficulties young people experience in other aspects of their lives, such as relationships, school, employment or at home.

The factors include, but are not limited to, poor parental supervision, difficulties in school and employment, negative peer associations, poor personal and social skills, homelessness, neglect and abuse.”

The elements of this description are similar to those used to describe the department’s client population in various publications and studies over many years.

This complex picture of the young offenders in contact with the department makes a strong statement about the significant challenges facing those frontline staff who work on a daily basis to balance the needs of troubled young people and the system of justice in NSW.

The department's jurisdiction is derived from two major pieces of legislation – the Children (Criminal Proceedings) Act 1987 and the Children (Detention Centres) Act 1987. (Changes to these pieces of legislation will be explained later in this submission).

The Children (Criminal Proceedings) Act 1987 describes the age range covered in the Act in the following terms:

Definitions:

Age of criminal responsibility – over 10 years

“Child” – person under the age of 18 years

“Adult” – person of or above the age of 18 years

The Act provides for penalties to be applied to a person who was a child when the offence was committed and to a person who was under the age of 21 years when charged before the court with the offence.

While the majority of young people who come into contact with the department fall in the 10 to 18 years age group, this legislation does allow for young people under the age of 21 to be dealt with in the juvenile system.

THE DEPARTMENT AND OTHER AGENCIES AND BODIES

Given the unique factors that define the responsibilities of the department, those that rest on acknowledged differences between adult offenders and children and young people who offend, and the position the department occupies in the human service system, representation in both the justice and the human services sectors is inevitable. The Director General attends both the justice and human services CEOs meetings to provide a perspective on this key interface.

The department has formal relationships in the form of Memorandums Of Understanding (MOUs) with:

- Justice Health
- Centrelink
- NSW Police
- Department of Education and Training
- Department of Corrective Services
- Department of Community Services

The department is obligated to notify the Ombudsman of allegations or convictions of reportable conduct against employees.

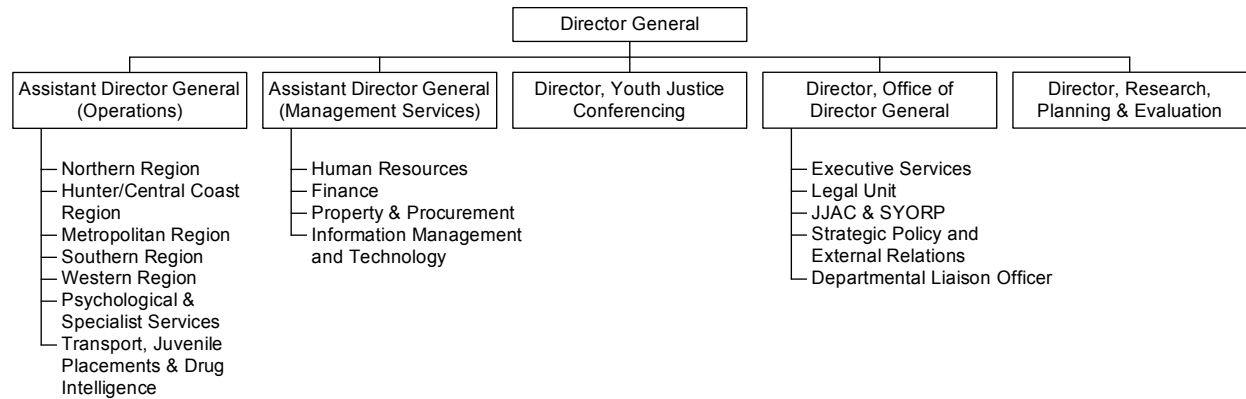
The Ombudsman is empowered to monitor the department's investigations regarding such matters, to review findings and outcomes and make recommendations to the department about the correct outcomes. The Ombudsman is also empowered to make recommendations regarding systems issues generally.

The department is obligated to report to the Commission for Children and Young People (CCYP) completed relevant employment proceedings regarding employees after it has made certain findings. It also provides to the CCYP appropriate information about employees to assist in employment screening of applicants for positions.

Other legislation and instruments under which the department must operate – particularly those covering OH&S, public sector employment provisions, records management, finance and auditing, Treasurer's Directions, central agency reporting

requirements – create obligations for the department beyond the core legislative provisions under which the department must fulfil its charter.

DEPARTMENT STRUCTURE



EXECUTIVE COMMITTEE - COMPOSITION AND CHARTER

Role

Provides corporate direction and leadership to the Department of Juvenile Justice. The Executive Committee determines organisational priorities, reviews organisational performance and sets the strategic framework for service delivery.

Charter

The Executive Committee is responsible for the corporate governance of the department. This is achieved by:

- providing a strategic policy framework;
- setting corporate priorities;
- approving the corporate plan and other major plans of action and performance objectives;

- monitoring corporate performance; and
- being accountable for meeting government requirements through implementation of agreed priorities within specified timeframes.

The Executive Committee considers those issues with the broadest corporate significance and higher order/future capacity building issues. Accordingly, the Committee considers only those matters that:

- *have significant corporate policy, strategic or operational implications or are identified as being of significant risk to the department;*
- *have significant departmental wide implications; i.e., impacts across regions and functional units or on external agencies;*
- *significantly effect the efficiency of the organisation's performance;*
- *involve significant departmental resources (including human and financial);*
- *are likely to be the subject of significant political, Government, industrial, media or community interest;*
- *require significant legislative amendment.*

All matters to be considered by the Executive Committee are sponsored by the Committee member within whose responsibility the matter falls.

Executive Committee Membership:

Director General (Chair)

Assistant Director General (Operations)

Assistant Director General (Management Services)

Director, Youth Justice Conferencing

Director, Office of Director General

Director, Research, Planning and Evaluation

SES PROFILE

The department currently has three SES executives.

David Sherlock, Director General

David Sherlock was appointed Director General of the NSW Department of Juvenile Justice in November 2000.

Following an early career in private enterprise and completion of a degree in behavioural science (Bachelor of Arts (Behavioural Science), Macquarie University, including significant studies in economics, statistics and law), David worked for several years as a Probation and Parole Officer. He then gained experience in a number of management roles in juvenile detention centres, at that time administered by the NSW Department of Community Services.

Over the past 20 years David has held many senior management and executive positions in both the NSW Department of Community Services and the NSW Department of Corrective Services. In 1995 he was appointed as Assistant Director General in the NSW Department of Community Services. In all these roles he has worked closely with both government and non-government agencies in policy development and service provision.

During the 1990s David provided leadership in the development and implementation of the *NSW Disability Services Act* and in the establishment of the NSW Community Services Commission.

David is a Fellow of the Australian Institute of Management, a Member of the Australasian Juvenile Justice Administrators and a Member of the NSW Justice Health Board. He has a strong commitment to social justice and places a high priority on teamwork in his management of people and organisations.

Peter Muir

Peter Muir was appointed to the position of Assistant Director General (Operations) in the Department of Juvenile Justice in 1999.

Peter has over 20 years experience in the human services field – including juvenile justice, child protection, youth accommodation and children’s services. He has held positions in rural, regional and metropolitan settings.

He represents the department on a number of interdepartmental committees.

Peter holds a Bachelor of Arts in Sociology from the University of Wollongong and an Associate Diploma in Social Welfare from the University of Western Sydney.

Stephanie Cross

Stephanie has held senior management positions in a number of government departments over the past 15 years, applying her extensive resource management and planning skills to the corporate environment.

In recent years Stephanie has worked in the Department of Sport and Recreation as Deputy Director General (Management Services), and since 2001, as Assistant Director General (Management Services) in the Department of Juvenile Justice.

While in Juvenile Justice, Stephanie has led major corporate reforms in resource and information management, and has driven the implementation of public sector initiatives within the department.

Stephanie holds a Bachelor of Social Science (Applied) and a Master of Business Administration.

RESOURCES

Staff Numbers

Year	Staff Numbers
1991/92	723
1992/93	782
1993/94	774
1994/95	875
1995/96	855
1996/97	857
1997/98	909

Year	Staff Numbers
1998/99	931
1999/00	965
2000/01	905
2001/02	961
2002/03	1173
2003/04	1163

Source: DJJ Annual Reports, Full Time Equivalent Staff Numbers

Expenditure

Year	Total Expenses \$M	Total Capital Drawdowns from Treasury \$M	Year	Total Expenses \$M	Total Capital Drawdowns from Treasury \$M
1991/92	47.595	6.251	1998/99	91.011	33.919
1992/93	49.365	15.489	1999/00	102.000	7.311
1993/94	54.359	6.880	2000/01	103.935	1.488
1994/95	64.743	1.500	2001/02	117.987	5.451
1995/96	70.698	1.264	2002/03	126.220	11.467
1996/97	84.886	4.500	2003/04	125.253	36.842
1997/98	87.442	15.156	2004/05	130.587	37.907

THE RESEARCH – WHAT DOES IT TELL US?

As well as conducting its own research on topics of importance to practice and programs in juvenile justice, the department has been influenced by a broad range of current national and international research to inform and develop its strategies, policies and interventions.

Understanding the young people with whom it works has been an ongoing area of study and exploration for the department. The nature of adolescence and the characteristics of juvenile offending; approaches to effective interventions; validated systems of management; the training of staff; and the construction of facilities have been but a few of the areas where the department has drawn on the expertise of researchers to keep pace with developments in best practice in juvenile justice.

The department is currently defining its own research agenda for the next few years and considers the following as priority areas for establishing a research base for evidence-based decision making:

1. Evaluation of current individual and group based interventions in the department with regard to the "what works" literature
2. Evaluation of possible intervention models for implementation in the department based on current evidence
3. Examination of recidivism rates and trends across DJJ clients
4. Further analysis of the Young People in Custody Health Survey data with regard to the known risk and protective factors associated with offending (including YLS/CMI-AA categories) and the "what works" literature

5. Examination of the appropriateness of American based tools to assess risk for violence (to enhance risk classification/ assessment)
6. Examination of the trends in detected juvenile offence histories in the past 10 years, especially with reference to violent offences

About Adolescents

Some recent groundbreaking research in brain development has confirmed the department's long experience of dealing with pre-pubescent and adolescent behaviour. This research, from several quarters in the US and Europe can be summarised as follows:

- The brain is not fully formed at puberty as earlier thought but continues important maturation until at least 21 years and possibly as late as 25.

