



Inspector of  
Custodial Services

# Inspector of Custodial Services

Inspection of Six Youth Justice  
Centres in NSW



## Inspector of Custodial Services

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(December 2020)

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## Foreword

Young people are ‘fundamentally different from adult offenders in terms of their specific emotional, cognitive and physical needs’.<sup>1</sup> It is for this reason that inspections of youth justice centres (YJCs) occur more frequently than adult custodial facilities. The Inspector of Custodial Services (ICS) is required to inspect all New South Wales youth justice centres at least once every three years, in accordance with Section 6 (1)(b) of the *Inspector of Custodial Services Act 2012*.

In 2015 the ICS tabled *Making Connections: Providing Family and Community Support to Young People in Custody*. This report related to inspections of Reiby and Juniperina YJCs.<sup>2</sup> In 2016 all YJCs were inspected for the report *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*.<sup>3</sup> This report is the result of the second round of three year inspections of NSW YJCs. In contrast to the previous ‘thematic’ inspections, these inspections employed a methodology that addressed all areas of operation of the YJCs.<sup>4</sup>

Terms of Reference (TOR) for the inspection of all six centres were announced on 22 May 2019. The focus areas for the inspection, which occurred between May and September 2019, were informed by the *Inspection standards for juvenile justice custodial services in New South Wales*.<sup>5</sup>

The inspection of Frank Baxter YJC took place following a riot at the centre on 21 July 2019. This report does not seek to investigate the riot, as this was the subject of an independent review by Lee Shearer APM (the Shearer Review). The inspection did however look at the treatment and conditions of young people after the riot.

It is acknowledged that during the period of this inspection Youth Justice NSW was still implementing the recommendations from my previous report relating to the use of restrictive practices. Youth Justice NSW has also commenced implementing recommendations from the Shearer Review. The recommendations in this report do not seek to duplicate or contradict the recommendations from either of those reports. They are aimed at assisting Youth Justice NSW to achieve best practice.

More recently Youth Justice NSW has been working proactively with the Justice Health and Forensic Mental Health Network to prevent the introduction of COVID-19 to YJCs.

Fiona Rafter  
Inspector of Custodial Services

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1 Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards*, June 2020, p.6.

2 Juniperina Juvenile Justice Centre was closed in June 2016. It formerly accommodated young women and girls.

3 Inspector of Custodial Services (NSW), *Use of force, separation, segregation and confinement in NSW juvenile justice centres*, 2018.

4 Theme based inspections address a specific issue such as maintaining family connections and use of force. See ICS reports *Making Connections: providing family and community support to young people in custody* and *Use of force, separation, segregation and confinement in NSW juvenile justice centres*.

5 Inspector of Custodial Services (NSW), *Inspection Standards for Juvenile Justice Custodial Services in New South Wales*, 2015. Note that this has now been updated as at June 2020. See ICS NSW *Youth Justice Inspection Standards*.

## Acknowledgements

The Inspector would like to acknowledge the assistance provided by all Youth Justice NSW employees during the inspection and in the subsequent period. Assistance from the Justice Health & Forensic Mental Health Network staff, and principals and teachers at each youth justice centre also warrants acknowledgement and our appreciation. Official Visitors and the NSW Ombudsman provided the inspection team with valuable information and insights. In particular, the Inspector would like to thank Mr Graham Morrison and the Office of the Chief Inspector, Queensland Corrective Services, for allowing Mr Morrison to be part of the inspection of the youth justice centres.

*Particular appreciation goes to the children and young people who spoke to us about their experiences.*

### Note

The Inspection considered sensitive information and methodologies. In accordance with section 15 of the *Inspector of Custodial Services Act 2012*, information that could prejudice the security, discipline or good order of any custodial centre, identify or allow the identification of a person who is or was detained at a youth justice centre or in custody in a juvenile correctional centre, or identify or allow the identification of a custodial centre staff member, has been removed in the public interest.

## Glossary

Aboriginal	'Aboriginal' when used in this report is inclusive of Aboriginal and Torres Strait Islander people.
AOD	Alcohol and other drugs
Arunta	The phone system used by young people in youth justice centres.
CAM	Client Assessment Meeting. Client Assessment Meetings (CAMs) occur on a weekly basis and give young people an opportunity to review their progress and achievements from the previous week, identify problem areas and to establish new or re-assess current target behaviours and goals for the coming week. <sup>6</sup> The weekly incentive scheme is facilitated through the CAM <sup>7</sup> .
CBP	Chisholm Behaviour Program
CIMS	Client Information Management System
CCTV	Closed Circuit Television
DCJ CAPS	Department of Communities and Justice Conduct and Professional Standards
Confinement	Section 21 of the Children (Detention Centres) Act 1987 provides that one of the punishments that may be imposed on a detainee found guilty of misbehaviour is exclusion from, or confinement to, a place for a period not exceeding 12 hours, or in the case of a detainee of or over the age of 16 years, not exceeding 24 hours.
CSNSW	Corrective Services NSW
DRC	Detainee Representative Committee
DRMP	Detainee Risk Management Plan
ESU	Enhanced Support Unit
YJFSP	Youth Justice Food Safety Plan 2012 Version 1.5.
Holding room	A room where young people may be taken when placed in separation, segregation or confinement. Holding rooms may be in accommodation units, or in a separate part of the centre (such as within the admissions area).
IHRMU	Interim High Risk Management Unit
ICS	Inspector of Custodial Services
Incentive scheme	A token economy system that encourages positive behaviour and achievement of individualised goals. It is a system of recognising, encouraging, and rewarding young people for their positive behaviour and addressing and reducing instances of problematic and challenging behaviour.
JH&FMHN	Justice Health & Forensic Mental Health Network

<sup>6</sup> YJNSW, Incentive Scheme Policy, p.15.

<sup>7</sup> YJNSW, Incentive Scheme Policy, p.6.

MMR	Minor Misbehaviour Report
NDIS	National Disability Insurance Scheme
NUM	Nurse Unit Manager
PCB search	Partially clothed body search
Restrictive practices	In the context of youth justice this refers to restricting a child or young person's freedom. This generally refers to the use of force, use of restraints, use of confinement, separation, segregation or isolation.
Segregation	Section 19 of the <i>Children (Detention Centres) Act 1987</i> provides that a detainee may be placed in segregation in order to protect the personal safety of that or any other detainee, or of any other person.
Separation	Section 16 of the <i>Children (Detention Centres) Act 1987</i> provides for detainees or groups of detainees to be detained separately from other detainees for the purposes of ensuring the security, safety and good order of a detention centre.
The Act	<i>Children (Detention Centres) Act 1987</i>
The ICS Act	<i>Inspector of Custodial Services Act 2012</i>
The Regulation	<i>Children (Detention Centres) Regulation 2015</i>
The Shearer Review	Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019
The UOFSSC Report	Inspector of Custodial Services (NSW), Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres, 2018
VET programs	Vocational education and training programs
YJC	Youth Justice Centre
YJNSW	Youth Justice NSW

## Executive summary

This series of inspections examined the safety and wellbeing of young people in custody as well as the security and management of every youth justice centre (YJC) in NSW. There are six YJCs in NSW that accommodate young people aged between 10 and 21 years: Reiby; Cobham; Frank Baxter; Acmena; Orana; and Riverina. Three are located within the greater Sydney region and three are located in regional NSW. Reiby YJC accommodates young women and girls, and boys under the age of 15 years.

### Young People in Youth Justice Centres

Since our last inspection, there are fewer young people in custody in NSW. Between September 2018 and September 2019 there was a 15.1% reduction in the number of young people in custody. At the time of our 2019 inspections there were approximately 237 young people (predominately young men and boys) in custody in NSW youth justice centres.<sup>8</sup> As at July 2020, less than 200 young people were in custody in NSW. Despite the reduction in young people in custody, Aboriginal young people continue to be over-represented (40.5%) in the youth justice population in NSW.<sup>9</sup>

It remains the case that many young people in custody have complex behavioural needs or vulnerabilities due to their age, gender, diagnosed and undiagnosed mental health issues, drug and alcohol use, disability, cultural background, experience of trauma and neglect, and lower levels of educational attainment.<sup>10</sup>

### Staff in Youth Justice NSW

Youth officers have a difficult job. They are expected to be positive role models for young people and interact with young people in a professional way. They are also required to ensure young people are kept safe from other young people and at times from themselves.

Staff also face the challenging task of managing young people with complex needs.<sup>11</sup> Gender, culture, health, drug and alcohol abuse, and exposure to trauma are all factors that must be managed by staff in a detention environment.<sup>12</sup> Varying ages and associated differences in physical and psychological maturity among the cohort also present challenges. For example, the needs of a 10 year old child are very different from those of a 17 year old young person.<sup>13</sup>

Overall, staff were very engaged throughout the inspection process. We spoke to many staff that perform an outstanding job in often challenging circumstances. We also found a number of centres where staff needed additional training, particularly in the use of restrictive practices. It is important that YJNSW continues to invest in staff and to provide ongoing training to ensure the safety and wellbeing of staff and young people at YJCs.

We were impressed with the standard of service provided by NSW Department of Education at all YJCs. The dedication demonstrated by teachers and principals in their work with young people was commendable. The partnership between YJNSW and NSW Department of Education reinforces the value

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8 NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics September 2019*.

9 NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics September 2020*.

10 Justice Health & Forensic Mental Health Network and Juvenile Justice NSW, *2015 Youth in Custody Health Survey: Full Report*.

11 K Richards, Australian Institute of Criminology, *What Makes Juvenile Offenders Different from Adult Offenders?*, 2011, p.5; P Armytage and J Ogloff, *Youth Justice Review and Strategy: Meeting needs and reducing offending*, Part 2 – July 2017, pp. 227-301.

12 Justice Health & Forensic Health Network and Juvenile Justice NSW, *2015 Young People in Custody Health Survey: Full Report*, 2017, p. 96. (*Almost half (47.8%) of young people had been exposed to at least one past traumatic event*).

13 K Richards, Australian Institute of Criminology, *What Makes Juvenile Offenders Different from Adult Offenders?*, 2011, p 5.



of positively engaging with children and young people and assisting them in developing their education in preparation for release from custody.

## Safety and Security

Of paramount concern is the need to provide a safe and secure custodial environment for staff, children and young people. Environmental design and custodial supervision play an integral role in containing high risk behaviours that some young people in custody exhibit.

It is important to recognise that YJCs are complex and, at times, high risk places. Some young people pose a high risk to the safety of staff and other young people and require a higher level of supervision and security. This was evidenced by the riot that took place at Frank Baxter in July 2019. Changes recommended by the *Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019* (the Shearer Review) should assist in better identification of high risk young people.<sup>14</sup> It is also important that young people identified as being high risk are managed under detainee risk management plans (DRMP) that are subject to appropriate review by senior managers as required by legislation.

Property damage is often a consequence of high risk behaviours. This places increased pressure on the youth justice system. At the time of the inspections Cobham; Orana; Frank Baxter; and Riverina YJCs had units closed and under repair. This was a result of property damage by young people. A review of infrastructure requirements and more staff training is needed to prevent these incidents from occurring.

## Summary of findings relating to each individual centre

The inspections of the six YJCs occurred between May and September 2019. The ICS conducted a number of follow-up visits in late 2019 and 2020. This report contains individual reports on the six centres. This is to assist in recognising where centres are performing well, as well as identifying areas for improvement.

### Cobham YJC

Cobham YJC is located in western Sydney and is the primary remand centre for young men aged between 15 and 21 in the greater Sydney region. Cobham YJC had improved significantly since our last inspection. Case management has been implemented, the school was operating well and the centre excelled in the delivery of activities and programs. This was recognised consistently by young people we spoke to in all youth justice centres. The yarning circle is regularly used for Aboriginal events and visits by Elders at the centre.

Visits at the centre were operating well and were available seven days a week. Legal Aid and the Aboriginal Legal Service (ALS) attend the centre regularly. Visits could be further enhanced by a review of the visits area at Cobham YJC to enable more contact visits between young people and their families.

However, the inspection found that Cobham YJC had failed to implement the new legislative requirements relating to the partially clothed body (PCB) searching of young people. YJNSW needs to ensure that all staff are trained in the legislative provisions around searches and that the practice of routine PCB searches after visits is ceased. It is also recommended that YJNSW implements a contraband detection strategy that utilises current technological capabilities, such as body scanners.

The Inspector commends Cobham YJC's efforts in reducing the number of young people on DRMPs and shifting its practice to be more trauma-informed. The inspection found that Cobham YJC needs to continue these efforts because the centre believes its primary function is to be disciplinarians. This is concerning, particularly because it is a remand centre.

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<sup>14</sup> Recommendation 3, Lee Shearer APM, *Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019*, p.16.

The inspection found the holding room was being used to accommodate high risk young people for extended periods of time. Concern over the length of time one young person on a DRMP was held in the holding room was referred to the NSW Ombudsman for investigation.

The newer accommodation units appeared to be in good condition. However, 33 secure beds were not in use at the time of the inspection due to property damage by young people. The implementation of an upgraded CCTV system should enhance safety and security at the centre.

