



# PUBLIC SERVICE ASSOCIATION OF NSW

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SUBMISSION TO THE LEE SHEARER MINISTERIAL REVIEW  
OF INCIDENTS AT THE FRANK BAXTER YOUTH DETENTION  
CENTRE ON JULY 21 AND 22, 2019



## Contents

- 2. Foreword
  - 3. Glossary
  - 4. Response to TOR 1.
  - 8. Response to TOR 2.(a)
  - 9. Response to TOR 2.(b)
  - 16. Response to TOR 2.(c)
  - 18. Response to TOR 2.(b)
  - 21. Attachments
  - 80. Appendix
-

## Foreword

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*A 21-hour riot in full view of the public and media. Detainees on the roof brandishing pick axes and shovels. A chainsaw, a hedge trimmer, whipper snippers and other power tools lay nearby. Smashed doors, smashed windows. Workers forced to barricade themselves in their offices for safety. Juveniles hospitalised with stab wounds, head and facial injuries after being dragged from their rooms and assaulted. Other detainees hospitalised with a variety of broken bones and injuries.*

It would be easier to digest the dramatic scenes of the incident which took place at Frank Baxter Youth Detention Centre 21-22 July 2019 had it been an uncharacteristic occurrence within the NSW Youth Justice system. Unfortunately, this incident was simply the latest in a series of similar occurrences over the past four years. It is now not even the most recent: Less than two weeks after the incident at Frank Baxter, four juveniles assaulted and hospitalised two staff and accessed the roof of the Orana Centre at Dubbo.

The incident at Frank Baxter was symptomatic of a system which is culturally toxic and legislatively broken. The NSW Youth Justice system is lacking the appropriate safety standards and procedures for both detainees and staff, and it is lacking the capacity to manage violent and high-risk detainees.

The Public Service Association of New South Wales is a state-registered employee organisation. For the purposes of this submission, the PSA will be referred to as 'the Association'. The Association represents all workers within NSW Juvenile Justice centres. These roles include:

- Youth Officer
- Assistant Manager
- Unit Manager
- Case Workers
- Vocational Instructor (Trade, Maintenance and Grounds)
- Vocational Instructor Cook
- Logistics Officer (court movement to and from court/centre and
- Centre Manager

The recent incident at the Frank Baxter centre is a clear demonstration of a system in desperate need of reform. The following submission will propose two central solutions: the establishment of separate therapeutic units within each of the six existing Youth Justice Centres and the establishment of Youth Wings within certain Corrective Services centres. These central recommendations will be supported by supplementary recommendations throughout the submission, as related to the specific terms of reference of this review.

The Association welcomes this review into Youth Justice and wishes to congratulate Minister Ward's decisive action towards fixing a system that is not working.

Yours sincerely,



Stewart Little  
General Secretary

## **Glossary**

**Association- Public Service Association of NSW**

**DJJ- Department of Juvenile Justice**

**PSA – Public Service Association of NSW**

**SOG - Security Operations Group**

**YOCS – Youth Officer Centre Support team**

**JCC – Joint Consultative Committee**

**DRMP – Detainee Risk Management Plan**

**TOR – Terms of Reference**

## **Term 1.: Review and Report into Incident at Baxter 21 July 2019**

This submission seeks to place the incident at Frank Baxter within the broader setting of the overall Youth Justice system in NSW.

### **Health and Safety and Security in Youth Justice**

Juvenile Justice work is inherently dangerous work due to the limitations placed on Youth Officers, the nature of the offences that the detainees commit and their general relative unpredictability in behaviour as compared to adult inmates.

The Association has observed over decades the numbers of incidents of assaults increase and decrease as government change systems across the Agency. The trends are too strong to indicate rogue detainees, staff or management, and generally point to systems failures that result in staff and detainees being assaulted.

This has included prosecutions by WorkCover and Association for breaches of their duty of care. In 2006, The Association launched a prosecution around events surrounding Cobham Juvenile Justice Centre in *Cahill v State of New South Wales (Department of Education and Training and Department of Juvenile Justice) (No 3) [2009] NSWIRComm 97 (26 June 2009)*. This case was important to emphasise the interaction between risk assessments, the incentive scheme and failures to modify programs and risk dependent on risk and behaviour.

In *Workcover Authority (NSW) (Inspector Stewart) v The Crown in Right of the State of NSW (Department of Education and Training, Department of Juvenile Justice and Tafe) [2002] NSWIRComm 259 (10 October 2002)*, a worker was killed after risk assessments not being applied correctly to the detainee and the detainee being given access to a kitchen program with knives and other weapons used to kill the staff member.

### **Kariong Correctional Centre**

Between 2005 and 2015 the Kariong Correctional Centre was a Corrective Services facility for high-risk juvenile detainees. In 2015 it was converted to an adult prison in order to cope with the increase in adult population.

As a juvenile prison, the Kariong centre alleviated the pressure on Youth Justice centres by separating out the most violent and unmanageable detainees from the rest of the youth detainee population.

It is the position of this submission that Youth Justice has suffered from the loss of the Kariong centre and that it is necessary to reinstate Youth Justices' ability to transfer violent and unmanageable detainees to a Corrective Services facility.

### **Incident at Frank Baxter 21-22 July 2019**

The detainees who were attacked by rioting detainees will have life-long disabilities after this riot. Many are lucky to be alive. The number of staff who have been physically and psychologically injured at the centre is a disgrace. This centre has now been subject to over 50 workers' compensation claims in the last year.

21 Detainees have been criminally charged by the NSW Police. The offenders are looking at lengthy sentences that will see them remain in custody for many years. This incident would not have occurred had security and safety systems been in place.

Management have ignored safety for too long. They have ignored staff concerns and refused to make changes following repeated assaults. Management have incapacitated staff's ability to keep order and control of the centre.

### **Foreseeability**

The Association believes that the incident on 21-22 July 2019 is an example of profound mismanagement. This incident was foreseeable and most of the elements had occurred previously at this centre and others.

A series of incidents has been occurring across the system since the Kariong Correctional Centre operated by Corrective Services NSW was lost to the Juvenile System in 2015.

The Association has been raising issues relating to this change with the Department since 2015. The issues raised include detainee risk management, the issue of risk based staffing and our view of these detainees (or as called by the Department 'high risk clients') on the need to increased staffing numbers and the provision of specific training such as ICE to deal and manage these detainees.

A timeline of incidents since the Kariong Correctional Centre transfer and the Association's attempts to raise issues with it is detailed below:

- 25 February 2016 Joint Consultative Committee (JCC) minutes (**Attachment A**) show that the Association raised the issue of increased detainee incidents and staff assaults which had primarily occurred at Cobham Detention Centre.
- 13 May 2016 further staff assaults were recorded from the Cobham Detention Centre with 3 staff assaulted due to interaction with detainees under DRMPS.
- 6 February 2017 the Association wrote to Ms Melanie Hawes over a series of violent assaults against staff at the Frank Baxter and Cobham centres. The Association proposed an improvement in infrastructure and a Specialist Centre or Unit to provide greater focus on their behavioural needs. **Attachment B**
- May 2017 the Association met with Minister David Elliott who agreed with the Association that we cannot allow young offenders who continually threaten, intimidate and assault staff to remain in general population.
- 8th May 2017 the Association wrote to Mr Guy Zangari the opposition spokesperson on Juvenile Justice seeking bipartisan support for a specialist unit and a purpose built detention centre for high risk detainees. **Attachment C**
- 14 August 2017 the Association met with the Department under facilitation of a Deloitte's consultant about the issues occurring in Juvenile Justice. The table detailing these discussions are at **Attachment D**.
- 24 October 2018 the Association wrote to the Minister David Elliott about detainees in the general population who were causing assaults on staff. **Attachment E**.
- 15 January 2019, the Association wrote to Mr Steven Southgate regarding the document Managing Safety in Juvenile Justice Centres. This letter restates the position of the Association that the Department must establish specialist facilities (a unit or units) to cater for the needs of detainees with violent and/or high risk behaviours. **Attachment F**

- 21 January 2019, Minister Elliott announced the development of a new high risk management strategy which included a new ten bed “*enhanced Support Unit*”. This is confirmed in a letter on 4 of February 2019 from Mr Southgate, **Attachment G**.
- In the week of 25 March 2019 an adult detainee assaulted and hospitalised a Youth Officer at the Frank Baxter Centre. The detainee made numerous threats to undertake further violence to staff. Despite this management were considering reducing safety controls on this detainee. On advice from the Association staff at Frank Baxter refused to allow this detainee out of his cell.
- 29 March 2019 the Department took the Association to the Industrial Relations Commission late in the Friday evening of the 29 of March. Following conciliation, the department agreed to the safety protocols demanded by staff.
- 5 April 2019, the Association wrote to the Department expressing our frustration at the continuation of assaults across the state’s centres, **Attachment H**.
- 12 April 2019, the Association wrote to the new Secretary of the Juvenile Justice Cluster Michael Coutts Trotter reporting new assaults and seeking a meeting with the Secretary, **Attachment I**
- May 2019, Ms Hawyes wrote to the Association stating that there are a number of physical authorised controls but that these are to be used for minimal period possible. **Attachment J**
- 7 June 2019 a Youth Officer was assaulted at Frank Baxter Centre.\*
- 8 June 2019 a Youth Officer was savagely assaulted at Cobham Juvenile Justice Centre.\*
- 21 July 2019 detainees take control of the Frank Baxter Centre causing significant damage and threatening and assaulting staff and other detainees.
- 9 August 2019 at the Orana Juvenile Justice Centre at Dubbo, 4 detainees assaulted two Youth Officers and then gained access to the roof of the facility. The Special Operations Group of Corrective Services were deployed and quickly contained the incident.

\* These assaults on 7 and 8 June triggered staff to cease work across the state due to the concerns over their ongoing safety. The Department advised that the failure of staff to attend to their shift on this particular day constituted a form of Industrial Action. Staff removed themselves from the workplace and did not resume duties until the NSW IRC recommended that staff return to work by 2pm impacting directly on the operations of the Centres and the overall supervision of detainees. In light of the Industrial Action taken, JJNSW is prohibited from paying staff remuneration as stipulated in section 143 of the Industrial Relations Act 1996. The Association clearly refuted the claim as made by the Department and lodged a dispute IRC 2019/ 00188350.

### **Deloitte’s High Risk Workshop**

On 14 August 2017 the Association participated in a High Risk Workshop facilitated by Deloitte Touche Tomatsu Limited Consultancy in an attempt to address the ongoing high level of assaults.

There was a level of disagreement between staff appointed by management and workplace delegates representing the Association. All staff were in agreement that the current model was not working and assaults were at an unacceptable level.

There are a number of recommendations from this workshop including the establishment of a stand-alone High Risk Management Unit or the establishment of a smaller HRMU in each centre with a degree of co-mingling of detainees in each centre.

There was general agreement of greater use of separation of detainees as is permitted under S.19 of the *Children Detention Centres Act 1987* (NSW).

The workshop reviewed a number of the problems that currently exist in the system, provided a number of controls to improve the system. As far as the Association is aware, management has not acted on any of these controls.

### **Limitations for Safety, Order and Security: use of reasonable force**

The powers of the *Children Detention Centres Act 1987* (NSW) place specific emphasis on duty of care of the child, thereby making detainee management in Youth Justice particularly challenging and complex.

As the Department document, *Classification and Risk Assessment, Attachment N*, states, “*Staff employed by Juvenile Justice have common law and statutory duties of care towards clients of the agency... Failure of an employee to discharge their duty of care, or otherwise act within the law, leaves the employee individually, or the agency, (or bot) open to criminal and civil action.*”

These legislative powers limit the role Youth Officers can play in maintaining safety, order and security within juvenile centres and regularly place these officers in impossible situations, such as in the use of reasonable force.

Corrective Services has a clear protocol for use of force, which includes scope for organised operations or planned use of force, through to reactive or unplanned scenarios such as an assault on another inmate or detainee or staff. Youth Justice, conversely, has no clear protocol for use of force and the existing procedural guide is fraught with ambiguity.

The Association regularly receives requests for representation from members who do and do not use force. The use of force is often required to manage detainees assaulting or threatening other detainees, self-harming or assaulting or threatening staff. In responding to these situations, Youth Officers can be damned if they do, damned if they don't: if they *do* use force, it is common for them to be accused and charged for the use of unreasonable force. If they do *not* use force they can be accused of neglecting their duty of care to the juvenile and again, charged.

It must be noted that while the majority of detainees are children under the law, many of them have the physical strength of an adult. If and when they become violent, these detainees become a risk to the safety of both other detainees and staff. The lack a clear protocol for use of force exacerbates this risk. The incident at Frank Baxter may have been avoided if the Juvenile Justice system had a clear protocol in place.

### **TOR 1. Recommendations:**

- 1. That a clear protocol for use of force be established for the NSW Juvenile Justice system.**
- 2. That ‘Youth Wings’ be established within certain Corrective Services Centres and that Youth Justice have the ability to transfer violent and unmanageable detainees to these facilities.**

#### **Security Operations Group (SOG) Review**

Corrective Services NSW Security Operations Group has been asked to conduct a review of all six Youth Justice Detention Centres with the purpose to assess the following:

- The infrastructure of each Detention Centre and
- To review current policies and procedures relating to detainee management.

The Association understands that this review will be completed by the end of August 2019.

**Term 2. (a): Security policies and procedures to manage the centre and ensure safety. This includes equipment and security items such as keys, lanyards, doors, storage areas, access to fire extinguishers, storage areas and work sheds.**

Under *WHS Regulation 2017 Cl. 36* Youth Justice are required to control risks by first eliminating these risks. These risks should be eliminated from the centre and put into a sterile zone that detainees have absolutely no access to.

Examples of these risks include work shed tools and fire extinguishers, both of which were involved in the Frank Baxter incident. The Association believes that structural changes to the security system, including to security doors and keys would help to eliminate these risks.

The structural security of Frank Baxter as it stands is problematic. The centre has virtually no internal fences and is the equivalent to an open plan. This set up increases the likelihood of riots, as has been demonstrated in July. Silverwater Men's Minimum Gaol previously had a similar open plan set up, until a riot broke out in December 2006 which resulted in the death of an Officer.

The Association recommends that a series of fences and chutes be installed at Frank Baxter in order to enable safe passage of detainees in controllable numbers. This will also keep detainees more contained in the event of a riot or similar incident.

At Frank Baxter, once the detainees obtained a set of keys, they were then able to access various secure areas including the secure staff wing (where items such as fire extinguishers are kept) and the tool shed (where items including shovels and chainsaws are kept).

This could have been avoided, or at least minimised, if the above recommended fences and chutes had been in place, and if a more sophisticated key system had been in place.

The Association believes that there is a strong need for a review of the key access to different parts of the centre. It is recommended this is done in collaboration with the Corrective Services SOG review. The Association recommends that the existing keys to secure areas be replaced with airlock system in order to limit the movement of detainees and minimise the risk of detainees gaining access to secure areas.

#### **TOR 2. (a) Recommendations**

- 1. That a series of fences and chutes be installed at Frank Baxter in order to enable safe passage of detainees in controllable numbers.**
- 2. That a review of key access be undertaken in collaboration with the Corrective Services SOG review.**
- 3. That the existing keys to secure areas be replaced with airlock system in order to minimise the risk of detainees gaining access to secure areas.**

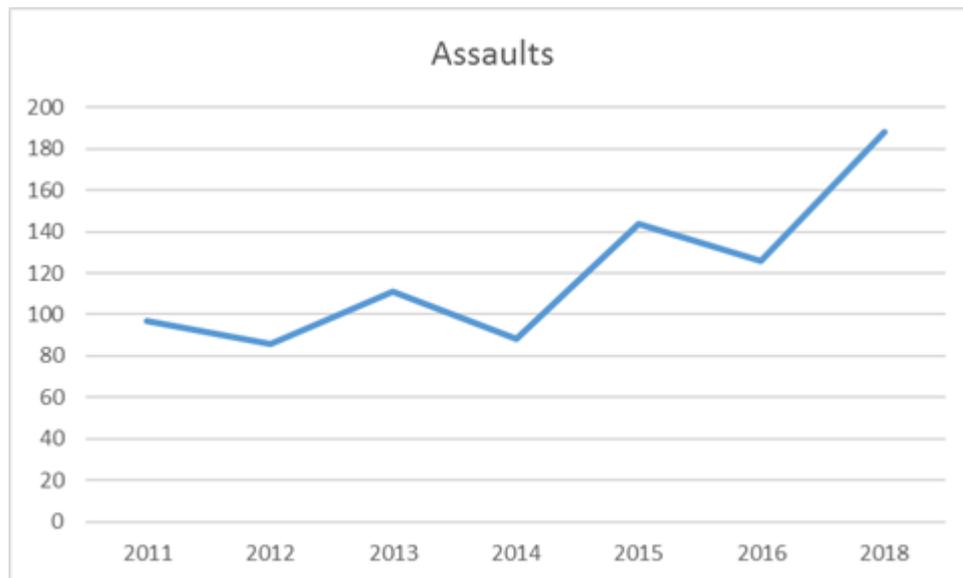
**Term 2. (b): Policies and procedures about the placement or movement of detainees for their own or others safety or for the good order of the centre.**

### **The Safety and Good order of the Centre**

The Association submits that the continued violence and non-compliance is symptomatic of ineffectual and inconsistent systems and management in the system. Despite a reduction in detainees the numbers of assaults on staff and other detainees, as well as use of force have all increased.