During adolescence three critical behaviour areas of the brain are still in development which has the effect of:

- A preference in adolescents for activities requiring a low output but producing high excitement. Hence, video games and recreational drugs.
- Adolescents reacting explosively and/or misreading neutral or inquisitive facial expressions as a sign of anger.
- Immature complex processing of information ranging from making judgements, controlling impulses, foreseeing consequences and setting goals leading to poor judgement and the inability to foresee consequences and assess risks

This research is influential in distinguishing the behaviour of adolescents from those of adults and speaks directly to the responsibility of the department and its staff in using this knowledge to interact usefully with young people. Understanding normal adolescent behaviour in abnormal environments such as detention centres is a key concept in preventing violence and self harm (This material is drawn from online documents generated by The Treatment Research Institute (www.tresearch.org) and The Juvenile Justice Centre (www.abanet.org/crimjust/juvjus)).

About Juvenile Offending

Many of the investigations, reviews and reports that have driven change in the juvenile justice sector and the department in particular have used criminological research as an important source of information and debate in coming to conclusions about what should be done about the problem of juvenile offending.

Among those most prominent in the field are Professor Chris Cunneen, the Sydney University Institute of Criminology and Dr Don Weatherburn, Director of the NSW Bureau of Crime Statistics and Research, both of whom are internationally recognised, have written extensively on juvenile offending.

While it would be doing their efforts a great injustice to summarise the many volumes of complex research, some of the common themes in their writings are worthy of note:

- There is a discernible tendency for many young people to simply ‘grow out’ of offending. That is, a large number of young people who come into contact with the justice system do so only once or twice before maturation moves them on to law-abiding lifestyles

- Juvenile offending is often opportunistic and episodal rather than planned and there is evidence that group participation in criminal behaviour is common, making motivation very different from that of adult offenders in important ways
- A very small number of young offenders are responsible for a large portion of juvenile offending
- Poor parental supervision and educational failure, poverty and social alienation seem to be linked with persistent juvenile offending
- Harsh penalties such as institutionalisation is associated with repeated and escalating serious offending especially if these penalties are applied for a first offence and at a young age

While these are by no means the only themes in the Cunneen and Weatherburn writings they are particularly pertinent to the discourse on juvenile offending and leave the department with much to think about in responding appropriately to its charter.

About What is Effective

While the department cannot stop juvenile offending, it can play a part, with other agencies, in reducing some of the risks that have been shown to be associated with reoffending. For this important project, the department has accessed literature and research in the field of 'What Works.'

The prevailing belief among researchers and practitioners twenty years ago was that nothing really worked to address persistent offending. Supervision of court orders with little real intervention in the lives of offenders was seen as all that could be

reasonably done. The emphasis was firmly on legal compliance and did not extend very much into addressing the root causes of offending.

Over the last 15 years more than 40 large-scale international research projects have informed justice agencies about what types of interventions are effective in reducing offending, what types of interventions have no effect and what types are associated with increased offending. This body of knowledge is referred to as **What Works**.

Effective interventions have been described as “programmed interventions that include interpersonal skills training, behavioural interventions such as modelling, graduated practice and role playing; cognitive skills training, mentoring linked to highly structured individual counselling, reality therapy, and a problem solving framework” (McGuire et al: 2001:17). These interventions have been shown to have significant impacts on reoffending and are referred to as having statistically valid ‘effect sizes’.

Professor James McGuire of University of Liverpool has become an internationally recognized expert on this body of research. Professor McGuire advises the Youth Justice Board in the UK.

The department was indeed fortunate to co-sponsor Professor McGuire’s visit to Australia in late 2003 to address an Australian Institute of Criminology conference. Professor McGuire spent 2 days in the department after the conference meeting with executive and senior managers and frontline staff. This exposure to such an eminent scholar and strong advocate for the notion that something does work inspired the development of the Community/Custodial Services Intervention Framework.

Another well-known researcher in the field of ‘what works’, Dr Chris Totter from

Monash University, whose book “Working with Involuntary Clients”, has become something of a guiding text for workers in the department, studied the skills of frontline workers in child protection and community corrections in Victoria. Dr Trotter concluded that effective workers use approaches that are “characterised by clear, honest and frequent discussions about the role of the worker and the role of the client in the casework process; by the worker focusing on modelling and encouraging pro-social expressions and actions by the client; and by the use of a collaborative problem-solving approach which focuses on the client’s definitions of problems and goals.”

Dr Trotter has trained a number of department staff in the skills associated with pro-social approaches. He is currently using information from department workers to extend his study in this area.

The design and development of the department’s Objective Classification System was strongly supported by a body of research in the area of managing safety and security in custodial environments. Dr James Austin, Director of the Institute on Crime, Justice and Corrections at the George Washington University in Washington, DC, USA, and his associate Dr Gary Coventry, a senior lecturer in Criminology at Deakin University, are internationally recognized experts in this field. The advantages of objective classification systems have been found to be:

- Utilisation of objective criteria proven by research to be associated with detainee misconduct, and determines the appropriate classification category that is consistent with detainee’s threat to the safety and security of the detention centre, other detainees, staff and self. As such, it is expected that the level of assaults and escapes in detention centres will be further reduced.

- The benefits reaped from the ability to place larger proportions of detainees to lower custody levels without jeopardizing detainee, staff, or community safety.
- Contribution to the future planning of facilities and the development of detainee programs.
- Rigorous evaluation of the whole system, particularly the classification instruments.

The effective management of young people with behavioural difficulties has been the focus of research in social work and psychology, education and corrections for many years. The application of much of this research to the detention centre setting has focused on how to balance the goals of rehabilitation and behavioural change with those of institutional control.

One researcher in this field, Roush (1996, p113) outlines a number of goals for detention centre programs, noting that at least 6 of these goals should be present for every type of activity in a program. The goals are:

- Providing for a release of emotional tension
- Providing a constructive outlet for physical energy
- Teaching fundamentals of recreational activities
- Giving the youth self-confidence in wholesome pursuits
- Teaching fair play, rule following and teamwork
- Providing a socially acceptable outlet for hostility

- Giving the young person a better understanding of themselves
- Developing new interests and skills to be followed up on release
- Keeping the young person busy by providing a structure for their day
- Developing good health habits and physique
- Breaking down resistance to adults and adult standards
- Permitting observation of behaviour, aiding social diagnosis.

These goals and others like them have been prevalent in the literature for a number of years. Putting goals like these into action in Kariiong specifically and detention centres generally was the focus of Lou Johnston's project in 2004.

LEGISLATION

THE HISTORY OF KEY LEGISLATIVE AMENDMENTS AFFECTING THE JUVENILE JUSTICE SECTOR

1. Children (Criminal Proceedings) Act 1987

The *Children (Criminal Proceedings) Act 1987* (“CCP Act”) is administered by the Attorney General’s Department. It was assented to on 29 May 1987. The date of commencement (secs 1, 2 and 9 excepted) was 18 January 1988. Section 9 is not in force.

Significant amendments are as follows:

(a) *Crimes (Legislation Amendment) Sentencing) Act 1999*, Schedule 4 Part 2.

Commencement date: 8 December 1999.

This was an amendment to section 11 of the CCP Act. Section 11 generally prohibits the publication and broadcasting of names of any of any persons in a way that connects the person with children’s criminal proceedings. The amendment represents a relaxation of the strict prohibition on the broadcasting or publication of the names of children involved in criminal proceedings.

(b) *Crimes Legislation Amendment Act 2000* Schedule 2. Commencement date:

31 July 2000

This amendment principally extended the sentencing options of the Children’s Court to include the suspension or deferral of sentences for the purposes of rehabilitation (“Griffiths bonds”).

(c) Children (Criminal Proceedings) Amendment (Adult Detainees) Act 2001
Schedule 1. Date of Commencement: 25 January 2002.

This amendment has had the effect of ensuring that, where a juvenile offender is sentenced to imprisonment for an indictable offence by an adult court, the offender must serve the sentence in a prison:

- (i) for that part of the sentence that is served after attaining the age of 21 years, or
- (ii) for that part of the sentence that is served after attaining the age of 18 years if the offender has been convicted of a serious indictable offence, unless the sentencing court considers there are special circumstances justifying detention with other juvenile offenders in a detention centre.

The “adult detainees amendment” provided as follows:

A person who is guilty of a serious children’s indictable offence and who is sentenced to a term of imprisonment must be transferred to a prison on attaining the age of 18 years to serve the term of imprisonment in a prison, unless the sentencing court determines that there are special circumstances justifying the detention of the person in a detention centre.

A person who is due to be transferred to a prison on attaining the age of 18 years because there were no special circumstances at the time of sentencing may later seek leave to apply to the sentencing court for an order preventing transfer to a prison on the grounds that there are special circumstances justifying the detention of the person in a detention centre.

If the term of imprisonment expires within 6 months after the person attains the age of 18 years, the person is not required to be transferred to a prison and may serve that remaining short period in a detention centre.

A person who is sentenced to serve a term of imprisonment in a detention centre must be transferred to a prison on attaining the age of 21 years to serve the remainder of the sentence.

If the term of imprisonment expires within 6 months after the person attains the age of 21 years, the person is not required to be transferred to a prison and may serve that remaining short period in a detention centre.

(d) Justice Legislation Amendment (Non-association and Place Restriction) Act 2001 Schedule 1. Commencement date: 22 July 2002.

This amendment was made to the *Children (Criminal Proceedings) Act 1987* so as to enable “non-association” and “place restriction” orders to be imposed on persons who are sentenced for offences carrying a maximum penalty of 6 months imprisonment or more.