The Tandarra unit at Cobham YJC was being used as the induction unit. It was found to be unsuitable for this purpose given its age and condition. This was particularly so for young women and girls. The rooms where young women and girls were placed were dark and it was evident that they had not been cleaned for some time. There was also evidence of young women and girls with self-harm alerts being placed in rooms in the Tandarra unit with no cameras, where young men in the same unit can, and do, call out to them. Young women remanded in custody in the metropolitan Sydney area should only be received at Reiby YJC. It is acknowledged that since the inspection YJNSW have stopped receiving young women and girls at Cobham YJC.

It is important that young people at risk of self-harm and suicide are identified immediately, and accommodated with appropriate supervision. While the majority of young people are attended to by medical staff within 24 hours of admission, there are, at times, delays in medical and risk assessments. JH&FMHN advise that all sites have 24-hour access to clinical services. This may be onsite or by virtual means such as the after hours Nurse Managers, ROAMS and/or other telehealth services. JH&FMHN policy requires a young person to be seen within 48 hours. If there are presenting problems that require immediate healthcare, these should be attended to by JH&FMHN, or if required by transfer to the nearest hospital emergency department.<sup>15</sup> YJNSW needs to ensure that all young people take part in an initial risk and health assessment within two hours of reception and a full health assessment within 48 hours of reception.<sup>16</sup> It is also important to ensure that interview rooms are available for young people to speak to psychologists in a confidential setting.

In November 2019 Cobham YJC established an interim high risk management unit (IHRMU), where high risk young people spend between two and six hours out of their room each day. As Cobham YJC will continue to be used to manage high risk young people, YJNSW needs to ensure that stringent monitoring of the conditions of the IHRMU is maintained. Young people in the IHRMU should be attended to by a nurse and a centre-based psychologist seven days a week. It is also important for senior staff to review the length of time a young person is kept in the unit and the time spent out of their room each day.

## Orana YJC

Orana YJC is located in Dubbo in western NSW and accommodates boys and young men aged between 10 and 21 years. The majority of young people in custody at the centre are Aboriginal.

The inspection found the centre had improved in some areas since its last inspection. The Inspector was impressed with the Orana YJC bail team, who work proactively with the NSW Children's Court to assist young people to meet their bail conditions and find appropriate accommodation. The success of this service contributed to low numbers of young people being held in custody at Orana YJC. This is fortunate as one unit was closed at the time of inspection due to damage caused by a serious incident, which meant that only one unit at the centre was operational. The centre has areas which are easily scaled by agile young people. Structural and design weaknesses within the centre and its buildings need to be identified and fixed to reduce the risk of property damage.

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<sup>15</sup> Information received from JH&FMHN dated 3 September 2020.

<sup>16</sup> Inspector of Custodial Services (NSW), NSW youth Justice Inspection Standards, June 2020, 3.3 and 9.4.

Of note, the centre has worked hard to reduce the number of young people on DRMPs and has implemented culturally appropriate DRMP reviews. This is important as the centre usually has over 80% Aboriginal young people, the majority being from western New South Wales.

The inspection found that case management was operating effectively as was the school. A recurring theme from the inspection was that more programs and activities are required, especially during school holidays and weekends. All centres need to implement a programs and activities plan. While some staff participated in activities with young people, other staff appeared less enthusiastic about engaging and interacting with young people. On a subsequent visit in December 2019, the centre had employed an Aboriginal assistant manager to implement a structured program and activities routine for the school holidays.

At the time of the inspection, the centre was soon to be without a psychologist. YJNSW should ensure that young people always have access to psychology services. There was also evidence that self-harm was an issue at Orana YJC. The centre would benefit from a review into the way in which young people, at risk of self-harm and suicide are managed. There were concerns that youth officers may not fully understand the risks of self-harming and that further training may be required.<sup>17</sup> Contact with family is also important. Visits were occurring regularly although it is recommended that both the indoor and outdoor visits area are utilised.

The kitchen was preparing meals of a high standard. However at the time of inspection the centre had reduced the amount of food being provided to young people at the request of YJNSW, as a cost savings measure. This was raised by the inspection team and was immediately addressed. YJNSW needs to ensure that YJC menus meet dietary and nutritional standards.

While a complaints register was being maintained and there was evidence that the centre manager was investigating complaints made by young people, the centre would benefit from analysing complaints data to help identify and implement system improvements.

## Reiby YJC

Reiby YJC is located southwest of Sydney near Campbelltown. The centre accommodates young women and girls from all parts of NSW aged between 10 and 21 and boys up to the age of 15. The centre showed improvement since our previous inspection and operated well in a number of areas including its school.

Reiby YJC offers a comprehensive suite of cultural programs including Kari Aboriginal Group, Wolkara Elders, Dinner program and the Learning Circle. Both Karitane and Shine for Kids are also actively involved with the centre and deliver weekly programs to the young women at the centre. The chaplain plays an integral part in the life of the centre and also provides programs. The centre would also benefit from having a program and activities plan.

Accommodation units were generally in good condition and all units were operational. Young people's rooms were well designed, and afforded them privacy when using the bathroom. However, young people would benefit from having more telephones installed in the units. The segregation unit was not maintained to an appropriate standard and the centre needs to ensure that it is regularly cleaned. Reiby YJC would also benefit from having more suitable facilities to enable psychology services for individual young people as well as group therapy.

Relationships between staff and young people were observed to be generally positive and professional. Staff spoke positively about the availability and quality of training for youth officers. However, staff also stated that they would like more training on working with young people with mental health issues.

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<sup>17</sup> Interviews with staff June 2019.

The inspection revealed some governance issues at the centre. Routine PCB searches were still occurring after visits, in contravention of legislation and policy. The centre has since stopped this practice. CCTV footage was not being retained in accordance with policy and legislation. Complaint management processes were weak and there was an overreliance on Official Visitors to manage complaints.

The Waratah pre-release program was found to be a positive program. However, it was disappointing to see signs of deterioration in the facilities, which were dirty, and in need of repair. This was acknowledged by the management team, who have taken steps to address these issues. At the time of the inspection, the Waratah unit only accommodated young men and it is recommended that necessary changes are made to enable young women to be accommodated separately in the Waratah unit and participate in the pre-release program. Since the inspection YJNSW has made substantial improvements to the Waratah Unit and a separate and secure accommodation wing has been established for young woman.<sup>18</sup> YJNSW has further informed of the first successful reintegration of a young woman into the community earlier this year.<sup>19</sup>

## **Acmena YJC**

Acmena YJC is located in Grafton in northern NSW and has a high number of Aboriginal young people. The centre accommodates boys and young men aged between 10 and 21 who have been sentenced or remanded in custody. The inspection found the school and its associated horticulture and food services training program is an important part of the centre's rehabilitation focus. A café in the centre allows young people to gain experience in food preparation, barista coffee making and hospitality. The psychology services available at Acmena YJC were also very good and culturally appropriate. There are three full-time caseworkers at Acmena YJC, one of whom is Aboriginal. The case management model of continuity of care is positive but more training is required to enhance implementation. Access to legal services was also found to be working well but the centre would benefit from regular visits from the Aboriginal Legal Service.

Young people are seen by the nurse within 48 hours of being admitted to the centre and are prioritised for assessment. A nurse is rostered at the health centre seven days a week from 7am to 3pm, resulting in the distribution of evening medication by non-medical staff. The administration of medication at centres that are not staffed 24/7 remains a challenge. JH&FMHN has put systems in place to manage this through access to the Afterhours Nurse Manager and ROAMS if required.<sup>20</sup> This is not ideal and it is recommended that YJNSW work with JH&FMHN to establish extended health centre hours to ensure that medication is being distributed by nursing staff and when necessary YJNSW staff who are appropriately trained in the administration of prescribed medication.

Young women and girls may be held at Acmena YJC for short periods. They are accommodated in the admission area separate from the male accommodation areas. However, there is a lack of privacy in the area where young women and girls are accommodated which needs to be addressed. The inspection also found that the centre was issuing second hand underwear to young people on admission, which is unacceptable and unhygienic. The centre manager was informed and immediately issued a direction for the practice to cease. YJNSW needs to introduce stock-management controls to maintain sufficient stock of clothing and bedding for young people in detention.

All three accommodation units were operational at the time of inspection. However, only one unit has an adjoining exercise yard. This limits opportunities for time out of room and exercise and had led to some young people only receiving five hours out of their rooms each day. Attaching secure exercise yards to all units would enable young people to participate in outdoor activities in a safe and secure location. Work has

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18 ICS liaison visit on 26 August 2020.

19 Information provided by YJNSW on 4 September 2020.

20 Information provided by JH&FMHN on 3 September 2020

commenced since the inspection to build secure exercise yards. More telephones are also needed in the accommodation units.

Although the school operates well, young people awaiting admission to school were locked in their rooms during school hours. The centre needs to ensure that young people who are not attending school are provided with meaningful time out of their room. A lack of after school programs and activities was also identified as an issue, which is not limited to Acmena YJC. All centres need to implement a program and activities plan.

The kitchen operates well and the food that is served to young people has variety and appears to be relatively healthy. However at the time of the inspection the centre had reduced the amount of food being provided to young people at the request of YJNSW, as a cost savings measure. YJNSW needs to ensure that centre menus meet dietary and nutritional standards.

The inspection revealed that the centre still sees its primary function as disciplinarian and staff would benefit from additional training in relational security. The inspection found that the centre was not complying with policy and legislation in relation to the use of confinement. Young people were being confined in holding rooms that were of an unacceptable standard to hold young people for even for the shortest amount of time. Since the inspection, the centre manager has taken steps to reduce the use of confinement at the centre and increase cleaning of the toilet and shower facilities, to comply with applicable hygiene regulations and cleaning standards.

The incentive scheme at Acmena YJC was also found to be problematic and appeared to be punitive and unfair. A follow-up visit to the centre found it is a pilot site for the EPIC Positive Behaviour Scheme, an alternative to the incentive scheme, which will be evaluated after 12 months.<sup>21</sup> This is a positive step forward for YJNSW and Acmena YJC.

The centre did not have a complaints management system in place, despite it being required by legislation. An over reliance on external complaint mechanisms such as Official Visitors and the NSW Ombudsman had resulted in complaints escalating rather than being resolved at a local level. This had created unnecessary tension between young people and staff at the centre. A complaints management system has since been introduced by the centre manager. This could be further enhanced by making complaint forms accessible to young people so they can raise matters confidentially with the centre manager.

## **Frank Baxter YJC**

The inspection of Frank Baxter YJC took place in August 2019 following a riot at the centre in July 2019. Significant damage to some of the accommodation units meant that the centre was not fully operational at the time of the inspection. Access to school, programs and activities were being affected. Despite this, teachers, psychologists, caseworkers, and health staff were doing their best to deliver services to young people in their accommodation units. The provision of health services at the centre was also being affected by staffing shortages.

One program that was still in operation was dog training. Young people are involved in the care and training of assistance dogs. We observed staff and psychologists working together to facilitate young people with behavioural issues to engage in animal therapy. This is the type of positive program and intervention that we know Frank Baxter YJC is capable of delivering to young people in its care.

Tensions between custodial staff and young people were still high during the inspection. Those allegedly involved in the riot were placed on a highly restrictive regime, and a number of young people aged 18

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<sup>21</sup> Information provided by YJNSW on 4 September 2020.



years or over were transferred to adult custody. Many other young people who were not involved in the riot were also being subjected to lock downs and restrictions. Although this level of security is understandable after a major incident, the inspection found there was a lack of communication with young people at the centre, leading to unnecessary frustration. The inspection also found that despite the centre not being fully operational, the centre continued to receive young people transferred from other centres because of their high risk behaviour.

It was pleasing to see that young people had caseworkers and most young people knew their caseworker. However, caseworkers would benefit from more training and support from YJNSW. The inspection also found that youth officers at Frank Baxter YJC require more training. There was a lack of relational security at the centre with staff relying on confinement and segregation to manage behaviour. Staff were punishing young people for minor misbehaviour with confinement in cold and unclean holding rooms, in contravention of legislation and policy. At the same time no action was being taken against young people involved in bullying other young people. The condition of the holding rooms was observed to be much improved during a follow-up visit in 2020.

Due to concerns about the treatment of young people after the riot, the Inspector requested weekly information relating to time out of room and DRMPs. The inspection found that a number of young people alleged to have been involved in the riot were being kept in their rooms for 22 hours a day for an extended period. These young people were being held in circumstances similar to the Chisholm Behaviour Program (CBP), where they were not placed on segregation orders and their conditions were not subject to regular review. This was partly addressed following the inspection; however an analysis of time out of room records confirmed that the majority of young people continued to receive two hours or less out of their room for six weeks following our inspection.

A number of visits to Frank Baxter YJC occurred following the inspection to monitor progress after the riot. The ICS acknowledges the assistance of the NSW Ombudsman in this regard. The majority of the centre had returned to normal operations by October 2019, with school and activities occurring.