### **Current Level of Assaults**

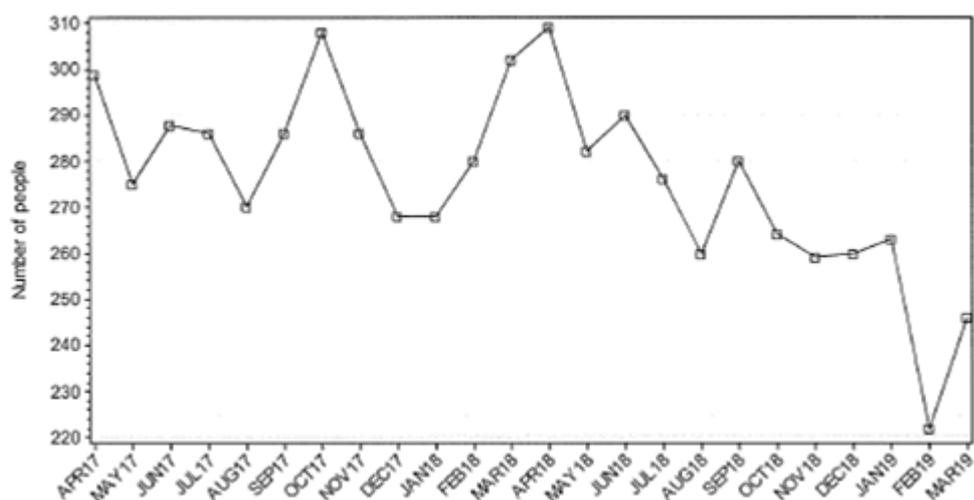
The current level of assaults on staff are increasing.



**Source:** 2011-2016 Parliament of NSW, Legislative Assembly, House Papers Questions on Notice, Guy Zangari to Minister Elliott, 5910 - Assaults On Staff At Juvenile Justice Centres  
2017 data is only available in part year and has been excluded  
2018. Daily Telegraph, 3 November 2018

The Bureau of Crime Statistics and Research supports the Association's claim that the problem with the current management approach in Juvenile Justice is failing. The Bureau's latest quarterly report *New South Wales Custody Statistics Quarterly Update March 2019 – Part 1 Juveniles* demonstrates that youth in custody is at one of the lowest rates for the last few decades and in the last two years.

### 1.1.1 JUVENILE CUSTODY POPULATION AT END OF MONTH



Bureau of Crime Statistics and Research, *New South Wales Custody Statistics Quarterly Update March 2019 – Part 1 Juveniles*, p. 6

The statistics for the Inspector of Custodial Sentences show that despite a reduction in detainee population in custody, assault rates are not reducing but are in fact increasing.

Use of force for the primary reason “to protect the officer or other persons from attack or harm”, has increased by 15% since 2015 in the reported statistics despite a 20- 30% reduction in detainee population over the last two years.

**Figure 11: Reasons for uses of force, 2015–18<sup>127</sup>**

Reason for use of force <sup>128</sup>	Total – All centres		
	2015–16	2016–17	2017–18
To protect the officer or other persons from attack or harm	1235	1344	1411
To move a young person who refused to move from one location to another in accordance with an officer's order	575	552	582
To prevent a young person from injuring himself or herself	207	138	133
To prevent or quell a riot or other disturbance	165	181	179
To prevent a young person from inflicting serious damage to property	97	43	28

Source: Justice, Inspector of Custodial Services, use of force, separation, segregation and confinement in NSW Juvenile Justice Centres, (Nov 2018), p. 60

Despite the detainee population decreasing by 20%, the assault rate on staff and detainees has continued to increase. This is demonstrable of what we say a more difficult detainee and a failure to isolate instigators of assaults across the centres via a therapeutic model as discussed below.

**Figure 12: Assault incidents, 2015–18**<sup>129</sup>

Assault Category	Count of Incidents		
	2015–16	2016–17	2017–18
<b>Assault – Physical</b> <i>Includes young person on young person, young person on staff, young person on non-DJJ and police on young person</i>	321	346	401
<b>Assault – Verbal</b> <i>Includes young person on young person, young person on staff, and young person on non-DJJ</i>	64	23	20
<b>Assault with Weapon</b> <i>Includes threat, young person on young person, young person on staff, and young person on non-DJJ</i>	8	21	22
<b>Total</b> <sup>130</sup>	<b>393</b>	<b>390</b>	<b>443</b>

Justice, Inspector of Custodial Services, use of force, separation, segregation and confinement in NSW Juvenile Justice Centres, (Nov 2018), p. 61

Despite a steady decline in detainee population, the rates of use of force and assault on staff and detainees have increased from the delegates reporting and official reporting with the Inspector of Custodial Services. Centres such as Frank Baxter we are advised have had up to 50 staff off on workers compensation in the last year, making the statistic of 30-40% of staff affected by a workers compensation claim, more than ten times the incidence rate for the government sector. This is a demonstration that the current management system is failing to provide a safe workplace or Good Order.

### **Current Policy Setting for Placement or Movement of Detainees in System**

There are three main policies to assess and manage detainees behaviour in Youth Justice which leads to their placement and movement of detainees within the system. These are the Classification System, the Incentive Scheme and the Risk Assessment Process. These feed into segregation and separation practices, which are currently used an exception rather than a rule for mixing detainees general population.

### **Classification and Incentive Scheme**

The classification system for Juvenile Justice has differences to the classification system in Corrective Services. The adherence to classification in the adult system governs which goals the inmate can go to combined with segregation practices (e.g. sex offenders, drug treatment, max security, associations and organised crime, HRMU, etc), what other inmates the inmate may mix with, how they are escorted by how many people and with what level of restraints, what work programs can be

undertaken, even whether an officer can use lethal force during and escape. A major differentiator is the requirement to provide education to detainees on remand with limitations on this with adults on remand. With all classifications of detainees in Youth Justice in general population at present with blurred involvement of DRMP detainees, and many being initially taken through Cobham or Baxter, this complicates the entire system and undermines security responses.

The rating is used indicates the types of programs detainees can access according to the risk rating of the detainee and the program. For example, a detainee assessed as high risk will only be permitted in low risk programs. Examples such as those at Riverina below where an officer was assaulted twice in the one day with an intermission of motor bike training, because the detainee said “sorry”, or in Orana where PSA delegate was assaulted twice with a hammer sent to their room for 12 hours but released after 8 hours because they were a “good boy” demonstrate that the risks assessment process is not being properly or consistently administered.

The problem encountered with the incentive reward system, are many, with inconsistency applying between centres, between shifts and the allocation of rewards then becoming the subject of further threats and violence. See the OHS prosecution in *Cahill v State of New South Wales (Department of Education and Training and Department of Juvenile Justice) (No 3) [2009] NSWIRComm 97 (26 June 2009)* where the incentive system was a trigger for a number of violent incidents in the Putland ETU at Cobham.

Whilst there is a case management meeting weekly, there is only a reclassification review every one to three months. When it comes to reclassification, the system in its current form appears more reactive than proactive, perceived as aiming to progress detainees regardless of behaviour, meaning that dangerous incidents are taking place, can be ignored, before management will do anything about a problematic situation.

The classification system becomes less meaningful if it is generally ignored for decisions of risk assessment.

### **Risk Assessment Process**

The *Classification and Risk Assessment Decisions Document: Attachment N* describes this administrative control.

There appears to be no consequences, and a lack of consistency applied with regards to detainee management under the policies of risk assessment and detainee classification.

The current management of risk via the policy for detainee management with primary tool of DRMP is inconsistent. The primary options for detainee management with increased risk or an incident can only be managed by short term segregation or relocated to another centre.

There is a minimal consequence regime, the incentive scheme is taken for granted and incentives are not earned, and many of these assaults do not affect the classification nor the risk assessment. Problems with these policies are listed below.

By not addressing the behaviours this poses a greater risk to the safety and good order of the centres which in turn leads to repeat assaults on staff and detainees.

## Consequences Regime

The current operation of the Children (Detention Centres) Act 1987 (NSW), the risk assessment process, the incentive schemes and the classification system have led to a form of lawlessness in the youth justice system.

In contrast with Corrective Services there are adhered to consequences for misbehaviour.

The Crimes (Administration of Sentences) Act 1993, provides the following areas that are of particular interest with particular regards to the management of inmates including following:

- Division 3A
- 59 Compensation for property damage
- 61 Record of punishments for correctional centre offences
- 65 Offences may be dealt with governor of any correctional centre
- 65A Behaviour management policies

The Association has requested a review of management of offences under the Children (Detention Centres) Act 1987 in line with the amendments to the Crimes (Administration of Sentences) Act 1993 following the Hamsy case. **Attachment K**

Currently if a detainee damages property such as their television, or does another they will wake up the next day with an ability to participate in full program and gain full incentives, often with a replaced television.

We state that this requires to be an element of a Parliamentary Inquiry in order to ensure bipartisan support for reform in this area.

## Segregation

Separation can occur under Section 16 Separation and Section 19 Segregation of the Children (Detention Centres) Act 1987 to maintain the good order of the centre.

Apart from segregation for concerns for harm to self or others, or associations, there is a reluctance to pursue other elements of separating detainees in the general population, with exceptions for Reiby (two units female and one unit < 15 years boys).

The following table outlines several of the separation criteria that the Association believes will add to the safety and good order of the system.

<b>A1 Detainees</b>	<p>A1 Detainees pose a significant risk to the safety and good order of a centre. Staff report that A1's can change the dynamic of the centre and can quickly involve other detainees into violent behaviour. A1 Detainees require significant additional resources, and when put in mainstream units can pose a significant threat to the safety and good order of the centre.</p> <p>The history above of the Association's involvement in this dispute over continuing assaults at all the centres demonstrates that the inclusion of A1s in centres is destabilising and the use of DRMPs is not working.</p>
<b>Regional Centres and A1 Detainees</b>	<p>The majority of A1 detainees are held at Baxter and Cobham. There are however, from time to time A1 detainees who spend time in regional centres.</p>

	The position of staff in all regional centres (Acmena, Orana and Riverina) is that they do not have the current infrastructure or staff numbers to hold A1 Detainees.
<b>Age</b>	<p>Currently there may be 11 years of difference between the oldest and youngest detainees in some centres.</p> <p>Regional centres in particular see a need for age restriction of detainees as a better way to manage detainees. Reiby provides a differentiation by age already.</p>
<b>Sex offenders</b>	<p>Sex offenders targeted by the rioters during the Frank Baxter incident.</p> <p>In Corrective Services, the segregation of sex offenders is a necessary precaution to ensure the safety of detainees with a sex offence. Sex offenders are often assaulted, raped and experience significant threats and self-harm when in mainstream adult prisons.</p> <p>The current youth detainee population has between 8 -15 % of the population where a sex assault is the primary offence when entering custody.<sup>1</sup> The recent incident at Frank Baxter has highlighted the safety concerns for sex offenders. The Association recommends that sex offenders be segregated to ensure their safety and overall safety and security of the centre.</p>

### **More Dynamic Separation**

Staff and detainees are continuing to get assaulted with the current model.

It is viewed with virtually no consequence nor regression that detainees can build up their status inside the centre by undertaking threats and violence. Many detainees also appear to not respond to the DRMP and continue to become violent as soon as the DRMP is relaxed or ceased.

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<sup>1</sup> Bureau of Crime Statistics and Research, *New South Wales Custody Statistics Quarterly Update March 2019 – Part 1 Juveniles*, p. 9, 10

## **The Therapeutic Model**

The long term position of the Association is that there is a need for a purpose-built unit within each of the centres to manage high risk detainees, that is detainees deemed violent and unmanageable.

The need for the Therapeutic Unit comes noting the failure of DRMP's to deliver safer centres and that these detainees reduce the resources available for other detainees and place the safety of both staff and other detainee at risk.

The Therapeutic Model is not to be used as a punishment unit, but rather it would operate with a dual purpose of intensive supports/services for detainees who require extra support to have conformant behaviour and the management of risk. It forms part of a three tier system.

### **Three tiers**

The three tier process of managing detainees can be utilised by way of the following:

- General population/main stream for detainees in the different centres. Units and programs can be varied to manage specific risk of detainee.
- That there should be a therapeutic unit established within all six detention centres and this would operate with a dual purpose of providing intensive supports/services for detainee and management of risk.
- Long term position on the need to a purpose built facility e.g. Kariang to manage high risk detainees from across all centres.

### **TOR 2. (b) Recommendations:**

- 1. That a Therapeutic Unit (as part of this submission's three-tiered management system) be established in each one of the six existing Youth Justice Centres as a way to segregate violent and unmanageable detainees.**
- 2. That a review be conducted of the classification/age of detainees.**
- 3. That sex offenders be segregated to ensure their safety and overall safety and security of the centre.**
- 4. That a Parliamentary Inquiry look at amending the Children (Detention Centres) Act 1987 with a focus on the in custody offences.**

**Term 2. (c): Effectiveness of Immediate Action Team, emergency management, Workplace Health and Safety and other systems to ensure the safety of staff and detainees.**

Anecdotal evidence from members of the Association indicate that during the incident at Frank Baxter the Youth Officer Centre Support team (YOCS) had little authority to mitigate the incident, and that management took significant time to establish a request for assistance from Police and/or SOG.

As the Association understands, the operation of the SOG team within Corrective Services is a standalone, established role and function to deal with and promote the safety and good order of a Correctional Centre. Staff are specialist staff assigned to the role with training undertaken noting the uniqueness their role would include basics such as defence tactics, use of munition etc. All Correctional Centres have an established SOG Team previously referred to as the IAT and SERT.

### **Youth Officer Centre Support (YOCS)**

The YOCS team within Juvenile Justice is not set in all six Detention Centres - they only operate at Frank Baxter and Cobham.

The Association notes that members of the YOCS team are essentially in Youth Officer roles: there is no specific role description, no additional training, no formal recognition of the role or the function required e.g. no clear understanding or requirement, and no clear delineated line of responsibility. The YOCS often become relied upon to undertake normal Youth Officer work, reducing the purpose and capacity in an incident or for proactive risk minimisation work.

The Association recommends that all six Youth Justice Centres should have a YOCS team and that the YOCS team should follow the rationale of the SOG team in Corrective Services. These teams should be implemented along the following guidelines:

- The members of the team but be in separate/dedicated role(s).
- YOCS roles will need specialised training to be undertaken initially with Corrective Services. Once this training has been completed, authority will need to be delegated to utilise restraints and procedures for planned and reactive use of force with the backing of the Department through clear procedures and delegation.
- The YOCS team will need to have munitions do be able to respond outside of the current equipment provided.
- The YOCS team will need different uniforms with specific uniforms.
- Overall team structure of Youth Justice needs to be reviewed, with clear understanding of the function of each role.

The role of YOCS team member must stand alone with the aim to provide and promote the safe and good order of all Youth Justice Centres.

### **Memorandum of Understanding**

Two distinct MOU's now apply between Youth Justice and Corrective Services NSW they being:

- 21 June 2019 Executive Director, Ms Melanie Hawyes advises in an all staff communication that, "At my order, and with the consent of Commissioner Severin, four detainees involved

in the incidents who are over 18 years of have been transferred to adult correctional facilities under s28 of the Children (Detention Centre) Act 1987. **Attachment O**

- This was reaffirmed by Minister Ward on the 30 July 2019 with over 18 who threaten staff are to be transferred to CSNSW. **Attachment L**
- Letter to the PSA from A/Deputy Secretary Child Protection and Permanency, District Youth Justice Services Simone Czech who advises that “Youth Justice entered a MOU with CSNSW to engage security response Correctional Officers on-site during this immediate stage. Their presence will be revised from a risk perspective at an appropriate time. **Attachment M**
- We note that the SOG were used during the recent incident at Orana August 2019.

### **Work Health and Safety and Workplace Injury Management**

The Association is informed of widespread problems with WHS injury prevention and injury management from both the Centres and from the Community Offices.

The Association is dealing with a number of unsafe working conditions that have been raised with Juvenile Justice over a number of years. The Association also supports members who make successful workers compensation claims resulting from these claims. Injury prevention and injury management are both being poorly managed with often slow and inadequate responses to these issues.

The Association recommends that a review be conducted of all open workers compensation claims with regular working party meetings to be held with QBE, the department and the PSA.

### **TOR 2. (c) Recommendations:**

- 1. That all six Youth Justice Centres should have a YOCS team and that the YOCS team should follow the rationale of the SOG team in Corrective Services.**
- 2. That a review be conducted of all open workers compensation claims with Youth Justice NSW.**

**Term 2. (d): Training and supervision strategies to ensure sufficient and appropriate to ensure sufficient and appropriate staffing to meet the needs of Frank Baxter and the population of detainees.**

### **Staff Training**

The Association has described the needs for training of staff for the YOCS teams above, as there is no current specific training offered.

### **General training**

The Association has been advocating for a number of years for increased training. Youth Officers have a greater balancing act to undertake than correctional officers. They must maintain security with a more volatile detainee population, yet are also required to be involved in intensive case management replacing the role of the detainee's parents or guardian when they are in custody.

Despite this the comparison for training of youth officers and correctional officers is stark.

Correctional Officers will be trained for 3 months in an initial entry to the service. Youth Officers are trained for 3 periods of 2 weeks with on the job experience in between. Therefore, effectively the youth officer can enter after just two weeks of training.