(e) *Juvenile Offenders Legislation Amendment Act 2004*, Schedule 1. Commencement date: 20 December 2004.

These amendments to section 19 of the CCP Act allow the transfer of appropriate young offenders to a “juvenile correctional centre”. In particular, the section was amended to provide for new sentencing arrangements that will provide that young people subject to section 19 orders will be required to serve their order as a “juvenile offender”, in contrast to the previous situation of serving a section 19 order in a detention centre.

2. Children (Detention Centres) Act 1987

The *Children (Detention Centres) Act 1987* (“CDC Act”) is administered by the Department of Juvenile Justice. Commencement date: 18 January 1988.

Significant amendments are as follows:

- (a) Children (Detention Centres) Amendment Act 1999 Schedule 1.
Commencement date: 18 February 2000.

This Act amended the CDC Act principally to make further provision for the imprisonment of certain offenders serving detention orders. It inserted section 28BA into the CDC Act. Section 28BA applies to persons who are sentenced to a term of imprisonment in respect of a “detention centre offence” (defined in the CDC Act) that was committed when the person was at or above the age of 18 years. It required that the person not return to juvenile detention after the term of imprisonment, but rather remain in prison for the balance of the unexpired detention order.

- (b) Justice Legislation Amendment (Non-association and Place Restriction) Act 2001 Schedule 2. Commencement date: 22 July 2002.

This amended the CDC Act so as to enable “non-association” and “place restriction” conditions to be imposed on the grant of leave under section 24 of that Act.

- (c) *Children (Detention Centres) Amendment Act 2002* Schedule 1.
Commencement date: 26 April 2002

This Act amended principally the CDC Act with respect to the extension of the detention of a person subject to control if the person is unlawfully absent from custody. Section 447A of the *Crimes Act 1900* was repealed when the *Crimes*

(Administration of Sentences) Act 1999 became law in 2000. Section 254 of the *Crimes (Administration of Sentences) Act*, which largely replaces section 447A of the *Crimes Act*, does not apply to juvenile offenders who are on a control order.

Amending the CDC Act to include street time in the sentence of a detainee found guilty of escape under s 33 of the that Act returned it to the status quo prior to the changes to the *Crimes Act* that occurred when the *Crimes (Administration of Sentences) Act* was proclaimed.

In addition, for the first time juvenile detainees who fail to return from leave are required to serve street time.

(d) *Juvenile Offenders Legislation Amendment Act 2004*, Schedule 2.
Commencement date: 20 December 2004.

This amendment has the effect of further amending section 28 of the CDC Act 1987 to allow the Director-General of Department of Juvenile Justice, in consultation with the Commissioner for the Department of Corrective Service, to administratively transfer appropriate young offenders to a juvenile correctional centre. The administration of the Kariong Juvenile Justice Centre was transferred to the Department of Corrective Services, and Kariong is now known as “Kariong Juvenile Correctional Centre”.

3. Children (Detention Centres) Regulation 2000

Regulations are automatically repealed every five years. The *Children (Detention Centres) Regulation 2000* (“2000 Regulation”) is based on the *Children (Detention Centres) Regulation 1995* (“1995 Regulation”). The 1995 Regulation was amended by the *Children (Detention Centres) Amendment (Escorted Absences) Regulation*

1999. This key amendment commenced on 13 August 1999. The 2000 Regulation, which is in force today, has very similar wording for this provision.

The following definition was inserted:

“Serious violent detainee” means a person detained in a detention centre by reason of being charged with, convicted of or found guilty of a serious indictable offence.

Also, the following provision was inserted:

33A. Escorted absences

For the purposes of section 23A (1) (c) of the Act, a serious violent detainee is not eligible for escorted absence unless:

- (a) the Director-General is satisfied:
 - (i) that the purpose of the absence concerns an emergency with respect to a close relative of the detainee, and
 - (ii) that it is not practicable for special arrangements to be made within the detention centre to satisfy the purpose of the absence, and
 - (iii) that the escorted absence is necessary to avoid a serious threat to the emotional wellbeing of the detainee, or
- (b) the Director-General is satisfied:
 - (i) that the escorted absence is necessary to prepare the serious violent detainee for release from the detention centre, and

(ii) that the serious violent detainee is due to be discharged from the detention centre within the next 8 weeks, and

that the detainee is not eligible for day leave under clause 34.

YOUNG PEOPLE IN CUSTODY

The Department of Juvenile Justice carries certain responsibilities for young people in custody under The Children (Detention Centres) Act 1987.

“(1) The objects of this Act are to ensure that:

- (a) persons on remand or subject to control take their places in the community as soon as possible as persons who will observe the law,
- (b) in the administration of this Act, sufficient resources are available to enable the object referred to in paragraph (a) to be achieved, and
- (c) satisfactory relationships are preserved or developed between persons on remand or subject to control and their families.

(2) In the administration of this Act:

- (a) the welfare and interests of persons on remand or subject to control shall be given paramount consideration, and
- (b) it shall be recognised that the punishment for an offence imposed by a court is the only punishment for that offence.”

The Act provides for a set of Regulations governing the administration of the provisions of the Act. The department has developed a “Procedures for Juvenile Justice Centres” manual, available in electronic form, to make explicit to detention centre and administrative staff as well as to detainees and external agencies how compliance with the Act and Regulations are to be achieved. The manual is lengthy

and detailed and reflects the importance the department places on ensuring complete understanding of and commitment to the spirit and intent of the legislation.

The Act and the Regulations and, by definition the manual, make clear reference to the accepted treatment of young people whilst in detention and the prohibitions regarding their treatment. The important responsibilities of the Minister, the Director General, centre managers and detention centre staff are described. At the same time, other pieces of legislation relating to the powers of the police, Ombudsman and the Commissioner for Children and Young People influence and prescribe the ways in which detention centres operate.

The influence of the UN Convention on the Rights of the Child (CROC) can also be seen in department policy and procedure in relation to young people in detention.

In the late 1980s and early 1990s state governments recognised the need to make some distinction between young people who were offending in criminal ways and those for whom welfare services were needed. The concept of custody as the last resort option for dealing with juvenile offending was repeatedly raised in many reviews and reports during this period. The development of strong community based sanctions and programs, along with the passing of the Young Offenders Act 1997, has been increasingly successful in diverting young people from custody. This has been a particularly important development in that experts have been almost unanimous in making the argument that custody has no discernable deterrent affect and may, unintentionally, encourage more serious repeat offending.

The function of detention has always been to securely detain young people as required by the courts; promote the safety, well-being and development of detained young people; and return young people to their communities with supports and

programs to reduce the likelihood of reoffending. The objectives of detention have been articulated in various statements that put the community, juvenile detainees and staff in focus.

Through application of departmental policies and procedures specific to detention the service delivery principles for detention are (as stated in the *Procedures for Juvenile Justice Centres Manual*, July 2003):

- The safety of staff and detainees, both physical and emotional, is fundamental to good detention practice, and to meeting the objectives of detention.
- Through objective classification detainees will be placed in the least restrictive environment that is as close in proximity as possible to their home communities and that takes into consideration their needs and risks.
- Pro-social Modelling is the primary supervision and intervention framework for staff working with juvenile detainees. As the leaders of the detainee group, staff of the residential units work to develop detainee behaviour through:
 - Actively modelling pro-social behaviours including problem solving, conflict resolution and honesty
 - Providing age appropriate behavioural limits as well as firmly and fairly enforcing these limits
 - Rewarding each detainee's positive behaviours in all aspects of their lives.
- Assessment, planning, intervention and review with individual detainees as part of case management is the fundamental process for meeting individual needs and reducing offending- and custody-related risks of detainees.

- Punishment for criminal offences is provided by the Courts. The design of centres and their operational procedures are not created and used for the purpose of punishment or further deprivation for past offences.
- Development of necessary life skills to cease or limit re-offending after detention.

YOUNG ADULTS IN JUVENILE DETENTION

The debate about whether young people 18 years and over should be contained within juvenile detention centres has been a rather constant theme over the last decade. Recent attention to this issue is reflected in the terms of reference for this Inquiry.

Throughout the history of legislative reform in juvenile justice and the many reviews and reports on the system, there has been general acceptance that young people who have committed serious offences as children (ie under the age of 18) should remain in juvenile detention to serve some or all of their sentences..

The assumptions underlying this acceptance have primarily to do with concerns about the degree of vulnerability of some young adults placed in the adult correctional system. Section 19 of the Children (Criminal Proceedings) Act 1987 lays out the 'special circumstances' under which the court should consider not only the degree of vulnerability but also 'the availability of appropriate services or programs at the place the person will serve the sentence of imprisonment'.

In January 2002, the *Children (Criminal Proceedings) Amendment (Adult Detainees) Act 2001* commenced.

This amendment has had the effect of ensuring that, where a juvenile offender is sentenced to imprisonment for an indictable offence by an adult court, the offender must serve the sentence in a prison:

- (i) for that part of the sentence that is served after attaining the age of 21 years, or
- (ii) for that part of the sentence that is served after attaining the age of 18 years if the offender has been convicted of a serious indictable offence, unless the sentencing court considers there are special circumstances justifying detention with other juvenile offenders in a detention centre.

Further details are contained in the Legislation Section of this submission.

CUSTODY NUMBERS

Over the last decade there has been a steady reduction in the number of young people who spend time in custody. While the general trend has been downward the average daily numbers in custody show a slight rise over the last two years. The average length of time spent in custody has also risen in the period. The department’s data for 2003-2004 indicate that the proportion of young people on remand in custody as a total number in custody has increased.