Following the release of the Shearer Review in October 2019, the centre opened an enhanced support unit (ESU) for young people with behavioural issues and an IHRMU, where young people deemed to be high risk spend six hours out of their room each day. The ICS continues to monitor the progress of these units. One use of force incident in the IHRMU was referred to the Executive Director of YJNSW for referral to the Department of Communities and Justice, Conduct and Professional Standards (DCJ CAPS). It is recommended that YJNSW regularly audits at least one third of use of force incidents across all centres. The ICS also believes due consideration should be given to the introduction of body worn cameras for staff in YJCs. Although YJNSW is concerned that body worn cameras may negatively impact the ability of staff to effect relational security, body worn cameras are utilised in other jurisdictions.<sup>22</sup> A United Kingdom study has shown if body worn cameras are used transparently, consistently and fairly, they can have a positive impact on staff and prisoners' perceptions of safety.<sup>23</sup>

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22 Body worn cameras are used in youth justice settings in Queensland and the United Kingdom and adult correctional settings in NSW and Queensland.

23 HM Prison & Probation Service, *Body Worn Video Camera (BWVC) Pilot Evaluation*, April 2020, p.22; See also HM Chief Inspector of Prisons, Report of an unannounced inspection of HMYOI Feltham (children and young people) 2015, p.5; University of Queensland, Sykes, Dodd and Antrobus, *Body Worn Cameras (BWC) Behind Bars: Correctional officer views on the introduction of BWCs in QLD prisons*, Presentation 2020.

## Riverina YJC

Riverina YJC performed well in several areas including centre culture, positive and professional relationships between staff and young people, case management and client services. The school was operating very well, however, more structured programs and activities are required for young people when they are not at school.

Although there were clear lines of communication between young people, staff and management, the centre is encouraged to implement a detainee representative committee (DRC) process. This will enable young people to safely raise issues and complaints to centre management for action.

There appeared to be a good relationship between JH&FMHN and the centre. However, it would be preferable for nursing staff to be onsite until after young people go to bed in the evening. Psychology and alcohol and drug (AOD) services were observed to be operating well with limited resources. Although the difficulty in recruiting psychologists in regional areas is acknowledged, it is important to ensure that psychology services are maintained at all times.

At the time of inspection 30 out of 63 secure beds were operational due to property damage caused by young people. The units presented well but would benefit from additional phones for the young people to contact family. Visits were operating well with both an indoor and outdoor area available. However, the inspection revealed that routine PCB searches were occurring after visits in contravention of legislation and policy. The centre has now ceased this practice. It was also evident that youth officers at Riverina YJC require training in when and how to use force.

Overall the inspection found that every centre had strengths and weaknesses. However, these were not uniform across the system. This presents as an opportunity for YJNSW to identify areas of good practice in each centre and implement that practice in other centres. A number of system issues were also identified. Some of these are the subject of recommendations made in other reports that are yet to be implemented.<sup>24</sup> They have not been repeated in this report but highlighted where still requiring action. Recommendations 1-21 address system issues and recommendations 21-51 relate to individual centre issues. It is acknowledged that YJNSW has already commenced implementing many of the recommendations in this report, which is to be commended.

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<sup>24</sup> Inspector of Custodial Services (NSW), *Use of force, separation, segregation and confinement in NSW juvenile justice centres*, November 2018, pp.23-27.

## Recommendations

### The Inspector recommends:

1. YJNSW ensures all holding rooms are cleaned on a daily basis to ensure that hygiene requirements are met.
2. YJNSW and JH&FMHN ensure that young people take part in an initial risk and health assessment within two hours of reception and full health assessment within 48 hours of reception.
3. YJNSW ensures young women and girls remanded in custody in the greater Sydney region are received at Reiby YJC.
4. YJNSW review the way in which young people, who are considered to be at risk of self-harm and suicide, are managed and review the number of camera rooms in each centre.
5. YJNSW introduce stock-management controls to maintain sufficient stock of clothing and bedding to meet the entitlements of young people in custody.
6. YJNSW staff are trained on the legislative provisions around partially clothed body searches and cease routine partially clothed body searches before and after visits.
7. YJNSW develops a contraband detection strategy using technological capabilities, such as body scanners.
8. YJNSW review centre menus to ensure they meet dietary and nutritional standards for young people in custody.
9. YJNSW staff are provided with training on their legislative obligations in regards to complaints handling.
10. Secure letter boxes are placed in each accommodation unit in all YJCs so young people can make a confidential complaint to the centre manager, Official Visitor or NSW Ombudsman.
11. YJNSW review the adequacy of Aboriginal legal services to Aboriginal young people in detention and levels of appropriate funding.
12. The Bail Assessment Program at Orana YJC is replicated in all youth justice centres in NSW, with particular priority for children under 14 years of age, in order to address the issues around finding timely and suitable accommodation for young people.
13. YJNSW provide all staff with additional training in relational security.
14. YJNSW regularly audits at least one third of all video footage of incidents involving the use of force across all centres to ensure compliance with section 5 of the Use of Force, Protective Equipment & Instruments of Restraint policy.
15. YJNSW consider the introduction of body worn cameras for staff to record incidents including use of force.
16. YJNSW work with JH&FMHN to establish extended health centre hours to ensure all medication is distributed by nursing staff and when necessary YJNSW staff who are appropriately trained in the administration of prescribed medication.



17. YJNSW ensures staff training and refresher training addresses self-harm behaviours of young people in custody.
18. YJNSW create a programs and activities coordinator to ensure all centres implement a programs and activities plan.
19. YJNSW implements an Aboriginal Elder program to support and provide guidance to Aboriginal young people.
20. YJNSW provides ongoing support and training for caseworkers.
21. YJNSW coordinates access to the National Disability Insurance Scheme for eligible young people.

## **Centre specific recommendations**

### **Cobham YJC**

22. Cobham YJC undertakes regular cleaning of the Tandarra unit.
23. Cobham YJC ceases the practice of placing young women and girls in the Tandarra unit which accommodates boys and young men.
24. YJNSW ensures the induction unit at Cobham YJC is a modern unit with communal eating and social spaces.
25. YJNSW conduct a review of the visits area at Cobham YJC to enable more contact visits to take place with young people and their families.
26. YJNSW ensures young people in the High Risk Management Unit at Cobham YJC are seen by a nurse and have access to a centre based psychologist seven days a week.
27. Cobham YJC ensures interview rooms or other appropriate space that ensures confidentiality are used to facilitate psychological assessment and intervention.
28. YJNSW provides staff training in Islam and associated cultural practices.

### **Orana YJC**

29. YJNSW identify and repair structural and design weaknesses within Orana YJC and its buildings.
30. Orana YJC utilises both the indoor and outdoor visits area.
31. YJNSW ensures young people at Orana YJC have access to psychology services.

### **Reiby YJC**

32. Reiby YJC ensures the segregation unit is regularly cleaned and maintained.
33. YJNSW ensures that CCTV footage of use of force incidents are retained as per NSW Government record keeping requirements.
34. Reiby YJC identify adequate counselling space for psychology services.
35. YJNSW makes necessary structural and security changes to the Waratah unit to separately

accommodate young women.

## **Acmena YJC**

36. YJNSW regularly audits Acmena YJC to ensure all holding rooms, including toilet and shower facilities, are cleaned daily and comply with applicable regulations and cleaning standards.
37. Acmena YJC install privacy screens so as to afford appropriate privacy to young people in the admission area.
38. YJNSW consider constructing yards adjoining the Jacaranda and Clarence accommodation units, to enable young people to participate in outdoor activities in a safe and secure location.
39. Acmena YJC installs additional telephones for use by young people.
40. The centre manager at Acmena YJC, in compliance with legislation, maintains a complaints management system and ensures that both young people and staff are aware of, and understand, the process.
41. Acmena YJC and Aboriginal Legal Service establish a schedule of regular visits to the centre.
42. Acmena YJC reviews the Client Assessment Meeting process to ensure young people are treated fairly.
43. Acmena YJC ensures young people spend ten hours out of their room each day and young people not attending school are provided with meaningful time out of their room.
44. Acmena YJC ensures that caseworkers have regular meetings with young people and for there to be a defined, private meeting space for them to meet with young people.

## **Frank Baxter YJC**

45. Frank Baxter YJC ensures regular and meaningful detainee representative committee meetings occur.
46. Frank Baxter YJC reviews the misbehaviour process to ensure young people receive procedural fairness.
47. JH&FMHN prioritise the recruitment of health staff at the centre.
48. YJNSW ensure young people in the High Risk Management Unit and Enhanced Support Unit at Frank Baxter YJC are placed on detainee risk management plans that provide for a minimum number of hours out of their room and access to a nurse and psychologist seven days a week.

## **Riverina YJC**

49. YJNSW installs additional telephones for young people at Riverina YJC.
50. Riverina YJC implements monthly detainee representative committee meetings.
51. Riverina YJC staff undertake further training relating to when and how to use force.
52. The Inspector recommends that this report is made public immediately upon being tabled in NSW Parliament, in accordance with section 16(2) of the Inspector of Custodial Services Act 2012 (NSW)

# Chapter 1

## Introduction

### The Powers and Functions of the Inspector of Custodial Services

The Inspector of Custodial Services was established in October 2013 by the *Inspector of Custodial Services Act 2012* (the ICS Act). The ICS Act provides for the independent scrutiny of the conditions, treatment and outcomes for adults and young people in custody, and to promote excellence in staff professional practice. The Inspector is required under the ICS Act to inspect each youth justice centre (YJC) at least once every three years and to report to Parliament on each inspection. The Inspector may include in a report a recommendation that the report, when tabled, be made public immediately.

The powers of the Inspector are set out in section 7 of the ICS Act, which provides:

The Inspector in the exercise of the Inspector's functions:

- a) Is entitled to full access to the records of any custodial centre (including health records) and may make copies of, or take extracts from, those records and may remove and retain those copies or extracts, and
- b) May visit and examine any custodial centre at any time the Inspector thinks fit, and
- c) May require custodial centre staff members to supply information or produce documents or other things relating to any matter, or any class or kind of matters, concerning a custodial centre's operations, and
- d) May require custodial centre staff members to attend before the Inspector to answer questions or produce documents or other things relating to a custodial centre's operations, and
- e) May refer matters relating to a custodial centre to other appropriate agencies for consideration or action, and
- f) Is entitled to be given access to persons in custody, detained or residing at any custodial centre for the purpose of communicating with them.

### Methodology

The inspection team comprised of the Inspector of Custodial Services, a Principal Inspector, the Official Visitor Coordinator, and an Inspection and Research Officer.

The methodology involved:

- pre and post inspection data and information requests
- onsite inspections of the six YJCs
- inspection of young people's accommodation and general living conditions
- review of relevant YJC registers and records, incident reports, and CCTV footage

- interviews with staff, young people and relevant stakeholders including Official Visitors, staff from the NSW Ombudsman's office, NSW Department of Education, and Justice Health & Forensic Mental Health Network
- review of relevant legislation, policy and literature
- several post inspection visits.

A draft report or relevant parts thereof were provided to YJNSW, JH&FMHN and ALS in accordance with s. 14 (2) of the ICS Act. Submissions were received from YJNSW, JH&FMHN and ALS. In accordance with section 14(1) of the ICS Act, the Inspector provided the Minister for Families, Communities and Disability Services with the opportunity to make a submission in relation to the draft report. In accordance with section 14(3)(b) of the ICS Act, each submission and the Minister's response was considered before the finalisation of the report for tabling.

