



Justice
Inspector of
Custodial Services

Making connections: Providing family and community support to young people in custody



Produced by Inspector of Custodial Services

Level 13, 10 Spring Street
Sydney NSW 2000

P: 02 8061 9331

W: www.custodialinspector.justice.nsw.gov.au

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Foreword

The importance of maintaining contact with family and community for young people in custody is recognised in international human rights instruments, Australian legislation and domestic juvenile justice standards and policies. It is also acknowledged by juvenile justice staff as an integral aspect of the management of young people in custody.

This recognition reflects the research which has consistently noted that family and community contact for young people is an important protective factor for them. It can reduce their sense of isolation while in custody, reduce symptoms of depression, and maintain emotional wellbeing. It is essential to their rehabilitation and has a role in supporting reintegration outcomes when a young person is released from custody.

Notwithstanding the persuasive evidence base and recognition of the importance of family and community to young people in custody, it cannot be assumed that this is universally and comprehensively integrated into professional practice and that contact with family is, in fact, treated as an unconditional entitlement. This inspection report documents the Inspector of Custodial Services' examination of this issue.

As at 30 January 2015, there were 298 young people in Juvenile Justice NSW (JJNSW) custody. 171 young people, or 57 percent, were housed outside their home region. Being housed outside of the home region is common in the NSW juvenile justice system. This is due to the policy to place young people at centres that cater for specific gender, behavioural or security needs. Having thus structured the estate in accordance with this policy, a challenge for JJNSW is sustaining family and community links for young people who are placed in centres that are far from their home regions.

The promotion of family and community linkages is not just an issue of frequency, but also embraces consideration of quality. As this report demonstrates, the main means of enabling contact with a young person's family and significant others is through phone calls, the value of which can be, and is, undermined by poor technical quality of the call and compromised call privacy. JJNSW is expanding the use of audio-visual links to complement phones to promote family contact.

The second major vehicle for a person in custody to maintain family contact is through visits, which JJNSW does encourage and support. However, the quality of visiting facilities in the centres examined in this report has some way to go before it responds adequately to the *Design Guidelines for Juvenile Justice Facilities in Australia and New Zealand*, which advises that visitors should be provided 'with a pleasant environment with appropriate security to encourage visits between visitors and detainees in a relaxed and informal environment, both indoors and outdoors'.

A controversial issue identified in this inspection concerns the inability of JJNSW, in contrast to policy both in Victoria and Queensland, to permit a detained young mother to have her child with her in custody. As this report seeks to highlight, the complex issue of the best interests of a child warrants a more nuanced response.

Finally, it is argued that youth justice systems are most successful when they are embedded in their communities, that is, when the people, programs and activities of a centre are actively integrated with the surrounding community. In the course of this inspection across two centres, discussions with the local councils highlighted the extent to which a centre can be productively embedded in its community. A range of considerations, including the location of the centre, the contiguous potential resources, and community demographics, are at play.

A key message arising from this inspection is that embedding a centre in its community, and reaping the benefits of that, requires a strategy and consistency of effort in its application.

A handwritten signature in black ink, consisting of several overlapping loops and a final upward stroke on the right side.

J. R. Paget
Inspector of Custodial Services
15 June 2015

Acknowledgements

This inspection report owes much to the work of Ms Clara Hawker and Ms Anita Knudsen, Senior Inspection/Research Officers of the Inspector of Custodial Services.

The following people are thanked for their expert advice and assistance during this inspection: Ms Jennifer Turner, Official Visitor Coordinator, and the Official Visitors at Juniperina Juvenile Justice Centre and Reiby Juvenile Justice Centre.

The Inspector acknowledges the contribution of juvenile detainees to this report.

Acknowledgment is also extended to the staff of Juvenile Justice NSW who supported this inspection.

Glossary of terms

ATSI	Aboriginal and Torres Strait Islanders
AVL	Audio-visual links
CCTV	Closed-circuit television
DEC	Department of Education and Communities
FACS	Department of Family and Community Services
ICT	Information and communications technology
Inspection Standards	NSW Inspector of Custodial Services <i>Inspection Standards for juvenile justice custodial services</i>
Inspector	Inspector of Custodial Services
JJNSW	Juvenile Justice NSW
JJO	Juvenile Justice Officer
Juniperina	Juniperina Juvenile Justice Centre
NAIDOC	National Aborigines and Islanders Day Observance Committee
NGO	Non-government organisation
Reiby	Reiby Juvenile Justice Centre
SIRO	Senior Inspection/Research Officer
TAFE	Technical and Further Education

Executive summary

The Inspector of Custodial Services' first inspection examining juvenile justice centres looked at the ways in which family and community support is provided to young people in custody.

That there is value in providing family and community support to young people in detention is widely recognised and is reflected in domestic legislation and Juvenile Justice Standards. It has been highlighted by the experience in other jurisdictions, such as the 1998 Queensland Forde Inquiry, that contact with family and community should be an entitlement of detainees, rather than a privilege. Family and community contact can reduce detainees' sense of isolation while in custody and can also support reintegration outcomes when they are released.

This inspection examined two centres: Juniperina Juvenile Justice Centre and Reiby Juvenile Justice Centres. Juniperina is the only female-only centre in NSW, and Reiby accommodates both younger boys (10–16 years old) and those with behavioural issues. These centres were selected as they offered an overview of the types of issues faced by young people held in detention, who are often from a complex and disadvantaged background.

The inherent challenges faced by JJNSW in assisting young people to maintain links with their family and community while incarcerated are exacerbated by the fact that a high proportion of young people are placed in a detention centre outside their home region and tend to spend a relatively short time in custody.

Overall, the inspection found that JJNSW promotes and facilitates contact between young people and their families and communities in a satisfactory way. Contact with family is mainly facilitated through telephone and face-to-face visits; and juvenile justice officers involve family in the case management process where possible. Engagement with the local community is achieved through having programs delivered in the centres by non-government organisations, or the use of external leave or work arrangements where this is assessed as appropriate.

The family contact policies are well defined by JJNSW and administered effectively by staff in the centres, although there are some differences in the ways they may be applied to individual cases. The Inspector appreciates the need to maintain flexibility when applying these policies, but underscores the importance of remembering that contact with family is an entitlement of all young people in detention and access to family should never be used as a tool to manage behaviour.

A key point of concern for the Inspector that became evident during this inspection was the level of security utilised during visits. Rigorous security processes are essential to the smooth running of the centre, but they should not unfairly impinge on the rights of young people. Current practice sees strip-searching of young people carried out as routine procedure after, and in some cases before, being granted a visit with family. Young people are also dressed in security overalls for all visits, including non-contact ones. The Inspector believes these measures can create further problems for already fragile young people and that a proper risk-based assessment would target the trafficking of contraband equally as well.

The inspection found that both centres have regular and ongoing engagement with their local communities and NGOs. Centre management works with local groups to deliver a range of in-house programs for young people, although the level of interaction varies across centres. An outstanding example of outreach with the local community is seen at the Waratah Unit at Reiby, a pre-release unit focusing on developing the life skills of young men before they are released.

There are notable differences in the opportunities and programs offered to young men and young women and the inspection recommends that comparable opportunities should be available to women as they are to men. Such opportunities should be available for both in-house programs and access to a transitional program and external work release, such as that offered at the Waratah Unit.

While the difficult backgrounds and experiences of young people in detention can make it challenging to maintain family and community relationships, it is incumbent upon JJNSW to promote and strengthen these wherever possible. The inspection found that the policies of JJNSW encourage such relationships, but there is scope to improve the ways in which these policies are applied in practice.

In this report, this office has made 17 recommendations, most of which apply across the juvenile justice estate and some of which are specific to individual centres. JJNSW has been provided with the opportunity to comment on this report and the recommendations. The Minister for Corrections has also had the opportunity to comment on the report prior to its publication.

