

INQUIRY INTO JUVENILE OFFENDERS

Organisation: Country Women's Association of New South Wales

Name: Mr Colin Coakley

Position: General Manager

Telephone:

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Subject:

Summary

COUNTRY WOMEN'S ASSOCIATION OF NEW SOUTH WALES



SUBMISSION **LEGISLATIVE COUNCIL ---SELECT COMMITTEE ON** **JUVENILE OFFENDERS** **INQUIRY INTO JUVENILE OFFENDERS**

TO: Attention: Tanya Bosch,
Parliament House,
Macquarie Street,
SYDNEY NSW 2000

Email: tanya.bosch@parliament.nsw.gov.au

FROM: Mr. Colin Coakley,
General Manager,
Country Women's Association of
NSW,
P.O. Box 15,
POTTS POINT NSW 1335

personalassistant@cwafnsw.org.au

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The main points of this Inquiry appear to be the unhappiness of the Legislative Council with the haste with which this Bill was introduced and raced through the Lower House and the not-thought out provisions it makes for the adult and/or vicious offenders currently treated as juveniles. The Bill, under the extremely adverse media glare directed at Kariong when it was obvious that the inmates had more power than management (riots, arson etc.), was thought to be an appropriate and hasty response to management failure, resulting in a knee-jerk hand over to Correctional Services, rather than the Government taking responsibility for sorting out the Department of Juvenile Justice – Kariong’s numerous faults and omissions.

These young offenders, to be sentenced to go to Kariong, have gone through the gamut of warnings, panels, face to face sessions with their victims, good behaviour bonds, community service, even Worrimi. They are not angels yet they were, under the previous system, “controlled”, not by warders, but by youth workers, who were unarmed and often assaulted ...not a punitive – but more like a welfare - system of justice.

The Kariong on-the-ground staff, youth workers were given very limited training to fit them for working in a juvenile detention centre. What was needed was training as a corrective services officer – a warder – not youth workers, and that staff was exposed to greater danger from verbal and physical assaults from detainees than would have been extended to corrective services officers.

In the Carinya Behaviour Management Unit, there existed lack of appropriate punishment (taking away their biscuits at dinner time) and the undermining of punishment by management at Kariong. Permanent staff members were often reluctant to work in Carinya, which meant that poorly trained and inexperienced casual staff had to work the unit.

However, the greatest lack at Kariong was the absence of education. Surely, this was a chance gone missing to improve, rehabilitate, turn around the lives of these young offenders.

It is only by going to correctional services that they are introduced to full time schooling, TAFE and therapeutic programmes – counselling, anger management etc.

The operation of Kariong by Corrective Services goes only part of the way to address management problems at the Centre. There must always be a fair percentage of Kariong inmates who can be rehabilitated and not have to be committed to gaol. The Corrective Services does not have a very good record. NSW has the highest rate of offenders returning to prison Australia-wide. Recidivism is 22% above the average rate of all states and territories; overcrowding in NSW gaols is 7.7% above the Australian average (this overcrowding will be touched on later in this submission); NSW prisoner-on-prisoner assault rates 59% above the Australian average. However, on the brighter side, Corrective Services has more people in the 16-21 years age bracket than Juvenile Justice has in its whole system, and is reportedly achieving good results with them.

Hardened, vicious thugs, whether over or under 18, should not be housed in such a way that they can bring to bear any influence on the youth who is capable of being rehabilitated. There is also the problem that these “older” offenders end up ruling the younger people, instilling fear in them and continuing to parade their total lack of respect for authority.

Another problem is that of offenders who are not adult at the time of the offence but, by the time it comes to court and they are sentenced – it may be a very long period-, are now adults. If they are adults at the time of sentencing, they should serve their sentence in an adult prison. The length of the sentence could reflect that they were juveniles at the time of the offence, but the mixing of adult and juvenile offenders should be avoided.

Age – in the penal system – cannot be counted by the number of birthdays enjoyed – but by life experiences and the accessing – OR NOT – of the available education, training and respecting oneself and others schemes.

Transfer of the young Kariong inmates to the Corrective Services system as a “bulk deal” goes against the Juvenile Justice’s philosophy that each young person has to be treated individually.

Ideally, there should be still be a Juvenile Justice Centre – but a reformed – teaching centre – for those up to 18. Many are in trouble because they cannot read or write. The Juvenile Justice system, more than any other justice system, should be about rehabilitation. Certainly, there are some who, because of their personalities, background, culture or other reasons will never feel remorse for their actions. However, many others who have spent a short time incarcerated come out completely convinced that they will never ever return to any form of confinement and lead a life to ensure that is the case. BUT they have to be shown how to lead such a life, and this could be done in Juvenile Justice Centres.

The 18 to 24 detainees should go to the Juvenile Corrective Services with education and rehabilitation being available.

Now, back to the Corrective Services – the gaols. Why are the gaols full to overflowing?
Answer: Because the gaols are forced to take the results of government mismanagement, forced to take the influx of those with mental illness and with drug and alcohol problems. They should not be in gaol – it is no place for them, but then, where can they go? At the moment only 2.5% of the mental health budget is spent on building facilities for mental health patients. They have to have somewhere to go after hospital treatment, but sub-acute facilities are in very short supply, so they get into trouble and end up in gaol.

Gaols are the recipients of results of decades of neglect, both from government authorities and the general public... the list goes on and on – denial to parents, teachers and police of the ability to chastise children, bad parenting skills, children neglected, overworked DOCS, children going to school “only if they feel like it. These children try alcohol and drugs, then turn to crime to obtain money for these habits, and with no facilities to treat alcohol and drug related illnesses we see another generation of gaol inmates.

While still opting for a Kariong Juvenile Justice Centre – upgraded – staffed appropriately – with education and rehabilitation prominent, it is admitted that there is a need for the Corrective Services to take over the 18 to 24 years old group under the Juvenile Corrective Services.