The Association advocates that

### **Casualisation of Roles**

The staff in Youth Justice have traditionally been highly casualised. This causes problems for detainees in that there is no consistency for them in how they are supervised from day to day. Casuals will not be able to build up a case management profile on the detainee, and won't recognise triggers. Casual workers are also likely to change employment in order to secure more certainty losing skills and training investment as this occurs. It is reported that in some centres almost all youth officers in a Unit will be casual.

As far as safety is concerned it is regularly reported that casuals are not reporting detainee indiscretions, and are reluctant to report incidents, and injuries as they fear that this may preclude them receiving a further shift.

It is not unheard of to have "permanent casuals" employed under Juvenile Justice for well over 5 years.

### **Detainee Programs**

In part this relates to the scenario that occurred at Baxter with the attack on sex offenders. There are significant deficiencies with the current programs as far as a lack of targeted programs and staff to deliver these.

There are several good programs that operate in Youth Justice. However, at present there are significant deficiencies in targeted programs. We are advised of the following issues:

- a) There is a general program for alcohol and other drugs but there are no specific focused programs on ice, alcohol or other drugs.
- b) Similarly, there are no targeted programs operating for sex offenders as there is in the adult system.

- c) Despite attempts being made to assist the largest cohort of detainee, Aboriginal detainees, with specific programs, these have been inconsistent, utilised non vetted mentors, and not appeared to be part of a structured program.

Orana currently does not have a psychologist in the employment, and several centres have no tasked AOD counsellors.

**TOR 2. (d) Recommendation:**

- 1. That the YACS officers are trained with Corrective Services SOG unit**
- 2. That the Juvenile Justice staff training is extended to the same 3-month level as Corrective Services with expanded case management inclusions dealing with minors.**
- 3. That the issue of ongoing casuals is rectified via a review and appointment of these officers**
- 4. That there is a boost to program staff and programs to provide a minimum number of programs, and that targeted programs are looked at.**
- 5. That there is greater use of AVL to assist targeted programs with detainees in the regions.**

## Overview of Recommendations

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This submission makes two central recommendations:

1. That a Therapeutic Unit (as part of this submission's three-tiered management system) be established in each one of the six existing Youth Justice Centres as a way to segregate violent and unmanageable detainees.
2. That 'Youth Wings' be established within certain Corrective Services Centres and that Youth Justice have the ability to transfer violent and unmanageable detainees to these facilities.

This submission has also made the following supplementary recommendations:

1. That a clear protocol for use of force be established for the NSW Juvenile Justice system.
2. That a series of fences and chutes be installed at Frank Baxter in order to enable safe passage of detainees in controllable numbers.
3. That a review of key access be undertaken in collaboration with the Corrective Services SOG review.
4. That the existing keys to secure areas be replaced with airlock system in order to minimise the risk of detainees gaining access to secure areas.
5. That a review be conducted of the classification/age of detainees.
6. That sex offenders be segregated to ensure their safety and overall safety and security of the centre.
7. That a Parliamentary Inquiry look at amending the Children (Detention Centres) Act 1987 with a focus on the in custody offences.
8. That all six Youth Justice Centres should have a YOCS team and that the YOCS team should follow the rationale of the SOG team in Corrective Services.
9. That a review be conducted of all open workers compensation claims with Youth Justice NSW.
10. That the YACS officers are trained with Corrective Services SOG unit
11. That the Juvenile Justice staff training is extended to the same 3-month level as Corrective Services with expanded case management inclusions dealing with minors.
12. That the issue of ongoing casuals is rectified via a review and appointment of these officers
13. That there is a boost to program staff and programs to provide a minimum number of programs, and that targeted programs are looked at.
14. That there is greater use of AVL to assist targeted programs with detainees in the regions.

Once again, the Association wishes to congratulate Minister Ward's decisive action towards fixing a system that is not working. The Association hopes that this submission will aid the Minister in resolving the current issues with the NSW Youth Justice system.

## Attachments

- A- Minutes – Joint Consultative Committee- PSA and Juvenile Justice- 25 February 2016
- B- Letter 6 February 2017 Public Service Association to Melanie Hawyes, Exec. Director
- C- Letter 8 May 2017 to Guy Zangari, Shadow Minister
- D- Deloitte's Table and Report from 14 August workshop
- E- Letter 24 October 2018 to Minister David Elliott from PSA
- F- Letter 15 January 2019 to Steve Southgate, Operations Director
- G- Letter 4 February 2019 to PSA from Steve Southgate, Operations Director
- H- Letter 5 April 2019 PSA to Melanie Hawyes, Exec. Director
- I- Letter 12 April 2019 PSA to Michael Coutts-Trotter, Secretary
- J- Letter May 2019 to PSA from Melanie Hawyes, Exec. Director
- K- Letter 9 July 2019 to Steve Southgate from Melanie Hawyes, Executive Director
- L- Letter 25 July 2019 to Minister Ward from PSA
- M- Letter 25 July 2019 to PSA from Ms Simone Czech, Dep Secretary
- N- Classification and Risk Assessment Document
- O- Email- Juvenile Justice- Internal Communications- Executive Directors update on Staff Safety- 21 June

**Attachment A Minutes – Joint Consultative Committee- PSA and Juvenile Justice- 25 February 2016**



**Joint Consultative Committee (JCC) Meeting Minutes**

2.0	Update provided by A/Executive Director	<p>The Executive Director Role has been advertised. JJ cannot advise when recruitment will be finalised.</p> <p>A/Executive Director discussed the Auditor General Report and the findings and recommendations the report made in relation to detainee numbers.</p> <p>Youth on Track had support from Cabinet for continued budget funding.</p> <p>Community programs tendering has been finalised and there has been discussions with community partners regarding transition arrangements of detainees from custody to community supervision.</p> <p>JJ have had discussions with UWS regarding a review of the detainee classification system.</p>	
<b>3.0</b>	<b>Business arising from the minutes</b>		
3.1	Risk Based Staffing Model	<p>JJ advised that it is currently developing guidelines to review the tool.</p> <p>PSA stated that there are issues regarding the tool that impact on</p>	PSA to discuss these issues further with the Director Operational Standards and

- 2 -



**Joint Consultative Committee (JCC) Meeting Minutes**

**Business Division:** Juvenile Justice

**Date:** 25 February 2016

**Attendees:** DJ- Denise Hanley (Acting Executive Director); Kevin Harris (Director Operational Standards and Compliance); Reece Collin (A/HR Director); Gary Head (Senior Manager HR Ops Training); Nicole Christoph (Principal Industrial Advocate); Chris Powell (Senior Industrial Advocate)

**PSA-** Julie Bond (Senior Industrial Advocate); Gino Di Candilo (Organiser); Martin Robinson (Court Logistics); Shane Wright (Cobham JJC); Suzanne Evans (Riverina JJC); Jo-Anne Katon (Acmena JJC); Robert King (Orana JJC); Ian Lambert (Cobham JJC); Jeannette Clarke (Grafton JJCS); Tammy Elwin (Riverina JJC)

**Apologies:** Nil

Item #	Agenda Item-Name	Main Discussion Points	Decisions or Actions Arising including Target Date (if applicable)
1.0	Confirmation of Minutes of previous meeting	Minutes confirmed	

- 1 -

**Joint Consultative Committee (JCC) Meeting Minutes**

		and PSA but indicated that there will be staff reductions.	
3.3	Community and Practice Review	<p>The PSA requested a meeting to discuss the workload impact the Community Review had on the role of the Administrative Assistants.</p> <p>JJ and PSA to meet out of session to discuss PSA concerns.</p> <p>There were some discussions regarding the Area Manager recruitment.</p> <p>If the PSA have concerns regarding the Area Manager recruitment, these concerns need to be put in writing and addressed to the Director Human Resources for Juvenile Justice.</p>	JJ and PSA to meet out of session
3.4	Executive Memo – Use of Force Reports on CIMS	<p>PSA received the letter confirming the department's position.</p> <p>This matter is closed for the purposes of this committee.</p>	
3.5	Go Shift	JJ provided an update on this matter. The feedback has been that there has been some slight issues with double texts and other user related issues.	

- 4 -

**Joint Consultative Committee (JCC) Meeting Minutes**

		Transport staff eg the allocation of trucks and separation of detainees on smaller trucks.	Compliance
3.2	Chisholm	<p>JJ is continuing the building rectification in the Chisholm program and the detainees will be transitioning from the Carter Unit at Cobham back into the CBP in March 2016.</p> <p>There will be changes to routines to provide young people more incentives to work towards e.g. more out of room time.</p> <p>JJ also indicated that there will be an evaluation of the Chisholm program which will include the building works, training etc.</p> <p>The PSA are concerned that JJ has indicated that all temporary contracts at Cobham will be terminated without consultation at the end of the current roster period.</p> <p>JJ stated the JJ Steering committee is due to meet tomorrow to consider endorsement and that until there is endorsement from the steering committee there can be not consultation.</p> <p>PSA commented that consultation needs to occur prior to endorsement for there to be proper consultation.</p> <p>A/ED indicated that she is happy to have further discussions with staff</p>	<p>A/ED to meet with staff and PSA on 9am Wednesday 2 March 2016 at Cobham</p>

- 3 -

**Joint Consultative Committee (JCC) Meeting Minutes**

		There will also need to be discussions with Education. PSA encourage JJ not to close a centre.	
<b>5.0</b>	<b>New Business Arising</b>		
5.1	Payroll – overpayment deductions with no notice given to staff	PSA indicate that this is still an issue. JJ asked that the PSA give DHR examples of overpayments being recouped without notice. JJ announced that JJ will be moving to the new Justice SAP in July 2016 and that Troy Workman is coordinating the project for JJ.	PSA to give DHR examples of deductions  JJ to invite Troy Workman to the next JCC to provide an update to the committee
5.2	Detainee incidents	PSA are of the opinion that there has been an increase in staff assaults at Cobham and raised the issue of the use of DRMPs. PSA are concerned that the duration period for DRMPs is too short, there have been documented incidents of young people acting up as soon as the DRMP is completed. JJ advised that DRMP are about additional interventions, they are not	ED to discuss DRMPs at CM meeting  Executive Committee to

- 6 -

**Joint Consultative Committee (JCC) Meeting Minutes**

		PSA asked that staff who neglect to reply to a go shift text be considered to have declined the shift and as a result not be offered anymore shifts for the next 24 hours.	JJ to consider sending out a user tip sheet to staff
3.6	Training for Staff re: use of ice	JJ gave an update on this matter. JJ advised that AOD training is available to staff. Fact sheets have been sent to centres. ICE use is only one issue and part of a greater substance abuse problem and is therefore addressed in accordance with other AOD training. Matter to remain on the agenda for an update at the next meeting.	
<b>4.0</b>	<b>Standing Items</b>		
4.1	Detainee Numbers	JJ commented that there are currently 284 young people in custody but funded for 449 beds. As a result it is anticipated that JJ will need to consider unit closures. JJ is not looking at closing a centre. Once proposals are finalised JJ will have discussions with the PSA.	

- 5 -

**Joint Consultative Committee (JCC) Meeting Minutes**

		<p>time limited but must be reviewed periodically.</p> <p>ED to discuss how DRMPs are used and assessed at the Centre Manager's meeting.</p> <p>The PSA also asked that JJ consider using incident debriefs as a training tool.</p>	<p>consider making critical incident debriefs a protocol</p>
<b>6.0</b>	<b>Other Business</b>		
6.1	Donation of leave	<p>PSA asked JJ to consider setting up a donation of leave scheme to assist fellow staff member during times of need.</p>	<p>HR to consider donation of leave scheme</p>
<b>7.0</b>	<b>Next Meeting</b>		<p>26 May 2016</p>

**Attachment B Letter 6 February 2017 Public Service Association to Melanie Hawyes, Exec. Director**

Public Service Association of New South Wales  
General Secretary: Stewart Little ♦ President: Kylie McKelvie  
160 Clarence Street, Sydney  
GPO Box 3365, Sydney NSW 2001

Telephone: 1300 772 679  
Email: [psa@psa.asn.au](mailto:psa@psa.asn.au)  
Facsimile: 02 9262 1623  
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ABN: 83 717 214 309



In reply please quote: *JABW: A16/0871*

Melanie Hawyes  
Executive Director  
NSW Justice  
Juvenile Justice  
20 Lee Street  
SYDNEY NSW 2001

Dear Ms Hawyes,

The Public Service Association of NSW (PSA) writes in relation to a meeting held at Frank Baxter Juvenile Justice Centre on 11 January 2017.

The issues raised by the Association relate to recent incidents in which members from both Frank Baxter and Cobham Juvenile Justice Centres have been left with serious injuries following interaction with detainees.

It is the position of the PSA that these incidents are increasing and, as stated at our meeting, it is only a matter of time before an Officer does not return home from duty.

We no longer believe that the current infrastructure at Frank Baxter and Cobham Juvenile Justice Centres is able to accommodate these young offenders. We re-enforce the urgency for both Frank Baxter and Cobham, who at present house the most challenging detainees in both offence and behaviour, to have a Specialist Centre or Unit established within their premises.

As stated by the PSA previously, we do not see the establishment of Specialist Centre or Unit would operate any differently, in that the detainees would still have access to education and other programs relevant to their individual needs. However, we believe that managing these detainees within a Specialist Centre or Unit would provide greater focus on their behavioural needs.

The Association's primary focus is the safety and security of our members and unfortunately the current environment within Juvenile Justice is placing our members at a greater risk by allowing these young offenders to be housed within the general confines of these Centres.

We are committed to working with you on improving the safety and security for all within Juvenile Justice Detention Centres.

Yours faithfully,

**STEWART LITTLE  
GENERAL SECRETARY**

*SL* February 2017

**Attachment C Letter 8 May 2017 to Guy Zangari, Shadow Minister**

Public Service Association of New South Wales  
General Secretary: Anne Gardiner • President: Sue Walsh  
160 Clarence Street, Sydney  
GPO Box 3365, Sydney NSW 2001  
Telephone: 1300 772 679  
Facsimile: 02 9262 1623  
Internet: [www.psa.asn.au](http://www.psa.asn.au)  
ABN: 83 717 214 309



In reply please quote: JAB: mb:17/0324

The Hon. Guy Zangari  
Shadow Minister for Justice  
Fairfield Electorate Office  
PO Box 771  
FAIRFIELD NSW 22165

Email: [fairfield@parliament.nsw.gov.au](mailto:fairfield@parliament.nsw.gov.au)

Dear Minister Zangari,

The Public Service Association of NSW (PSA) writes to you regarding the Department of Justice, Juvenile Justice.

As you would be aware, our members deal with young offenders across the State that have both complex and challenging behaviours and as a result of these behaviours, we are currently faced with an increase in staff assaults.

Each day our members are placed under enormous pressures when dealing with these young offenders and we say that the current detention centre structure is not adequately equipped in housing these offenders.

It is the position of the Association that in managing these young offenders there must be, as an interim measure, specialist units established across the State where their behaviours can be appropriately supported and managed. Our long term view is that there must be a purpose-built detention centre which can house these high risk young offenders.

We have approached Minister Elliott who agrees with the Association that we cannot allow these young offenders who continually threaten, intimidate and assault staff to remain in what is known as general population.

Your support is needed in addressing this vital issue of creating a far safer environment for both staff and young offenders and, equally as important, concentrating on the key rehabilitation of these young offenders.

Please contact Acting Industrial Manager, Julie Bond on 0408 410 744 or alternatively, email [jbond@psa.asn.au](mailto:jbond@psa.asn.au).

Yours faithfully,

Troy Wright  
**ASSISTANT GENERAL SECRETARY**

8 May 2017



“Without Prejudice”

## High Risk High Needs Workshop Summary of Outcomes

### Workshop Structure

1. **Clarifying the challenge from various perspectives;** The workshop commenced by outlining the challenges of managing HRHN detainees while maintaining the safety and wellbeing of Juvenile Justice staff
2. **Risk assessment and potential mitigation strategies;** The identified the risks associated with managing HRHN as well as potential strategies to mitigate these risks.
3. **Design Principles;** The participants determined and prioritised nine design principles that any potential solutions for managing HRHN detainees would need to fulfil in order to be appropriate and successful.
4. **Identify potential solutions;** Within the context of the agreed design principles, the participants discussed possible alternatives to better manage HRHN Detainees. The discussion included benefits and drawbacks to each proposed solution and outlined how each solution might practically work.