Recommendations

Recommendation 1:

The Inspector recommends that JJNSW review the phone contact policy to ensure that contact with family is not apportioned according to behaviour. This should not result in a reduction in the current available number of calls for young people.

Recommendation 2:

The Inspector recommends that JJNSW regularly reviews the maintenance of phone handsets and the quality of calls.

Recommendation 3:

The Inspector recommends that JJNSW install phone booths or phone bubbles for acoustic protection and to promote detainee privacy.

Recommendation 4:

The Inspector recommends that Reiby and Juniperina trial an additional visits day on Sunday and ensure that this initiative is made widely known to visitors and detainees.

Recommendation 5:

The Inspector recommends that JJNSW ensure that the physical environment of visits should promote family interaction, including: improved use of colour and decoration, access to outdoor areas, a variety of age-appropriate toys for visiting children, baby change facilities, games for young people to play with their family and consistent access to refreshments and snacks across centres.

Recommendation 6:

The Inspector recommends that JJNSW actively monitor visits through CCTV allowing for a reduced staff presence in the family visit area.

Recommendation 7:

The Inspector recommends JJNSW replace the roof tiles at Reiby with a material that cannot be penetrated or used as a weapon. This would reduce the risks associated with roof ascents, which, in turn, would permit the removal of razor tape on building roofs.

Recommendation 8:

The Inspector recommends that JJNSW should immediately prioritise the facilitation of family visits through AVL suites located in all JJNSW offices. These suites could also be used to facilitate better contact between a young person in detention and their JJO.

Recommendation 9:

The Inspector recommends that JJNSW should explore scheduling family visits through AVL suites at courts for those young people from regional areas who do not have access to a JJNSW office.

Recommendation 10:

The Inspector recommends that JJNSW should not carry out strip-searching on a routine basis and should replace this practice with a rigorous risk-based assessment process to target the trafficking of contraband.

Recommendation 11:

The Inspector recommends that JJNSW halt the practice of using overalls for non-contact visits.

Recommendation 12:

The Inspector recommends that JJNSW should have the latent capacity to facilitate a secure environment for young mothers to maintain custody of their child in detention. This would enable best interest determination processes to include options for young mothers to be accompanied by their children in detention.

Recommendation 13:

The Inspector recommends that JJNSW develop temporary leave arrangements for young mothers who are separated from their children to promote the maintenance of mother–child relationships.

Recommendation 14:

The Inspector recommends that JJNSW bring to the attention of the NSW Department to Education and Communities the adverse impact of the changes to the Smart and Skilled program regarding access to vocational training for young people. JJNSW should ensure continued equitable access for all young people to apprenticeships and traineeships.

Recommendation 15:

The Inspector recommends that JJNSW integrate community and NGO engagement within the framework of service delivery for young people. This would support each centre in developing a strategic approach to relationships with NGOs and communities.

Recommendation 16:

The Inspector recommends that JJNSW provide the same opportunities to engage with media and technology to girls as to boys.

Recommendation 17:

The Inspector recommends that JJNSW ensure that young women who are eligible and appropriately risk assessed are provided with an equal opportunity to access a transitional program such as that provided at Waratah Unit.

1. Introduction

- 1.1 This is the third report produced by the Inspector of Custodial Services since the establishment of the office in October 2013. The office was established by the *Inspector of Custodial Services Act 2012* (the 'Act') with the purpose of providing independent scrutiny of the conditions, treatment and outcomes for adults and young people in custody, and to promote excellence in staff professional practice.
- 1.2 This report summarises key findings of inspections undertaken at two Juvenile Justice NSW (JJNSW) centres in the Sydney Metropolitan region during February and March 2015.
- 1.3 The principal functions as set out in section 6 of the Act include:
 - (a) to inspect and examine each juvenile justice centre and juvenile correctional centre at least once every 3 years;
 - (b) to examine and review any custodial service at any time;
 - (c) to report to Parliament on each such inspection, examination or review;
 - (d) to report to Parliament on any particular issue or general matter relating to the functions of the Inspector if, in the Inspector's opinion, it is in the interest of any person or in the public interest to do so.
- 1.4 Under the legislation, the Inspector has the remit to inspect over 100 custodial facilities across NSW. These include seven juvenile justice centres. In addition to these centres and the 33 adult centres, there are over 80 court cell complexes under the inspection mandate.
- 1.5 In addition to the purpose and powers of the Inspector as detailed in the legislation, the Inspector also has a responsibility to ensure that ethical and correct practice is observed across the custodial environment in NSW. These values focus on 'what matters' in custodial settings and are documented in the office's *Inspection Standards*.¹
- 1.6 The NSW Inspector of Custodial Services *Inspection Standards* provided a framework for this inspection to examine current practices and approaches to facilitate a young person's family and community support.

¹ NSW Inspector of Custodial Services, *Inspection standards – For juvenile justice custodial services in New South Wales, 2014*, http://www.custodialinspector.justice.nsw.gov.au/Documents/ICS_Inspection-standards-JJ.pdf, viewed 16 June 2015

2. Overview of inspection

Background

- 2.1 The importance of maintaining contact with family and community for young people in custody is recognised in both international human rights instruments and Australian legislation.^{2,3}
- 2.2 One of the objects of the *Children (Detention Centres) Act 1987* is to ensure that 'satisfactory relationships are preserved or developed between persons on remand or subject to control and their families'. This principle is reinforced in the *Young Offenders Act 1997* (NSW), which establishes the importance of family and community involvement.
- 2.3 The Australian Juvenile Justice Administrators emphasise the role of juvenile custodial facilities in enabling family and community relationships by stating:

*The centre encourages and enables visitation and communication between young people and their families or significant others that is not unreasonably limited by the centre, is responsive to individual needs, and occurs in conditions that are dignified and relatively private.*⁴
- 2.4 The active promotion of positive contact with external people can be especially beneficial for young people deprived of their liberty, many of whom may have behavioural problems related to emotional deprivation or a lack of social skills.⁵
- 2.5 Being held in custody is often very distressing for both the young person and their families. Helping young people and their families understand the custodial processes and identify what support is required to reduce recidivism is important.
- 2.6 The 1999 Forde Inquiry in Queensland firmly established that contact with family and friends should be treated as a basic entitlement of all young people in custody, essential to their rehabilitation and reintegration.⁶ Family and community contact for young people can reduce their sense of isolation while in custody. Such contact is important for the psychological and emotional wellbeing of a young person and can also support reintegration outcomes when they are released from custody.⁷

2 The United Nations Rules for the *Protection of Juveniles Deprived of their Liberty* 1990, *Convention on the Rights of the Child*, 1989; Standard Minimum Rules for the Treatment of Prisoners, 1955; UN Standard Minimum Rules for the Administration of Juvenile Justice 1985 ('Beijing Rules'); UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders 2010 ('Bangkok Rules').

3 Australasian Juvenile Justice Administrators, *Juvenile Justice Standards*, 2009.

4 Australasian Juvenile Justice Administrators, *Standards for Juvenile Custodial Facilities*, 1999, p. 32.

5 European Committee for the Prevention of Torture or Inhumane or Degrading Treatment or Punishment, 24th *General Report of the CPT*, 2014, p. 55.

6 L. Forde, *Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions* (the Forde Inquiry), August 1999, p. 215.

7 L. Forde, *Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions* (the Forde Inquiry), August 1999.

- 2.7 A 2013 study by the NSW Bureau of Crime Statistics and Research found that young people identified the importance of having positive family relationships and that such relationships were part of their strategy for avoiding trouble in the future.⁸
- 2.8 Family contact while being held in detention has been shown to reduce symptoms of depression among detainees.⁹ Data indicates that there is a role for family involvement during incarceration to assist with the reduction of reoffending and to help the young person maintain a stable psychological state.
- 2.9 The services delivered by JJNSW in juvenile justice centres aim to reduce the risk of young people reoffending, and assist them in addressing the underlying issues and behaviours that contribute to offending. The JJNSW *Corporate Plan for 2010–2013* emphasised the importance of effective models for interventions with young people and their families in its key results areas.
- 2.10 It is widely recognised that holistic interventions for young people in custody that involve work with detainees' families and the wider community are more likely to be effective in reducing reoffending. Positive family and community relationships are considered an important protective factor for young people and play an integral part in supporting a young offender to make and sustain changes that reduce the risk of reoffending.