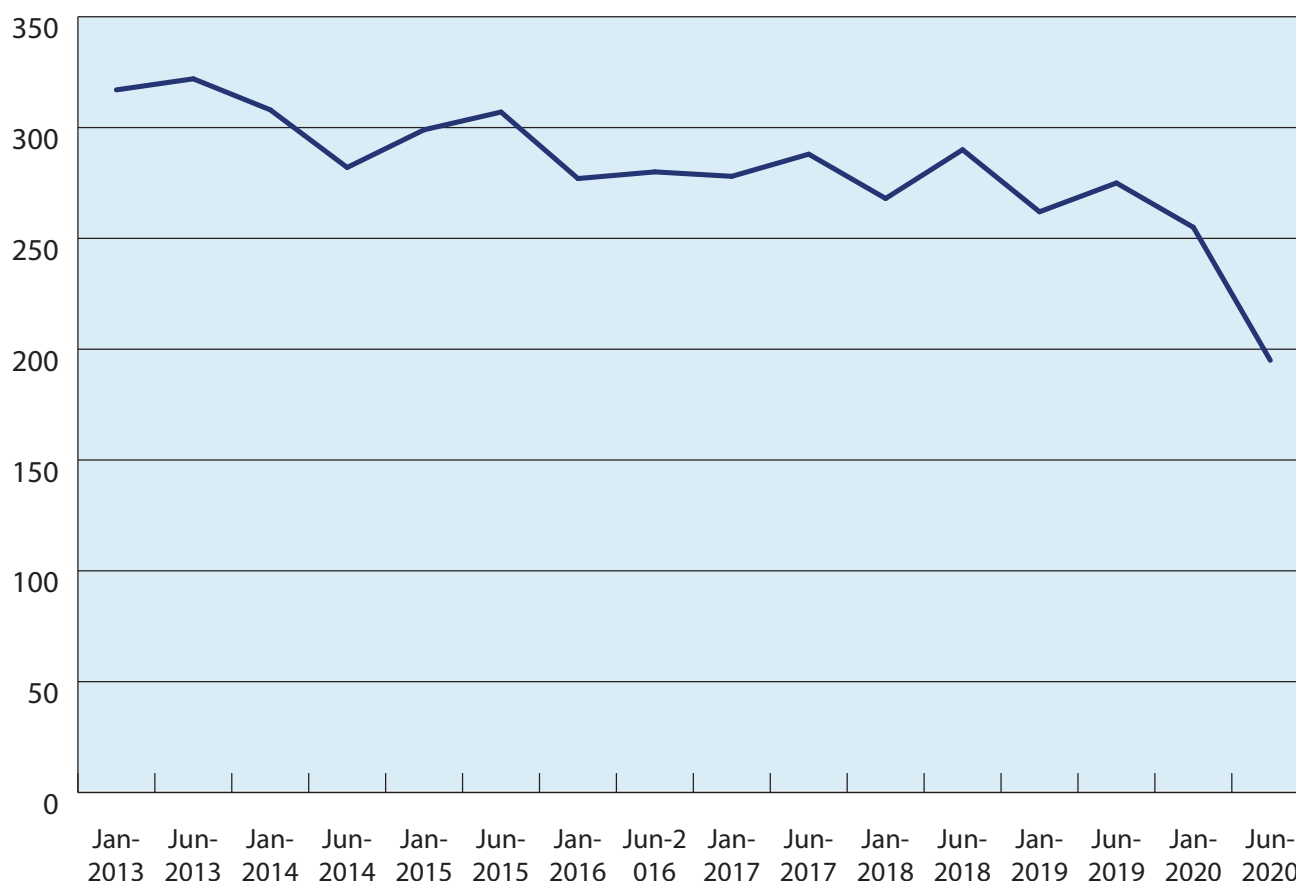
## Chapter 2

### The NSW Context

#### Youth Justice Population

Between 2013 and 2020 there has been a decline (with slight fluctuation) in the numbers of young people in YJCs in New South Wales. See Table 1 for detail. Of the total number in custody, approximately half of those young people are on remand.<sup>25</sup> Young women and girls represent less than 10% of young people in custody however 50% of young women and girls in custody are Aboriginal. There has been a decline in the proportion of all young people in custody who are Aboriginal. However they continue to be overrepresented in NSW YJCs. Aboriginal young people make up 40.5% of young people in custody<sup>26</sup> and are 16 times more likely to be incarcerated than non-Aboriginal young people.<sup>27</sup>

**Table 1: NSW Youth Custodial Population 2013-2020<sup>28</sup>**



<sup>25</sup> NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics September 2019*.

<sup>26</sup> NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics September 2020*.

<sup>27</sup> The Australian Institute of Health and Welfare, *Youth Justice in Australia 2018-19*, p.9.

<sup>28</sup> NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics January 2013 to June 2020*, Table 6 - Juvenile population.

The decline in young people in custody may be attributable to recent policy changes, including:

- offering alternatives to detention through use of warnings, cautions and conferencing
- providing bail assistance for young people to reduce unnecessary remand and to help particularly where a young person does not have access to suitable accommodation
- delivering better outcomes for Aboriginal young people
- providing effective evidence-based assessment processes, case-planning and intervention/rehabilitation programs to address the offending behaviour of young people under supervision
- improving infrastructure in detention facilities
- improving pre- and post-release support to young people leaving custody, including accommodation and other forms of support to help them reintegrate into the community.<sup>29</sup>

The large decline in the detainee population from 268 at the end of February 2020 to 195 at the end of June 2020 has come about due to both justice and community strategies aimed at limiting the spread of COVID-19. These have resulted in falling crime rates, postponement of court cases, changes in bail decisions and the release of people on remand.<sup>30</sup>

## Youth Justice Centres

There are six YJCs in New South Wales accommodating children and young people aged between 10 and 21 years of age.<sup>31</sup> The centres are positioned around the state, covering the north, south, west and greater Sydney regions. See Table 2 for details. The six locations allow for young people to be accommodated closer to their families and the communities to which they will return.

**Table 2: NSW Youth Justice Centre Location, Demographics and Inspection Dates**

Youth Justice Centre	Location	Capacity	Gender	Age	Remand or Control Order	Inspection Dates
Cobham	St Marys	105	Male	15 years and over	Primarily Remand and some Control Orders	21 - 23 May 2019
Orana	Dubbo	30	Male	All	Remand and Control Orders	5 - 6 June 2019

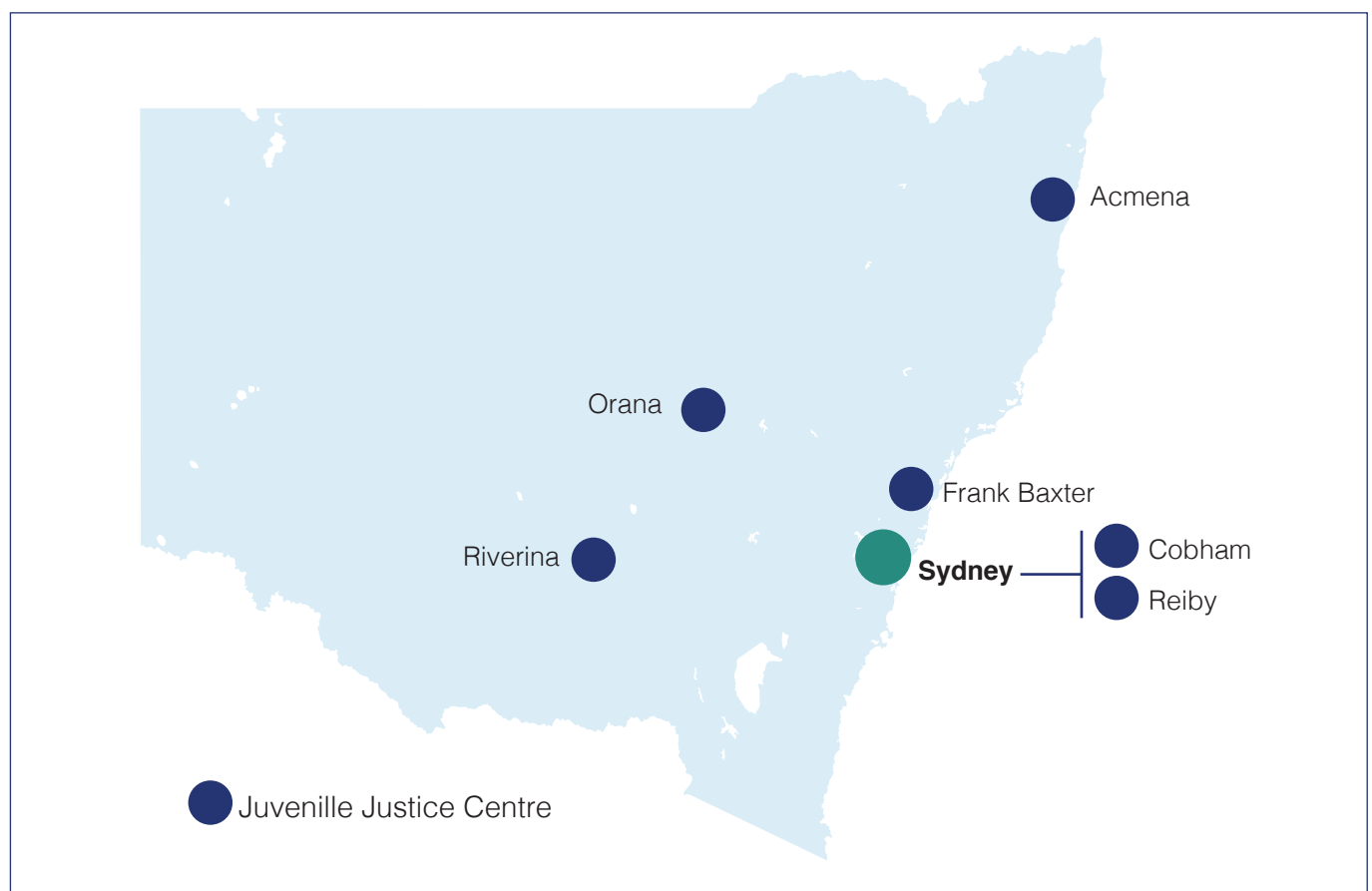
29 The Australian Institute of Health and Welfare, *Youth Justice in Australia 2018-19*, p.3.

30 NSW Bureau of Crime Statistics and Research, NSW Custody Statistics June 2020, Media Release,

31 Section 5 of the *Children (Criminal Proceedings) Act 1987* establishes the age of criminal responsibility at 10 years of age. Section 9A of the *Children (Detention Centres) Act 1987* states that a person who is of or above the age of 21 years is not to be detained in a detention centre if he or she is the subject of an arrest warrant of any kind. However, if a court sentences a person under 21 years of age to imprisonment in respect of an indictable offence, the court may make an order directing that the whole or any part of the term of the sentence of imprisonment be served as a juvenile offender (that is, in a juvenile justice centre) if the sentence or non-parole period expires within six months of the person turning 21 years old: *Children (Criminal Proceedings) Act 1987*, s.19.

Youth Justice Centre	Location	Capacity	Gender	Age	Remand or Control Order	Inspection Dates
Reiby	Campbelltown	55	Male & Female	Males under 15 years and females of all ages	Remand and Control Orders	18 - 21 June 2019
Acmena	South Grafton	45	Male	All	Remand and Control Orders	29 - 31 July 2019
Frank Baxter	Kariong	120	Male	Ages 16-21	Control Orders	19 - 23 August 2019
Riverina	Wagga Wagga	45	Male	All	Remand and Control Orders	3 - 6 September 2019

#### Location map of youth justice centres in NSW



The different needs of young people from adult offenders are reflected in the design and infrastructure of youth justice facilities in NSW. The Australasian Juvenile Justice Administrators (AJJA) standards state that the built environment of youth custodial facilities should facilitate personal contact and interaction between staff and young people.<sup>32</sup>

Each YJC has a school that delivers the NSW Department of Education's primary and secondary school curriculums.<sup>33</sup> The school is generally a stand-alone structure with an administration area, staff room and classrooms. However, in recent times, some YJC designs have attached classrooms to accommodation units.<sup>34</sup> This design minimises movement to and from school and allows for the safe separation of young people, if needed.

Additionally, all YJCs have a swimming pool, indoor gymnasium and an outdoor oval to facilitate physical exercise. The pool and gymnasiums are secured areas. All centres have high security perimeter fencing designed to prevent escapes from custody.

## Classification and Placement of Young People

YJNSW uses the 'objective detainee classification system' to provide a security classification for each young person in youth detention. A young person's security classification informs which YJC a young person will be held in. Placement is also informed by the young person's age, sex and whether they have a specific mental health, intellectual, physical or psychiatric disability.<sup>35</sup> As highlighted in the *Royal Commission into Aboriginal Deaths in Custody*, young people should also be placed as close as possible to their home region.<sup>36</sup>

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32 Australasian Juvenile Justice Administrators, *Standards for Juvenile Custodial Facilities*, March 1999, Section 9.

33 Putland (Cobham), Shepherds Park (Riverina), Dorchester (Reiby); Injuna (Acmena), Girrakool (Frank Baxter); Lincoln (Orana).

34 Cobham YJC (Carter, Bligh and Jamieson Units); Reiby YJC (Warby Unit).

35 *Objective Classification of Young People Policy*; August 2016.

36 Recommendations 168 and 169, *Royal Commission into Aboriginal Deaths in Custody*, 1991.



## Explanation of detainee classifications<sup>37</sup>

Classification Level	Influencing factors	Centre <sup>38</sup>
A1(o) (Offence)	Detainees who have been charged with or convicted of a relevant offence <sup>39</sup> and who should therefore be detained within a secure physical barrier at all times unless, in the opinion of the Secretary, the detainee should be classed under paragraph (b), (c), (d), (e) or (f).	Cobham YJC (males aged over 15 years), Frank Baxter YJC (males aged over 16 years) and Reiby YJC (males aged under 15 years and for girls and young women).
A1(b) (Behaviour)	Detainees who, in the opinion of the Secretary, are a high risk to security, safety and good order, and who should therefore be detained within a secure physical barrier at all times.	Cobham YJC (males aged 15 years and over), Frank Baxter YJC (males aged 16 years and over) and Reiby YJC (males under 15 years of age and for girls and young women).
A2	Detainees who, in the opinion of the Secretary, are a medium to high risk to security, safety and good order, and who should therefore be detained within a secure physical barrier at all times.	Acmena YJC, Cobham YJC, Orana YJC, Reiby YJC (males under 15 years old, males under 16 years old with special needs and young women and girls), Riverina YJC.
B1	Detainees who, in the opinion of the Secretary, are a medium risk to security, safety and good order.	Acmena YJC, Cobham YJC, Frank Baxter YJC, Orana YJC, Reiby YJC (males under 15 years old, males under 16 years old with special needs and young women and girls) and Riverina YJC.
B2	Detainees who, in the opinion of the Secretary, are a low to medium risk to security, safety and good order	Acmena YJC, Cobham YJC, Frank Baxter YJC, Orana YJC, Reiby YJC (males under 15 years old, males under 16 years old with special needs and young women and girls), Waratah unit at Reiby YJC (16 and over) and Riverina YJC.