### Challenges of managing HRHN juveniles detained

Workshop participants identified a number of challenges to managing HRHN detainees. These included but are not limited to:

### Challenges to staff members

- Appropriately skilled and trained staff working with young people in detention
- Appropriate staff selection practices
- Varying degrees of staff capabilities and capacity to manage younger people in detention
- Balancing staff safety with the needs of younger people in detention
- A general mistrust of the accuracy of data and statistics relating to younger people in detention and the impact these variations have on staff morale
- Appropriate levels of staff buy-in relating to the process & solutions for managing HRHN detainees

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- The ongoing risks relating to mental and physical burn out of staff
- The impact organisational culture may have on staff burnt out
- Identifying and accessing appropriate avenues for staff to debrief and manage burn out
- The erosion of consequences for younger people who fail to comply with staff requests
- A broadly held view that punitive consequences no longer for some younger people in detention
- The divergent views held by staff on how to manage high risk high need detainees

### Challenges to Detainees

- Perception of fairness and equity vary considerably across centres
- Younger people in detention wanting to be respected and heard
- Young people want honesty, consistency and predictability
- Inconsistency in experience between centres
- Young people don't always bounce back after a bad experience
- Individual histories and experiences make it challenging for detainees to adapt to life in detention
- Feeling safe from other detainees
- Want to be liked and to feel safe
- Staff interactions and communication
- High expectations and peer pressure amongst detainees
- The risk that young people don't see there is an alternative future
- Youth Officers lead interactions with young people and are agents of change

### Challenges to Juvenile Justice

- A change in the environment – the nature of the young people in our care, nature of the world
- Culture of the organisation – change in philosophical approach within Juvenile Justice field and corrections
- Staff expertise and training, numbers and 'fit'
- To establish and deliver best practice
- Increased percentage of high needs detainees, less self-management of detainees
- The ongoing need to maintain or improve the safety of staff and detainees
- The cost associated with safely accommodating younger people in detention
- Government reforms relating to how younger people are managed in detention
- Ideological differences in community and government expectation on how younger people in detention should be managed (deterrent vs punitive approach)
- The downstream impact of external factors and changes to legislation on how younger people in detention are managed (for example; Ombudsman, Royal Commission)

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Risk and mitigation strategies for managing HRHN detainees

Key Risks	Proposed Mitigation Strategies
<b>Violence/Safety</b>	<ul style="list-style-type: none"> <li>Mixing detainees in smaller groups</li> <li>Proactive staff</li> <li>Improved staff training</li> <li>Build rapport</li> <li>Isolate appropriately</li> <li>Risk assessment</li> <li>Increase staff/detainee ratio</li> <li>Clear consequences</li> </ul>
<b>Making the situation worse</b>	<ul style="list-style-type: none"> <li>Consistency</li> <li>Positive attitude of staff</li> <li>Engage with the young person</li> </ul>
<b>Consistency</b>	<ul style="list-style-type: none"> <li>Effective communication between staff and detainees</li> <li>Roll out of reforms in good times</li> <li>Ongoing staff development and supervision</li> <li>P&amp;P in collaboration with staff</li> <li>Reflective practice</li> </ul>
<b>Resources/ Programming (Lack of and poor 'fit')</b>	<ul style="list-style-type: none"> <li>Appropriate risk-assessed programs</li> <li>A focus on engagement through programming</li> <li>Resources to run program well</li> <li>Clear criteria for programs</li> </ul>
<b>Staff (training, experience, morale, numbers)</b>	<ul style="list-style-type: none"> <li>Targeted recruitment and appropriately skilled person providing training</li> <li>Ongoing support and mentoring for staff</li> <li>Concerns of Youth Officers being heard (frontline staff)</li> </ul>
<b>Communication and Culture</b>	<ul style="list-style-type: none"> <li>Training &amp; education</li> <li>Open communication</li> <li>Approachable leadership</li> <li>Staff feeling supported</li> </ul>
<b>Mental Health</b>	<ul style="list-style-type: none"> <li>Greater understanding of mental health among staff</li> <li>Ongoing staff training and development</li> <li>Response to mental health by specialist trainer</li> <li>Multi systemic approach</li> <li>Reverse culture of over assessing and under treating Mental Health</li> <li>Providing avenues for staff to maintain well-being in this context.</li> </ul>

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Key Risks	Proposed Mitigation Strategies
<b>To the individual</b>	<ul style="list-style-type: none"> <li>• Culturally appropriate programs and treatment</li> <li>• Increased resources</li> <li>• Tailored programs</li> <li>• External providers/resources</li> </ul>
<b>Behaviour</b>	<ul style="list-style-type: none"> <li>• Mixing detainees in smaller group</li> <li>• Increase staff/detainee ratio</li> <li>• Professional development and training for staff</li> <li>• Improved understanding among staff of the function of behaviour</li> <li>• Improved staff co-ordination</li> </ul>
<b>Physical Environment &amp; Equipment</b>	<ul style="list-style-type: none"> <li>• Accommodate HRHN in separate secure units</li> <li>• ongoing assessment of equipment &amp; environment</li> </ul>

*A way forward for managing HRHN detainees whilst keeping staff safe*

Participants agreed that to appropriately address the challenges of managing HRHN detainees whilst maintaining the safety and well-being of staff, Juvenile Justice needs to establish and provide a safe environment for staff and detainees to work and live so that everyone feels safe and supported. It was also important that HRHN detainees are provided with the opportunity to focus on their rehabilitation because HRHN detainees are different and Juvenile Justice needs to reduce the risk of reoffending.

The participants also felt it would be a “game changer” if the ratio of staff to HRHN detainees was increased and the suitability of staff working with these detainees were appropriately skilled and supported.

*Design Principles*

Workshop participants determined that the following design principles were required to establish an appropriate means for managing HRHN detainees.

The solution and approach needs to:

1. Keep staff and detainee safe
2. Align with current government legislation and regulatory requirements
3. Include clear criteria and objectives for selection and desired outcomes
4. Supported by evidence for managing HRHN detainees
5. Fair to staff and younger people
6. Appropriately resourced
7. Address the needs of individual groups (for example, Indigenous)
8. Realistic and achievable
9. Be applied consistently across all centres

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The above design principles are ranked in order of priority. As a consequence of these considerations, workshop participants were equally divided on an appropriate approach to managing HRHN detainees whilst keeping staff safe. The two approaches and how they might operate are detailed in the following table.

	<b>Establish a separate unit to manage high risk detainees</b>	<b>Segregation within general population with detainee risk management plans (DRMP's)</b>
<b>Definition</b>	A separate unit within each correctional centre established to accommodate HRHN detainees to support rehabilitation.	HRHN detainees remain in general population with additional support and resourcing to support rehabilitation.
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• Easier supervision (higher ratio of staff to young people)</li> <li>• Tailored environment with appropriate resources and staff</li> <li>• Remove violent offenders to make other units safer</li> <li>• Increased one on one time with staff</li> <li>• Increased safety for vulnerable young people</li> <li>• Tackle offending behaviour more quickly</li> <li>• All units potentially more settled</li> <li>• Removes risk from mainstream</li> </ul>	<ul style="list-style-type: none"> <li>• Individualised and therefore targets risk management strategies</li> <li>• Can be developed and reviewed based on behaviour as behaviour changes</li> <li>• Step by step progression to general population</li> <li>• Less 'shock' to the unit when HRHN detainees are reintegrated</li> <li>• Avoids/ minimises labelling</li> <li>• Pro-social kids can influence the behavioural kids</li> <li>• Staff could know the kids better</li> <li>• Consistent staff helps with rapport building, which leads to better behaviour</li> <li>• Less institutionalising</li> </ul>
<b>Drawbacks</b>	<ul style="list-style-type: none"> <li>• Substantial resources all in one place precipitating low staff morale</li> <li>• Attractive to some detainees</li> <li>• Staff at higher risk of harm</li> <li>• Management need to work on perception</li> <li>• High percentage of aboriginal representation</li> <li>• Higher risk of staff burn out</li> <li>• Progression of young person potentially limited</li> </ul>	<ul style="list-style-type: none"> <li>• Segregation can still be a label</li> <li>• Could influence other detainees negatively</li> <li>• Time consuming for staff on the unit</li> <li>• Inconsistency when staff changes</li> <li>• Highly sanitised</li> <li>• Can be attractive to be on a DRMP e.g. extra attention, special treatment, or for kids who don't want to mix</li> <li>• Confusion around problem v high risk behaviour</li> </ul>

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	<b>Establish a separate unit to manage high risk detainees</b>	<b>Segregation within general population with detainee risk management plans (DRMP's)</b>
	<ul style="list-style-type: none"> <li>• Detainees can bounce off each other reinforcing negative behaviour</li> <li>• Potentially low uptake by HRYP within programs</li> <li>• Moves risk, doesn't mitigate it</li> <li>• Lack of potential influence from mixing with better behaved detainees</li> <li>• Could be inhumane if they are segregated for too long</li> </ul>	<ul style="list-style-type: none"> <li>• Not enough resources</li> <li>• Taxing on staff – same staff deal with the same problematic kids over several months</li> <li>• Harder to target programs e.g. group counselling, cultural programs</li> <li>• Impacts school (less of it)</li> <li>• At times, it is not viewed as a deterrent</li> </ul>
<b>What will be the criteria for HRHN detainee status (eligibility)?</b>	<ul style="list-style-type: none"> <li>• The same process as for current DRMP. Panel review Staff assault, previous and current behaviour, peer assault, intimidation, repeat behaviour offenders (including amount of incidents over time), detainees outside of the existing classification system, exhausted DRMP.</li> </ul>	<ul style="list-style-type: none"> <li>• Same as current: Young people cannot be managed under current incentive scheme/policies (e.g. CAM's, MR's). Separating risky behaviour from problematic behaviour.</li> </ul>
<b>How would HRHN detainee be safely managed?</b>	<ul style="list-style-type: none"> <li>• Fewer numbers of young people facilitates safer management (10 beds, possibly more). The unit would have a dedicated/specific purpose to it. Detainees would be risk assessed every morning. Detainees would attend school. Detainees will not mingle at first but it will not run as separation</li> </ul>	<ul style="list-style-type: none"> <li>• Individualised DRMPs to target the risk. DRMP's are developed and reviewed as behaviour changes. Step-wise progression into general population.</li> </ul>
<b>Who would determine HRHN detainee status?</b>	<ul style="list-style-type: none"> <li>• The current DRMP process would be utilised however, with a separate panel to determine entry/exit into the unit (Manager, AM, VM, SS, YO).</li> </ul>	<ul style="list-style-type: none"> <li>• DRMP panel (multidisciplinary team), a more focussed panel with less people, or potentially more, to include unit staff. Be more <u>prepared</u>.</li> </ul>

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	<b>Establish a separate unit to manage high risk detainees</b>	<b>Segregation within general population with detainee risk management plans (DRMP's)</b>
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<b>What specialist skills or expertise might be required to support this approach?</b>	<ul style="list-style-type: none"> <li>• Good Youth Officer skills – communication, observation, qualifications in mental health, ability to pro-social model. Solutions focussed rather than a punitive approach, physically fit and able, resilient 'thick skin', empathic, patient, appropriately trained and ongoing development</li> </ul>	<ul style="list-style-type: none"> <li>• Psychologist – assessment re: needs for intervention and behaviour change. Functional behaviour assessments. Youth officer engagement skills. Regular debrief/reflection/ supervision. Staff trained in mental health, trauma-informed practice and cultural awareness, communication skills and positive behaviour support. Multi-systemic approach.</li> </ul>
<b>What programs (new and existing) might support this approach?</b>	<ul style="list-style-type: none"> <li>• 'Normal' programming, however, reduced numbers of young people and more personal development-type programs</li> </ul>	<ul style="list-style-type: none"> <li>• Schooling, physical activity, more targeted psychological programs and assessments (more psychologists and mental health staff), reflective practice, skills-based programs e.g. life skills &amp; communication. Specialist staff on weekends, ongoing evaluation.</li> </ul>
<b>Is this approach already in use, and if so, can it be utilised in Juvenile Justice?</b>	<ul style="list-style-type: none"> <li>• Yes, in COS – removal of clear/present violent offenders. In FACS – out of home care and in the school system.</li> </ul>	<ul style="list-style-type: none"> <li>• Yes, but there is a lot we can improve on. It is used in different ways across different centres. Greater consistency is needed, however, the challenge is different centres have different needs.</li> </ul>

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“Without Prejudice”

Additional comments worth considering

- Safety, and the need to balance staff safety with needs of HRHN detainees
- The industry is undergoing a cultural shift and the organisation is dealing with managing this change.
- The landscape in which Juvenile Justice Staff work has changed over the last decade. There is a need to update training, experience and capability of staff to improve 'fit' for what is required of us now.
- Accuracy of research and statistics reported was repeatedly flagged as a concern. Greater transparency is sort due to the apparent discrepancy between the numbers the Executive produces and those recorded at the centres themselves. Concern surrounded the fact that decisions are made based on these statistics.

Those in support of establishing a separate high-risk unit argued:

- Segregation is currently not being utilised
- CBP would form the foundation of skills required by staff of a separate high risk unit but with more tailored programs to HRHN detainees
- Both strategies (a separate high risk unit & DRMP within General Population) go hand in hand

Workshop Participants

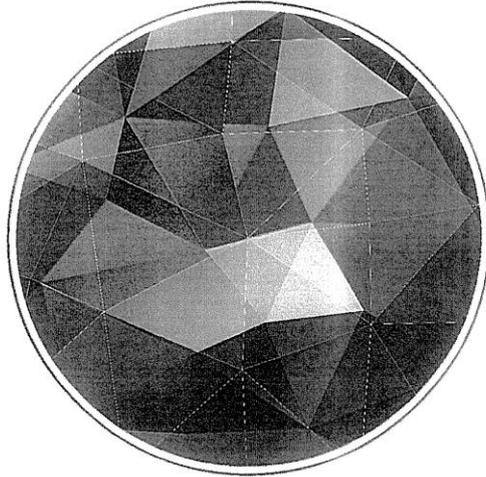
Name	Role	Location
Mike Wheaton	A/Director Operations Unit	JJ Executive/ Operations Unit
Andrea Davidson	Senior Project Officer	Operations Unit
Michelle Merritt	A/Assistant Manager Client Services/Caseworker	Frank Baxter JJC
Fiona Reberger	Unit Manager	Frank Baxter JJC
Todd Donald	Youth Officer/Caseworker	Frank Baxter JJC
Michael Bowman	Youth Officer / Caseworker	Frank Baxter JJC
Adrian Gillespie	Psychologist	Reiby JJC
Bart Masters	A/Shift Supervisor	Reiby JJC
Peter Bartolo	Unit Manager	Reiby JJC
Fiona Tema	Youth Officer	Reiby JJC
John Maher	Unit Manager	Cobham JJC
Ead Kassem	Shift Supervisor	Cobham JJC
Emma Byrne	Psychologist	Cobham JJC
Siataataosalafai Tala	Youth Officer	Cobham JJC
Tim Warton	Senior Practice Officer	Metro South Regional Office

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“Without Prejudice”

<b>Name</b>	<b>Role</b>	<b>Location</b>
<b>Nicole Christoph</b>	Senior HR Advisor Industrial Relations	HR
<b>Julie Bond</b>	Senior Industrial Officer	Public Service Association
<b>Gino Di Candilo</b>	Organiser	Public Service Association
<b>Martin Robinson</b>	A/Organiser	Public Service Association
<b>Sandra Diwa</b>	Youth Officer/PSA Delegate	Reiby JJC
<b>Daryl Berni</b>	Youth Officer/PSA Delegate	Frank Baxter JJC
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<b>Shane Wright</b>	Youth Officer/PSA Delegate	Cobham JJC

**Deloitte.**



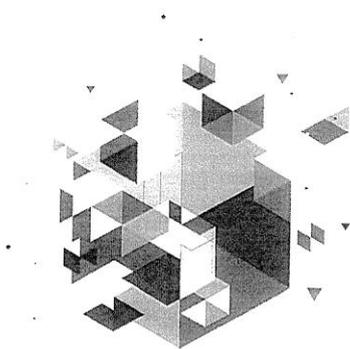
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**Juvenile Justice**

High Risk High Needs Workshop

Monday 14 August 2017

Juvenile Justice  
High Risk High Needs Workshop  
Table of Contents



<b>Format of the day</b>	<b>4</b>
<b>Attendees</b>	<b>5</b>
<b>The challenge</b>	<b>6</b>
<b>Clarifying the challenge from different perspectives</b>	<b>7-9</b>
<b>Risks &amp; mitigation strategies</b>	<b>10</b>
<b>Design principles</b>	<b>11</b>
<b>Potential Solutions</b>	<b>12-14</b>
<b>How might they work?</b>	<b>15-18</b>
<b>Which solution is most popular?</b>	<b>19</b>
<b>Additional notes</b>	<b>20</b>

# Juvenile Justice

## High Risk High Needs Workshop

### Format of the day

#### Clarifying the challenge from various perspectives

The day commenced by outlining the challenge we were here to solve and clarifying this challenge from the perspectives of the staff members, the detainees and the organisation (Juvenile Justice).

#### Risk assessment and potential mitigation strategies

The group brainstormed the risks associated with managing HR/HND as well as potential strategies to mitigate these risks.

#### Design principles

The group determined what principles any potential solutions would need to synthesise with in order to be appropriate and successful.

#### Identify potential solutions

Within the context of the agreed design principles, the group brainstormed possible solutions to better manage HR/HND, discussed the pro's and con's of each proposed solution and outlined how each solution might practically work.