Objective

- 2.11 This inspection assessed the structures and supports that are available to young people to facilitate family and community contact, and the ways in which these are utilised.

Methodology

Selection of centres

- 2.12 The inspection theme was examined across two centres: Juniperina Juvenile Justice Centre (hereafter Juniperina) and Reiby Juvenile Justice Centre (hereafter Reiby).
- 2.13 Both centres accommodate young people on remand and on control orders. Reiby addresses special needs of young boys from 10 years old up to 16-year-old male detainees with extreme behavioural difficulties. Juniperina accommodates girls and young women from 10 to 21 years, including detainees with extreme behavioural difficulties. As state-wide facilities for young women, young boys and boys with behavioural problems, these centres host a large proportion of young people who are from outside their home region.
- 2.14 Reiby also hosts a special pre-release unit, the Waratah Unit, which was established to engage young people in TAFE, employment services or community work, in preparation for their release.
- 2.15 While both centres are located in greater Metropolitan Sydney, they offer varied examples of broad involvement of local communities and community partnerships with the centres. These centres were also selected to provide an understanding of the differences and similarities in the way opportunities are provided to both young men and women.

8 Wagland, P., and Blanch, B., *Youth in Custody in NSW: Aspirations and strategies for the future*, Contemporary Issues in Crime and Justice, Number 173, September 2013.

9 Monahan et al. in Lambie, L. and Randell, L., *The Impact of Incarceration on Juvenile Offenders*, Clinical Psychology Review 33, 2013, p. 454.

Inspection team

- 2.16 The inspection team consisted of the Inspector of Custodial Services and two Senior Inspection/Research Officers (SIROs). A Principal Inspector, Ethical Standards Unit, Queensland Department of Justice and Attorney General were seconded to the office for this inspection to provide additional expertise.
- 2.17 The inspection team worked collaboratively with JJNSW Executives and the Centre Managers of the selected centres throughout the inspection process. Data and document requests were made to JJNSW to inform the inspection.
- 2.18 The inspection team was assisted by Official Visitors of the selected centres in the planning phase and onsite at Juniperina.
- 2.19 The inspection team utilised a variety of inspection methods. These are outlined briefly below.
 - 2.19.1 Desk-based research and data analysis was conducted with input from JJNSW.
 - 2.19.2 Onsite inspections were undertaken at each of the selected centres in February and March 2015. Inspection Plans detailed the schedule for the two-day onsite visits.
 - 2.19.3 Semi-structured interviews were held with management at each centre. These were conducted in a one-on-one discussion and canvassed a range of topics at a management level.
 - 2.19.4 Separate focus group discussions were held with frontline staff from all areas of the centre, including unit managers, youth officers, health and program staff.
 - 2.19.5 Focus group discussions were held with young people at each centre, including remand and control order youths from all accommodation units. Participation in focus groups was informed and voluntary. Discussions were held in a comfortable space without staff present.
 - 2.19.6 Ad hoc discussions were conducted with staff and young people as the inspection team walked around the units of the centres. This method allowed people to provide their opinions in a more informal manner.
- 2.20 A survey was administered over a two-week period to all family members and friends who visited a young person at Reiby and Juniperina. This survey aimed to gather the perspectives of family members and friends on the visits process and conditions, to complement discussions with visitors that were undertaken during visit sessions while onsite at the centres. Completion of the survey was voluntary and done to ensure confidentiality and anonymity.
- 2.21 Further information collection was conducted through meetings with JJNSW executives and divisional managers in order to corroborate evidence gathered or to fill identified gaps.
- 2.22 In addition, the Inspector spoke with representatives of Auburn and Campbelltown City Councils and the Department of Family and Community Services (FACS).
- 2.23 A draft of this report was issued to JJNSW for comment. In accordance with Section 14 of the Act, the Inspector provided the Minister for Corrections a draft and a reasonable opportunity to make submissions in relation to the draft report.
- 2.24 The inspection team mitigated resource constraints by identifying the most essential and relevant areas for inquiry and focusing on these for the purposes of this report. Where issues or areas were identified as potentially worthy of future inquiry, they have been noted for consideration for inclusion in the inspection schedule of the office.

3. Context

- 3.1 Young people in juvenile justice centres in NSW often come from disadvantaged backgrounds. The social profile of young people in custody commonly includes parental imprisonment and child abuse. The Justice Health and Forensic Mental Health Network (JH&FMHN) found:
- Nearly half (45 %) of young people have ever had a parent in prison and 10 percent have a parent currently in prison;
 - Six in ten young people had a history of some form of child abuse or trauma, with young women being nearly twice as likely to have a history of abuse as young men;
 - A high proportion of young people had been removed from their families with 27 percent of participants ever being placed in care.¹⁰
- 3.2 As at 30 January 2015, there were 298 young people in JJNSW custody. 171 young people, or 57 percent, were housed outside their home region. Being housed outside of the home region is common in the NSW juvenile justice system. This is due to the need to place young people at centres that cater for specific gender, behavioural or security needs.
- 3.3 At Reiby and Juniperina these averages are higher, with 63 percent and 74 percent respectively being housed away from their home region. A challenge for JJNSW is promoting family and community links for young people who are placed in centres that are far from their home region.
- 3.4 Another important feature is that young people are often in custody for short periods. Over the final quarter of 2014, the average length of stay of young men in custody on remand was eight days, and those on control order stayed an average of 86 days. Over the same period, young women were on remand for an average of eight days and those sentenced to custody spent an average of 45 days in a juvenile justice centre.¹¹

¹⁰ Indig, D. et al., 2009 *NSW Young People in Custody Health Survey: Full Report*. Justice Health and Juvenile Justice, 2011, p. 13.

¹¹ NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics Quarterly Update*, December 2014, p. 10. Note that this average length of stay does not include remand to sentenced custody statistics.

4. Family

4.1 This chapter outlines how family links are developed and encouraged for young people in custody. The main means of enabling contact with a young person's family and significant others is through phone calls and visits. There is a move toward expanding the use of audio-visual links (AVL) from legal purposes to include family contact, although this initiative is still new and remains in development.

Telephones

4.2 The JJNSW policy on telephone contact was last reviewed in May 2014 and provides for a minimum of seven phone calls of ten minutes' duration per detainee each week. There is an incentive of a further three phone calls offered on the basis of good behaviour. Young people have uncapped phone calls to their Juvenile Justice Officer (JJO), legal representatives and the NSW Ombudsman.

4.3 Upon arrival at the centre, the centre staff will liaise with the young person's JJO in the community to seek initial approval for the young person's proposed phone contacts. The centre has ultimate authority for clearance of phone contacts. This process is usually undertaken in a timely manner but is dependent upon the responsiveness of the JJO. The initial notification of a family member or primary carer of the young person's reception into custody is considered a priority.



The visiting room at Juniperina

4.4 For young people who nominate phone contacts that are not approved by the centre as the person is deemed inappropriate for contact, it is important that the centre staff explain to the young person the criteria which informed this decision.

4.5 While phone contact with family and friends is treated as a basic entitlement at both centres, there are differences in the application of the policy between the centres. At Reiby the 'best interest of the child' determines the need for supporting family contact. Phone calls are not generally limited to the number stipulated in the policy as staff view phone contact as essential

to the psychological wellbeing of the young person and will afford young people additional phone calls on this basis. Phone contact at Reiby is therefore not bound by the incentive scheme which apportions additional phone calls according to behaviour.¹² Young people at Juniperina were clearly more aware of their phone call quota and the possibility of earning additional phone calls by demonstrating appropriate behaviour.