As at 30 June 2004 the profile of young offenders in custody shows the following:

Legal status:

	No.	%
On appeal	18	6
On remand	133	44
On control	147	50

Gender:

	No.	%
Male	281	94
Female	17	6

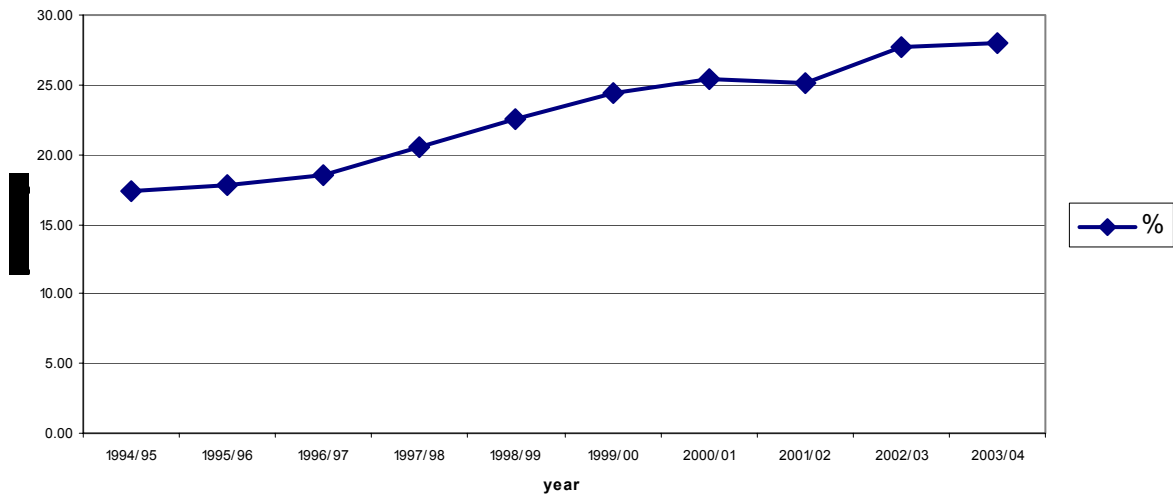
<u>Ethnicity</u>	No.	%
Aboriginal/Torres Strait	132	44.3
Australian (non-ATSI)	84	28.2
Pacific Islander	21	7.0
East Asian	19	6.4
Middle Eastern	19	6.4
NZ or Maori	11	3.7
South American	3	1.0
UK or Ireland	3	1.0
South Central Asian	2	0.7
Other European	1	0.3
African	3	1.0
Total	298	100

CLIENT PROFILE – CUSTODY

An examination of Children’s Court data finalised appearances over the last ten years shows that offences against the person – the most serious offence category – have increased among the juvenile custody population.

There is some evidence that the juvenile custodial population has undergone a change in terms of offence categories. Offences in the theft and drug categories have actually fallen for this population while the category of ‘Other’ shows an increase over the ten year period. This category relates to justice offences, eg breaches of orders, traffic, public order, property damage and deception offences.

Finalised court appearances in NSW children's court, 1994/95 to 2003/04
Proven Offences against the person* as a % of all offences



* Includes Homicide and related offences, Aggravated sexual assault, Aggravated robbery, Non-Aggravated robbery and Aggravated assault
 Source: DJJ, CCIS

In 2003-03 the department in conjunction with Justice Health conducted a comprehensive survey of the health of young people in custody between January and February 2003. Some of the key findings of the survey were presented at an Australian Institute of Criminology conference in Sydney in December 2003 and included:

- 82% of the young people surveyed had not attended school in the six months period prior to entering custody
- 43% reported that one or more of their parents had been in prison at some time
- 28% reported that they has been placed in care at least once
- 32% of young men and 44% of young women reported being drunk at least once in the 12 months prior to entering custody

- 88% reported having used cannabis, 47% amphetamines, 34% ecstasy, 21% cocaine and 20% had use heroin
- 62% reported that they had committed a crime to obtain drugs or alcohol
- 56% reported that they had been affected by drugs or alcohol at the time of offending
- the average full-scale IQ of the group fell in the low average range
- 17% had full-scale IQ scores consistent with intellectual disability
- 68% reported some form of childhood abuse or neglect
- 13% of males and 6% of females reported that they had intentionally hurt or injured themselves at some point in their lives
- 88% reported symptoms consistent with mild, moderate or severe psychiatric disorder
- 79% reported symptoms consistent with mild, moderate or severe psychosocial problems such as aggression and anger

Another profile of young people in custody during the 2003-04 financial year emerges from data held in the department's Client Information Data System (CIDS). These data were extracted in November 2004 and revealed the following: (Note that these data exclude transfers from court but do not indicate unique numbers of young people)

The number of admissions to custody by the age at admission in the financial year 2003/2004

Age At Admission	Number of admissions
10	3
11	48
12	128
13	235
14	410
15	625
16	838
17	883
18	171
19	48
20	5
21	1
22	1
23	2
Total	3398

Comment: The clustering of admissions in the 15-17 age range is consistent with the general trend over the last ten years.

While most young people in custody fall into the 15-17 age group, the department is also mindful of the presence of younger offenders in the system. Pre-pubescent boys and girls – those under the age of 14 years – are very different in terms of custodial management to the majority whose developmental stage falls into the adolescent range. The building of positive and productive staff relationships with younger children and the development of age-appropriate programs and activities takes careful thought and a particular set of skills. The characteristics of the majority adolescent population, by contrast, present challenges of a different kind.

As illustrated through the Young People in Custody Health Survey the likely presence of mental health issues in a large portion of the custodial population creates yet another set of challenges in terms of resources and skills.

THE DETENTION CENTRE SYSTEM

With the transfer of Kariong Juvenile Justice Centre to the Department of Corrective Services, the NSW juvenile detention centre system now includes 8 detention centres and 1 short-term facility.

The 9 facilities include:

- Acmena opened in September 1999 at South Grafton and accommodates male detainees mainly from the far North Coast, Mid North Coast and New England areas who are on control or remand orders. (Current bed capacity 29)
- Cobham opened in June 1980 at Werrington and accommodates male remandees who are 16 years or over from the Sydney metropolitan area. Cobham also accommodates those detainees in transit for court. (Current bed capacity 55)
- Frank Baxter opened in October 1999 at Kariong near Gosford and accommodates male detainees over the age of 16 years who are serving control orders. The centre may accommodate remandees from the Central Coast and Hunter regions. (Current bed capacity 98)
- Keelong opened in February 1976 at Unanderra south of Wollongong and accommodates male detainees, mainly from the Illawarra, Southern Highlands and South Coast areas, who are on control or remand orders. (Current bed capacity 21)

- Orana opened in December 1999 at Dubbo and accommodates male detainees, mainly from the Central and Far West areas, who are on control or remand orders. (Current bed capacity 30)
- Reiby opened in August 1973 at Airds, a suburb of Campbelltown. The centre accommodates male detainees under the age of 16 years who are "A" classification detainees charged with the serious children's indictable offences of murder, manslaughter and serious sexual assault or present behaviour management problems in other centres. Reiby also accommodates young men on remand or control 10 to 16 years of age. (Current bed capacity 29)
- Riverina opened in October 1984 in Wagga Wagga and accommodates male detainees, mainly from the Riverina and South Western areas, who are on control or remand orders. (Current bed capacity 24)
- Yasmar opened in 1944 at Haberfield and accommodates only female detainees regardless of age and legal status. (Current bed capacity 26)
- Broken Hill is a short term, emergency accommodation unit with a maximum bed capacity for six young people operated as required at Broken Hill to ensure that youth in the far-west of NSW are not detained in police cells. (Current bed capacity 6)

Over the last 10 years some detention centres have been closed, some opened, and others have undergone major capital improvement. The current redevelopment of facilities at Cobham JJC and Reiby JJC along with the construction of Juniperina at Lidcombe are part of the planned upgrading of the entire detention centre system.

Detention facilities in the 1970s and 80s tended to be large with dormitory style accommodation. The 1990s saw a dramatic shift in thinking regarding the design of such facilities toward smaller centres with unit based single room accommodation. The use of terms like 'pods' to describe these mostly 15 bed units, and 'cabins' to describe the single bedrooms reflected this shift. The notion that the reintegration of young people back into their communities was made easier if they were detained closer to their family homes led to the construction of new centres in some rural and regional locations in NSW.

Over the last 10 years major physical improvements to centres have been made and safety and security has become more prominent. The need to undertake these improvements has come at a significant cost to governments.

In addition, the requirements to provide safer workplaces for staff and more appropriate security for detainees has meant that new equipment has been added to the department's growing inventory.

More secure fencing, stronger and tougher internal doors and gates, video cameras, non-contact visits areas, telecommunications and information technology equipment and protective clothing are but a few of the many acquisitions that have come to be part of the department's ongoing budgetary commitment.

ESCAPES

There has been a very significant reduction in the number of escapes from juvenile justice centres over the years.

The following figures record the number of escapes for each of the calendar years represented:

Escapes:

- 1989 – 235
- 1991 – 119
- 1994 – 72
- 1997 – 121
- 1998 – 87
- 1999 – 56
- 2000 – 36
- 2001 – 43
- 2002 – 32
- 2003 – 21
- 2004 – 12
- 2005 – 1

Note: Unauthorised Absences (escapes) are divided into three main categories.

These are:

- “Escapes – internal” category includes the following events:
 - Escapes from centre grounds
 - Escapes from school
 - Escapes from work area
 - Escapes from other situations (dormitory/ bedroom/recreation room)
- “Escapes - leave” includes the following event:
 - Escape/Abscond/Fail to return from approved day/overnight leave
- “Escapes - external” includes the following events:
 - Escape police escort/departement escorted movements
 - Escape from supervised outing (camps/sport)

OBJECTIVE CLASSIFICATION SYSTEM

Aims of the Objective Classification System

- Ensure protection of staff and other detainees.
- Protect the community.

- Ensure that detainees are placed in the least restrictive custodial environment consistent with the detainee's risk.
- Link case management and programming with the objective classification system in line with the Intervention Framework.
- Ensure rational, consistent and equitable decision-making regarding a detainee's classification category.

Prior to this initiative the department's classification system consisted of an A and B classification only. A classification detainees were:

- those charged or convicted of serious children's indictable offences of murder, manslaughter and sexual assaults and some high profile detainees
- those detainees presenting management problems in juvenile justice centres including violence and abuse towards staff or other detainees, persistent or violent escapees.