#### Vote

Attendees voted on which of the solutions they supported

### Attendees

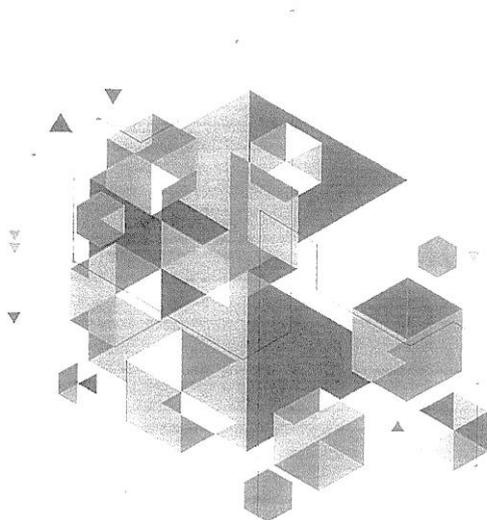
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Shane Wright	Youth Officer/PSA Delegate	Cobham JJC

## Clarifying the challenges of managing HR/HND from different perspectives

Staff Member's Perspective	Detainee's Perspective	Organisation's Perspective
<ul style="list-style-type: none"> <li>• Training &amp; Experience</li> <li>• Staff selection</li> <li>• Strengths and weaknesses of staff around you</li> <li>• Balancing our safety with their needs</li> <li>• Mistrust of accuracy of statistics = low morale</li> <li>• Staff buy-in to processes &amp; solutions</li> <li>• Risk of mental and physical burn out</li> <li>• Culture (admitting that you're burnt out)</li> <li>• Avenues to debrief and manage burn out</li> <li>• Not enough consequences to kids behaviour</li> <li>• Punishments are not working</li> <li>• Personal beliefs</li> </ul>	<ul style="list-style-type: none"> <li>• Perception of fairness</li> <li>• Respect</li> <li>• Young people want honesty, consistency and predictability</li> <li>• Inconsistency in experience between centres</li> <li>• Young people don't always bounce back after a bad experience</li> <li>• Individual histories</li> <li>• Feeling safe from other detainees</li> <li>• Want to be liked and to feel safe</li> <li>• Staff interactions and communication</li> <li>• High expectations</li> <li>• Peer pressure</li> <li>• The risk that young people don't see there is an alternative future</li> <li>• Youth Officers lead interactions with young people and are agents of change</li> </ul>	<ul style="list-style-type: none"> <li>• Change in the environment – the nature of the young people in our care, nature of the world</li> <li>• Culture of the organisation – change in philosophical approach within JJ field and corrections</li> <li>• Staff expertise and training, numbers and 'fit'</li> <li>• To establish and deliver best practice</li> <li>• Increased percentage of high needs detainees, less self management of detainees</li> <li>• Safety of staff and detainees</li> <li>• Cost</li> <li>• Centre reforms</li> <li>• Deterrent v punitive</li> <li>• Legislation – need to work within it</li> <li>• External influences – Ombudsman, Royal Commission</li> </ul>

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High Risk / High Needs Workshop 6



“ How might we **manage high risk / high needs detainees (HR/HND)** more effectively whilst maintaining the **safety and well-being** of Juvenile Justice staff ”

## So what's the challenge we are designing for?

We need to...

Provide a safe environment for staff and HR/HND and manage HR/HND more effectively

so that...

Everyone feels safe and supported and HR/HND can focus on their rehabilitation

because..

HR/HND are different and JJ needs to reduce the risk of high-risk behaviour

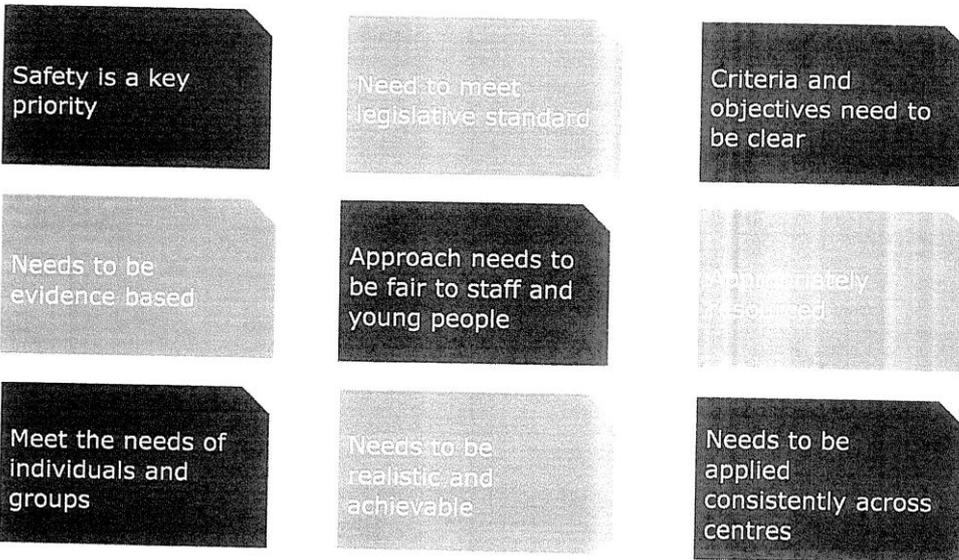
& it would be a game changer if...

The ratio of staff : HR/HND was increased and the 'fit' of staff improved  
Dedicated focus on addressing serious behaviour problems

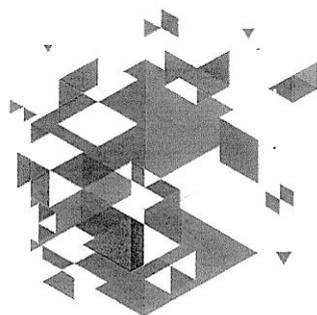
## What are the inherent risks of safely managing HR/HND & what strategies might mitigate these risks?

Key Risks	Mitigation
<b>Violence/Safety</b>	Mixing detainees in smaller groups, proactive staff, improved staff training, build rapport, isolate appropriately, risk assessment, increase staff/detainee ratio, clear consequences
<b>Making the situation worse</b>	Consistency, positive attitude of staff, engage with the young person
<b>Consistency</b>	Communication, roll out of reforms in good time, ongoing staff development and supervision, P&P in collaboration with staff, reflective practice
<b>Resources/ Programming (Lack of and poor 'fit')</b>	Appropriate risk-assessed programs, a focus on engagement through programming, resources to run program well, clear criteria for programs
<b>Staff (training, experience, morale, numbers)</b>	Targeted recruitment and appropriately skilled person providing training, ongoing support and mentoring for staff, concerns of YO's being heard (frontline staff)
<b>Communication and Culture</b>	Training & education, open communication, approachable leadership, staff feeling supported
<b>Mental Health</b>	Greater understanding of MH among staff, ongoing staff training and development, response to mental health by specialist trainer, multi systemic approach, reverse culture of over assessing and under treating MH, providing avenues for staff to maintain well being in this context.
<b>To the individual</b>	Culturally appropriate programs and treatment, increased resources, tailored programs, external providers/resources
<b>Behaviour</b>	Mixing detainees in smaller groups, increase staff/detainee ratio, professional development and training for staff, improved understanding among staff of the function of behaviour, improved staff co-ordination
<b>Physical Environment &amp; Equipment</b>	House HR/HND in separate secure units, ongoing assessment of equipment & environment

## Key design principles determined as a group for designing an approach to safely managing HR/HND



## Two potential solutions were decided upon and explored



1. Establish a separate unit to manage high risk detainees
2. Segregation within general population (DRMP's)

## 1. Establish a separate unit to manage high risk detainees

### Pro's

- Easier supervision (higher ratio of staff to young people)
- Tailored environment; resources and staff
- Remove violent offenders to make other units safer
- Increased one on one time with staff
- Increased safety for vulnerable young people
- Tackle offending behaviour more quickly
- All units potentially more settled
- Removes risk from mainstream

### Cons

- Substantial resources all in one place precipitating low staff morale
- Attractive to some detainees
- Staff at higher risk of harm
- Management need to work on perception
- High percentage of aboriginal representation
- Higher risk of staff burn out
- Progression of young person potentially limited
- Detainees can bounce off each other reinforcing negative behaviour
- Potentially low uptake by HRYP within programs
- Moves risk, doesn't mitigate it
- Lack of potential influence from mixing with better behaved detainees

## 2. Segregation within general population (DRMP's)

### Pro's

- Individualised and therefore targets risk
- Can be developed and reviewed based on behaviour as behaviour changes
- Step by step progression to general population
- Less 'shock' to the unit when HR detainees are reintegrated
- Avoids/ minimises labelling
- Pro-social kids can influence the behavioural kids
- Staff could know the kids better
- Consistent staff helps with rapport building, which leads to better behaviour
- Less institutionalising

### Cons

- Segregation can still be a label
- Could influence other detainees negatively
- Time consuming for staff on the unit
- Inconsistency when staff changes
- Could be inhumane if they are segregated for too long
- Highly sanitised
- Can be attractive to be on a DRMP e.g. extra attention, special treatment, or for kids who don't want to mix
- Confusion around problem v high risk behaviour
- Not enough resources
- Taxing on staff – same staff deal with the same problematic kids over several months
- Harder to target programs e.g. group counselling, cultural programs
- Impacts school (less of it)
- At times it is not viewed as a deterrent

## How might these approaches work to safely manage HR/HND and keep staff safe?

### Establish a separate unit to manage HR/HND

#### 1. What will be the criteria for HR/HND status (eligibility)?

The same process as for current DRMP. Panel review Staff assault, previous and current behaviour, peer assault, intimidation, repeat behaviour offenders (including amount of incidents over time), detainees outside of the existing classification system, exhausted DRMP.

#### 2. How would HR/HND be safely managed?

Fewer numbers of young people facilitates safer management (10 beds, possibly more). The unit would have a dedicated/specific purpose to it. Detainees would be risk assessed every morning. Detainees would attend school. Detainees will not mingle at first but it will not run as separation.

#### 3. Who would determine HR/HND status for detainees?

The current DRMP process would be utilised however, with a separate panel to determine entry/exit into the unit (Manager, AM, VM, SS, YO).

#### 4. How might we effectively manage demand for this approach? (scalability)

Open another unit to increase capacity. Risk assess detainees and rank them. Higher risk = higher priority

#### 5. What specialist skills or expertise might be required to support this approach?

Good Youth Officer skills – communication, observation, qualifications in mental health, ability to pro-social model. Solutions focussed rather than a punitive approach, physically fit and able, resilient 'thick skin', empathic, patient, appropriately trained and ongoing development

## How might these approaches work to safely manage HR/HND and keep staff safe?

### Establish a separate unit to manage HR/HND

#### 6. What programs (new and existing) might support this approach?

'Normal' programming, however, reduced numbers of young people and more personal development-type programs

#### 7. Is this approach already in use, and if so, can it be utilised in JJ?

Yes, in COS – removal of clear/present violent offenders. In FACS – out of home care and in the school system.

## How might these approaches work to safely manage HR/HND and keep staff safe?

### Segregation within General Population (DRMP's)

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Same as current: Young people cannot be managed under current incentive scheme/policies (e.g. CAM's, MR's). Separating risky behaviour from problematic behaviour.

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Individualised DRMP's to target the risk. DRMP's are developed and reviewed as behaviour changes. Step-wise progression into general population.

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DRMP panel (multidisciplinary team), a more focussed panel with less people, or potentially more, to include unit staff. Be more prepared.

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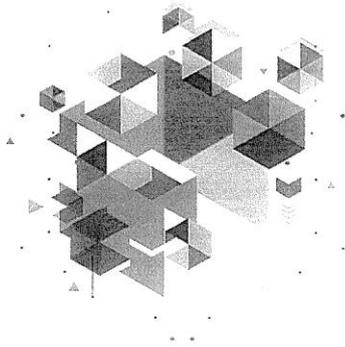
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Yes, but there is a lot we can improve on. It is used in different ways across different centres. Greater consistency is needed, however, the challenge is different centres have different needs.

## Which solution is most popular?

Attendees voted on which of the solutions they supported



**Establish a separate unit to manage high risk detainees**

**- 11 votes**

**Segregation within general population DRMP's**

**- 11 votes**

## Additional notes

### Themes which emerged from the day

- ❖ Safety, and the need to balance staff safety with needs of HR/HND
- ❖ The industry is undergoing a cultural shift and the organisation is dealing with managing this change.
- ❖ The landscape in which we work has changed over the last decade. There is a need to update training, experience and capability of staff to improve 'fit' for what is required of us now.
- ❖ Accuracy of research and statistics reported was repeatedly flagged as a concern. Greater transparency is sought due to the apparent discrepancy between the numbers the Executive produces and those recorded at the centres themselves. Concern surrounded the fact that decisions are made based on these statistics.

### Comments

Those in support of establishing a separate high risk unit stated:

- ❖ Segregation is currently not being utilised
- ❖ CBP would form the foundation of skills required by staff of a separate high risk unit but with more tailored programs to HR/HND
- ❖ Both strategies (a separate high risk unit & DRMP within General Population) go hand in hand



PUBLIC SERVICE ASSOCIATION  
OF NEW SOUTH WALES

General Secretary Stewart Little  
President Kylie McKelvie  
ABN 83 717 214 309

In reply please quote: JB:mb

The Hon. David Elliott, MP  
Minister for Counter Terrorism,  
Minister for Corrections and  
Minister for Veterans Affairs  
GPO Box 5341  
SYDNEY NSW 2001

Dear Minister Elliott,

I write seeking an urgent meeting regarding the need for special units within juvenile justice centres to manage high-risk detainees, including those developing or expressing extremist views.

Radicalisation is not restricted to adults in the NSW prison system. As you would be aware, the PSA has raised this concern with you in the past, but we have been ignored. This can no longer continue.

Our members who work in juvenile justice have been incredibly frustrated by the failure of your Department and your Office to introduce measures and resources that recognise what is required to safely manage high-risk detainees.

The often complex issues of juvenile justice detainees – including issues relating to mental health, disability, and ideology – has been putting officers and detainees at risk.

High-risk detainees – including those who harbour and spread extremist views – pose a threat to themselves, to other detainees, and to staff.

We are now seeing cases of tactical response units escorting juveniles charged with terror-related offences to and from court, and yet when these juveniles go into our facilities they are back in the general population.

A recent case at Cobham Detention Centre, in which a 16-year-old assaulted officers and threatened to behead them, is just one example of the risk present.

---

160 Clarence Street, Sydney NSW 2000 T 1300 772 679 W [www.psa.asn.au](http://www.psa.asn.au)  
GPO Box 3365, Sydney NSW 2001 F (02) 9262 1623 E [psa@psa.asn.au](mailto:psa@psa.asn.au)

We are seeing a high and growing rate of staff assaults in recent years that I would have hoped would trigger action from you.

At Frank Baxter alone, over the past six months there have been 25 reported staff assaults. At Riverina there have been 24. Altogether we are looking at over 60 reported assaults in this six month period, and there are only 280 detainees.

Yet these numbers understate the extent of the problem, because we know many of our members are fearful about speaking out on injuries for fear of negative treatment from a punitive management culture.

We need juvenile detention centres with special units that can manage high-risk detainees who present an acute threat to themselves and others.

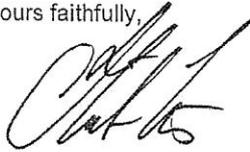
So far the only solution that has been offered by you to our members is additional training, which is patently inadequate.

Reporting by the Daily Telegraph's Rose Brennan has given an important glimpse of this problem to the public, as you no doubt would have noted.

It is my sincere hope that this public exposure gives you the impetus to act with the urgency required.

Please contact my office to arrange a time in the near future to meet.

Yours faithfully,



STEWART LITTLE  
GENERAL SECRETARY

24 October 2018



PUBLIC SERVICE ASSOCIATION  
OF NEW SOUTH WALES

General Secretary Stewart Little  
President Kylie McKelvie  
ABN 63 717 214 309

In reply please quote: File No: 17/0576:TP:mb

15 January 2019

Mr Steven Southgate  
Acting Executive Director  
NSW Justice  
Juvenile Justice  
20 Lee Street  
SYDNEY NSW 2001

Email: [steven.southgate@justice.nsw.gov.au](mailto:steven.southgate@justice.nsw.gov.au)  
cc: [helen.sourlas@justice.nsw.gov.au](mailto:helen.sourlas@justice.nsw.gov.au)

Dear Mr Southgate,

**Re: Managing Safety in Juvenile Justice Centres**

I write to you on behalf of the Public Service Association of NSW (PSA) and refer to your agency's discussion paper, "Managing Safety in Juvenile Justice Centres", and to further comments made by Juvenile Justice and NSW Government representatives regarding the management of high risk detainees.

Despite what has been otherwise asserted, the PSA has consistently argued for the need to establish specialist facilities (a unit or units) to cater for the needs of detainees with violent and/or high risk behaviours.

It is evident, in our view, that the NSW Juvenile Justice system is not sufficiently resourced to provide a smallish cohort (around 10%) of the offender population with the intensive rehabilitation support they require. As the system is currently designed, it is, in effect, failing to meet the needs of young people in detention and placing our frontline staff at an unacceptable risk of harm.

We believe, as we have previously stated, that our state's Juvenile Justice Detention Centres should be equipped with facilities to meet the support needs of high risk/high needs detainees. We have previously described these facilities as Therapeutic Units, and have made detailed submissions during proceedings before the NSW Industrial Relations Commission concerning their operation.

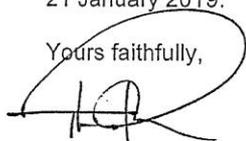
Ideally each Centre would be reviewed to determine the appropriateness of a high risk (or Therapeutic) unit. Where appropriate, our preference is to have those facilities upgraded to ensure detainees are located within a reasonable distance of their families and external support networks (the "dispersal model"). We have also suggested, in the course of discussions with your agency, that high risk units could be brought on-line at Cobham and Frank Baxter Centres relatively quickly with a small additional capital and recurrent investment.