- 4.6 While staff at both centres have the discretion to provide a young person with additional phone calls, the Inspector considers that good juvenile justice practice should never use family contact, or phone calls, as part of a behaviour management program. This is consistent with the spirit of Committee for the Prevention of Torture (CPT) standards which counsels that contact with the outside world should never be restricted or denied as part of a disciplinary measure.¹³
- 4.7 This sentiment is also supported by the findings of the Forde Inquiry which recommended that contact with family and friends, including the use of the telephone, should be a basic entitlement of detainees and not dependent on behaviour.¹⁴ Following this Inquiry, Queensland Youth Justice instituted a policy where all detainees would be entitled to up to ten phone calls totalling 90 minutes per week, not subject to behaviour.

Recommendation 1: The Inspector recommends that JJNSW review the phone contact policy to ensure that contact with family is not apportioned according to behaviour. This should not result in a reduction in the current available number of calls for young people.

- 4.8 The telephone infrastructure at each centre was adequate, with a ratio of fifteen detainees per telephone. Young people had sufficient access to phone handsets.
- 4.9 There was significant mention made by the young people in both centres about the quality of the phone line, with complaints of unclear lines, and calls dropping out. While many young people at Juniperina told the inspection team that their calls frequently drop out, it is JJNSW policy to consider it a full call if more than 30 seconds have passed since the connection was made. The inspection team placed a test call on one phone and agrees that the connection was unsatisfactory. While there are obvious difficulties in assessing the validity of this complaint, the Inspector is concerned that this was reported so frequently.

Recommendation 2: The Inspector recommends that JJNSW regularly reviews the maintenance of phone handsets and the quality of calls.

- 4.10 Phone handsets are generally located in common areas, in clear view of staff and other detainees. At Juniperina, phone booth installations afforded some level of privacy for young people when speaking with family and friends. At Reiby open handsets made it difficult for young people to concentrate on the phone conversation or maintain a level of privacy from their peers and staff. The inspection team was advised that phone bubbles (plastic shroud) which had previously been in place had, over time, been removed.

¹² An incentive scheme is a system of behaviour management aimed to increase a detainee's desirable behaviour through positive reinforcement of that behaviour.

¹³ European Committee for the Prevention of Torture or Inhumane or Degrading Treatment or Punishment, *The CPT Standards*, 2006, Standard 34.

¹⁴ L. Forde, *Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions* (the Forde Inquiry), August 1999, p. 215.

Recommendation 3: The Inspector recommends that JJNSW install phone booths or phone bubbles for acoustic protection and to promote detainee privacy.

Visits

- 4.11 Visits with family and significant others are an important part of maintaining a young person's connections. The concept of family should be used widely, and include any close relationships that have a positive impact on the young person.¹⁵
- 4.12 There were a number of issues of concern raised during this inspection that relate to visits, including equity of access to visits for different centres, the visit environment and security protocols around visits.

Access and flexibility

- 4.13 Visits and family contact are encouraged in the JJNSW Case Management policy. The visits policy is well defined by JJNSW and was last reviewed in May 2014. The procedure for visits by family and significant others allows one visit as soon as the detainee is admitted, and twice per week during published visiting times thereafter. It also allows for visits at other times if approval is granted.
- 4.14 Visitors are approved by the community-based Juvenile Justice Officer (JJO), with ultimate clearance authority resting with the centre management. The clearance of young people's proposed visitors is done in a timely manner. As with phone contact clearance, any decision to not approve a visitor should be clearly explained to the young person.
- 4.15 The visits policy is explained in the reception letter sent to young people's family or primary carer. Information is provided on visiting hours, flexibility and exceptions to visiting hours, and support that is available to visitors requiring financial assistance.
- 4.16 Standard visiting hours at each centre are also publicised on the JJNSW website. Some centres specify on their webpages that visits by exception can be accommodated at other times.
- 4.17 Both centres inspected fulfil the JJNSW minimum policy requirement of two visit sessions per week, which are held on Wednesday and Saturday. Although staff demonstrated flexibility and willingness to facilitate visits at other times, young people who found the given visits days inconvenient for their family circumstances were unaware of this flexibility.
- 4.18 The Inspector is unclear on the reasons why visits are set to a minimum standard of twice per week. In addition, there is inconsistency between centres' visiting hours, with some centres providing considerably more access to visits, or at least visits on both Saturday and Sunday.¹⁶ Although Juniperina and Reiby host a large proportion of young people from outside of their region, they offer the fewest visiting hours of all NSW centres. In discussions with the management of both centres, it was not clear why Saturdays, rather than Sundays, were designated visiting days. Demand for current visiting hours does not suggest that additional visiting hours is necessary, however, ensuring some consistency of access to visits across centres is important.

¹⁵ European Committee for the Prevention of Torture or Inhumane or Degrading Treatment or Punishment, 24th *General Report of the CPT*, 2014, p. 55.

¹⁶ Acmena, Cobham, Baxter and Orana Juvenile Justice Centre provide visits on both Saturdays and Sundays, in addition to a weekday afternoon visits session. Cobham, as the main remand facility, provides visits seven days per week.

Recommendation 4: The Inspector recommends that Reiby and Juniperina trial an additional visits day on Sunday and ensure that this initiative is made widely known to visitors and detainees.

- 4.19 Generally, young people and visitors were satisfied with the process for organising visits.
- 4.20 There are many reasons why families do not visit the young people in custody. Many live far away in regional areas and the cost and logistics of travel may be prohibitive. JJNSW visits policy mitigates these constraints by supporting the travel and accommodation costs of families requiring financial assistance to visit. This assistance covers young people on control orders for visits once every six weeks.
- 4.21 Staff at both centres noted that, although the JJNSW policy places a timeframe on how often financial assistance can be offered, they would be willing to go above and beyond this standard should it be requested or required. The budget of each centre to pay for such requests is adequate.
- 4.22 Positive family contact has been demonstrated to be beneficial to young people in detention. A 2013 study drew strong links between the number of visits from family that young people received while in detention and the number of negative behavioural incidents in which they were involved. Those with the highest number of family visits had by far the lowest number of negative behavioural incidents. Higher educational attainment was also noted among the group that received the most visits, even when age, race and school attendance was controlled for.¹⁷
- 4.23 Evidence such as this indicates that there is a substantial benefit in staff monitoring the number of visits each young person receives. Staff at the centres displayed a varied response to monitoring visits as part of a case plan, with some saying that they did not have time to monitor and follow up on those detainees who did not receive regular visits.
- 4.24 In some cases, however, the staff were proactive in assessing the number of visits each young person received and facilitating visits wherever possible. The inspection team heard that in some instances where a young person could not receive family visits, the staff at the centre arranged for them to be visited by a local Indigenous Elder where this is appropriate. This demonstrates high quality and personalised practice.
- 4.25 Some staff demonstrated a keen awareness of the challenges for young people in receiving visits. For example, staff at Reiby recognised that some young boys were reluctant to receive family visits due to feeling vulnerable or to avoid exposing themselves in front of peers by crying during family visits. Staff explained confidence-building strategies for these young people and demonstrated their capacity to facilitate private visit sessions as necessary. Staff did not inform boys of any scheduled visits to avoid emotional strain for young people if visitors did not fulfil their commitment to visit.
- 4.26 Another example of a flexible approach to visits involved a juvenile justice centre working together with an adult correctional centre to facilitate an incarcerated mother's visit to her child in a detention centre. Similarly, the adult and juvenile justice system co-enabled a young boy to visit an incarcerated family member in Long Bay Hospital.

¹⁷ Agudelo, S., *The Impact of Family Visitation on Incarcerated Youth's Behaviour and School Performance*, VERA Institute of Justice Issue Brief, April 2013.