B classification detainees were "all other detainees".

The objective classification approach was chosen because this system assumes that detainee placement decisions are initially based solely on safety (public, staff and other detainees) considerations. This is particularly relevant to DJJ, as previously the dominant focus of both staff and management was on rehabilitation and education of juvenile offenders sometimes to the detriment of managing other priorities such as safety.

The new objective classification system classifies detainees according to their risk factors –

- initial instrument considers: - the severity of their current offence, offence history including severity and number of prior convictions; current and previous institutional violence, escape history and community stability factors such as drug and alcohol use, mental health issues and employment/school attendance;
- the reclassification instrument considers:- the severity of their current offence, severity of prior convictions, current and previous institutional violence, escape history, number and severity of disciplinary matters for the reclassification period and level of participation in programs to address their offending behaviour and to enhance their rehabilitation.

The new system also takes into account safety factors such as those detainees suspected of trafficking drugs inside a centre, gang affiliations, arson risks and time left to serve within either the DJJ or DCS system.

One of the guiding principles of an objective classification system is to ensure that “detainees are assigned the least restrictive security classification based on assessment of factors related to public safety, safety of staff and other detainees, escape risk and institutional adjustment.

Extensive consultations on the object classification system were conducted with:

- Detention centre staff and centre managers throughout 2003 and 2004
- Ombudsman’s Office,
- Public Service Association (5 briefing sessions),
- Department of Education and Training,

- Official Visitors,
- Juvenile Justice Advisory Council and Serious Young Offenders Review Panel,
and
- Justice Health.

PROGRAMS AND SERVICES IN DETENTION CENTRES

The department has established close partnerships with the Department of Education and Training (DET) and Justice Health to provide important detention centre programs and services.

The Department of Education and Training makes an enormous contribution to meeting the educational and developmental needs of young people in custody. The Education and Training Units (ETUs) in every centre deliver a range of standard and alternative school programs which acknowledge the number of young people in detention who may have experienced school failure or who may have been identified as having special educational needs. As well, the ETUs make the attainment of the Higher School Certificate possible for some young people who may have had their studies interrupted by a period in custody.

The TAFE component of DET is actively involved in structuring vocationally focused programs for young people custody and supporting young people who have met the eligibility criteria for attending local TAFE programs.

DET provide staffing for 324 students in detention centres. The staffing formula is based on class sizes not exceeding six students. An Aboriginal Education Assistant is attached to each ETU. A school counsellor is available to each ETU. Teachers

seeking employment in ETUs must have special education qualifications and or experience with students with behavioural difficulties.

In early 2003 the Department of Juvenile Justice and the Department of Health agreed to the transfer of detention centre health services to Corrections Health (now Justice Health). The nursing staff of detention centres became employees of Justice Health. With this transfer came tangible improvements to the physical and mental health resources available to young people in detention in the form of the:

- Employment of an adolescent staff specialist
- Employment of an AOD specialist
- Employment of a Clinical Nurse Consultant (Adolescent Mental Health)
- Employment of an evening on-call Forensic Psychiatrist

Detention centre Chaplains have been working with young people in detention for many years. The spiritual and religious needs of the young people in detention in NSW are recognised as important factors in the rehabilitation process.

Maintaining connection with culture and community as well as with family and friends can make the detention centre experience for young people somewhat more normal. The obvious benefits of exposure to positive role models and identification with culturally and socially valued ideas is yet another element of the humane treatment of young people in detention. Community groups play a key role in making this contribution.

The department provides financial assistance to families to facilitate visits to detention centres.

Because the daily contact of juvenile justice staff with young people in detention is the most constant and personal, great attention and care has been focused on developing effective and productive relationships through the involvement of staff in delivering programs and services within the centre environment. The training of detention centre staff in case management and program delivery has been a major commitment over the last ten years.

Detention centre staff respond to the needs and interests of detainees in creating activities to counteract boredom. Sporting activities, leisure time pursuits such as and reading form a part of the detention centre program. Living skills programs to develop responsibility for cleaning, laundry, mealtimes, and basic self-care are also a component of centre routines.

The concept of a unit program is based on the idea that all aspects of a detention centre unit should be integrated to meet the same objectives and work towards the same goals with the young people who reside in them. The elements of unit life that need to be integrated include:

- Case management
- Structured programs
- Leisure time activities
- Occupational health & safety procedures
- Staff supervision and team meetings
- Timetabling and routines

- Staff interactions with young people – positive and pro-social
- Incentive schemes
- Disciplinary schemes

OFFENDING FOCUSED PROGRAMS

As the department has become more aware of the need to address factors associated with offending, new programs with an emphasis on how thinking and behaviour are linked have emerged. The department's Framework for Effective Programming lists some of the principles of programs that are designed to address offending behaviour. These principles have been derived from internationally recognised research and include:

- Addressing anti-social thinking and behaviour
- Actively teaching pro social thinking, problem solving and behaviour applicable to the young person's life in the community
- Accommodating the learning and motivational styles of young people
- Programs having integrity, ie. adequately resourced, delivered by staff as designed, and monitored/evaluated to prevent program drift.

Centre staff, including centre psychologists, are provided with and are developing program material in line with these principles.

Psychologists and counsellors are particularly responsible for engaging young people in detention in alcohol and other drugs programs and sex offender and violent

offender programs. These programs are based on the growing body of evidence surrounding 'what works' research to reducing reoffending.

The participation of young people in the range of activities and programs and services in the detention centre setting must be considered against the risk of violence to others or the risk of escape. To manage this risk a comprehensive assessment of programs and detainees is undertaken. Where program risks cannot be eliminated or managed effectively, the centre manager may withdraw them. If the risks associated with a young person is assessed as being too great, participation in a program may be denied. This assessment process is regular and ongoing.

DETENTION CENTRE STAFFING

Staffing of juvenile detention centres has been a major focus of attention for the department throughout its history. Recruitment, training and retention of detention centre staff has challenged the organisation in many ways.

Over the last 10 years staffing levels have increased to provide for an increase in the staff:detainee ratio; training and development programs have changed and grown in recognition of the need to improve the skills and safety of staff working at the frontline of the detention centre system.

Induction training for entry level Youth Officers has expanded to incorporate new roles and functions:

1996 – 4 days

1999 – 10 days

2000 – 17.5 to 27 days

2003 – 31.5 days

2004 – 27 days (increased number of hours of training time per day)

In 1998 the department was accredited to deliver the Certificate III in Juvenile Justice and in 2002 the department received accreditation for the Certificate IV in Juvenile Justice.

In 2000 the Council on the Cost and Quality of Government recommended sweeping changes to the structure and staffing of detention centres. The Council found that detention centres were not “structured to provide the best outcomes for clients as they operate as a series of ‘silos’ where coordinators (refers to casework coordinators) work in isolation from each other and from specialist staff. Also, there are insufficient front line youth workers.” The Council recommended that the department develop a unified award structure for detention centres.

Based on 15 bed units, the following basic shift staffing model was implemented:

3 youth officers

1 unit coordinator

1 unit manager

(Note: Staffing for night shifts follow a different pattern to reflect the need for less intensive supervision.)

Implementation of this staffing model across the detention centre system resulted in the creation of an additional 119 positions.

An expanded role for centre managers was developed to make them responsible for the overall management of the centre, liaison with the community services operation, the quality and care of detainees, direct accountability for the professional supervision of unit managers, centre security and the consistent implementation of

policies and procedures. Assistant managers, accountable to the centre manager to be responsible for day to day operations and unit managers to be responsible for overall management and security of the unit were recommended. Unit coordinators responsible for coordinating the unit's casework and programs, staff training and development, and health and education of detainees completed the model.

The detention centre changes recommended by COCQOG were implemented in stages over the 2001-2002 period. New positions were created, recruitment action taken and training was provided to support the restructure. In December 2002 the restructure of detention centres was complete. The most dramatic change occurred with Youth Officers taking on responsibility for casework with detainees. This marked a huge shift in the conceptualisation of the role of frontline detention centre staff from one of containment and security only to personal involvement in the lives of young people in detention. This cultural change has been difficult for some staff while others have welcomed it with great enthusiasm.

DRUG DETECTION INITIATIVES

With resources provided following the 1999 NSW Drug Summit the department established a Drug Intelligence Unit which became fully operational in late 2002. At about the same time the department set up a telephone monitoring system (ARUNTA) which has been instrumental in providing important intelligence product for centre managers. This system has been useful in not only detecting drugs and contraband entering detention centres but has also provided valuable information on escape plans, gang affiliations and other criminal activities. The trial and eventual implementation of a random urinalysis scheme in detention centres has been an important development in tracking drug use among detainees with both detection and

treatment outcomes. Drug Detector Dog Teams from the Department of Corrective Services make scheduled and unscheduled visits to detention centres across the state. These teams have been responsible for finding drugs and other contraband items in detention centre accommodation units and in general and visits areas. Visitors to detention centres are regularly screened for the possession of drugs and other contraband items.

BEHAVIOUR MANAGEMENT IN DETENTION CENTRES

There are two basic systems for behaviour management currently in use in Juvenile Justice Centres. The first is *The Incentive Scheme*, a means by which detainees are rewarded for completing assigned or chosen tasks and displaying positive behaviour toward staff and fellow detainees. These rewards are usually in the form of points awarded on a daily basis that may raise a detainee to a higher level of privilege when totalled at the end of the week. The function of the *Incentive Scheme* is to respond to pro-social behaviour through the immediate acknowledgement and reinforcement of socially valued behaviour. Rewards once conferred may not be rescinded and the *Incentive Scheme* may never be used as a punishment. The use of Incentive Schemes is defined by the departmental policy *On the Design and Use of Incentive Schemes*.