<sup>37</sup> Clause 7, *Children (Detention Centres) Regulation 2015*.

<sup>38</sup> Objective Classification of Young People Policy; August 2016.

<sup>39</sup> Clause 7(2) of the *Children (Detention Centres) Regulation 2015* describes a relevant offence as any of the following: murder, manslaughter, aggravated sexual assault in company under section 61JA of the *Crimes Act 1900*, contaminating or threatening to contaminate goods with intent to cause public alarm or economic loss in aggravated circumstances under section 93O of the *Crimes Act 1900*, aggravated sexual assault under section 61J of the *Crimes Act 1900* (except in circumstances referred to in subsection (2) (d) of that section), a terrorism offence within the meaning of the *Crimes Act 1914* of the Commonwealth or an offence under section 310J of the *Crimes Act 1900*, attempting to commit offences referred to in paragraph (c) or (e) under section 344A of the *Crimes Act 1900*.

Classification Level	Influencing factors	Centre <sup>38</sup>
B3	Detainees who, in the opinion of the Secretary, are a low risk to security, safety and good order.	Acmena YJC, Cobham YJC, Frank Baxter YJC, Orana YJC, Reiby YJC (males under 15 years old, males under 16 years old with special needs and young women and girls), Waratah unit at Reiby YJC (16 years and over) and Riverina YJC.
Unclassified	All other detainees.	Acmena YJC, Cobham YJC, Frank Baxter YJC, Orana YJC, Reiby YJC (both male and females) and Riverina YJC.

High risk young people are classified according to their offence (A1(o)) or their behaviour in custody (A1(b)). YJNSW places young people who are classified as A1(o) or A1(b) at Frank Baxter YJC (males aged 15 and over), Cobham YJC (males aged 15 and over) or Reiby YJC (males aged under 15 years and young women and girls).



**Cobham YJC**



**Frank Baxter YJC**



**Reiby YJC**



**Riverina YJC**



**Acmena YJC**



**Orana YJC**

## Chapter 3

### Overview of Systemic Findings

#### Reception and Admission

Reception areas were generally clean and tidy across all inspected centres. However, the holding rooms at some YJCs such as Acmena and Frank Baxter were found to be of an unacceptable standard to accommodate young people. Follow-up visits in 2020 found the condition of holding rooms at Acmena and Frank Baxter YJCs to be much improved. Every effort was made to place young people in accommodation as quickly as possible. Interviews across all YJCs were comprehensive and conducted in a professional manner. However, at some centres such as Cobham YJC young people were not always risk assessed within two hours of admission. A lack of 24-hour onsite health services across YJNSW centres can also cause delays in initial health assessments. JH&FMHN advise that all sites have 24-hour access to clinical services. This may be onsite or through the after hours Nurse Manager, ROAMS and/or other telehealth services. JH&FMHN requires a young person to be seen within 48 hours unless there are presenting problems that require immediate healthcare. These should be attended to by JH&FMHN, or if required by transfer to the nearest hospital emergency department.<sup>40</sup>

#### Recommendations:

**YJNSW ensures all holding rooms are cleaned on a daily basis to ensure that hygiene requirements are met.**

**YJNSW and JH&FMHN ensure that young people take part in an initial risk and health assessment within two hours of reception and full health assessment within 48 hours of reception.**

#### Young Women and Girls

Young women and girls are accommodated at Reiby YJC. However, sometimes they are admitted to other YJCs following their arrest and whilst waiting court attendance or transit to Reiby YJC. The state of accommodation for young women in custody varied across the YJCs. At Frank Baxter YJC, the accommodation was found to be safe and comfortable. At Cobham YJC, young women and girls were accommodated in the same unit as young men. The rooms lacked natural light and had not been cleaned. They were also found to be of an unacceptable standard for young women at risk of self-harm. The data in Table 3 details the number of actual, attempt and threaten self-harm incidents by financial year across all YJCs. While there was a significant increase in the number of incidents in the 2018-19 financial year, the number of self-harm incidents has decreased in the 2019-20 financial year. As a result of the COVID-19 pandemic YJNSW have been able to negotiate with NSW Police for young women and girls within the greater Sydney region to be taken directly to Reiby YJC.<sup>41</sup>

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<sup>40</sup> Information provided by JH&FMHN dated 3 September 2020.

<sup>41</sup> YJNSW has not yet been able to negotiate direct admission to Reiby with Central Coast Police.



**Table 3: Actual, attempt and threaten self-harm incidents by financial year<sup>42</sup>**

Self-Harm Category	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
Actual	323	314	359	591	372
Attempt	73	74	81	162	67
Threaten	54	42	32	47	29
<b>Total</b>	<b>450</b>	<b>430</b>	<b>472</b>	<b>800</b>	<b>468</b>

**Recommendations:**

**YJNSW ensures young women and girls remanded in custody in the greater Sydney region are received at Reiby YJC.**

**YJNSW review the way in which young people, who are considered to be at risk of self-harm and suicide, are managed and review the number of camera rooms in each centre.**

## Clothing and Bedding

All young people should be provided with clean clothing and bedding upon admission. During the inspection, clothing and bedding was found to be generally well-stocked and different sizes were available. Concerns were raised about the unhygienic practice of issuing young people with second hand underwear at Acmena YJC. Centre management immediately issued a direction for this practice to cease. The inspection also found that young people had bedding taken away from them during periods of confinement at both Frank Baxter and Acmena YJCs, in contravention of the Act.<sup>43</sup> The mattresses used in the holding rooms at Frank Baxter YJC were in poor condition and unhygienic.

**Recommendation:**

**YJNSW introduce stock-management controls to maintain sufficient stock of clothing and bedding to meet the entitlements of young people in custody.**

## Searches

As part of security practices, searches are used to assist in identifying any contraband that a child or young person might have on their person. Posters were displayed at all centres in the admission area where young people are searched, advising the young person of the search process and what will occur. Inspectors were satisfied that PCB searches were conducted in accordance with legislation and YJNSW policy at Acmena and Orana YJCs. However, the inspection found that routine PCB searches were occurring before and after visits at some YJCs such as Cobham, Reiby and Riverina. This was raised with each YJC management team for immediate attention. The inspection identified the need for youth officers to receive training. YJNSW should also investigate the use of technology for searching such as body scanners, to reduce the need for PCB searches.

**Recommendations:**

**YJNSW staff are trained on the legislative provisions around partially clothed body searches and cease routine partially clothed body searches before and after visits.**

**YJNSW develops a contraband detection strategy using technological capabilities, such as body scanners.**

<sup>42</sup> Actual, attempt and threaten self-harm incidents by financial year, provided by YJNSW.

<sup>43</sup> Section 21 (2)(b) *Children (Detention Centres) Act 1987*.

## Accommodation

The accommodation across the inspected centres varied. In NSW, accommodation units generally hold up to 15 young people at one time. The units have a central area with an open view officers' hub, communal dining and recreational area, and telephone booth. Off the central area are two accommodation wings and a secure outdoor exercise yard.<sup>44</sup> This has been the basic unit design for over 20 years with varying degrees of modernisation introduced as new units are built. Only one of Acmena YJC's units has a secure outdoor exercise unit and this was impacting time out of room in the two units without exercise yards.

Cobham YJC has three accommodation units which are over 30 years old: Tandarra; Taralga; and Uralba.<sup>45</sup> The units are a quadrilateral shape with a central open air exercise space. Each unit can accommodate approximately 20 young people with rooms opening onto the central space. Officers' rooms and an indoor recreational and meeting room also open onto the internal exercise space. The Tandarra unit was being used as the induction unit at the time of inspection and was found to be dilapidated and no longer fit for purpose.

At the time of the inspection, Frank Baxter, Cobham, Riverina and Orana YJCs all had accommodation units that were closed due to property damage caused by young people. Orana YJC only had one accommodation unit operating at the time of inspection. This created challenges for staff responsible for protecting vulnerable young people, and who rely on being able to accommodate young people in different units to keep them safe.

Data provided by YJNSW identified the following number of beds not being used due to damage or other reasons at each centre as at 2 September 2019.<sup>46</sup>

Centre	Number of secure beds	Number of beds being used	Number of secure beds not being used due to damage or other reasons.	Reason
<b>Acmena YJC</b>	45	45	0	All beds operational.
<b>Cobham YJC</b>	123	90	33	Damage to accommodation units and rooms caused by individual young people.
<b>Frank Baxter YJC</b>	120	55	65	Young people causing damage to ceiling infrastructure and accommodation units.
<b>Orana YJC</b>	45	30	15	Young people entering the roof cavity and damaging ceiling infrastructure on 1/05/2019.
<b>Reiby YJC</b>	55	55	0	All beds operational.

<sup>44</sup> Jacaranda and Clarence units at Acmena YJC are the only units in NSW which do not have outdoor exercise areas.

<sup>45</sup> Inspector of Custodial Services (NSW), *Use of force, separation, segregation and confinement in NSW juvenile justice centres*, November 2018, p.151.

<sup>46</sup> Information provided by YJNSW, as at 2 September 2019.

Centre	Number of secure beds	Number of beds being used	Number of secure beds not being used due to damage or other reasons.	Reason
<b>Riverina YJC</b>	63	30	33	15 beds in Murray unit unable to be used due to a serious incident on 13 July 2019 causing damage to ceiling infrastructure and several rooms. The centre was able to open the Lachlan unit in its place.

The inspection of Frank Baxter YJC revealed that young people classified as high risk were still being admitted to the centre immediately after the riot in July 2019. YJNSW advise that given the number of young people involved in the incident, the different cohorts of young people at the centre, and the reduced capacity due to property damage, a thorough assessment based on the risk, vulnerability and safety of staff and young people was conducted with all centres to determine where young people could be placed around the state.<sup>47</sup>

Since the riot substantial repairs and infrastructure work has been performed in youth justice centres throughout the state. Data provided by YJNSW identifies the number of beds in use at each centre as at 4 September 2020.<sup>48</sup>

Centre	Number of secure beds	Number of beds being used	Number of secure beds not being used due to damage or other reasons.	Reason
<b>Acmena YJC</b>	45	45	0	All beds operational
<b>Cobham YJC</b>	120	96	14	<b>Bligh</b> – 15 beds operational <b>Jamieson</b> – 15 beds operational <b>Carter</b> – 15 beds operational <b>Tandara</b> – 15 beds operational <b>Uralba</b> – 6 operational beds (HRU) 4 beds closed <b>Taralga</b> – 0 operational beds <b>Garvey</b> – 15 beds operational <b>Mandela</b> – 15 beds operational

<sup>47</sup> Information provided by YJNSW on 4 September 2020.

<sup>48</sup> Information provided by YJNSW, as at 22 September 2020.

Centre	Number of secure beds	Number of beds being used	Number of secure beds not being used due to damage or other reasons.	Reason
<b>Frank Baxter YJC</b>	105	83	37	<b>Bouddi</b> - HRU 6 operational beds (9 x beds non-operational in this unit) <b>Nurrunga</b> - (quarantine unit) 11 beds operational (dependent on batching (4 beds closed) <b>Tasman</b> – 15 beds operational <b>Katandra</b> - 15 beds operational <b>Strickland</b> - 15 beds operational <b>Penang</b> – 15 beds closed <b>Elliot</b> - 15 beds operational
<b>Frank Baxter (ESU Peat Unit)</b>	15	6	9	<b>Peat</b> – ESU 6 operational beds (9 x beds non-operational in this unit)
<b>Orana YJC</b>	45	30	15	Only two units are operational due to low numbers in this area – 1 unit closed
<b>Reiby YJC</b>	45	30	15	All beds operational.
<b>Reiby (Waratah Unit)</b>	10	10	0	All beds operational
<b>Riverina YJC</b>	45	30	33	Only two units are operational due to low numbers in this area – 1 unit closed

## Food and Nutrition

The meals served at most inspected centres appeared to be consistent with community standards. Kitchens were also found to be clean and well equipped across all inspected centres. Cultural, religious and dietary requirements of the young people are catered for by kitchen staff. The inspection found that meals were generally liked by young people and eaten communally in accommodation units across all inspected centres. However, newly received young people at Cobham YJC and young people in the high risk management units at Frank Baxter YJC were required to eat meals in their rooms. Furthermore, at the time of the inspection, YJCs were asked to implement budget savings by YJNSW in the cost of meals per day, resulting in smaller portions and the substitution of meat with vegetables at Orana and Acmena YJCs. This was immediately addressed at the time of inspection. The YJNSW state-wide menu was developed in 2012. It is timely to review the menus at all centres to ensure they meet required dietary and nutritional standards for young people in custody.

### Recommendation:

**YJNSW review centre menus to ensure they meet dietary and nutritional standards for young people in custody.**



## Visits

Visiting times varied across YJCs. YJNSW policy requires that centres provide visits on one day per weekend and one weekday, with the ability to facilitate visits on other days if necessary. Acmena and Riverina YJCs administer visiting times in accordance with YJNSW policy (one day per weekend and one weekday). Young people at Cobham YJC are able to receive visits seven days per week, subject to availability. At Orana YJC, visiting times are restricted to weekends but special requests can be made. Visits are scheduled at Reiby YJC on Tuesdays, Wednesdays and weekends, with visits able to be accommodated on other days as required, except for Mondays.