- 4.27 Artwork produced by the young people is presented to families at visits (or can be posted to families that do not visit) as a way of sharing young people's achievements in custody.
- 4.28 Both centres examined during this inspection detailed the effort they go to in supporting days where family and community is invited into the centre to spend time with the young people. For example, for Christmas the centres ran activities whereby families were invited to participate in a lunchtime event with their children.
- 4.29 In discussion with the inspection team, staff were aware of the importance of facilitating funeral attendance for young people. In cases where young people were not approved to attend a funeral, alternative support provisions were made by the centre, such as chaplaincy services and additional phone calls to the family.

Physical environment

- 4.30 The *Design Guidelines for Juvenile Justice Facilities in Australia and New Zealand* advises that a juvenile justice facility should encourage community involvement and emphasise detainees' continuing role in the community. It further stipulates that visitors should be provided 'with a pleasant environment with appropriate security to encourage visits between visitors and detainees in a relaxed and informal environment, both indoors and outdoors'.¹⁸
- 4.31 The visiting facilities in both centres are institutional, sparse, bland and do not create a relaxed environment. The architecture is hard, there is no artwork or murals on the walls and the furnishings are fixed and uninspired.
- 4.32 The impact that colour and texture can have in creating a stimulating environment has been noted and is important in visits areas to make the environment less sterile.¹⁹
- 4.33 The Inspector considers that there is scope to address colour, furniture and fittings in the visits areas of juvenile justice centres. The Inspector considers that these elements are not merely 'nice to have', but make a contribution to enhancing the quality of family contact.
- 4.34 The rooms used for visits are large and have nothing to soften the acoustics, which can make it hard to hear conversations. As the tables are placed quite close together, discussion is usually kept low to maintain privacy. Survey results indicated that families find it difficult to hear the conversation because of the poor acoustics.
- 4.35 Visits rooms at both centres had access to outdoor areas but the inspection team was informed that these areas are very rarely, if ever, used.
- 4.36 At both centres there was also no stimulating activities, toys or change facilities provided for younger siblings or children of detainees who may come to visit.
- 4.37 Some of the visitors commented to the inspection team that, although they had an hour-long visit available to them, it could be hard to fill this time in conversation with adolescents. There are currently no activity options provided during visits to facilitate interaction between young people and their visitors.

¹⁸ Department of Human Services Victoria, *Design Guidelines for Juvenile Justice Facilities In Australia and New Zealand*, 1996, p. 87.

¹⁹ United Kingdom Home Office National Offender Management Service, *Custodial Property: Colour Design Guide*, 2007.

4.38 There was a notable difference in the visit services available at each centre. At Reiby, visitors can buy food items from a vending machine to share with the detainees during the visit. At Juniperina this is not permitted, and while the centre supplies tea and coffee in the visits room, there are no snacks allowed. Providing snacks enables the family a tangible measure of comfort that they can offer the young person, and this should be allowed in all centres.

Recommendation 5: The Inspector recommends that JJNSW ensure that the physical environment of visits should promote family interaction, including: improved use of colour and decoration, access to outdoor areas, a variety of age-appropriate toys for visiting children, baby change facilities, games for young people to play with their family and consistent access to refreshments and snacks across centres.



The waiting and entry room at Juniperina

4.39 Staff supervising the visits area were in close proximity to the families. While it is understood that this is considered necessary for security observation, it also contributed to a stifling environment.

Recommendation 6: The Inspector recommends that JJNSW actively monitor visits through CCTV allowing for a reduced staff presence in the family visit area.

4.40 Although not directly affecting the visits areas, the general appearance of juvenile justice centres has an impact on everyone who enters. The reception area at Juniperina is sterile, which was acknowledged by staff.

- 4.41 From the outside the centres can appear foreboding and austere, although the use of colour and garden beds can create a more welcoming feel for a family arriving for a visit. The Inspector notes the obtrusive appearance of razor wire on the roof of Reiby, clearly visible to all who approach, as well as to those inside. It is understood that this has been a response to the risks of roof ascents, the use of roof tiles as missiles by detainees, and to enhance the overall security of a site not originally designed as a detention centre. There are, however, other less oppressive ways that security could be maintained, such as with energised fencing.

Recommendation 7: The Inspector recommends JJNSW replace the roof tiles at Reiby with a material that cannot be penetrated or used as a weapon. This would reduce the risks associated with roof ascents, which, in turn, would permit the removal of razor tape on building roofs.



The front entrance of Juniperina

- 4.42 The development and use of alternative methods of contact, both for family and legal contact, is being explored by JJNSW. A key initiative is the use of AVL to enable detainees to have meetings with legal advisers or make court appearances. There are many advantages to this system, mainly through connecting people over significant distances, without adding to the financial or security concerns associated with the physical transportation of young people.
- 4.43 Both Juniperina and Reiby have AVL suites that are used routinely to service court appearances and legal matters. At present they are prioritised for this use and have not been used to any substantial extent to facilitate communication between detainees and their family or JJOs. In focus groups the detainees showed a universal desire to be able to use these suites to connect with their families.
- 4.44 In addition to court scheduling issues, the inspection team heard that some families may be reluctant to use AVL conferencing for family visits at law enforcement premises, such as court houses.



The front entrance of Reiby.

- 4.45 The Department of Justice's ICT strategy aims to expand the capability and use of AVL in the criminal justice system. The timeframe for state-wide implementation is 2018. JJNSW is initiating the roll-out of AVL in regional offices as a first priority. These AVL suites could enable regional families to have contact with their children via AVL by booking in with their local JJNSW office.

Recommendation 8: The Inspector recommends that JJNSW should immediately prioritise the facilitation of family visits through AVL suites located in all JJNSW offices. These suites could also be used to facilitate better contact between a young person in detention and their JJO.

Recommendation 9: The Inspector recommends that JJNSW should explore scheduling family visits through AVL suites at courts for those young people from regional areas who do not have access to a JJNSW office.

Security procedures

- 4.46 A key point of concern for the Inspector is the over-securitisation of visits. JJNSW screens all visitors, randomly deploys Corrective Services NSW drug detection dogs to deter and detect visitors trafficking contraband, uses security overalls for young people and strip searches all young people after, and sometimes before, visits.
- 4.47 Throughout JJNSW centres it is policy for young people to wear overalls for their visits. These overalls zip up at the back and are designed to prevent contraband, commonly cigarette lighters or marijuana, coming into the centre. While young people interviewed did not identify the practice of overalls as problematic, the Inspector notes that there are other jurisdictions, such as Queensland, where juveniles are not required to wear overalls for visits, and that this has not led to an increase in contraband.

- 4.48 In addition to the use of overalls, young people are routinely strip-searched as part of the visits security protocol. The JJNSW policy and procedure on *Searching Young People* was last reviewed in November 2012. The policy covers the use of wand and clothed body searches as well as strip searches. The policy differentiates between two types of strip searches: routine and non-routine.
- 4.49 Routine searches are those undertaken when a young person is first admitted to a centre, is returning to the centre after any portion of leave, or after a visit with a family member or significant other. The policy specifies that strip-searching is done to maintain the order and security of the centre and, apart from these reasons, should never be used routinely. The procedure also allows for the use of non-routine strip searches, which can be conducted where there is a reasonable belief that the detainee possesses an illicit object or substance. The procedure sets out in detail how the search must be conducted and makes provision for explaining to the detainee the process that they will undergo and maintaining their dignity as much as possible.
- 4.50 The practice of strip-searching is used routinely at both centres after visits when young people change from overalls to their standard clothing.
- 4.51 At Juniperina, girls are additionally strip-searched when changing into overalls for visits. This practice contradicts JJNSW policy and does nothing to enhance the security requirements of the centre.
- 4.52 Strip-searching is also conducted for non-contact visits. Similarly, this practice is unnecessary and does not enhance the security requirement of the centre.
- 4.53 The Inspector considers that the routine strip-searching of young people as part of a visits security protocol is inconsistent with good practice. Strip-searching is an invasive and humiliating procedure for anyone, but especially so for vulnerable adolescents. It may invoke hostile or violent reactions or emotional trauma. A very high proportion of young people in detention have experienced childhood abuse, with 80 percent of young women reporting some form of abuse.²⁰ A report by the Anti-Discrimination Commission of Queensland noted that strip-searching has the potential to 're-traumatise' people who have been the victim of sexual abuse.²¹
- 4.54 The Carlisle Inquiry in the United Kingdom recommended that strip-searching is not necessary to maintain good security and order in detention centres and could in fact be reduced by up to 50 percent by applying a risk-based assessment process, without increasing safety and security risks in a centre. This received additional support from the United Kingdom Children's Commissioner, who recommended that 'strip searching should only be used when there is a clear risk to safety and security identified by robust intelligence, and not as a routine procedure. This process should be standard across the secure estate'.²² This finding and recommendation has been supported by both Queensland and Victoria Juvenile Justice systems.