The second is the system for dealing with Minor Misbehaviour. There are thirteen (13) types of minor misbehaviour, which are defined in the Children (Detention Centres) Regulation 1995, in Schedule 1, Part 1. These consist of:

- Disobeying rules or instructions
- Lying

- Unauthorized telephone calls
- Deliberate harassment or provocation
- Abusive, indecent or threatening language
- Damage to government or personal property
- Subversive behaviour
- Unauthorized entry to certain areas
- Possession of unauthorized articles
- Fighting
- Unauthorised use of alarms or equipment
- Petty stealing
- Refusal to work or participate in activities

These misbehaviours may be punished by the following sanctions:

- A caution
- Additional duties
- Restricted sport
- Restricted leisure
- Exclusion from a place
- Confinement to a place

While the two systems function in tandem, the former may only be used to encourage or reward pro-social behaviour and the latter only to punish anti-social behaviour.

LEAVE FROM DETENTION CENTRES

The purpose of leave in the juvenile justice detention system is to continue a young person's link with his/her community and to encourage the community reintegration of young offenders.

Decisions for the granting of leave to detainees are governed by legislation, in particular, the *Children (Detention Centres) Act 1987* and the *Children (Detention Centres) Regulation 2000* which describe eligibility criteria based on seriousness of offence and the time already served in custody.

Successful community reintegration upon completion of a detainee's sentence requires a staged approach, where behaviour and conduct can be monitored and appropriate community support services identified.

Approval for leave is not automatic. Leave must be recommended by managers and, in accordance with legislation, young people must have completed prescribed portions of their orders.

Leave progresses from supervised outings, to day, then overnight leave with an approved adult.

Those young offenders convicted of serious children's indictable offences are also referred to the Serious Young Offenders Review Panel prior to being granted leave. The Panel makes recommendations to the Director General prior to any leave approval.

The leave provisions for young forensic offenders held in detention are subject to recommendations made by the Mental Health Review Tribunal to the Minister for Health.

The Objective Classification system ensures that decisions concerning detainee leave are also based on considerations of community safety.

Significant restrictions can be placed on the young people accessing leave. These include defining the geographic area that leave can be taken in, and restrictions on who the young person can meet while on leave.

24(1)c EARLY DISCHARGE

Section 24 (1) (c) of the Children (Detention Centres) Act 1987 allows for young persons who have been sentenced to a control order to be assessed as to their suitability to be included in programs providing intensive counselling and supervision in the community as a condition of discharge from custody. A detailed assessment report is prepared documenting a young person's background and factors identified as being associated with the offending behaviour, risk of re-offending, risk of harm to self/ others/ the community, together with the formulation of a case plan which focuses on addressing offence-specific issues and managing identified risks. The final authority for approving the conditional discharge rests with the Director-General.

Essentially, the young person continues to serve the period of her/his control order in the community. The young person is obliged to attend an individually structured program three times per week during the period of 24 (1) (c) conditional discharge. Failure to meet such requirements results in revocation of the conditional discharge and a return to custody.

The use of the 24 (1) (c) provision from 1994/95 to 2003/04 is depicted in the following table:

Total Number of Section 24(1)c Discharges by Juvenile Justice Centre from 1994-95 to 2003-04

Year	Yasmar	Baxter	Cobham	Minda	Reiby	Worimi	Acmena	Kariong	Keelong	Orana	Riverina	Group Total
1994/95	9	77	8	6	33	14	0	1	16		19	183
1995/96	8	95	6	5	33	7	0	0	15		15	184
1996/97	16	92	7	3	53	3	0	2	10		20	206
1997/98	10	97	7	6	34	9	0	0	14	0	20	197
1998/99	9	58	3	15	18	9	0	3	18	0	13	146
1999/2000	13	40	7	2	12	9	8	1	6	0	13	111
2000/01	10	43	4	0	14	0	17	1	1	2	4	96
2001/02	5	19	1	0	6	0	11	1	6	2	8	59
2002/03	1	22		0	1	0	5	0		2	1	32
2003/04	2	8	0	0	1	0	3	0	0	6	2	22
Total	83	551	43	37	205	51	44	9	86	12	115	1236

TRANSFER OF DETAINEES TO THE ADULT CORRECTIONS SYSTEM

Every year, a number of young people in juvenile custody are moved to the adult prison system. The reasons for the movement of these young people from the juvenile to the adult prison system can be summarised as follows:

- The court order stipulates that the transfer to prison is to take place at a particular time during the period of imprisonment;
- Young people commit offences whilst in juvenile custody and meet the age requirement to be transferred to prison;
- Young people over the age of 16 years who have behavioural issues are considered to no longer benefit from the services available in the juvenile justice system.



ASSAULTS

The department takes assaults on staff and others extremely seriously. Measures to prevent and reduce the incidents of assaults and their impact on safety and security in detention centres has been a departmental priority for many years. Like other government agencies the department is bound by occupational health and safety legislation and recognises its responsibility to prevent, manage risks and react appropriately and quickly to assaults wherever and whenever they occur.

The department and the Department of Education and Training (DET) were jointly prosecuted over the death of a TAFE teaching assistant at Sunning Hill school in the Yasmar detention centre in 1999. Both departments were fined and the judgement required both to take immediate action to address the risks inherent in the detention centre environment. Justice Staunton, who heard the case, provided clear direction that the safety of staff was to take priority over that of detainees. The judgement, while noting a set of mitigating factors in the case, brought about the creation of an inter-departmental committee to address the failure of both departments to properly ensure the safety of staff at on that occasion. The flow-on effect of this judgement to

the entire detention centre system has resulted in a great deal of collaborative work between the department and DET to establish local risk assessment processes for both programs and detainees based firmly on the hazard reduction (HAZPACK) model.

Assaults are unique events in the detention centre environment. Each situation in which an assault occurs is different in terms of the preceding or causal factors and the response to these events.

At the detention centre level physical assaults are referred to the police for investigation. Investigating police are empowered to lay charges but may decline to do so on the basis of the facts of the matter. Referring physical assaults to police is department policy and occurs whether the assault is on a staff member or another detainee. Where there are immediate risks to the safety of others, centre managers have authority to segregate detainees for specified periods. The use of a range of disciplinary sanctions or punishments is also available to centre managers to respond to these incidents,

The definition of assault in detention centres is very broad and can include verbal abuse and threats as well as actual physical assault. Spitting and throwing objects are included in the definition of assault. Information gathered from other juvenile justice jurisdictions indicates a much narrower definition of assaults. The definition used by the Department of Corrective Services confines staff assaults to those events in which a staff member requires medical treatment or hospitalisation.

Incidents of a less serious nature are dealt with in a number of ways and can result in a number of different outcomes. These may include issuing a caution, arranging for a mediation conference using the youth justice conferencing model, or by taking

disciplinary action against a detainee or group of detainees or staff. The broad range of disciplinary sanctions available to centre managers to deal with less serious assaults includes confinement, loss of privileges, additional duties, etc.

Assaults on staff are recorded and tracked in two databases developed within the department. The follow-up and management of assaults on staff occurs at both the location of the assault and from the OH&S Injury Management Unit in the Central Support Office of the department.

The OH&S IM database records and tracks staff injuries in the workplace for worker's compensation purposes. Any injury to a staff member, whether through an assault by a young person or in the course of working in the department's many locations that becomes the subject of a worker's compensation claim is recorded in this database. Thus the information captured in the OH&SIM database does not cover just those claims arising from assaults. This database was designed specifically for the purpose of managing information regarding staff injuries.

The other database that records and tracks assaults is the Incident Database. This database covers a broad range of incidents in detention centres and elsewhere that warrant the attention and action of the department or another agency such as the police. There are a number of categories under which incidents are recorded, one of which is assaults. The assault category captures information in the sub-categories of assault detainee on detainee, assault detainee on staff, and assault staff on detainee. This database was designed for the purpose of managing information about incidents and events in the department.

In recognition of the seriousness with which the department takes assaults by detainees on staff, the Director General established the Client Violence Working

Party in May 2002 . The Working Party was chaired by the Assistant Director General (Operations). Membership included representatives of the PSA and the Nurses Association as well a senior department staff. The Working Party was given the responsibility of examining violence in the detention centre system with a particular focus on staff assaults. A sub-group was formed to consider behaviour management processes and the classification of detainees. Another sub-group took responsibility for analysing data on staff assaults.

The Working Party met 14 times during 2002 and 2003.

A study of assault data from the Incident Database was presented to the Working Party. A number of findings from this study have informed the development of strategies to manage the risk of violence in centres.

As a result of the Client Violence Working Party discussions the department drafted a Violence Prevention Strategy to bring together the elements of an effective risk management process. This strategy is currently the subject of negotiations with the PSA and is expected to make a very practical contribution to safer working conditions for staff and clearer behavioural expectations for young people.

A Violence Risk Instrument, administered on admission and updated regularly, is used to create alerts on the Client Information Database System (CIDS) for young people who have a history of violence and aggression. This information is provided to staff in written as well as electronic form.

The department has developed a risk assessment system in collaboration with the Department of Education and Training that is designed to identify and control risks in the range of each centre's programs and activities. The system relies on detailed

analysis of program components, equipment and materials, and detainee target group on a session by session basis. A similar risk assessment of detainees is undertaken before program participation is approved. With information derived from the application of the objective classification system instruments, alerts on CIDS and daily behaviour observation sheets from unit staff, detainees are assigned a risk rating of high, medium or low. High risk detainees may participate in only low risk programs.

The recognition that some risks cannot be effectively managed or reduced has led to some detention centre programs being abandoned altogether or for certain periods pending more thorough risk assessment. This decision is taken by the centre manager in consultation with the ETU principal. Where this has been necessary other less risky programs have been developed and implemented to ensure that program provision is not reduced.

Each juvenile justice centre in the state has a staff Occupational Health & Safety Committee that meets regularly to review and address local OH&S issues.

Induction and in-service training place a strong emphasis on developing staff skills in managing difficult behaviour, using effective protective tactics and restraints and deescalating conflict. The use-of-force provisions in the Procedures for Juvenile Justice Centres manual are based on the principle of maximum safety for both staff and detainees.