In response to your agency's discussion paper, the PSA believes a mix of strategies is required to improve safety and rehabilitation outcomes for staff and detainees alike. Greater investment in staff training and education is certainly welcome, however the needs of high risk detainees with extreme behavioural issues makes the case for specialist, targeted facilities compelling.

We note these matters have already been discussed in some detail and believe the time for action is now.

I can be contacted on 9220-0906 and would appreciate a response by Monday, 21 January 2019.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'TP', enclosed within a large, loopy circular scribble.

Thane Pearce  
for **STEWART LITTLE**  
**GENERAL SECRETARY**

Attachment G Letter 4 February 2019 to PSA from Steve Southgate, Operations Director



Doc Ref: D19/02083  
File Ref: 17/00715  
PSA Ref: 17/0576-JAB:mb

Julie Bond  
Senior Industrial Officer  
Public Service Association NSW  
160 Clarence Street  
SYDNEY NSW 2001

Dear Ms Bond

As you are aware, on the 21 January 2019, Minister Elliott announced the development of a new high risk management strategy within Juvenile Justice. Key components of this strategy include a refinement of the dispersal model across Juvenile Justice Centres as well as scoping the need for a new six to ten-bed 'Enhanced Support Unit' (ESU), that will allow for the 'step up step down management' of the small cohort of detainee's who do not respond to the usual risk management strategies and controls currently in place.

As part of the announcement, a working group will be formed which will provide operational advice to the JJNSW Executive Director regarding the development of the new high risk management strategy in its entirety. This working group will consist of subject matter experts who hold the appropriate knowledge and experience in the management and treatment of young people exhibiting complex and or aggressive behaviours.

We intend to have the working group meet on a fortnightly basis until the end of April 2019.

Please note that I have considered your request outlined in your letter dated 29 January 2019 regarding the number of PSA representatives to attend the working group and propose the following:

- 2 Representative Delegate(s) from the Metropolitan area
- 1 Representative Delegate from the Regional area
- 1 Representative Officials from the PSA

The proposed composition of representatives will enable the PSA to adequately represent the interests of its broader membership throughout this process.

To fulfil the ten to twelve week time frame stipulated for this work to be completed, confirmation of your participation would be appreciated by COB 5 February 2019.

Should you wish to discuss this further please do not hesitate to contact me on 8346 1916 or [steven.southgate@justice.nsw.gov.au](mailto:steven.southgate@justice.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'SS' followed by a flourish.

4/2/19

Steve Southgate  
A/Executive Director, Juvenile Justice NSW



PUBLIC SERVICE ASSOCIATION  
OF NEW SOUTH WALES

General Secretary Stewart Little  
President Kylie McKelvie  
ABN 83 717 214 309

In reply, please quote: GDC:vv

Ms Melanie Hawyes  
Executive Director  
NSW Justice  
Juvenile Justice  
20 Lee Street  
SYDNEY NSW 2001

By email: [melanie.hawyes@justice.nsw.gov.au](mailto:melanie.hawyes@justice.nsw.gov.au)

Dear Ms Hawyes,

**Re: Occupational Violence in Juvenile Justice**

The Association has been contacted by frustrated members who have advised that after the "*king hit*" and hospitalisation of a member at Frank Baxter JJC on Monday last week, further assaults have occurred this week at other Centres.

The Association has been informed that this week at Cobham three workers were assaulted by two detainees, with at least one worker being assaulted in the head. The worker left a significant amount of blood in the workplace and was taken to the hospital where he required 10 stitches, whilst another assaulted worker was bitten. The alleged perpetrators are detainees with a long term history of transgressions in the Juvenile Justice system and non-observance of directions.

The Association has also been informed that a worker at Riverina JJC was assaulted twice. The first assault being at the breakfast routine where he was assaulted with a plastic knife. We were informed that he was charged with assault by the Police, but we understand that he still attended his motorbike program. He then returned to the lunch routine on the same day and further assaulted the worker again by throwing a cup.

Whilst these assaults are alarming in themselves, the Association's concerns are more manifest in that there appears to be virtually no consequence regime as a control, thereby encouraging violence against workers and other detainees.

We also have alleged reports of management advocating with NSW Police, after an assault on staff to keep the adult detainees in Juvenile Justice, rather than adult correctives services where there are more controls in place to prevent the risk of assault on staff.

Additionally, it appears that whilst controls such as extra staff (including YOCS), restraint belts, cuffs, cell extraction technics, and leg cuffs can be used in DRMP, there appears to be a reluctance to continue these controls for any extensive period of more than a few days, thus putting the safety of staff and others at further risk.

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-2-

Whilst isolated violent incidents could be put down to local case by case basis scenarios, these outcomes appear to be State-wide.

The Association is requesting information on what proactive steps the Department is taking to ensure the safety of staff and others and prevent workers from being continuously assaulted by detainees. We request an urgent consultation meeting with yourself regarding our serious concerns with occupational violence in the workplace.

I can be contacted on 92200906 to discuss these matters.

Yours faithfully



**GINO DI CANDILO**  
for **Stewart Little**  
**General Secretary**

**5 April 2019**



PUBLIC SERVICE ASSOCIATION  
OF NEW SOUTH WALES

General Secretary Stewart Little  
President Kylie McKelvie  
ABN 63 717 214 309

In reply please quote: GDC:vv

12 April 2019

Mr Michael Coutts-Trotter  
Secretary  
Department of Family and Community Services and  
Department of Justice  
Locked Bag 10  
STRAWBERRY HILLS NSW 2012

Dear Mr Coutts-Trotter

The Public Service Association of NSW (PSA) writes to you regarding Juvenile Justice.

PSA members deal with young offenders across the State that have both complex and challenging behaviours. As a result of these behaviours PSA members are currently faced with an increase in staff assaults. It is only a matter of time before there is a death of either a worker or a detainee.

Each day PSA members are placed under enormous pressures when dealing with these young offenders. The Association believes that the current detention centre structure is not adequately equipped in housing these offenders. To date there has been discussion around Enhanced Support Units.

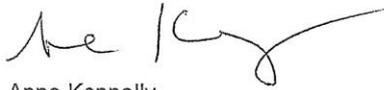
PSA members continue to be assaulted. In the last fortnight there have been five assaults across three Centres with the most serious injury being to a staff member who required ten stitches to his forehead after being assaulted with a table tennis bat. These are just not physical injuries to PSA members, but also to the members that witness this violence on a daily basis who are vicariously traumatised.

The Association wishes to remind the Department that there is an obligation under Section 19 of the Work, Health and Safety Act 2011 for a person conducting a business or undertaking to provide a safe and healthy workplace. The PSA is of the view that this is not occurring. In addition, an officer, as defined under this Act is legally required to ensure this occurs.

Given PSA members have no confidence in the Juvenile Justice executive management team, the Association seeks an urgent meeting with you to discuss the need in addressing this vital issue of creating a far safer environment for both staff and young offenders and, equally as important, concentrating on the key rehabilitation of these young offenders.

Please contact Industrial Officer, Gino DiCandilo on 0417 940 137 or alternatively, email [gdicandilo@psa.asn.au](mailto:gdicandilo@psa.asn.au)

Yours faithfully



Anne Kennelly  
for **STEWART LITTLE**  
**GENERAL SECRETARY**

Sensitive: NSW Government



Doc:19/10577  
File: 17/00715-005

Mr Stewart Little  
General Secretary  
Public Service Association  
160 Clarence Street  
SYDNEY NSW 2000

Attention: Mr Gino Di Candilo [gdicandilo@psa.asn.au](mailto:gdicandilo@psa.asn.au)

Dear Mr Little

**Re: Managing risk within Juvenile Justice Centres**

Thank you for your correspondence of 5 April 2019 regarding the issues of managing safety within the Juvenile Justice Centres. I understand that you have since forwarded further correspondence to Secretary Mr Michael Coutts-Trotter on 12 April 2019 regarding this same issue seeking a meeting to discuss these matters further. I am aware that a meeting took place on 30 April 2019.

I now take the opportunity to respond to the correspondence received at the request of the Secretary.

Workplace safety is a priority for Juvenile Justice and we work to address the risks associated with managing young people in detention centres by engaging with frontline staff, external partner agencies and the Public Service Association (PSA).

Under the *Children (Detention Centres Act) 1987*, frontline custodial staff have a number of authorised controls available to manage risk and to respond to misbehaviours by detainees in custody. In addition to these established controls and powers, the Department has invested heavily in additional resourcing to manage young people with high risk behaviours and to build the capability of frontline staff to manage these behaviours safely in detention.

Further, the Department is working to develop a contemporary High Risk Management Strategy as a longer-term solution.

In your correspondence, you have referenced a number of incidents that have

## Sensitive: NSW Government

occurred and asked about the Department's ability to use physical restraints more frequently, proactively and for longer. Physical restraints are an authorised control method under the *Children (Detention Centres) Regulation 2015* and *Children (Detention Centres) Act 1987*. This legislation provides that in dealing with young offenders, physical restraints must only be used for the shortest time necessary to effectively manage the risk to both employees and detainees. Restraints may be used for the effective management of detainees, when other interventions have been unsuccessful, or are not appropriate, based on the risk to employees or a detainee's safety.

Over the last year the Department has listened to the concerns of staff and implemented changes, with more planned. The changes aim to strengthen workplace safety and build staff capability. As a result of our meeting on the 11 April 2019, Juvenile Justice is organising a number of visits with the PSA to look at how secure models of care and infrastructure are evolving to manage and support young people with challenging behaviours, including young offenders, whilst mitigating risks associated with staff safety. The visits will include the Parkville and Malmsbury detention centres in Victoria. We think this is a great opportunity to work together to inform the future High Risk Management Strategy.

We value the collaborative working relationship with the PSA and look forward to continuing to engage in a joint effort in addressing the issues raised.

Yours sincerely,



Melanie Hawyres  
Executive Director  
Juvenile Justice NSW

Attachment K Letter 9 July 2019 to Steve Southgate from Melanie Hawyes, Executive Director



PUBLIC SERVICE ASSOCIATION  
OF NEW SOUTH WALES

General Secretary Stewart Little  
President Kylie McKelvie  
ABN 83 717 214 309

In reply, please quote: JAB:wv

9 July 2019

Mr Steve Southgate  
Director Custodial Operations  
NSW Justice  
Juvenile Justice  
Level 2, 20 Lee Street  
SYDNEY NSW 2001

By email: [steven.southgate@justice.nsw.gov.au](mailto:steven.southgate@justice.nsw.gov.au)

Dear Mr Southgate,

Re: IRC 2017/00049329

I refer to IRC proceedings held on 9 June 2019 and the matter put forward by the Association seeking amendment to the Children (Detention Centres) Act 1987.

During the IRC proceedings, the Association advised that Corrective Services NSW are in the process of amending Crime (Administration of Sentences) Act 1999 with particular reference to inmate behaviour:

*Section 65*

65A *Behaviour management policies*

- (1) *The Commissioner may adopt policies to manage the behaviour of inmates of correctional centres (behaviour management policies).*
- (2) *A behaviour management policy may:*
  - (a) *include any matter relating to the management of the behaviour of inmates in accordance with this Act and the regulations, and*
  - (b) *specify circumstances in which the withdrawable privileges provided to an inmate may be modified either by increasing or depriving the inmate of privileges.*
- (3) *Despite any other provision of this Division, modifying the withdrawable privileges provided to an inmate in accordance with a behaviour management policy:*
  - (a) *is authorised even if the circumstances causing the modification relate to an act or omission that is a correctional centre offence or criminal offence, and*
  - (b) *may be done at any time regardless of any proceedings or process underway or penalty imposed in relation to a correctional centre offence or criminal offence, and*
  - (c) *does not prevent the commencement of continuation of proceedings for a correctional centre offence or criminal offence.*

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GPO Box 3365, Sydney NSW 2001 F (02) 9262 1623 E [psa@psa.asn.au](mailto:psa@psa.asn.au)

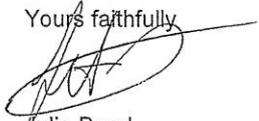
The PSA submitted that we seeking a similar amendment to the Children (Detention Centres) Act 1987 and whilst we note that you advised that you don't have the delegation to make that commitment, you were prepared to discuss the matter.

In review of the Children (Detention Centres) Act 1987, with particular regards to Division 2 - Treatment of Detainees, 21 Punishment of Misbehaviour, we believe that the discussions can be structured under this particular area of the Act.

We would appreciate your acknowledgement that the current matters regarding staff assaults are still in discussion and we seek that a meeting be scheduled to discuss the amendment.

Julie Bond can be contacted on 9220 0906 or via email [jbond@psa.asn.au](mailto:jbond@psa.asn.au)

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Julie Bond', written over the typed name.

Julie Bond  
for **Stewart Little**  
**General Secretary**



PUBLIC SERVICE ASSOCIATION  
OF NEW SOUTH WALES

General Secretary Stewart Little  
President Kyle McKeivie  
ABN 83 717 214 309

In reply please quote: SL:MG

The Hon. Gareth Ward  
Minister for Families and Communities  
52 Martin Place  
Sydney NSW 2000

BY EMAIL : [office@ward.minister.nsw.gov.au](mailto:office@ward.minister.nsw.gov.au)

Dear Minister,

**Re: Frank Baxter Juvenile Justice Centre Riot**

I write to express the Association's support for your decision to appoint former Police Assistant Commissioner Lee Shearer to investigate and review the causes of the riot on 21-22 July 2019 at Frank Baxter Juvenile Justice Centre.

I do, however, hold grave reservations about the scope and procedure of the proposed review and wish to offer some additional suggestions to ensure that the review is thorough and far reaching.

The review should not be limited to examining the incident at Frank Baxter on 21-22 July 2019. The PSA recognises that there is a historical and organisational context the riot occurred within. A series of preceding and escalating events have occurred at centres throughout the State since 2015.

The riot at Frank Baxter is directly attributable to, and inter-related with, the deteriorating disciplinary and structural responses applied by the Department. We would therefore be ill-advised to consider this riot an aberration.

These recent events include:

- a major incident at Frank Baxter on 9 June 2019 where detainees accessed the roof of the centre, caused significant damage and remained there overnight;
- a unit destroyed by inmates at the Orana Centre in May 2019;
- detainees gaining access to and destroying a unit at Riverina Centre on 13 July 2019; and
- a number of serious recent assaults on staff including to one officer at Cobham on 8 June 2019, another at Orana on 18 June 2019, and another at Cobham on 29 June 2019, all of which have required staff to be treated in hospital for injuries.

The review must examine all processes and policies across Juvenile Justice. It is these failed processes and policies that have been a cause of concern to the Association for a significant time. The PSA has repeatedly raised this with the Department and we have been in dispute before the NSW Industrial Relations Commission since February 2017. It is our firm belief that the Department has contributed towards the perception among the detainees of a complete lack of any disciplinary consequence for violent and unacceptable behaviour.

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The review should examine current case management practices, Detainee Risk Management Plans (DRMPs), classification and placement of detainees and the use of isolated therapeutic-based programs.

I have discussed my concerns with a number of colleagues in other jurisdictions and believe it is imperative that any review should include a discussion with the relevant New Zealand agencies including the Department of Justice and Department of Correctives. The New Zealand system has undergone significant reform over the last 15 years.

The Association seeks the ability for not only its industrial staff and its delegates from the Frank Baxter Centre to participate in the review as would be reasonably expected, but Ms Shearer be authorised to make a broad invitation for its delegates across the State to provide their valuable insights to the aforementioned issues.

As a matter of urgency the Association seeks an independent and thorough audit of all security measures in all centres across the State. This audit needs to be conducted by a suitably qualified practitioner in risk assessment in custodial environments. I would recommend you seek the expertise of senior officers that work within Corrective Services NSW emergency units. Two significant issues that have arisen through the events of the weekend:

1. The adequacy and fitness-for-purpose of the centres themselves, including roof access, keys and security systems internally within a centre, and the proximity and access to areas supposed to be in protective custody, and
2. The access and control of all tools, equipment and chattels within a centre, that could be potentially used as weapons. The Frank Baxter riot was aided by gardening tools obtained from a maintenance shed; the Association believes this is symptomatic and not an isolated or extreme incident. A member was recently assaulted with a hammer and in 2017 another member was assaulted with a fire extinguisher.

The Association seeks a judicial review of all relevant legislation and in particular the powers of officers and the placement of detainees over 16 years of age and the placement of detainees over eighteen years of age.

The Association shares your stated concerns regarding the events of last weekend and believes there is a mutual interest in which we should work collaboratively towards providing a safe and secure custodial environment for detainees and the workforce in Juvenile Justice. Our immediate experience over the past three years has not instilled any confidence in the department or its senior management.

Yours faithfully



Stewart Little  
**General Secretary**

25 July 2019

**Attachment M Letter 25 July 2019 to PSA from Ms Simone Czech, Dep Secretary**



Stuart Little  
General Secretary  
Public Service Association  
GPO Box 3365  
SYDNEY NSW 2001

Dear Mr Little

I refer to the significant disturbance at the Frank Baxter Centre on Sunday 20 July 2019 and the Association's correspondence of 23 July 2019 to Mr Steven Southgate.

Youth Justice is in incident response and recovery with respect to the operations of the Frank Baxter Centre. The damage to the Centre is significant and NSW Police investigations are ongoing.