²⁰ Indig, D. et al., 2009 *NSW Young People in Custody Health Survey: Full Report*, Justice Health and Juvenile Justice, 2011, p. 159.

²¹ Anti-Discrimination Commission Queensland, *Women in Prison Report*, March 2006, s.7.3.

²² United Kingdom Office of the Children's Commissioner, *'I think I must have been born bad' – Emotional wellbeing and mental health in the youth justice system*, June 2011, p. 13–14.

- 4.55 In Victoria the number of strip searches was reduced from 21,000 to 14,000 per year over 2002–2004 and Youth Justice Victoria found there was actually a reduction in the number of positive urine drug tests and refusals to undertake urine tests. The number of contraband items detected remained the same.²³
- 4.56 Similarly, Queensland Youth Justice significantly reduced the number of strip searches it conducted on an annual basis, with no increase in contraband. Queensland Youth Justice has amended its practice to ensure that strip searches do not form part of a centre’s routine and are only permitted in cases where a potential security risk arises based on individual risk assessments.

Recommendation 10: The Inspector recommends that JJNSW should not carry out strip-searching on a routine basis and should replace this practice with a rigorous risk-based assessment process to target the trafficking of contraband.

Recommendation 11: The Inspector recommends that JJNSW halt the practice of using overalls for non-contact visits.

²³ Scraton, P., and McCulloch, J., *The Violence of Incarceration*, Routledge, 2009, p. 119.

5. Case management

- 5.1 Case management in the juvenile justice system in NSW appears well developed, with 100 percent of case plans being prepared within six weeks of commencing a sentenced detention order, against a national average of 96.9 percent.²⁴
- 5.2 The JJNSW *Case Management Policy* was reviewed in October 2014 and specifies the need to involve the young person's family in the case-management process. It details the importance of developing the young person's management plan in conjunction with the family. It provides for ongoing input of the family through regular case conferences and planning for the exit and reintegration process. The *Aboriginal and Torres Strait Islander Cultural Respect Framework 2012* emphasises the importance of working with families throughout the casework process for ATSI offenders.²⁵
- 5.3 The JJNSW *Detainee Leave* policy further supports family involvement by stating that the case plan should involve building positive relationships with the young person's family and that it should facilitate contact wherever possible.
- 5.4 In addition, family may be a consideration in determining accommodation placement of a young person at a centre. For example, siblings or cousins may be accommodated in the same unit, where it is considered in the best interest of the child to do so.
- 5.5 The case plan for a young person directs the programs they are required to attend and the way they will be managed on a daily basis. The Unit Manager has responsibility for managing the young person according to their case plan. In some instances, case plan goals for young people will involve contact with their families. These goals will be actively promoted and monitored by the Unit Manager. The Unit Manager liaises with the JJO, who is the primary contact for families and is responsible for engaging families in case planning and management.
- 5.6 The inspection team heard a variety of attitudes among staff on the importance of engaging with the family in developing a young person's case-management plan. Some expressed the opinion that the families did not want to be involved, didn't care, or were difficult to engage with.²⁶
- 5.7 Other staff viewed case coordination between the centre and families and the young people and families as an important factor in improving outcomes for young people on release. Examples of innovative practice included scheduling case conferences in person to coincide with visits of families that were from regional or remote areas.
- 5.8 The Inspector acknowledges that many of the families of the young people may be dysfunctional or experiencing difficult circumstances, which presents difficulties for the staff to engage with them; however, it is important that family connections are prioritised in practice by all centre staff.

²⁴ Productivity Commission, *Report on Government Services 2015*, Table 16A.22.

²⁵ Juvenile Justice NSW, *Aboriginal and Torres Strait Islander Cultural Respect Framework 2012*.

²⁶ There are many factors inhibiting engagement between a young person and their family. See: Youth on Track, *Barriers and Strategies to Engaging Clients*, September 2014.

6. Mothers and babies

- 6.1 It is the philosophy of JJNSW, supported by several international guidelines, that alternatives to detention should be sought wherever possible for pregnant girls or those who are mothers.²⁷
- 6.2 The prospect of babies being housed with their mothers in a NSW juvenile detention centre was announced in 2002.²⁸ Juniperina has four units, one of which was originally designed to house mothers and babies. Due to the low numbers of girls in detention, the centre currently functions with two units operational. A third unit, which was designed for mothers with babies, has been recently refurbished and is currently used as AVL suites. The fourth unit may be used if the number of girls in custody increases.
- 6.3 JJNSW has not held a young woman and her baby in detention, although Juniperina was clearly designed with this in mind. The current position of JJNSW is that it does not support babies being accommodated in its centres. There are several reasons for this. JJNSW argues that there is no demand for young mothers who are primary carers of their children to retain custody of their child in detention. Further, JJNSW advises that to house only one young mother with her baby in the specialised unit will separate her from peers and may be isolating. There are also security risks to the child in a custodial environment and staffing considerations.
- 6.4 Family and Community Services (FACS) and JJNSW's positions align in relation to taking the policy positions that ensure the best interests of the child are met in a non-custodial environment. FACS also places importance on pro-social and normative settings as a preferable environment for parental training and role modelling of parent–child interactions rather than custodial settings.
- 6.5 Since 2002, FACS has enhanced the capabilities of NGOs, including Brighter Futures and Triple P (an evidence-based parenting program), to provide group and home-based parenting programs in the community for young mothers. FACS suggests that this may have resulted in fewer young mothers entering custody.
- 6.6 JJNSW's preference is to exercise its power under s 24 (1) (c) of the *Children (Detention Centres) Act 1987* to release young mothers into the community, although this power has not been exercised in recent years. The court also has the ability to amend the control order that the girl was placed on and change it to a community order to allow her to be in the community with her baby. For young women over 18, transfer into the adult system, which has capacity to accommodate mothers and babies, has also been explored for individual cases, although no such instances have been realised.
- 6.7 JJNSW has focussed efforts through specialist NGOs on supporting parenting and social skills development for young women. This work also assists young mothers who are case-managed by FACS to improve on and progress their FACS case plans and access to their children.
- 6.8 There are regularly one or two young mothers held in detention who had primary care for their children before entering custody.

²⁶ There are many factors inhibiting engagement between a young person and their family. See: Youth on Track, Barriers and Strategies to Engaging Clients, September 2014.

²⁷ See, for example: World Health Organization *Women's Health in Prison: Correcting gender inequity in prison health*, 2009; *Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules), 2010.

²⁸ Brown, M., *Plan to Keep Babies in Jail with Young Mothers*, Sydney Morning Herald, 8 November 2002.