Behaviour Management Plans for young people whose behaviour threatens staff safety have been effective in limiting opportunities for violent behaviour while addressing the underlying causes of violence.

Increased staffing ratios in detention centres has meant that staff are able to be involved in relationships with young people through the case management process. Research from overseas has described the reduction in the level of institutional violence where custodial staff are responsible for case management.

The Objective Classification System, referred to elsewhere in this submission, further enhances the department's position in relation to ensuring the safety of staff, other young people and the community generally.

QUALITY ASSURANCE

Quite apart from the many external reviews and investigations that have been a part of the department's history, continuous improvement of the operations of juvenile justice centres has been a priority driven by both legislative obligation and senior management commitment.

There are several ways in which the department's commitment to quality assurance and control can be demonstrated. Some of the measures taken by the department in this area are legislated, some are created by the scrutiny of other government agencies and others are aligned with best practice principles in juvenile justice internationally.

The Children (Detention Centres) Act 1987 proclaimed on 29 May 1987 provides, under Section 7, for inspections of detention centres "at least once every 3 months by an officer appointed by the Director- General."

From 1987 to 1999 the department met this legislative requirement through quarterly inspections of detention centres by senior managers.

In 1999 the department implemented a quality review process based on the Australasian Juvenile Justice Administrators (AJJA) Standards for Juvenile Custodial Facilities. From this point onwards, 2 Quality Reviews and 2 Section 7 Inspections formed the basis for meeting the Section 7 requirement set down in legislation. Since 1999 the department has conducted 103 Quality Reviews of detention centres with Section 7 inspections forming the other component of the quarterly inspection requirement. Quality Reviews are attended by one or more of the three most senior officers in the department – the Director General, Assistant Director General (Operations), or Assistant Director General (Management Services). Focus groups with staff and detainees form part of the two day review. The reviews result in a number of recommended actions aimed at improving centre operations. The subsequent Section 7 inspections or quality reviews focus on measuring progress against the recommended actions from the previous reviews.

A number of Quality Reviews were assisted by more in-depth compliance auditing carried out by staff of the Internal Audit Bureau at the request of the department. In 2002, IAB audited compliance with admissions procedures. In 2003, IAB was asked to audit the disciplinary scheme, financial assistance for family visits, protective care, the use of segregation and confinement and the particular procedures concerning the use of force. In 2004, IAB examined rostering practice and compliance with staff time and attendance procedures. The recommendations arising out of all of these independent audits were responded to appropriately and reported back to the IAB.

Other compliance audits were carried out by department staff and included fire systems, kitchens, religious observance, legal advice and advocacy, complaints

management, and case management. A standard health care and occupational health and safety audit were undertaken for each quality review.

In 2002 the department also implemented a regional review process to provide a general overview of the performance of the regions in relation to budget, OH&S and injury management, motor vehicle fleet management, staff retention, and the indicators associated with young people in custody, being supervised in the community or attending conferences under the Young Offenders Act. To date, the department has conducted 14 regional reviews.

During the first half of 2004, the Assistant Director General (Operations) established a Security Review Committee to audit the adequacy of safety and security in detention centres and advise on remedial actions required to address deficiencies.

The Committee, under its broad terms of reference, designed an audit tool and implemented a series of audits based on the Procedures for Juvenile Justice Centres Manual.

Teams of four experienced operational staff carried out the audits beginning in June 2004; all detention centres had been audited by mid-October 2004. Each audit resulted in a comprehensive set of observations and recommendations which will be reported on at regular intervals and which will be included as an item on the agenda for Quality Reviews over the next 6 months.

Throughout 2004 each detention centre was reviewed to examine staff confidence and competence in working effectively with young offenders with disabilities. These reviews were undertaken with the purpose of making a practical contribution to the development of a strategic response to the needs of young people with disabilities in

detention centres. A summary report on the reviews indicated that while many staff have considerable background and experience with young people with disability, managing young people with disabilities was seen as an important but often a significant challenge. Action plans to progress recommendations arising out of the reviews are being developed.

Official Visitors, appointed by the Minister, are required to visit their assigned detention centres on a regular basis and report against the Australasian Standards for Juvenile Custodial Facilities. These reports are referred to the department for response and action.

The NSW Ombudsman staff make regular visits to detention centres to examine and report on child protection matters. Detainees are encouraged to raise issues with the Ombudsman Office staff who make recommendations for action to the centre manager. Regular reporting to the Ombudsman's office from each centre ensures that those matters of greatest importance to young people in detention are given proper attention. In 2002 officers of the Ombudsman's Office spent several days at both Keelong JJC and Baxter JJC. The reports from these visits were generally favourable with few recommendations to be implemented.

The executive officers of the department make scheduled and unscheduled visits to detention centres throughout each year. The purposes of these visits are varied but often include interviews with staff and detainees.

KARIONG JUVENILE JUSTICE CENTRE

Kariong Juvenile Justice Centre was opened on 16 September 1991 to replace Endeavour House in Tamworth. It was designed to detain young men aged 16 years and over whose offences are considered the most serious and those of the same age who are unable to be managed in other centres and who pose a risk of serious harm to other detainees and staff. Its purpose has not changed substantially since it opened.

The following tables provide a picture of some of the characteristics of the Kariong detainee population over the last 10 years.

The Table One shows that the detainee population has become more concentrated with detainees whose offences are of the most serious type. While the centre was designed primarily for this detainee profile, the problems associated with the management of young people with such offence histories cannot be underestimated. In general, these more serious offenders are likely to spend longer periods in custody in both the juvenile and adult systems.

With sentences of imprisonment that span years rather than months, many of these young offenders have a limited perception of how to use the custody experience in positive, productive ways.

Table 1: Number and percentage of offences against persons* for Admissions to Kariong JJC 1994-95 to 2003-2004

Kariong	Offences against the person*	Total offences	
Year	Count	count	% to total
1994-1995	22	31	71
1995-1996	22	28	79
1996-1997	17	18	94
1997-1998	16	19	84
1998-1999	13	17	76
1999-2000	19	22	86
2000-2001	14	17	82
2001-2002	14	16	88
2002-2003	21	21	100
2003-2004	25	26	96

Source: DJJ, CIDS Database

Includes Homicide and related offences, Aggravated sexual assault, Aggravated Non-Aggravated robbery and Aggravated

The following table shows the distribution of detainees 18 years and over at Kariong over the last 10 years. The centre was designed to accommodate young people over the age of 16. The table shows that the 18+ age group has, on two occasions, formed more than half of the Kariong population. However, the fluctuation in this group is marked with a trend downward in the last few years. From a detainee management point of view, age is particularly important in terms of providing age-appropriate interventions and institutional routines.

Number and percentage of young persons in 18+ years age group in Kariong JJC 1994-95 to 2003-04

Kariong Year	Age in years (18+) Count	Total of admissions to Kariong JJC Count	% in Total
1994-1995	8	31	26
1995-1996	7	28	25
1996-1997	7	20	35
1997-1998	11	19	58
1998-1999	10	26	38
1999-2000	12	22	55
2000-2001	5	17	29
2002-2003	6	21	29
2003-2004	11	42	26

Source: DJJ, CIDS Database

Kariong was opened with a number of staff from Endeavour House and subsequently from Minda after it closed. While experienced, many of these staff came to Kariong with conflicting philosophies and attitudes.

While all detention centres are subject to public scrutiny and associated political pressures, the seriousness, and often public nature of the offences for which young people are placed at Kariong, tends to result in greater scrutiny of this centre compared to others.

Kariong has been repeatedly reviewed, investigated, reported on, and examined by external and independent agencies and consultants. The department has conducted its own reviews of Kariong over the last 10 years. The following lists some of the major reviews and investigations, the recommendations made and the department's responses to those recommendations:

1996 – NSW OMBUDSMAN – “INQUIRY INTO JUVENILE DETENTION CENTRES”

While this Inquiry covered all juvenile detention centres, Kariong JJC was mentioned specifically in terms of a male dominated and intimidating staff culture. The Ombudsman Inquiry stopped short of recommending the closure of Kariong but did identify a number of critical improvements that needed to be made in both the physical environment and the staffing structure of the centre.

Plans for responding the recommendations of the Inquiry were developed and implemented throughout 1997, 1998, 1999 and 2000. In August 2001 the Ombudsman commended the department on improvements made in centres since the 1996 report and confirmed that no further updates on the implementation of the recommendations were required.

1999 – FS & ASSOCIATES/SHERLOCK & ASSOCIATES – INVESTIGATION REPORT KARIONG JUVENILE JUSTICE CENTRE

This investigation was initiated as a result of complaints made by female staff members at Kariong to the then Director General in October 1998. The brief given to the consultants employed to undertake the investigation focused on the allegations of workplace discrimination, sexual harassment and unprofessional conduct made by the women in their complaint to the Director General. The investigation resulted in significant changes to the management of the centre.

1999 – D.P. RODGERS – REPORT INTO SECURITY AND RELATED ISSUES KARIONG JUVENILE JUSTICE CENTRE

This report was commissioned by the department following a series of disturbances at the centre. The author, Superintendent D.P. Rodgers was seconded from the Department of Corrective Services to examine security and related issues. Superintendent Rodgers identified a number of critical areas where immediate changes needed to be made to operating procedures, staff training and supervision processes and the physical conditions of the centre. He made particular comment on the differences between managing adult and juvenile offenders:

“...dealing with youths is much more sensitive than dealing with inmates in correctional centres. The balance in correctional centres is maintained somewhat by a broad age range and any behaviour that disrupts the correctional centre is not usually tolerated. This is where a juvenile justice centre varies greatly, there is only a small age range with the youths housed at Kariong (ie between 16-20) This causes loutish type behaviour that has no older influences to temper the behaviour.”

Some major security enhancements were made to the centre as a result of this report. Attention to recruitment, training and staff supervision improvements followed.