During COVID-19 YJNSW ceased all centre visits from families and friends to young people. To ensure the health and safety of young people, and accommodate continued connectivity with family and friends, YJNSW introduced the use of tablets for young people. YJNSW reports the tablets as a positive initiative and will retain their use when face to face visits resume. The ICS acknowledges the continued benefits of tablets for young people whose families are unable to visit the centre.

## Complaints

The inspection found that complaint management processes were weak in a number of YJCs. There was no evidence of a complaints management system operating at Acmena YJC. The inspection found that Acmena, Reiby and Frank Baxter YJCs relied on Official Visitors to manage complaints. In contrast, Cobham and Orana YJC had effective complaints management systems in place. All centres need to implement a complaints management process to allow complaints to be made and investigated promptly and in accordance with legislation.<sup>49</sup> None of the complaints management systems allowed young people to make an anonymous complaint. YJNSW informs that a pilot scheme has begun at Orana YJC with secure letterboxes made available for young people to communicate with the Centre Manager.<sup>50</sup>

### Recommendations:

**YJNSW staff are provided with training on their legislative obligations in regards to complaints handling.**

**Secure letter boxes are placed in each accommodation unit in all YJCs so young people can make a confidential complaint to the centre manager, Official Visitor or NSW Ombudsman.**

## Access to Legal Services

The inspection found that generally access to legal services is operating well across all YJNSW YJCs. Legal Aid NSW provides face to face services at all YJCs.

The Aboriginal Legal Service (ALS) provides legal services to all YJCs and face to face contact with young people when operational means allow visits to occur. The ALS visits all YJCs with the exception of Acmena YJC where it has been difficult to arrange services. The ALS aims to provide legal visits to all Aboriginal children and young people in youth detention facilities; but are constrained in their ability to regularly provide in person visits to all facilities due to a lack of resourcing. They believe Aboriginal children and young people are missing out on access to culturally safe legal services and are more likely to suffer poorer justice outcomes. The ALS advises that they are not currently funded to provide legal visits to Aboriginal children and young people in YJCs across NSW. In contrast, Legal Aid NSW receives funding from YJNSW to perform visits to YJCs.<sup>51</sup> ALS should be appropriately resourced to provide free and culturally safe

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49 Part 5, clause 55 *Children (Detention Centre) Regulation 2015*.

50 Information provided by YJNSW on 4 September 2020.

51 Information provided by ALS on 21 September 2020.

advice and assistance to young people in custody and to assist with bail applications and appeals. This is particularly important given the high numbers of Aboriginal children and young people in custody and on remand.

Court Ordered (Section 28) conditional bail continues to impact on the number of young people in custody. It is the responsibility of the Department of Communities and Justice (DCJ) to find accommodation for young people who receive court ordered bail. Finding timely and appropriate accommodation for young people on release is an ongoing challenge. This sometimes results in young people remaining in custody, although bail has been granted. The inspection found the bail assessment program at Orana YJC to be working very well. Replication of this program should occur in all YJCs.

### **Recommendations:**

**YJNSW review the adequacy of Aboriginal legal services to Aboriginal young people in detention and levels of appropriate funding.**

**The Bail Assessment Program at Orana YJC is replicated in all youth justice centres in NSW, with particular priority for children under 14 years of age, in order to address the issues around finding timely and suitable accommodation for young people.**

## **Behaviour Management**

The incentive scheme employed by YJNSW is designed as a management tool to encourage young people to develop pro-social behaviours whilst in custody.

Client Assessment Meetings (CAMs) occur on a weekly basis and give young people an opportunity to review their progress and achievements from the previous week, identify problem areas and to establish new, or re-assess current, target behaviours and goals for the coming week.<sup>52</sup> Daily and weekly incentives are facilitated through CAMs.<sup>53</sup> CAMs appeared to be operating well at Riverina and Reiby YJCs. At Orana YJC, CAMs and the incentive scheme were operating in compliance with legislation but youth officers could benefit from training in writing case notes. At Acmena YJC, the incentive scheme was found to be more punitive in its application. Young people were being told by unit managers that they had not met their daily points when in fact they had.

An additional issue identified by YJNSW staff during this inspection was the inability for inappropriate behaviour or even serious misbehaviour to be addressed through the incentive scheme. Indeed, at some centres such as Frank Baxter YJC, there was evidence of young people taking part in gambling and using intimidation tactics against other young people, but still receiving their incentives each week.

The inspection found there was inconsistent practice across the centres in relation to the application of the incentive scheme. This becomes an issue when young people are transferred between centres. The need to review the incentive scheme to address inconsistencies and promote positive behaviour has been highlighted previously by the ICS, and more recently in the Shearer Review.<sup>54</sup> Since the inspection the incentive scheme has been reviewed and a new policy and resources created. In addition, YJNSW is piloting the EPIC Positive Behaviour Scheme (an alternative to the incentive scheme) at Acmena YJC which will be evaluated after 12 months.<sup>55</sup>

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52 YJNSW, *Incentive Scheme Policy*, p.15.

53 YJNSW, *Incentive Scheme Policy*, p.6.

54 Recommendation 5, Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, November 2018; Lee Shearer APM, *Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019*, p.13.

55 Information provided by YJNSW on 4 September 2020.

## Restrictive Practices

The practices of use of force, separation, segregation and confinement were comprehensively addressed in our *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres* (UOFSSC) report.<sup>56</sup> A total of 59 recommendations were made, either to YJNSW or JH&FMHN. Fifty recommendations were supported, five were partially supported, and two were noted.<sup>57</sup> While there has been much progress, the inspection found that some of the issues raised in our previous report still needed to be addressed.

At Orana, Reiby and Cobham YJCs significant improvement had been made since our last inspection. DRMPs were previously identified as an area of concern for Cobham YJC and the centre has made considerable improvements in this area.<sup>58</sup> At Frank Baxter YJC, the majority of DRMPs that we reviewed provided considerable detail on young people's backgrounds and recommendations for managing their behaviour. However, none of the DRMPs provided detail on time out of room. Nor did they specify that young people were being segregated, which was an issue identified in our previous report with respect to the Chisholm Behaviour Program (CBP).<sup>59</sup>

A consistent theme at all centres during the inspection was a strongly held belief by some staff that there is a requirement for an additional YJC to manage young people who are demonstrating high risk behaviour in custody. Staff often mentioned the need for a centre similar to the former Kariong Juvenile Correctional Centre. From 2004 until early 2015, the responsibility for young men aged 16 years or over with an 'A' classification was transferred to Corrective Services NSW (CSNSW). These young people were accommodated at Kariong Juvenile Correctional Centre. In September 2014, a decision was made for Juvenile Justice (now YJNSW) to resume the management of young men between the age of 16 to 21 years with an A1(b) or A1(c) classification. The transfer of these young people to Juvenile Justice was in order to make the Kariong facility available to CSNSW to meet the growing adult population in custody.

It is acknowledged that there are young people in youth detention who pose a serious security and safety risk to staff and other young people, and that specific management strategies are required to manage this cohort of young people. As Table 4 shows young people are more likely than staff to be physically assaulted by other young people.

Following an increase in assaults on staff by young people in 2017-2019, the number of physical assaults on staff and young people by other young people has decreased in the 2019-2020 year. This may be partly due to there being fewer young people in custody and partly due to the introduction of two high risk management units in November 2019.

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56 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, November 2018.

57 NSW Government response to ICS report *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*.

58 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, pp.153-157.

59 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, pp.150-151.

**Table 4: Assault incidents across all YJCs, 2015-2020<sup>60</sup>**

Assault Category	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
<b>Assault – Physical</b>	<b>321</b>	<b>346</b>	<b>401</b>	<b>423</b>	<b>269</b>
Young person on young person	197	214	213	224	148
Young person on staff	118	119	168	189	106
Other*	6	13	20	10	15
<b>Assault – Verbal</b>	<b>64</b>	<b>23</b>	<b>19</b>	<b>36</b>	<b>49</b>
Young person on young person	42	9	6	18	13
Young person on staff	19	14	11	17	31
Other*	3	0	2	1	5
<b>Assault with Weapon</b>	<b>8</b>	<b>21</b>	<b>22</b>	<b>18</b>	<b>9</b>
Young person on young person	2	8	4	6	3
Young person on staff	5	6	9	8	1
Other**	1	7	9	4	5
<b>Total</b>	<b>393</b>	<b>390</b>	<b>442</b>	<b>477</b>	<b>327</b>

In any secure facility there needs to be an emphasis placed on security and safety. Generally in custodial settings security:

- Static security, which focuses on infrastructure such as gates, fences, alarms, locks etc<sup>61</sup>
- Dynamic security (sometimes referred to as relational security), which is based on positive and appropriate relationships between staff and young people<sup>62</sup>
- Procedural security, which focuses on policies and procedures, response to incidents, staff training.<sup>63</sup>

Dynamic, static and procedural security all have equal importance. That is, one is not more important than the other, and all are vital for the effective and safe operation of any secure custodial environment. This is even more so for a centre holding high risk young people like Frank Baxter YJC. The management of high risk young people has largely been addressed in the Shearer Review. Although the reduction in the number of physical assaults is welcome, the inspection found that staff training in relational security may assist in further reduction of the number of assaults on staff and young people by other young people.

**Recommendation:**

**YJNSW provide all staff with additional training in relational security.**

60 Assault incidents across all YJCs by financial year, provided by YJNSW.

61 s.3 *Guiding Principles for Corrections in Australia*, revised 2018.

62 United Nations Office on Drugs and Crime, *Handbook on Dynamic Security and Prison Intelligence*, 2015, p.32.

63 United Nations Office on Drugs and Crime, *Handbook on Dynamic Security and Prison Intelligence*, 2015, p.12.

## Use of Confinement

The data in Table 5 provided by YJNSW shows the frequency of different punishments across all the inspected centres. It is apparent that there is still an overreliance on confinement as punishment across YJCs.<sup>64</sup> However, Riverina YJC staff used alternative punishments available in the legislation, such as additional cleaning chores or restriction to recreational activities as punishment, rather than confinement. Table 6 details the number of confinements issued across YJCs. It is pleasing to see a reduction in the number of confinements at Frank Baxter, Reiby, Cobham, and Riverina YJCs. There has however been an increase in the number of confinements at Acmena and Orana YJCs.

**Table 5: Frequency of Punishments across all YJCS in NSW 2015-2020**

Punishment	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
Additional duties	682 (7%)	654 (8%)	756 (10%)	616 (8%)	347 (5%)
Caution	1146 (12%)	1000 (12%)	811 (10%)	759 (10%)	559 (9%)
Confinement to a place	6490 (69%)	5572 (68%)	5606 (71%)	5215 (71%)	4401 (70%)
Exclusion from a place	15 (<1%)	11 (<1%)	4 (<1%)	2 (<1%)	2 (<1%)
Restriction from leisure activities	951 (10%)	815 (10%)	639 (8%)	673 (9%)	753 (12%)
Restriction from sport activities	68 (<1%)	83 (1%)	106 (1%)	124 (2%)	258 (4%)
<b>Total</b>	<b>9352</b>	<b>8135</b>	<b>7922</b>	<b>7389</b>	<b>6320</b>