- 6.9 The best interest determination process is circumscribed by the absence of an option for the child to remain with the mother in detention. In contrast, the *Victorian Youth Justice Custodial Services Practice Manual* and the *Queensland Youth Detention Policy* detail the factors that should be considered in a robust assessment of whether a baby or young child should live with their mother in custody.²⁹
- 6.10 The Inspector accepts that, in practice, there are limited numbers of young women who are primary carers of children when entering custody, or who are pregnant in custody. However, the Inspector does not agree that this is sufficient justification for abandoning the option altogether.
- 6.11 The Inspector supports the option for a young mother to have their child reside with them in youth detention if it is assessed as being in the child's best interests. The Inspector expects that JJNSW should ensure that, where a child is approved to reside with their mother in detention, they are provided with a safe environment and the resources that allow the young person to provide all necessary care for the child, as is the case in juvenile justice systems in other jurisdictions, such as Victoria and Queensland.

Recommendation 12: The Inspector recommends that JJNSW should have the latent capacity to facilitate a secure environment for young mothers to maintain custody of their child in detention. This would enable best interest determination processes to include options for young mothers to be accompanied by their children in detention.

Recommendation 13: The Inspector recommends that JJNSW develop temporary leave arrangements for young mothers who are separated from their children to promote the maintenance of mother-child relationships.

²⁹ Department of Human Services, *Youth Justice Custodial Services Practice Manual*, 2014, provided 30 April 2015; Queensland Department of Justice and Attorney General, *Youth Detention Policy – Accommodating a child with their parent in youth detention*, 2014, provided 29 April 2015.

7. Community

- 7.1 This chapter of the report will examine the range of ways that Reiby and Juniperina engage with the wider community, including the activities and strategies used to involve the community. It considers the significant benefits of collaborative relationships between the centre and community organisations and the positive educational and social effects these can have on young people in detention.

The importance of community

- 7.2 The stated purpose of JJNSW is to decrease the risk of young people reoffending and increase their capacity to successfully reintegrate into the community when they are released. Working with the local community plays an important part in achieving this aim.
- 7.3 The ACT Human Rights Commission has suggested that youth justice systems are most successful and least harmful when they are embedded in communities.³⁰ Embedding a centre in the community means that the people, programs and activities of a centre are actively integrated with the surrounding community.
- 7.4 A key feature of a centre that is embedded in the community is that a broad range of stakeholders engage with the centre, its staff and the young people within its secure perimeter. This includes families, community members, politicians, policy makers, service providers and operational staff.
- 7.5 Juvenile detention centres are, by their very nature, closed and secure places. As with any closed institution, there is a risk of corruption and the abuse of power. It is widely recognised that a vital component of countering this risk and encouraging transparency is permitting outsiders to observe and play a part in the centre's operations.³¹
- 7.6 Involving the community makes the centre's regimes and activities more transparent and contributes to creating a positive institutional climate.
- 7.7 For many young people in the care of JJNSW who are disconnected from family and community, working with community members and NGOs can support the development of healthy and productive relationships. It can facilitate contact with role models and mentors, develop pro-social and life skills, enable participation in peer-based activities, and increase capacity to link with resources and services when they are released from custody.
- 7.8 In addition to providing benefits to young people in custody, community engagement also facilitates community understanding, support and appreciation of the efforts of staff working with the young people. This was noted by staff, who told the inspection team at the centres that it is healthy and helpful to have a variety of community people involved in the centre.
- 7.9 Managers are often stretched for resources, and engaging with the community can provide support, complementary resources, alternative expertise, different perspectives and ideas, and intelligence.³² All these factors can improve outcomes for young people, the operational performance of the centres and enhance institutional and community accountability.

³⁰ ACT Human Rights Commission, *The ACT Youth Justice System: A Report to the ACT Legislative Assembly by the ACT Human Rights Commission*, 2011, p. 62.

³¹ Minty, R. and Rogers, A., *Shedding Light on Closed Institutions: Why OPCAT is needed now more than ever*, November 2013, <http://rightnow.org.au/topics/shedding-light-on-closed-institutions-why-opcat-is-needed-now-more-than-ever/>, viewed 9 April 2015.

³² Noetic Solutions, *Review of Effective Practice in Juvenile Justice – Report for the Minister for Juvenile Justice*, January 2010, <http://www.juvenile.justice.nsw.gov.au/Documents/Juvenile%20Justice%20Effective%20Practice%20Review%20FINAL.pdf>, viewed 17 February 2015.

Community in-reach

- 7.10 Young people at Juniperina and Reiby participate in a range of therapeutic and developmental programs depending on their case management plan. This includes counselling and group work programs focusing on issues that might lead to reoffending, including stress, anger and alcohol and drug use. The therapeutic programs are delivered by psychologists employed by the JJNSW. Some NGOs are also engaged by JJNSW to deliver specific therapeutic programs.
- 7.11 JJNSW works in partnership with the Department of Education and Communities (DEC) to operate school units in each of the juvenile justice centres so that young people can continue their studies while in custody. DEC aims to improve detainees' education and skills in order to continue education, engage in training or enter the workforce after they leave custody.
- 7.12 Recent changes to the NSW government's Smart and Skilled program, which governs vocational training in NSW, will no longer recognise detainees as disadvantaged learners. Vocational learning was previously delivered within the broader school curriculum and included access to practical learning in simulated work places undertaken at Juniperina.
- 7.13 Under the new guidelines, vocational education is significantly reduced for young people. The Inspector is concerned about the negative effect of this policy change on the learning outcomes for young people in custody.

Recommendation 14: The Inspector recommends that JJNSW bring to the attention of the NSW Department to Education and Communities the adverse impact of changes to the Smart and Skilled program regarding access to vocational training for young people. JJNSW should ensure continued equitable access for all young people to apprenticeships and traineeships.

- 7.14 Each centre has a range of ways of engaging with NGOs and the wider community to support and assist young people. The Centre Manager and program staff work with local community organisations to develop a range of educational, vocational and recreational programs for young people. Community partnerships and activities are generally aligned to community groups represented in each local area.
- 7.15 Engagement with community organisations is regular and ongoing at both centres. All NGOs providing services to young people in detention are, in principle, required to be responsive to the needs of a diverse group of young people. Key objectives of NGO involvement in the centre include developing young people's pro-social skills and relationships, and modelling appropriate behaviour. However, there is no agency or centre-level strategy to facilitate planning and sustainability of engaging with NGOs, or a framework to assess 'what works' for young people.

³² Noetic Solutions, *Review of Effective Practice in Juvenile Justice – Report for the Minister for Juvenile Justice*, January 2010, <http://www.juvenile.justice.nsw.gov.au/Documents/Juvenile%20Justice%20Effective%20Practice%20Review%20FINAL.pdf>, viewed 17 February 2015.

- 7.16 The inspection found there were differences in the extent to which the two centres are embedded in their respective communities and manage community relations. The communities in which each centre operates are notably different in terms of demographics and the focus of community groups that work on youth and social issues. The location of the centres also impacts on their interaction with the local community, for example, their proximity to schools, residential areas and transport thoroughfares may make the centres more or less interactive in the management of community relations.
- 7.17 An indicator of the level of community involvement is the number and variety of community partnerships and engagement with the centre. Reiby has developed a large number of continuous partnerships and built relationships that have a reciprocal benefit. This was recognised by the 2014 NSW Department of Justice Staff Excellence Awards, which applauded Reiby for its commitment to the community and for working collaboratively with stakeholders.
- 7.18 Community involvement at Reiby is widely understood by staff as beneficial for building relationships for young people, and promoting wider opportunities for education, training and employment. Centre management and programs staff regularly review services provided to the centre by community organisations to ensure activities are relevant, contemporary and meaningful to young people. Both Juniperina and Reiby emphasised the importance of enhanced community engagement during school holiday periods, as part of developing a productive structured day for young people.
- 7.19 NGO activities are usually self-funded, which can impact on the ongoing provision of services. NGOs expressed concern at the lack of funding predictability to ensure ongoing engagement with young people. In some situations where NGOs have been unable to continue service delivery due to funding constraints, interim funding was provided by Reiby to support uninterrupted service delivery. This funding was provided to programs with high completion rates and clear outcomes, and supported continuous partnerships with particular community organisations.