2000 – NSW OMBUDSMAN – INVESTIGATION INTO KARIONG JUVENILE JUSTICE CENTRE

The 2000 Ombudsman's investigation into Kariong was prompted by a series of serious disturbances in March 1999.

Yet again, the culture of Kariong was examined in depth and found to be seriously in need of change. While the Ombudsman declined to identify one single event or factor that may have caused the first disturbance, the prolonged lockdown of detainees which followed appeared to have contributed greatly to the second and third disturbances.

Again, the Ombudsman was provided with evidence of a 'small but dominant group of staff who intimidated others and undermined line management.'

This Ombudsman's investigation concluded that the design and location of Kariong made it unsuitable as the state's 'maximum security' juvenile custodial facility and recommended that a plan to relocate the department's most secure juvenile justice centre to a facility more appropriately designed for this purpose be developed.

While considered, this particular recommendation was unable to be progressed at that time due to the impact the closure of Kariong would have on the implementation of a major capital works program which temporarily limited detention centre accommodation capacity.

In October 2001 the Ombudsman officially advised the department that, due to the significant changes noted at Kariong, no further reports on compliance were required.

2000 – COUNCIL ON THE COST AND QUALITY GOVERNMENT REVIEW OF JUVENILE JUSTICE CENTRES

In early 2000 the Council on the Cost and Quality of Government (COCQOG) reviewed the operation of all juvenile justice centres. The Council's recommendations in relation to detention centres resulted in the staged implementation of a major restructuring of centre management, staffing numbers to achieve an improvement in staff/detainee ratios, recruitment, training and staff supervision. While the Council recommended the implementation of an environmental allowance for Kariong staff, it made a further recommendation that the centre be closed.

The restructuring of all detention centres in line with the COCQOG recommendations was completed in late 2003. Kariong's unique needs were recognised in providing increased staffing levels and specialist support at the unit level in addition to the environmental allowance.

2002 – DALTON/JOHNSTON – REVIEW OF KARIONG JUVENILE JUSTICE CENTRE

Following disturbances at Kariong between August and October 2002 the department contracted Vernon Dalton and Lou Johnston to undertake a review of the centre in the following terms:

- systems, security and detainee management
- the range of educational and other programs provided at the centre

The reviewers found a centre under great pressure and lacking in consistency and standards. They noted serious problems in staff conduct and performance; adherence to basic safety and security procedures; a detainee population characterised as 'a tough group of adolescents and adults who require individualised programs and levels of security management and control that are not available elsewhere; and lack of understanding about the relationships between case management and programming'.

A reporting schedule against the review recommendations was established.

An action plan was prepared to respond to the report's recommendations. Ms Johnston was contracted to work intensively with Kariong staff at all levels to develop a number of proposals aimed at implementing the key recommendations of the report. A strong feature of her work with staff was their involvement in developing evidence-based programs for young offenders placed in the Carinya Behaviour Management Unit.

Progress toward implementing several of the accepted recommendations of the report was interrupted by ongoing staff and management relationship difficulties. However, many of the recommendations had been fully or partially implemented at the time of the transfer of the centre.

2004 - FISH, PAYNE, PATTENDEN, VINEY PTY LTD (FPPV) – ARCHITECTURAL EXAMINATION

In 2004, the department asked the architectural consulting firm Fish, Payne, Pattenden, Viney Pty Ltd (FPPV) to undertake a study of the Kariong Juvenile Justice Centre against the AJJA Standards for Juvenile Custodial Facilities and the AJJA

National Design Guidelines. The following are a few of the 'functional deficiencies' described by the consultants:

- multi-levels – the consultants pointed out that this presents maximum risk to both staff and detainees in day-to-day use and in response to incidents
- Service ducts are accessible to detainees
- Entry/Reception space is inefficient for secure access/control
- Line of sight barriers between Unit day space and unit control hampering effective supervision of detainees
- Access route for all visitors via open compound – risk
- Admissions area undersized for needs of centre
- Inadequate visits area – space and functionality
- Isolation rooms are vulnerable and noisy
- Emergency equipment not located close to first response points
- Equipment in unit kitchens vulnerable to damage
- Office space for staff within units insufficient

The architect's considered opinion was that the Kariong facility was totally unsuited to its purpose and that the expenditure required to bring it to minimum standard would exceed by far the cost of other options such as a completely new purpose-built centre on a 'greenfields' site. The department accepted the consultant's conclusions and had begun to examine another option which involved building small, high

security units in three existing detention centres. This option was referred to as the dispersal model. Preliminary costings for construction of the secure units and staffing and programming models were well advanced and included the preparation of a budget proposal to stage the project over 3 years.

A number of themes are repeated in these many reviews and investigations. Design of the built environment, the characteristics of the detainee population and the 'Kariong culture' are among those themes which dominate the many many pages of the resulting reports:

Key improvements to Kariong since 1999 include:

- Specific training in emergency procedures for staff
- Personal protective equipment for staff
- Major improvements to the physical environment at Kariong, including installation of additional high security fencing and steel window grills.
- Duress alarms issued to staff
- Closed circuit television monitoring system expanded
- Upgrading and repair of accommodation units
- Restructure of the centre's staffing, including nine additional positions, providing a new approach to management of detainees at unit level to give better control,
- Suitable programs for specific groups of Kariong detainees – the development of a unit model as suggested by Dalton/Johnston eg Lawson

– offence-related placements; Carinya – Behaviour-related placements;
Wattagan – Reintegration unit for all detainees moving back into the
mainstream system

- Security provided at boom gate controlling centre access road,
- Visits and search procedures revised and tightened
- Security Audit with implementation plans
- Payment of a special environmental allowance
- External Consultants employed to assist in the planning, development and implementation of recommendations regarding security, management team development, behaviour management unit programs, conflict resolution, among other identified needs.

2004 – DALTON – REVIEW OF KARIONG JUVENILE JUSTICE CENTRE

On 17 September 2004 the Minister requested that Vernon Dalton undertake a review of Kariong Juvenile Justice Centre. He was asked to report on:

- Assessment of the adequacy of existing policy and procedures that relate to management and staff
- Proper implementation of policies and procedures
- Recommendations for improvement

Mr Dalton's review report was provided to the Minister in October 2004 and subsequently released publicly. In it he pointed to the severe breakdown of

relationships between Youth Officers and management; commented on the lack of staff accountability and complacency regarding some of the most basic security procedures; observed that the living and general environs were dirty, untidy, unattractive and poorly maintained by residents; and drew attention to the management of the recent events at the centre that had prompted his review.

Mr Dalton offered two options within the context of making his recommendations.

On receipt of the Dalton Report and pending consideration by the Cabinet, the department made changes to the management reporting arrangements at Kariong with the temporary appointment of an experienced manager from another centre and the creation of a temporary position - Director Custodial Services Central Coast, to oversight both Kariong and Frank Baxter centres. This position reported directly to the Director General.

In early November 2004 the Government considered the options articulated in the Dalton Report and made the decision to transfer responsibility for Kariong to the Department of Corrective Services (DCS). At the same time the Government supported legislative changes to affect this transfer and maintain Kariong's role in the juvenile justice system.

Following the Government's decision, the department established senior level discussions with officers of the Department of Corrective Services to affect a smooth transfer of operational responsibility. At the request of the Commissioner of Corrective Services the department made assessment and program material used at Kariong available to the new management team.

In the months since the transfer of Kariong the department has been working closely with staff of the Department of Corrective Services on a MOU to formalise arrangements for the classification and movement of detainees between the juvenile justice system and the juvenile correctional centre at Kariong.

A Memorandum of Understanding is being finalised between the Departments of Juvenile Justice and Corrective Services that outlines the responsibilities of each department, and provides procedural guidelines for the management of juveniles transferring between the two systems and for the exchange of relevant information about the young people being transferred.

The Memorandum of Understanding also contains mechanisms for ensuring that young people transferred to Kariong maintain access to counselling and rehabilitation programs and appropriate legal aid and advice. Specific clauses cover access by Juvenile Justice Community Services staff, the Children's Legal Service and other funded agencies such as post release support services.

The MoU also provides for the continued provision of individual counselling services to Kariong inmates in the following instances:

1. where a DJJ Counsellor needs to complete background reports or assessments on a recently transferred inmate for court ; or
2. where a Kariong inmate was participating in a DJJ Sex Offender Program or Violent Offender Program upon transfer to Kariong JCC, a DJJ Counsellor will continue to see the inmate for the purposes of termination and handover to DCS counsellors.

Under the MoU DJJ agree to provide DCS program trainers with appropriate training and information to facilitate the implementation of DJJ offence-focused programs within Kariong JCC. Proposed programs and tools to be provided for Kariong inmates/detainees include:

- Anger Management;
- Alcohol and Other Drug Group Program;
- Our Journey to Respect; and
- Aggression Replacement Training.

FORMER KARIONG STAFF

Immediately following the Government's decision to transfer responsibility for Kariong to DCS, the Director General and Assistant Director General (Operations) met with Kariong staff; provided each affected staff member with an information package explaining options in terms of re-deployment or voluntary redundancy and offered the assistance of a team of human resources specialists to provide career counselling and support.

The following outlines the employment status of former Kariong staff as at 17 February 2005:

- Of the 63 permanent officers formerly at Kariong (including one substantive Kariong employee previously located at Frank Baxter JJC):
 - 22 have accepted voluntary redundancy (VR)
 - 15 have been permanently redeployed

- 15 are temporarily redeployed in the department
- 7 are on a trial with the Department of Corrective Services
- 4 are on secondment to an external agency or are supernummary officers
- Of the 22 long-term temporary and casual staff (with more than 12 months' continuous service):
 - 16 have received a severance payment
 - 6 have accepted casual employment with the department
- Of the 11 casual/temporary employees with less than 12 months service:
 - 2 have left the department
 - 9 continue shifts at either Yasmar, Cobham or Baxter
- Some of the redeployed officers have expressed interest in voluntary redundancy and this will be considered.

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