An independent review of the incident, to be conducted by Ms Lee Shearer, has commenced. Ms Shearer is a former NSW Police Assistant Commissioner.

Youth Justice has entered a Memorandum of Understanding with CSNSW to engage security response Correctional Officers on-site during this immediate stage. Their presence will be revised from a risk perspective at an appropriate time.

I would like to meet with the Association to share information about the incident, discuss the current situation at the site and commence consultation on the review of immediate, medium and longer-term work, health and safety risks. A series of bi-weekly meetings is proposed to facilitate consultation with the Association.

The Association's approach to discuss the strike pay matter before the NSW Industrial Relations Commission is appreciated. At this point our efforts are focused on the recovery of the Frank Baxter Centre and we look forward to discussions in the future.

If you would like more information, please contact Catherine Carvolth, Director Employee Relations, Safety and Wellbeing on 8879 9085 or [Catherine.carvolth@facs.nsw.gov.au](mailto:Catherine.carvolth@facs.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to be 'SCzech'.

Simone Czech  
A/Deputy Secretary Child Protection and Permanency, District and Youth Justice  
Services

25 July 2019

Department of Communities and Justice  
Postal address: Locked Bag 4001, Ashfield NSW 1800  
W [www.facs.nsw.gov.au](http://www.facs.nsw.gov.au)  
T (02) 9377 6000 | TTY (02) 8270 2167  
ABN 36 433 875 185

# Attachment N Classification and Risk Assessment Document

- Duty of care
- Definitions
- Admissions and discharge
- Safety and Security
- Incidents
- Movements
- Case Management
- Detainee Contacts
- Detainee Behaviour Intervention
  - Detainee Behaviour Intervention Framework Chart
  - Misbehaviour
  - Instruments of restraint
  - Segregation
  - Separation
  - Use of force
- Incentive Scheme
  - Incentive scheme definitions
  - Weekly Incentives for Detainees
  - Incentive Scheme Stages
  - Classification and risk assessment
- Detainee Management Plans
- Use of Protective Equipment
- unit poster Separation Segregation

## Classification and risk assessment

Classification and risk assessment are major governing factors for detainee's participation in program interventions. Therefore, all programs that must be completed in each stage of the Incentive Scheme must consider detainee classification.

A detainee's classification must be considered by the weekly CAM review meeting when discussing their participation in programs. A detainee can only participate in programs relevant to their classification. Although a detainee may be eligible to access certain programs based on classification, staff must always ensure a risk assessment is conducted prior to any participation in programs.

Table 1: Program access levels as determined by risk assessment

Security classification	Program access level
Unclassified	Low Risk
A1a and A1b	Low Risk
A2	Medium/Low Risk
B1	Medium/Low Risk
B2	Low/Medium/High Risk
B3	Low/Medium/High Risk

- Duty of care
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  - Case Management
  - Planning functions of case management
  - Case Management definitions
  - Roles and responsibilities for case management
  - Link with the incentive scheme
  - Client Services
  - Client Services Meeting (CSM)
  - Case conference and case plan reviews
  - Case reviews
  - Conditional discharge
  - Eligibility
  - Non-eligibility
  - Link with risk assessment
  - Link with classification
  - Victims Register
  - Confidentiality & Security of Casework Files
  - Conflict resolution
- Chaplaincy
- Detainee request for personal time
- Leave
- Detainee Representative Committee
- Parole
- Appeal
- Department of Community Services (Staff)
- Bail Resources
  - Leading agency delegations:
  - Accommodation pre-release requirements
  - WDO FAQs
- Detainee Contacts
- Detainee Behaviour Intervention

## Link with the incentive scheme

In accordance with the Case Management Policy, the incentive scheme must be directly linked to case plans. Incentive schemes are crucial to the day to day operation of a centre environment. They assist detainee's awareness of their individual responsibilities for behaviour and addressing their offending behaviour. Detainees by the very nature of them being in custody require support and opportunities to have socially acceptable behaviours reinforced, in order to develop new ways and skills to situations, and manage their emotions.

Daily incentives are directly linked to the detainee's progress and behaviour throughout the daily routine. Detainees should be assessed against clearly defined observable behaviours and tasks. This ensures detainees are aware of their responsibilities and staff are able to be objective in their assessment.

Target behaviours achieved by the young person that can be practised, demonstrated and assessed, that assist in achieving case plan goals should then be reviewed in a forum that assesses and review strategies/goals. The assessment is based on evidence of participation and performance through behavioural observation, incidents briefing, participation of unit activities, DET and vocational programs and engaging in therapeutic intervention link to their offending behaviour. The focus of the assessment is to ensure that the young person case plan is linked with behavioural goals, case plan goals, reducing offending, and the young person's return to the community.

In the Entry - Admission-Induction-Assessment stage, the behaviours being observed and assessed within the incentive scheme, relate to those expectations on behaviour that are common to all detainees, and observations made while the young person is adjusting to custody. It is then used as part of the assessment process in the development of the case plan at the initial CSM. During each subsequent stage of the case management process (Case Conferences and Reviews) casework goals that are negotiated with the young person should incorporate unit behaviours, (JJ-CW028 that can be observed and assessed within the incentive scheme, and reviewed at the same time as the case plan.

The young person can then be rewarded through the incentive scheme for the effort and achievements they have made in meeting case plan tasks and goals. In this sense, behavioural targets assist achievement of case plan goals.

The primary case management tool linking the incentive scheme with the case plan is the Casework Progress/Behaviour Observation form, details of which are outlined in the 'forms' section of this document. (JJ-CW028). This form is the basis of the weekly Client Assessment Meetings (CAMS) which allows detainees to develop weekly goals and behaviour targets based on interventions in line with their case plan.

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- Bail Resources
- Leading agency delegations:
  - Accommodation pre-release requirements
  - WDO FAQs
- Detainee Contacts
- Detainee Behaviour Intervention

## Client Services Meeting (CSM)

The CSM is convened to discuss strategies and plans required to meet the identified needs of young people in custody. It is chaired by the Assistant Manager (CS) or their delegate, and should be attended by Assistant Managers, Unit Managers, Psychologist, AOD Counsellor, Specialist Counsellors, Classification Officer, Registered Nurse, a representative of Education staff, a representative of Unit staff, and the Chaplain.

It is important that as many people as possible who work directly with young people at the centre provide information about each young person, to ensure assessments, case planning, and reviews are well informed and that interventions are appropriately targeted.

Wherever possible, Area Manager/Assistant Area Manager (JJCS) should make staff available from time to time to provide information either in person or by teleconferencing at the centres. The purpose of such invitations will be to provide the members of the CSM with background or other relevant information that could assist with casework intervention during the term / period the juvenile is in custody (bail refused/ control). This will assist in the development of the case plan and allowing a greater chance of success for the young person.

Information from the following groups or sources of information are gathered in CSM in the following area:

- monitor new admissions and ensures that bail undertaking is met
- risk assessment and SYORP admissions
- consider any issues that may place the young person or others at risk while in custody
- ensure all reports and assessments are obtained to inform the case plan
- consider any court matters and critical dates
- involve pre planning for exit strategies and interventions
- ensure that programs and services meet the goals of the intervention plan and case plan
- consider the classification of the young person
- commenting on detainee requests for transfer between units at the centre, other centres and correctional centre
- consider the young person's early release.

Duty of care  
Definitions  
Admissions and discharge  
Safety and Security  
Incidents  
Movements  
Case Management  
Detainee Contacts  
Detainee Behaviour Intervention

## Duty of care

Staff employed by Juvenile Justice have common law and statutory duties of care towards clients of the agency. Failure of an employee to discharge their duty of care, or otherwise act within the law, leaves the employee individually, or the agency, (or both) open to criminal or civil action.

Agency staff will be liable to disciplinary action under the Public Sector Employment and Management Act 2002 if it is found proven, that by any act or omission, they have failed to discharge their duty of care. (Code of Conduct) (NSW Government Personnel Handbook, chapter 9)

Duty of care  
Definitions  
Admissions and discharge  
Safety and Security  
Approval for searches of units and other areas  
Searching detainees  
After hours crisis support  
Dangerous items  
Risk assessment  
Definitions  
Links between risk management, case management and behavioural management  
Risk ratings  
Identification of challenging behaviour  
Identification of pro-social behaviour  
unit poster Separation Segregation  
reference guide Separation Segregation  
Standards for separation  
After hours medication  
Alarms  
Alerts  
Perimeter security  
Urinalysis program  
Routines for staff and detainees  
Arunta Controlled Telephone System (ACTS)  
Contraband – prevention and detection  
Incidents  
Movements  
Case Management  
Detainee Contacts  
Detainee Behaviour Intervention

## Links between risk management, case management and behavioural management

There is a direct link between risk assessment, case management and behaviour management. The assessment and observation components in both case management and behaviour management provide valuable information for risk assessment.

Case management and behaviour management processes provide opportunities to observe and record a range of behaviours that may be assessed as 'risk behaviours' (eg. self-harm, violence), and appropriate, pro-social behaviours that may be reinforced to reduce risk.



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Perimeter security  
Urinalysis program  
Routines for staff and detainees  
Arunta Controlled Telephone System (ACTS)  
Contraband – prevention and detection  
Incidents  
Movements  
Case Management  
Detainee Contacts  
Detainee Behaviour Intervention

## Risk ratings

A risk rating is allocated to all detainees and programs on the basis of risk assessment results.

The risk rating given to a program or activity will be either:

- low
- medium
- high.

A detainee is risk-assessed at a level of either:

- low
- medium
- high.

The rating indicates the types of programs detainees can access according to the risk rating of the detainee and the program. For example, a detainee assessed as high risk will only be permitted in low risk programs, and a detainee assessed as low risk will be permitted in all types of programs.

- Duty of care
- Definitions
- Admissions and discharge
- Safety and Security
  - Approval for searches of units and other areas
  - Searching detainees
  - After hours crisis support
  - Dangerous items
  - Risk assessment
    - Definitions
    - Links between risk management, case management and behavioural management
    - Risk ratings
    - Identification of challenging behaviour
    - Identification of pro-social behaviour
    - unit poster Separation Segregation reference guide Separation Segregation
    - Standards for separation
  - After hours medication
  - Alarms
  - Alerts
  - Perimeter security
  - Urinalysis program
  - Routines for staff and detainees
  - Arunta Controlled Telephone System (ACTS)
  - Contraband – prevention and detection
- Incidents
- Movements
- Case Management
- Detainee Contacts
- Detainee Behaviour Intervention

## Identification of challenging behaviour

Managing challenging behaviour is directly linked to risk assessment and the management of identified risks. A detainee's challenging behaviour (eg. assault, fighting, and threats of violence) presents some of the greatest risks to staff and other detainees.

The **behaviour** provides information about the level of risk and enables staff to assess and re-assess the detainee's risk rating and participation in programs.

The **response** considers the safest and demonstrates consideration of the best possible ways to reduce the behaviour and/or to stop it occurring in the future.

- Duty of care
- Definitions
- Admissions and discharge
- Safety and Security
  - Approval for searches of units and other areas
  - Searching detainees
  - After hours crisis support
  - Dangerous items
  - Risk assessment
    - Definitions
    - Links between risk management, case management and behavioural management
    - Risk ratings
    - Identification of challenging behaviour
    - Identification of pro-social behaviour
    - unit poster Separation Segregation
    - reference guide Separation Segregation
    - Standards for separation
  - After hours medication
  - Alarms
  - Alerts
  - Perimeter security
  - Urinalysis program
  - Routines for staff and detainees
  - Arunta Controlled Telephone System (ACTS)
  - Contraband – prevention and detection
- Incidents
- Movements
- Case Management
- Detainee Contacts
- Detainee Behaviour Intervention

## Identification of pro-social behaviour

There is a direct link between risk assessment and the identification of appropriate and pro-social behaviour. A detainee displaying appropriate and pro-social behaviour may pose a reduced level of risk to staff and other detainees.

It's important for staff to promote and encourage appropriate behaviour among detainees to assist in reducing challenging behaviour. The more emphasis staff place on promoting and responding to this type of behaviour, the less likely they are to have to deal with difficult behaviour, which often presents unreasonable levels of risk to the safety of the detainee, other detainees, and staff.

Observing and recording a detainee's pro-social behaviour is just as important as observing and recording challenging behaviours. The latter tells us there is a risk, and the former tells us about the detainee's capacity to behave more safely.

Behavioural assessments and observations in the incentive scheme and responses to challenging behaviour contribute to risk management. (Incentive scheme)

## Approval of Classification Over-Rides

The classification instruments, contain an override mechanism that calls on classification officers to rely on their professional judgement in cases presenting aggravating or mitigating circumstances.

Classification Officers must ensure that an over ride is used to allow a detainee to have a gradual reduction in their classification level from A1 to A2 to B1.

The following procedure will occur when an over ride is required:

	Determine if over ride is required due to aggravating or mitigating circumstances after completion of scoring.
	Provide a clear explanation for the over ride on the classification form.
<b>Classification Officer</b>	Refer 'A' classification over rides to Manager Court Logistics, Classification & Placements for approval.
	Refer 'B' classification over rides to Coordinator Classification and Placements for approval.
<b>Classification Coordinator</b>	Approval or otherwise of 'B' classification over rides.
<b>Manager CLC&amp;P</b>	Approvals or otherwise of 'A' classification overrides

## Link with Risk Assessment (Classification)

- Objective Classification in Juvenile Justice identifies those detainees who pose a risk in relation to institutional adjustment, escape and/or assault.
- Review of classification or the reclassification process is concerned with assessing detainee's behaviour in custody and detainee's progress towards case plan goals and offending behaviour if appropriate.
- While objective classification identifies static risk factors, it is also informed about a detainee's dynamic risk factors by the case management process.
- Effective case management assessments, reviews, and case management strategies, including recording, increase the accuracy of risk assessment and the effectiveness of strategies to manage identified risk.
- If a Detainee is assessed as high risk and is refusing to participate in programs available aimed at reducing their assessed risk factors they are not to progress to a B2 or B3 classification until successful participation occurs.

## Link Classification with Case Management

- Integration of the case management process and the classification policy and procedures is achieved throughout the reclassification process.
- The detainee's classification level is reviewed within the Effective Behaviour Management Process, which identifies individual needs and how they are progressing evident by information and assessment of behaviour, progress towards case plan goals and addressing offending behaviour.
- Given that all detainees' progress through a continuum of care, the aim of reclassification together with case management is preparing detainees for the transition from custody into the community.

Refer to the Program [Risk Assessment](#) procedures and the [Case Management](#) procedures for more in details.

## Review of Classification

### Review of Classification

A review of Classification occurs:

- At regular scheduled intervals
- Following an event

An event or review of classification will not always warrant a change in the classification level.

Following an event driven review of classification the Classification Officer schedules the next review from the date of the incident.

The regularly scheduled intervals are determined by the length of time the detainee is expected to be in custody.

Length of Sentence	Reclassification Intervals	Example
6 months or less	1/3	For a sentence of 3 months reclassification occurs monthly.
		For a sentence of 6 months, review of reclassification occurs every 2 months.
7-12 months	¼	For a sentence of 9 months, review of reclassification occurs every 10 weeks.
		For a sentence of 12 months, review of reclassification occurs every 3 months.
Over 12 months	Every 3 months	Reclassification occurs every 3 months.

**Note:** To reflect the reclassification opportunities available to a detainee remanded in custody, if a detainee has been on bail in the community for longer than six months prior to admission on a control order to a Juvenile Justice Centre a review of classification will occur one month after admission and then as per table above.

- In cases of multiple control orders/sentences, the longest sentence dictates when the reclassification process occurs.
- Where a detainee has concurrent Orders the total length of stay in custody is the length of sentence considered to set a reclassification interval.
- If a detainee is on control with further remand matters the review periods are set by the control order. If the detainee then attends Court and receives another control order the review period is set by the longest sentence.
- If a detainee is appealing their sentence they are still considered to be on a control order and the length of the review periods are determined by the table above.

### Event Driven Review of Classification

Not all events trigger a Review of Classification.

A review of classification will occur as close to the date set or the event as possible.

The following events automatically trigger a review of classification:

Event	Circumstance
Serious Incident	<ul style="list-style-type: none"> <li>• Certain serious events that result in an incident advice on CIMS. Refer to incident trigger.</li> <li>• The detainee can not score lower than their prior classification level as the result of a serious misbehaviour.</li> </ul>
Attempt Escape/Escape	<ul style="list-style-type: none"> <li>• Return to custody less than 14 days will result in a review of classification.</li> <li>• Return to custody 14 days or more after will result in initial classification.</li> <li>• The detainee can not score lower than their prior classification level as the result of an escape, nor will they be classified at a level which allows access to leave.</li> </ul>
Upgrade in Charges	<ul style="list-style-type: none"> <li>• If the detainee is bail refused for more serious charges than current offence severity category on classification form.</li> </ul>
Downgrade in Charges	<ul style="list-style-type: none"> <li>• If the downgrade of charges result in a change in current offence severity category on classification form.</li> </ul>
24(1)(c)	<ul style="list-style-type: none"> <li>• When Classification Officer receives a request for 24(1)(c) from the JJCS.</li> <li>• A breach in conditions of 24(1)(c) and return to custody within 14 days will trigger a review of classification.</li> <li>• A breach in conditions of 24(1)(c) and return to custody after 14 days or</li> </ul>

more will trigger an initial classification.