Recommendation 15: The Inspector recommends that JJNSW integrate community and NGO engagement within the framework of service delivery for young people. This would support each centre in developing a strategic approach to relationships with NGOs and communities.

Cultural and religious activities

- 7.20 There is a disproportionately high number of Indigenous youth incarcerated across Australia, and in NSW. On average, approximately 50 percent of young people in detention are of Indigenous background. Connecting to culture and family and the wider community is listed as an essential principle of the *NSW Aboriginal Justice Plan 2004–2014*.³³ JJNSW's *Aboriginal and Torres Strait Islander Strategic Plan 2011–2013* outlines key result areas that the agency considers crucial in reducing Aboriginal and Torres Strait Islander (ATSI) young people reoffending.³⁴ These areas provide guidance for working well with ATSI communities and agencies, models of interventions for ATSI young people and their families, and building a culturally competent and respectful juvenile justice workforce. It is within this context that it is important to assess how JJNSW addresses the community and cultural needs of Indigenous youth while in custody.

³³ NSW Aboriginal Justice Advisory Council, *NSW Aboriginal Justice Plan: Beyond justice 2004–2014*.

³⁴ Juvenile Justice NSW, *Aboriginal and Torres Strait Islander Strategic Plan 2011–2013*.

- 7.21 Both centres engage Aboriginal community Elders to work closely with the young people. At Juniperina, two Elders are employed by DEC to work within a classroom setting and provide learning and other support to Indigenous and non-Indigenous girls. Elders also attend events such as NAIDOC and Christmas Family Day.
- 7.22 At Reiby, Indigenous-specific activities focus more widely on Aboriginal education, culture, identity, support and community connection. Elders are engaged through JJNSW, rather than DEC, to regularly visit and act as mentors and lead cultural activities.
- 7.23 The Elders promote the importance of Indigenous culture through a range of activities, including leading a Learning Circle, which was purpose built by a local Indigenous corporation working with the centre. This Circle is based on traditional practices and enables young men to connect to their community and cultural heritage. The Yarn Program is offered to both Indigenous and non-Indigenous young people. Reiby has also established a detainee and staff dance troupe, We the Mob.
- 7.24 Reiby has initiated a number of other programs, including a community garden and cooking program, which involves packing fruits and vegetables for local delivery.
- 7.25 The role of Indigenous Elders is particularly important in juvenile justice centres as many young people are disconnected from their home region and have limited contact with family and community mentors.
- 7.26 Currently there are no Indigenous Official Visitors servicing juvenile justice centres. This is an issue the Inspector aims to address in the next Official Visitor appointment period.
- 7.27 Both centres employ chaplains to offer a variety of faith services and general pastoral care to the detainees. They are responsible for advising on the religious needs of all young people. Chaplains arrange for representatives of any faith to visit as required, for example for Muslim and Buddhist young men and women.
- 7.28 The chapels at Juniperina and Reiby are calm and respectful places. The chaplains run a variety of activities that focus on peer support, communication and relaxation. The chaplains at Reiby initiated local community volunteers to support the detainees with their homework on a weekly basis. Through a non-profit organisation, a chaplain also provides outreach and early intervention work in regional communities with young people at high risk of offending.
- 7.29 The inspection team heard very positive feedback from young people on the chaplaincy services and a number of girls and boys named it as their favourite activity.

Skills-based activities

- 7.30 Parenting and sexual health education is important for all young people, but particularly women. To address this need, Juniperina operates a successful partnership with Karitane, a non-profit organisation specialising in parenting education. Karitane conducts courses for the young women to educate them about safety and building positive parent-child relationships. Karitane have also run a course in another centre for young men.
- 7.31 The inspection found many examples of good practice in community partnerships that spanned sporting, music, radio and the creative arts, and emphasised the importance of peer interaction. Some of these projects involved reciprocal benefits for the community organisation. For example, one project enabled young boys to participate in art production and exhibit work at a regional arts centre. This initiative provided for a visiting Indigenous artist to support the creation of works of art. The funds raised by the exhibition works were donated back to the community organisation.

- 7.32 Other initiatives draw on several NGOs for multi-stakeholder engagement and ownership of activities, for example, the Learning Circle at Reiby was co-funded by an Indigenous cooperation and the construction work was undertaken by representatives from a state sporting team.
- 7.33 At Juniperina, there are a variety of short courses or one-off initiatives that cater for the different interests of young people. Young women are engaged by DEC in activities around various social issues, for example, White Ribbon Day that promotes stopping violence against women and Cupcake Day that raises funds for animal welfare. Juniperina detainees also entered chickens in the NSW school egg-laying competition at the 2014 Royal Easter Show.
- 7.34 Contemporary and Indigenous role models, such as performers and sportspeople, are also invited to cultural events and celebration days, and particular events are developed around honorary visits of high profile sporting champions and celebrities.
- 7.35 At Reiby, young people are encouraged to recognise the importance and contribution of community members and organisations through an acknowledgement day whereby young people present certificates of recognition of service to community members. The two centres also host expo days which provide information and education on accessing human services in the community, and career pathways.
- 7.36 Digital platforms, such as video gaming, are provided as a regular activity for young boys. Other recent examples of a centre supporting young people to connect with contemporary culture and expression includes a collaboration with a regional art centre that promoted youth culture through peer-based art and mural production, logo creation and short film-making.

Recommendation 16: The Inspector recommends that JJNSW provide the same opportunities to engage with media and technology to girls as to boys.

Community out-reach

- 7.37 The pre-release Waratah Unit at Reiby is designed to prepare young men for their release from detention and has a clear philosophy of engaging with the local community. The detainees attend external community locations, such as TAFE and employment services. Young people accessing external leave arrangements also undertake community work in the local area, which both develops skills and builds a positive profile of the centre in the community. For example, detainees have undertaken maintenance of local historic places, a women's refuge, hospital and public schools.
- 7.38 Waratah Unit is designed to facilitate the transition to community living. Young people placed in Waratah Unit have generally served longer-term control orders and are preparing for community reintegration. Waratah Unit provides young people with special visit and phone call opportunities to support family connections, for example, cordless phones that can be used in-room and unlimited phone calls to approved contacts. The Unit also permits extended visits in common areas.
- 7.39 The range of activities undertaken by young people at Waratah Unit is aimed at equipping them with living skills to develop independence and resourcefulness after they have been released. The external leave therefore focuses on building educational, vocational and training pathways for these young people. The young men in Waratah Unit prepared a meal and hosted the inspection team for dinner. They emphasised the value of this community-based program, which provided positive strategies and opportunities for their reintegration.



The kitchen and courtyard in the Waratah Unit.

- 7.40 While current placements in the Waratah Unit are all male, JJNSW acknowledges that there is no reason, in principle, why young women cannot be placed in the Unit. The Inspector has some reservations as to the feasibility of achieving this due to security concerns around co-sex habitation.
- 7.41 External leave that facilitates transitional services and work readiness schemes is an important part of transitioning from custody to community. This approach should be applied, where practicable, for all young people eligible for external leave.

Recommendation 17: The Inspector recommends that JJNSW ensure that young women who are eligible and appropriately risk assessed are provided with an equal opportunity to access a transitional program such as that provided at Waratah Unit.

- 7.42 Community outreach activities are an important tool to promote the profile of a juvenile justice centre and ensure community service principles are realised by centre staff and young people. Some examples of community engagement strategies involved hosting non-profit organisations on the centre's land and allowing for an adjacent school to use the centre's car park. Such initiatives are to be recognised as innovative methods of strengthening relations between the community and the centre.



The garden of the Waratah Unit. The Unit shares a fence with the local public school behind the property