**Table 6: Number of confinements by individual YJCs in NSW 2015-2020<sup>65</sup>**

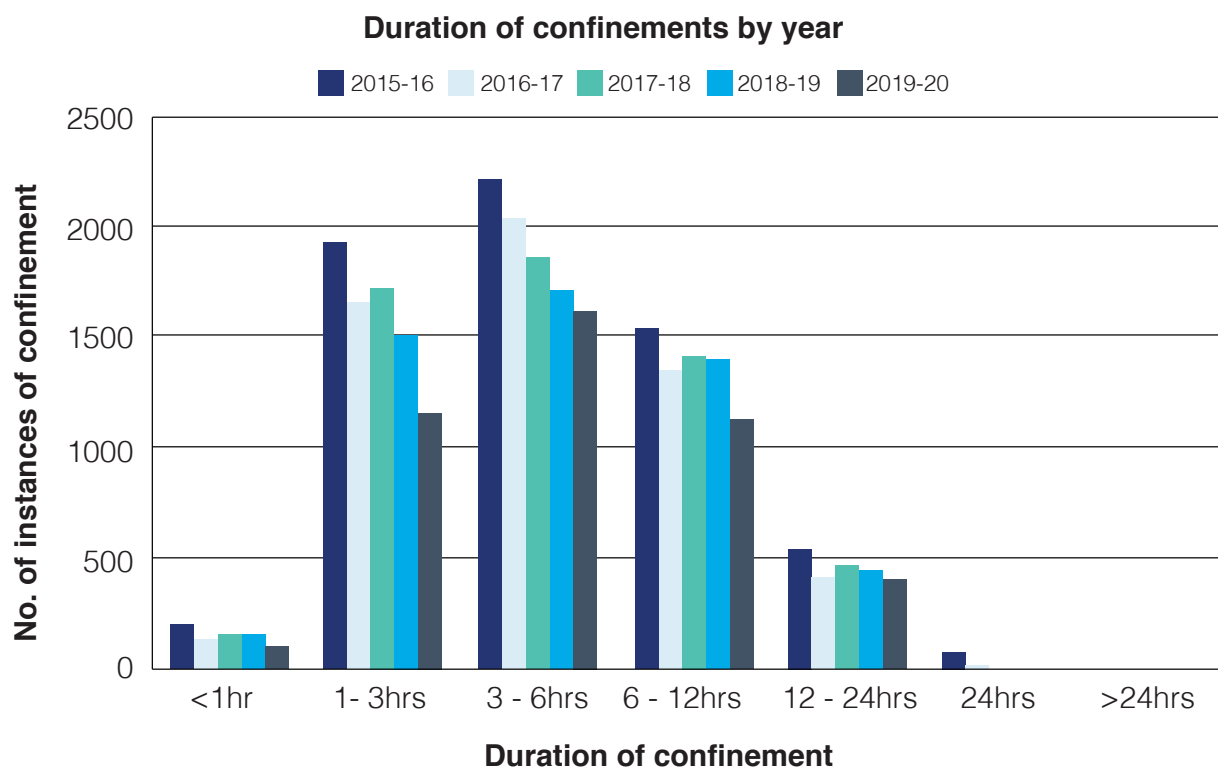
Count of confinement by centre	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
<b>Acmena</b>	<b>615</b>	<b>520</b>	<b>436</b>	<b>438</b>	<b>585</b>
24 hours	2	16	2	0	0
Less than 24 hours	613	504	434	438	585
<b>Baxter</b>	<b>715</b>	<b>901</b>	<b>1091</b>	<b>1102</b>	<b>644</b>
24 hours or more	10	41	0	2	0
Less than 24 hours	705	860	1091	1100	644
<b>Cobham</b>	<b>1079</b>	<b>1524</b>	<b>1393</b>	<b>1439</b>	<b>1077</b>
24 hours	41	28	0	1	1
Less than 24 hours	1038	1496	1393	1438	1076
<b>Juniperina</b>	<b>684</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
24 hours	0	NA	NA	NA	NA

<sup>64</sup> Frequency of punishments by financial year data across all YJNSW centres, provided by YJNSW.

<sup>65</sup> Number of confinements by financial year by individual YJNSW centres, provided by YJNSW.

Less than 24 hours	684	NA	NA	NA	NA
<b>Orana</b>	<b>897</b>	<b>872</b>	<b>624</b>	<b>571</b>	<b>689</b>
24 hours	0	0	0	0	0
Less than 24 hours	897	872	624	571	689
<b>Reiby</b>	<b>1423</b>	<b>1069</b>	<b>1242</b>	<b>1149</b>	<b>906</b>
24 hours or more	0	0	0	0	0
Less than 24 hours	1423	1069	1242	1149	906
<b>Riverina</b>	<b>1076</b>	<b>689</b>	<b>819</b>	<b>515</b>	<b>500</b>
24 hours	23	9	1	0	0
Less than 24 hours	1053	680	818	515	500
<b>Total for all centres</b>	<b>6489</b>	<b>5572</b>	<b>5605</b>	<b>5214</b>	<b>4401</b>

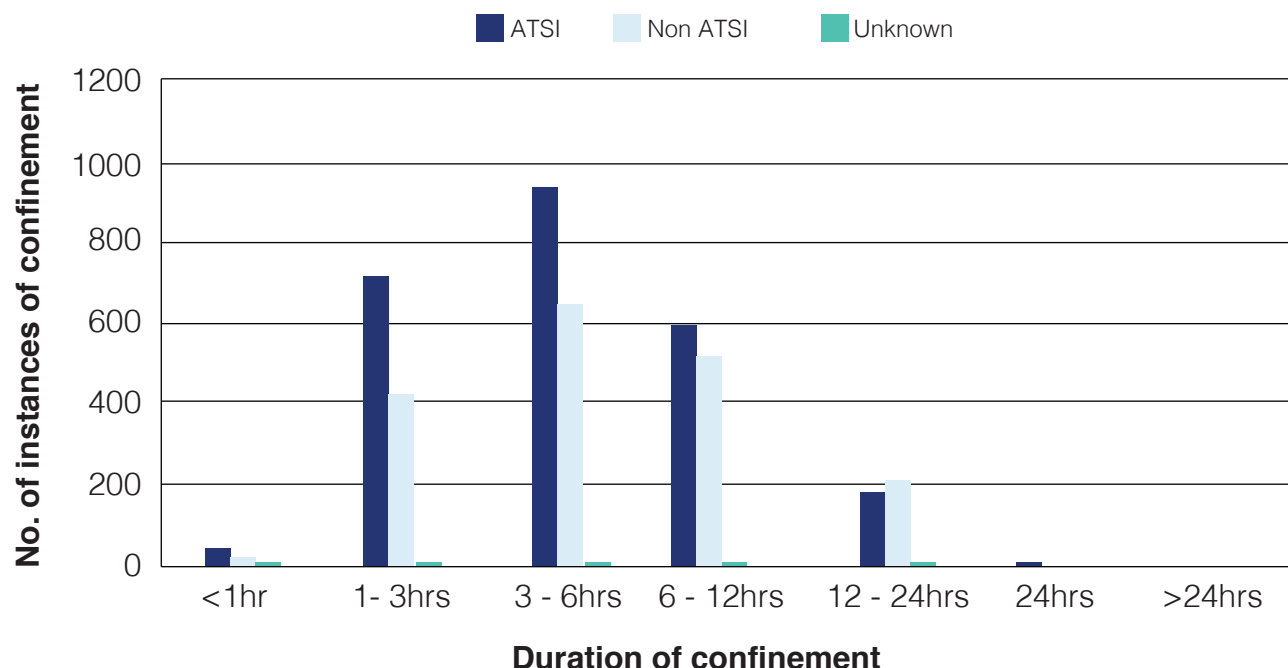
The data below shows that in the 2018-19 and 2019-20 financial years, the majority of confinements recorded lasted between three and six hours.<sup>66</sup> As discussed in the UOFSSC Report, Aboriginal young people continue to be confined more often than non-Aboriginal young people.<sup>67</sup> In the 2019-2020 year Aboriginal young people were still more likely to be confined for periods up to 12 hours but were less likely than non-Aboriginal young people to be confined for over 12 hours.



<sup>66</sup> Duration of confinements by year and duration of confinements by Indigenous status data by financial year, provided by YJNSW.

<sup>67</sup> Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, pp.112-115.

## Duration of confinements by Indigenous Status 2019 - 2020



## Use of Force

Video footage of a range of use of force incidents was reviewed by the inspection team. Each centre was requested to provide: the most recent use of force at the centre; an example of a pre-planned use of force; an example of an unplanned use of force; and the last use of force referred to the DCJ CAPS.

The inspection found that the majority of incidents which involved the use of force were authorised and justified. However, a small number were referred to the Executive Director of YJNSW by the Inspector for referral to the DCJ CAPS.

It would be prudent for YJNSW to consider the introduction of body worn cameras to record uses of force rather than continuing to rely on CCTV and hand held video cameras. This is a protection for staff and young people involved in incidents.<sup>68</sup> YJNSW is concerned the use of body worn cameras will negatively impact the ability of staff to effect relational security.<sup>69</sup> Body worn cameras are utilised in youth justice settings in other jurisdictions and in adult corrections.<sup>70</sup> If body worn cameras are used transparently, consistently and fairly, they can have a positive impact on staff and prisoners' perceptions of safety.<sup>71</sup>

In addition, YJNSW should conduct regular audits of use of force footage to ensure compliance with policy and procedure.

<sup>68</sup> University of Queensland, Sykes, Dodd and Antrobus, *Body Worn Cameras (BWC) Behind Bars: Correctional officer views on the introduction of BWCs in QLD prisons*, Presentation 2020.

<sup>69</sup> Information provided by YJNSW dated 4 September 2020.

<sup>70</sup> Body worn cameras are used in youth justice settings in the United Kingdom and adult correctional settings in NSW and Queensland.

<sup>71</sup> HM Prison & Probation Service, *Body Worn Video Camera (BWVC) Pilot Evaluation*, April 2020, p.22. See also HM Chief Inspector of Prisons, *Report of an unannounced inspection of HMYOI Feltham (children and young people) 2015*, p.5.



### **Recommendations:**

**YJNSW regularly audits at least one third of all video footage of incidents involving the use of force across all centres to ensure compliance with section 5 of the Use of Force, Protective Equipment & Instruments of Restraint policy.**

**YJNSW consider the introduction of body worn cameras for staff to record incidents including use of force.**

## **Health Services**

JH&FMHN provide multi-disciplinary health services to all YJCs in NSW. JH&FMHN reported good relationships with YJNSW staff at all YJCs. At Riverina YJC, health centre staff stressed the importance of positive relationships between custodial staff, the psychologist, the centre and the AOD counsellor. This was evident at Riverina YJC.

YJCs do not have 24-hour onsite health services and health centre hours vary across YJCs. As a consequence, medication at some centres is required to be dispensed by youth officers. This is not ideal and JH&FMHN should extend their hours to ensure medication is distributed by nursing staff. Where a JH&FMHN staff member is not available at the YJC, JH&FMHN need to ensure that only YJNSW staff who are appropriately trained in the administration of prescribed medication should be dispensing medication to young people. At Frank Baxter YJC JH&FMHN staff vacancies were impacting on the delivery of health services.

### **Recommendation:**

**YJNSW work with JH&FMHN to establish extended health centre hours to ensure all medication is distributed by nursing staff and when necessary YJNSW staff who are appropriately trained in the administration of prescribed medication.**

## **Psychology Services**

Staffing and availability of psychological services varied across the inspected centres. Psychology services were operating well at Acmena YJC. However, at Frank Baxter, Cobham and Reiby YJCs, sessions between young people and psychologists were not always conducted in private, due to a lack of interview rooms. Such practices undermine the therapeutic value of the work of psychologists. Young people at risk of self-harm should be able to speak openly with their psychologist without other young people or staff listening. This raised concerns that self-harm may not be fully understood by staff and that further training may be required.

### **Recommendation:**

**YJNSW ensures staff training and refresher training addresses self-harm behaviours of young people in custody.**

## **Education**

All YJCs have a school situated within the centre. The schools are administered separately by the NSW Department of Education, and have a close working relationship with YJNSW. They operate in accordance with a standard school semester and provide educational services from primary education to High School Certificates.

The inspection found that across all YJCs, school is an integral partner in the daily operations of each centre and a key component to reducing recidivism. Schools offered a comprehensive education program

incorporating both traditional and extracurricular activities including hospitality, cultural programs, robotics, virtual reality and horticulture. A number of centres including Reiby, Cobham and Acmena YJCs also offered barista and café skills courses.

## Relationships between Staff and Young people

Generally, the inspection team observed respectful and professional interactions between staff and young people across the centres, with young people being addressed by their first names. At all centres positive relationships existed between teachers and young people. However, at some centres such as Acmena YJC and Frank Baxter YJC, there is a need for additional staff training to encourage youth officers to engage with young people in a more positive and professional manner, in line with accepted contemporary youth justice standards. The inspection found the majority of centres refer inappropriate behaviour by staff towards young people to the DCJ CAPS. A number of centres would benefit from additional training in this regard.

## Programs and Activities

The inspection found that the availability and range of programs and activities varied across the inspected centres. The range of programs and activities at Cobham YJC was the most comprehensive. The chaplaincy program at Reiby YJC was found to be of an exemplary standard and is popular with young people. Orana, Acmena, Reiby and Riverina YJCs had few activities and programs running at the time of inspections. As a result, young people reported boredom and welcomed the introduction of more programs and activities. Orana YJC is commended for its subsequent development of a diverse and meaningful summer holiday program for 2019 and 2020. More recently programs staff have been regularly connecting via teleconference led by the manager of custodial support.<sup>72</sup>

### Recommendation:

**YJNSW create a programs and activities co-ordinator to ensure all YJCs implement a programs and activities plan.**

## Case Management and Transition from Detention

The case management model designed by YJNSW appeared to be operating well at Cobham, Orana, Frank Baxter and Riverina YJCs.<sup>73</sup> Caseworkers at Cobham YJC reported the importance of having family involved in the case management process and having Aboriginal Elders more involved. At Acmena YJC, a lack of regular meetings between young people and caseworkers was an issue. More training for caseworkers was also required. At Reiby YJC, young people were not always having monthly contact with their community youth justice officer.

It is important to provide programs that assist young people to transition from detention to the community. Programs such as the Waratah pre-release unit at Reiby YJC as well as the partial school release program at Riverina YJC play an important role in supporting young people to return to the community.

An area identified as requiring further attention is the development and implementation of exit plans for young persons who qualify under the National Disability Insurance Scheme (NDIS) and young people who are aged eighteen or over. At the time of the inspection there were several young people who qualified under the NDIS. Caseworkers develop plans that address the financial and specialist needs of young people, for example, speech pathology, physiotherapy, and occupational therapy. However there is no support available to young people to help them access the services through the NDIS. Previously the Ageing Disability and Homecare Services (ADHC), which operated before the NDIS, took referrals and looked after young people.

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<sup>72</sup> Information provided by YJNSW on 4 September 2020.