The following events may trigger a review of classification under certain circumstances:

Event	Circumstance
Passing of Critical Date	<ul style="list-style-type: none"><li>• If detainee's critical dates for leave arrive and current classification does not allow eligibility for leave. (Refer to leave procedures for eligibility.)</li><li>• If detainees critical dates for leave arrive and detainee is already classification B2 or B3 review is not required.</li></ul>
Change of status or court outcome	<ul style="list-style-type: none"><li>• If, as result of an appeal, the release date or critical dates have changed and the detainee may now be eligible for leave.</li><li>• A Court outcome that does not change legal status or critical dates does not warrant a review of classification.</li><li>• When the court confirms the Revocation of Parole and sets a date for release.</li></ul> <p><b>Note:</b> A detainee on Revocation of Parole must remain at least a B1 classification until the court sets a date for release.</p>
Intelligence Information	<ul style="list-style-type: none"><li>• If detainee produces a positive urine sample which cannot be justified or refuses to provide a sample.</li><li>• If Manager Court Logistics, Classification &amp; Placements advises significant information provided through Security &amp; Intelligence reports indicate an immediate threat to safety and security of the centre.</li><li>• Less serious Security &amp; Intelligence information (as determined by Manager CLC&amp;P) will be taken into account at the young person's next scheduled review of classification.</li></ul>
Administrative	<ul style="list-style-type: none"><li>• In response to an administrative or emergency transfer between classification levels in exceptional circumstances.</li><li>• Manager Court logistics, Classification &amp; Placements will inform responsible Classification Officer.</li><li>• Classification Officer will make a case note.</li></ul>
Casework	<ul style="list-style-type: none"><li>• In consultation with the CSM.</li></ul>

A review of classification will occur as close to the date set or the event as possible. The responsibility of various people in a review of classification is as follows:

#### Over rides

The classification instruments, contain an override mechanism that calls on classification officers to rely on their professional judgement in cases presenting aggravating or mitigating circumstances.

Classification Officers must ensure that an over ride is used to allow a detainee to have a gradual reduction in their classification level from A1 to A2 to B1.

#### Appeal of Classification Process

The detainee or Centre Manager can appeal the classification decision if he/she disputes the validity of application of the instrument or the accuracy of information used to score the instrument or has a valid question regarding overrides or the final decision.

The detainee or Centre Manager must submit the appeal to the Classification Officer within 7 days after receipt of the classification decision.

**Whilst the appeal is in progress, the approved classification decision stands.**

Once received, the appeal will involve a review by the responsible officer, of all relevant documentation that was used in the original decision by the Classification Officer.

All appeals should be dealt with within 5 days of being registered on CIMS.

If there are appeals, which take longer to resolve than ten days, the appellant, and the Deputy Chief Executive (Operations) must be informed of the reasons for the delay.

If an appeal is not upheld the appellant has the option of a further appeal to the next level. This further appeal should be submitted to the Classification Officer within 7 days of receipt of the initial appeal outcome.

**Note:** This section must be read in conjunction with the Agency's Client Complaints Policy (July 2002).

**Note:** Separate to the Classification Appeals process, the detainees have available to them other processes including the Client Complaints Policy, the Minister's Office, the Official Visitors and the Ombudsman's Office.

## Classification Categories

The Objective Detainee Classification System identifies 5 specific categories and corresponding levels of security:

- Low ..... B3
- Low Medium ..... B2
- Medium ..... B1
- High Medium ..... A2
- High ..... A1(o)(offence)
- High ..... A1(b)(behaviour)

Any young person who is admitted to a Juvenile Justice Centre and has not been through the initial classification process is unclassified and is deemed a high security level detainee.

## Inform Centre and detainee of Classification result

Each Classification Officer is to have a system in place to inform the Centre they are allocated to the classification outcomes.

All detainees need to be informed of their classification once it is completed. This is considered a critical part of the classification process because it enables the detainee to gain an understanding of the classification process including appeals.

## Case Management principals and practices underpin all interventions & strategies with detainees in custody

### Risk Assessment

If detainee returns positive result or refuses to supply a breath test sample:

- The detainee may be considered a safety risk and limited to certain programs &/or activities due to his/her positive result.
- The detainee will be Risk Assessed immediately and have their Case Management Plan reviewed at the next available Client Services Meeting (CSM).
- Referral to AOD for therapeutic intervention is integral to this process.
- The detainee's access to these programs will be reviewed after 1 month.
- The detainee will be denied access to community participation activities, day leave and overnight leave, for a minimum of 1 month for the first return of a positive sample or refusal to provide a sample.
- The Centre Manager will approve any decision about denial of access or continuation of programs
- If the detainee does not yet have access to leave, work release and/or community participation activities the return of a positive sample will be a consideration when the detainee becomes eligible for leave. Criteria for approval for leave is linked to the detainees classification and other relevant criteria, including 'the detainee's conduct and behaviour in the centre' indicating that he or she would observe any conditions set for leave.

### Visits

The centre manager has a number of options based on risk assessment considerations in relation to visits:

- Increase supervision during visits in centres
- Enforce non-contact visits/boxed visits where available
- Inform the detainee that he/she may be subject to target room and personal searches.

### Incentive Scheme

The Incentive Scheme clearly links a detainee's Case Plan with their day-to-day actions and ensures they attain both custodial and community based goals.

It's also important to ensure there's a link between Case Management and Behaviour Management. Behaviour Management should be individualised and Case Management is the avenue through which this can occur.

The incentive scheme must not be used to punish or penalise, a detainee will not lose earned Incentive Scheme Levels. (eg; a detainee on stage 4 will remain on stage 4 and retain the associated benefits),

### Misbehaviour / refusal to provide sample

If the detainee refuses to provide a sample, inform the detainee that they are being given a second opportunity to provide a sample.

If the detainee again refuses to provide a sample, he/she will be deemed to have returned a positive result.

In addition the Centre Manager is to action the Misbehaviour provision of the 'Children (Detention) Centres Act 1987, Section 21(1)'.  
*(Note: The original text contains a typo: "In addition the Centre Manager is to action the Misbehaviour provision of the 'Children (Detention) Centres Act 1987, Section 21(1)'.")*

### SYORP

SYORP is reliant upon the reports received from the staff in centres and others.

All applications to SYORP for re-classification, leave or case management matters are to contain copies of relevant reports on SYORP clients to enable the decision making to be completed.

In the cases of initial day and overnight leave, various relevant reports will be required depending on the case being considered. Breath test results are relevant information.

Where a detainee returns a positive sample or refuses to provide a sample, this information is to be provided in the reports to SYORP by the Centre Manager.

### Alerts

Positive result for alcohol or a refusal to provide a sample is to be placed as an alert on CIMS by the Intelligence Support Officer within Security & Intelligence Unit. The alert will be placed on CIMS for a period of three months.

**Attachment O** Email- Juvenile Justice- Internal Communications- Executive Directors update on Staff Safety- 21 June

**From:** Internal Communications  
**Sent:** Friday, 21 June 2019 4:40 PM  
**To:** Internal Communications  
**Subject:** Executive Director's Update on Staff Safety

**To all staff**

Over the last few weeks custodial staff in our centres have experienced a series of assaults and serious incidents.

A number of our staff were injured as a result, with a youth officer at Cobham seriously hurt.

Working in custodial environments brings with it a level of risk but violence is unacceptable in any workplace.

In response to the assaults and incidents we have taken the following action:

- All injured staff have been, and continue to be supported.
- The detainees involved have been segregated and placed on restrictive management regimes.
- Police have been engaged to investigate.
- A range of Police charges have been brought against five young people, with two already appearing in court and another to appear in July.
- Further Police charges are pending.
- At my order, and with the consent of Commissioner Severin, four detainees involved in the incidents who are over 18 years old have been transferred to adult correctional facilities under s28 of the *Children (Detentions Centre) Act 1987*.
- Three transfers occurred on Sunday 9 June; the fourth occurred earlier this week.

We continue to engage in productive talks with the PSA and we have agreed to additional measures to enhance the way we work with high risk behaviours in order to keep staff and detainees safe.

Our merge with our colleagues in FACS brings new resources to the table to help us here.

We have the opportunity to leverage these resources to bring a multidisciplinary team into our facilities to work with and de-escalate high risk behaviours.

We have agreed to dedicate the Bouddi unit at Baxter to accommodate a small number of detainees who present escalated levels of risk.

We have agreed to provide enhanced custodial supervision and work with FACS colleagues to introduce specialised behaviour modification interventions into the unit.

We would like the unit and support service to be brought on line as soon as possible.

We have started local arrangements to set this up on site in consultation with Justice Assets, FACS clinical leads, Justice Health and Education as our partner agencies.

This change is an interim arrangement while we finalise scoping work and build the case for investment in a dedicated Enhanced Support Unit to provide focused interventions for our most challenging young detainees.

Juvenile Justice and the PSA will continue to work closely to implement these changes with the safety of staff and the young people in our care paramount. I will keep you all informed of progress.

**Melanie Hawyes**  
**Executive Director, Juvenile Justice NSW**

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## Appendix A

### Snapshot Comparison of Centres

The following provides the geographic and detainee dashboard for each Centre in NSW. In the last 15 years Yasmar, Keelong, Kariong and Juniperina Centres have ceased to be Youth Justice centres.

<b>Acmena Youth Justice Centre</b>
<b>Description</b> <p>Acmena Youth Justice Centre is located in South Grafton, with a capacity for 45 young people. The centre was opened in September 1999, and accommodates male detainees, mainly from the far North Coast, Mid North Coast and New England areas, who are on control orders or remanded in custody. The centre offers a range of health, educational and spiritual services to the young people, including individual case management, specialised counselling, and training in job and living skills.</p>
<b>Snapshot of Requirements from Review</b> <ul style="list-style-type: none"><li>- That a therapeutic unit be established at the Centre to deal with violent and unmanageable detainees.</li><li>- That this therapeutic unit be part of a three tiered detainee management which would include general population/main stream, specific risk of detainee with unit type of A1, sex offender and the therapeutic unit. Require flexibility in their unit structure in managing detainee behavior.</li><li>- Centre and the infrastructure must be reviewed to ensure the safe good order of the Centre.</li></ul>

## **Cobham Youth Justice Centre**

### **Description**

Cobham Youth Justice Centre is the principle remand centre in NSW for males aged 15 years and over. The centre has the capacity to accommodate up to 105 young people and is located at Werrington in Western Sydney. Opened in June 1980, it houses young people predominately from the Sydney metropolitan area and offers a range of services, programs and interventions to address individual needs and reduce offending.

### **Snapshot of Requirements for Review**

- That a therapeutic unit be established at the Centre to deal with violent and unmanageable detainees.
- That this therapeutic unit be part of a three tiered detainee management which would include general population/main stream, specific risk of detainee with unit type of A1, sex offender and the therapeutic unit. Require flexibility in their unit structure in managing detainee behavior.

**Frank Baxter Youth Justice Centre****Description**

Frank Baxter Youth Justice Centre is the largest Youth Justice centre in the state with a capacity for 120 young people and is located at Kariong near Gosford. The centre was opened in October 1999 and accommodates males aged 16 to 21 years, mostly on control orders. The centre offers a range of health, educational and spiritual services to the young people, including individual case management, specialised counselling, and training in job and living skills, offending.

**Snapshot of Requirements for Review**

- That a therapeutic unit be established at the Centre to deal with violent and unmanageable detainees.
- That this therapeutic unit be part of a three tiered detainee management which would include general population/main stream, specific risk of detainee with unit type of A1, sex offender and the therapeutic unit. Require flexibility in their unit structure in managing detainee behavior.
- Install more infrastructure for more internal chutes and separated areas.

## **Orana Youth Justice Centre**

### **Description**

Orana Youth Justice Centre is located in Dubbo, has a capacity of 30 young people, and was opened in December 1999. The centre accommodates males, mainly from the Central and Far West areas of NSW, who are on control orders or remanded in custody. The centre offers a range of health, educational and spiritual services to the young people, including individual case management, specialised counselling, and training in job and living skills

### **Snapshot of Requirement for Review**

- That a therapeutic unit be established at the Centre to deal with violent and unmanageable detainees.
- That this therapeutic unit be part of a three tiered detainee management which would include general population/main stream, specific risk of detainee with unit type of A1, sex offender and the therapeutic unit. Require flexibility in their unit structure in managing detainee behavior.
- Infrastructure upgrades

## **Reiby Youth Justice Centre**

### **Description**

Reiby Youth Justice Centre is located at Airds near Campbelltown, with a capacity for 55 young people. The centre was opened in August 1973 and primarily accommodates females under the age of 15 years, who are on control orders or on remand. The centre offers a range of health, educational and spiritual services to the young people, including individual case management, specialised counselling, and training in job and living skills.

The centre also specialises in managing young male offenders with extreme behavioural problems with two units specifically designated to address the special needs of this group.

The Waratah Unit, also at Reiby Youth Justice Centre, was opened in late 2010, and is a pre-release unit aimed at preparing young people for return into the community. The unit caters for 10 young people from across NSW.

### **Snapshot of Requirements for Review**

- That a therapeutic unit be established at the Centre to deal with violent and unmanageable detainees.
- That this therapeutic unit be part of a three tiered detainee management which would include general population/main stream, specific risk of detainee with unit type of A1, sex offender and the therapeutic unit. Require flexibility in their unit structure in managing detainee behavior.
- Issues for Reiby is that they only have 1 holding room increasing risk in managing detainees, see need of upgrading holding room
- High risk males, under age males don't have the facilities to hold A1 detainees again infrastructure needs to be reviewed to evaluate function and purpose of the Centre.

## **Riverina Youth Justice Centre**

### **Description**

Riverina Youth Justice Centre is located in Wagga Wagga, with a capacity for 45 detainees. The centre was opened in October 1984, and accommodates low to medium risk males, mainly from the Riverina and South-Western areas of NSW, who are on control orders or remanded in custody. The centre offers a range of health, educational and spiritual services to the young people, including individual case management, specialised counselling, and training in job and living skills.

### **Snapshot of Requirements for Review**

- That a therapeutic unit be established at the Centre to deal with violent and unmanageable detainees.
- That this therapeutic unit be part of a three tiered detainee management which would include general population/main stream, specific risk of detainee with unit type of A1, sex offender and the therapeutic unit. Require flexibility in their unit structure in managing detainee behavior.

## **Appendix B**

### **The New Zealand Model**

In August 2019 the Association visited New Zealand to learn about the country's unique youth justice system.

After addressing significantly high level of violence among youths through major reform, New Zealand now has a youth justice system to be envied by the world. The reforms have included early intervention by Police Liaison type workers with the Maori and specific centres for different crime (sex offenders) and interventions with traditional cultural programs. The early reports are that with the additional programs as an incentive, violence levels have been significantly reduced.

During the recent visit, the Association visited two centres on the North Island, Palmerston North Youth Residence and Napier Correctional Centre Youth Wing and can confirm that it appears that they are moving in the right direction and would recommend that the government also visit and consult with their New Zealand counterparts.

The laws regarding youth justice in New Zealand are enshrined in the Children Young Persons, and Their Families 1989 (Oranga Tamariki) Legislation Act. New Zealand's four youth justice residences house about 150 teenagers, who are generally aged 14 to 18. The Oranga Tamariki Act 1989 recently extended the "young person age" from 17 and under to instead include 17 year olds up until their 18th birthday. This change has applied since 01 July 2019.

The New Zealand Youth Justice system is designed to keep as many young people out of the official youth justice residences as possible, through rehabilitative treatment programmes. There are nine specialist community treatment programmes for adolescents who sexually offend and one residential unit.

The only offences that children under 14 can be charged with are murder and manslaughter. Otherwise, children aged 10 to 13 are called child offenders and may be dealt with by police warning or Child Youth and Family Services intervention.

As at 30 June 2018 there were 220 young people in youth justice custody. About 40 per cent of youth offenders will have repeat visits to youth justice residences.

New Zealand's youth justice residences are designed with a community-minded, rehabilitation approach.

The following is a structured day in one of the residential centres<sup>2</sup>:

#### **A typical day at Korowai Manaaki**

##### **Weekdays**

7am-7.30am: Wake up, shower, breakfast (toast, cereal or porridge and a hot drink).

Teens are on a chore roster that can include setting tables and washing dishes.

8.45am: School, which follows NCEA curriculum. Tablets with internet access are available under strict monitoring.

Midday: Lunch (for example, spaghetti carbonara with garlic bread, battered hot dogs with fries and tomato sauce).

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<sup>2</sup> The NZ Herald, 29 April 2019, [https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11975422](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11975422)

3pm: School finishes. After-school courses include sport, cultural activities, life and vocational skills and chores.

5pm-6pm: Dinner (for example, sweet and sour pork with vegetable fried rice or roast beef with honey-roasted potatoes and vegetables).

6pm-8pm: More courses and two hours free time to make phone calls from communal phone (no internet or cellphones allowed), play chess or cards, and write letters. Special behaviour earns privileges such as playing approved music, or approved DVDs.

8.30pm: Teens go to their rooms.

9pm: Lights out. Good behaviour means being allowed out of room until 9.30pm.

### **Weekend**

Teens can use gym and sports facilities and do art, model-making, song-writing and Māori or Pasifika cultural programmes. The girls' unit may do a make-up programme.

School holidays Emphasis on vocational skills such as driver licences, forklift or barista programmes.