<sup>73</sup> Youth Justice NSW, *Collaborative Case Management of Young People in Custody* (JJCW (Custody) Operating Manual Version Two).

There is now either no support or limited support for those young people. Caseworkers also face challenges around finding adequate support services for young people who are aged eighteen or older. Unless the young person is required to be supervised by YJNSW community caseworkers, they are unable to assist custodial caseworkers in the planning and implementation of the exit plan.

**Recommendations:**

**YJNSW implements an Aboriginal Elder program to support and provide guidance to Aboriginal young people.**

**YJNSW provide ongoing support and training for caseworkers.**

**YJNSW coordinate access to the National Disability Insurance Scheme for eligible young people.**

## Chapter 4

### Cobham Youth Justice Centre

Snapshot of Cobham Youth Justice Centre at the time of inspection	
Dates of inspection	21-23 May 2019
Pre and post inspection visits	16 May 2019, 10 July 2019, 4 December 2019, and 10 June 2020
Built capacity <sup>74</sup>	110
Highest daily number of young people at time of the inspection	90
Number of young people on remand	55
Number of Aboriginal young people	25
Youngest detainee	15 years old
Oldest detainee	19 years old



<sup>74</sup> The number of purpose-built beds in general accommodation units.

## Background

The inspection of Cobham YJC took place on 21-23 May 2019. A pre-inspection visit occurred on 16 May 2019. Follow-up visits to the centre took place on 10 July 2019, 4 December 2019 and 10 June 2020.

Cobham YJC is located in St Marys, approximately 50 kilometres west of Sydney CBD. It is a remand centre for young males aged 15 years and over. It accommodates up to 110 young people, including those on a control order who have a security classification of A1(o) or A1(b).

## Reception and Admission

Cobham YJC receives admissions 24 hours a day, seven days a week. Centre data showed that in the 12 months prior to the inspection there were 1,691 admissions to the centre.<sup>75</sup> This was the second highest number of admissions to a YJC in NSW during that period.

The reception area was clean, tidy and fit for purpose. There were no signs of damage to facilities and the search room was appropriately appointed. Staff were observed interacting positively with young people and every effort was made to place young people in their accommodation unit as soon as possible.

Within two hours of admission to a centre, each young person should undergo a rigorous assessment to ensure that their risks and needs are identified and they are placed appropriately in the centre.<sup>76</sup> In practice, the inspection found that risk assessments were not always undertaken immediately on admission to Cobham YJC. JH&FMHN does not have a 24 hour onsite presence at Cobham YJC. An after hours nurse manager or the ROAMS service may be accessed when nursing staff are not onsite. JH&FMHN requires a young person to be seen within 48 hours of admission. If there are presenting problems that require immediate healthcare, these should be attended to by JH&FMHN, or if required by transfer to the nearest hospital emergency department.<sup>77</sup> In our 2018 report, the Inspector recommended that JH&FMHN consider extending the hours that nurses are onsite at YJCs.<sup>78</sup>



**Tandarra unit courtyard**



**Tandarra unit room**

<sup>75</sup> Data provided by Cobham Youth Justice Centre for the period 1 May 2018 – 1 May 2019.

<sup>76</sup> Section 3.3, *NSW Youth Justice Inspection Standards*, June 2020.

<sup>77</sup> Information received from JH&FMHN dated 3 September 2020.

<sup>78</sup> Recommendation 53, Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, November 2018, p.26.



## Young Women and Girls

In the 12 months prior to the inspection there were 350 admissions of young women and girls to Cobham YJC.<sup>79</sup> Young women and girls received at Cobham YJC are then transferred to Reiby YJC. This practice commenced in June 2016 following the closure of Juniperina Juvenile Justice Centre (Lidcombe) and the transfer of accommodation of young women and girls to Reiby YJC (Campbelltown). The practice is also a legacy of a Memorandum of Understanding made between Juvenile Justice NSW and NSW Police in 2004, which provides for police to transport young people to the closest YJC.<sup>80</sup>

Young women who are brought to Cobham YJC by police following arrest are placed in the Tandarra unit, before being transferred to Reiby YJC the following day. The rooms where they are accommodated were observed to be dark and unclean. Regular cleaning of the Tandarra unit should be occurring.

There is often no nursing staff on duty at the centre when young women are received at Cobham YJC. There was evidence that some young women who are known to be at risk of self-harm were placed in the Tandarra unit in rooms that did not have cameras to allow observation.<sup>81</sup> This is concerning. YJNSW should review the way young people at risk of self-harm are managed.

Tandarra also accommodates young men and it was reported by staff and young people that young men would call out to young women and girls. It is not appropriate to accommodate young women and girls in the same unit as young men aged up to 21 years.<sup>82</sup> The Mandela Rules are clear that women should not be accommodated in the same units as men, in order to protect them from sexual harassment and abuse.<sup>83</sup> It is recommended that this practice cease.

Young women and girls in the greater Sydney region should be received at Reiby YJC. YJNSW informs that as a result of the COVID-19 pandemic they have been able to negotiate with NSW Police for young women within greater Sydney region to go directly to Reiby YJC.<sup>84</sup>

### **Recommendations:**

**YJNSW ensures young women and girls remanded in custody in the greater Sydney region are received at Reiby YJC.**

**YJNSW review the way in which young people, who are considered to be at risk of self-harm and suicide, are managed and review the number of camera rooms in each centre.**

**Cobham YJC undertakes regular cleaning of the Tandarra unit.**

**Cobham YJC ceases the practice of placing young women in the Tandarra unit which accommodates boys and young men.**

## Clothing and Bedding

Young people are issued with clean clothes and a linen pack on admission before being taken to their accommodation unit. The clothing and linen supplies were clean and in good condition. There were also adequate supplies of differing sizes.

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79 Data received from Cobham YJC – Months calculated were 1 May 2018 – 1 May 2019.

80 Memorandum of Understanding between JJNSW and NSW Police, 2004.

81 Interviews with staff and young people, observation of rooms and a review of records and centre data 2019.

82 Rule 11 of *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*.

83 Rule 11 of *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*.

84 YJNSW has not yet been able to negotiate direct admission to Reiby with Central Coast Police.

## Searches

From 1 May 2018 to 1 May 2019, 3,939 PCB searches were conducted on young people at Cobham YJC. Of the 23 contraband items found, the majority of those items were screws and pieces of metal. Some cigarette lighters were also found.

An amendment to the *Children (Detention Centres) Regulation 2015* was made in October 2018. Clause 11A (9) of the Regulation provides that a PCB search of a detainee must only occur on admission to a centre or return from day or overnight leave. Otherwise, PCB searches are not to be conducted as part of general centre routine. A PCB search must be conducted in the presence of two persons of which the one observing is to be of the same sex and the other person observes only the person conducting the search and not the detainee.<sup>85</sup>

Despite changes to body searching legislation and policy in response to recommendations from the *Royal Commission into Institutional Responses to Child Sexual Abuse* and recommendations made by the ICS, the inspection found routine PCB searches were still occurring at Cobham YJC.<sup>86</sup> Throughout the inspection it became evident that staff were unaware of the change in the law and YJNSW policy. Search records confirmed that PCB searches were being carried out routinely before and after visits. It also came to the attention of the inspection team that some young people were required to undertake a PCB search before and after legal visits and required to wear visit overalls to legal visits. As legal visits are non-contact visits, the requirement is unnecessary and in contravention of *YJNSW Visits by Legal Representatives Procedure*. The centre manager made efforts to address the issue at the time of inspection. YJNSW should ensure their staff are trained in relation to the changes to legislation and policy relating to PCB searches.

CSNSW has commenced introducing body scanners in some adult correctional centres as a less invasive alternative to PCB searches. The Western Australia Office of the Inspector of Custodial Services conducted a review on *Strip Searching Practices in Western Australia Prisons* in March 2019 and found that ‘scans are thorough, providing a better output than strip searches.’<sup>87</sup> CSNSW can now safely scan inmates at John Morony Correctional Centre up to 150 times a year without exceeding prescribed radiation exposure levels, and with capability of tracking inmate’s cumulative dosages on a daily, weekly, monthly, and annual basis.<sup>88</sup> YJNSW should consider the introduction of technology as part of its contraband detection strategy.

### Recommendations:

**YJNSW staff are trained on the legislative provisions around partially clothed body searches and cease routine partially clothed body searches after visits.**

**YJNSW develops a contraband detection strategy using current technological capabilities, such as body scanners.**

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85 Section 11A (8) *Children (Detention Centres) Regulation 2015*.

86 Section 11A (8) *Children (Detention Centres) Regulation 2015*; 15.4(d) *Searching Young People Policy*; February 2019; *Royal Commission into Institutional Responses to Child Sexual Abuse*, December 2017, pp.45-46.; Recommendation 10, Inspector of Custodial Services (NSW), *Making Connections: Providing Family and Community Support to Young People in Custody*, June 2015.

87 Western Australia Office of The Inspector of Custodial Services, *Strip Searching Practices in Western Australia Prisons*, p.27, 2019.

88 Western Australia Office of The Inspector of Custodial Services, *Strip Searching Practices in Western Australia Prisons*, p.27, 2019.



## Accommodation

There are eight accommodation units at Cobham YJC: Uralba, Taralga, Tandarra, Garvey, Mandela, Bligh, Jamieson and Carter. Three of the accommodation units are over 30 years old: Tandarra; Taralga; and Uralba.<sup>89</sup> The units are situated around a central open air exercise space. Each unit can accommodate approximately 20 young people. Staff offices and an indoor recreational and meeting room also open onto the internal exercise space.

All young people admitted to Cobham YJC are placed in the Tandarra unit for induction for between five and seven days. The Tandarra unit is over 30 years old and was previously decommissioned.<sup>90</sup> It is no longer fit for purpose. There is no enclosed common area and young people are locked in their rooms for long periods with limited access to the open exercise yard. All meals are eaten by young people alone in their rooms. YJNSW are not supportive of communal eating spaces for young people just entering a custodial environment, due to potential risks associated with their withdrawal from substance abuse and the anxiety of being in a custodial setting. Individual risk assessments are conducted on all new admissions. These should provide information on whether it is appropriate for the young person to eat their meals in a communal eating space.<sup>91</sup>

Uralba and Taralga are also older style units. Uralba and Taralga were previously used to accommodate high risk young people on the CBP between May 2015 and May 2016. YJNSW responded to stakeholder concerns and closed the program on 9 May 2016 but continued to use the units to accommodate high risk young people.<sup>92</sup> The Uralba unit accommodated one high risk young person at the time of inspection. In response to the Shearer Review, Cobham YJC established an interim high risk management unit (IHRMU), utilising the Uralba and Taralga accommodation units in November 2019.<sup>93</sup>

Garvey, Mandela, Bligh, Jamieson and Carter are all modern units with separate rooms, a communal living space, outdoor exercise area and more natural light. Garvey and Mandela were not operational at the time of inspection, necessitating the use of the older units. It is preferable for young people to be accommodated in modern units with communal living and eating areas. This is particularly so for young people in custody for the first time.

### Recommendation:

**YJNSW ensures the induction unit at Cobham YJC is a modern unit with communal eating and social spaces.**

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89 Inspector of Custodial Services (NSW), *Use of force, separation, segregation and confinement in NSW juvenile justice centres*, November 2018, p.151.

90 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, November 2018 p. 151.

91 Information provided by YJNSW 4 September 2020.

92 Inspector of Custodial Services (NSW), *Use of force, separation, segregation and confinement in NSW juvenile justice centres*, November 2018, pp.142-153.

93 Recommendations 4 and 10, Lee Shearer APM, *Ministerial review into the riot at Frank Baxter Detention Centre 21 and 22 July 2019*, p16.

## Food and Nutrition

The meals served throughout the inspection appeared to be consistent with community standards. The menu at Cobham YJC is varied and appeared to be nutritionally sound. However, of concern were references in the centre menu and by some staff to the CBP menu for young people on segregation orders at the centre, despite the program officially being closed since 2016.

Cultural, religious and other dietary needs of the young people are catered for by kitchen staff. At the time of inspection some young people were observing Ramadan. Their meals were prepared and available to be consumed after sunset and before sunrise.

## Visits

Young people are able to receive visits seven days per week, subject to availability. There are two contact visit rooms and two non-contact visit rooms. Both contact and non-contact visit rooms appear to be fit for purpose and are decorated with murals that soften the overall aesthetics of the environment. If a young person's family wishes to visit and the contact visit rooms are already booked, the visit may be facilitated in a non-contact visit room. Young people are allowed two visits per week, but are able to have more if it can be accommodated. In addition to visits, young people have access to phones in the accommodation units, allowing them unlimited phone calls with their family.

A real and immediate need exists for construction of either additional contact visit rooms or a large communal visit room similar to those in other YJCs in NSW. A large communal visits space would enable more visits to occur.

The centre is working with the Aboriginal Consultative Committee to establish an outdoor visiting area for Aboriginal young people and their families.

### Recommendation:

**YJNSW conduct a review of the visits area at Cobham YJC to enable more contact visits to take place with young people and their families.**



Visit rooms at Cobham



## Complaints

An effective complaints system was operating at Cobham YJC. Young people have ready access to complaint forms. If needed, assistance to complete forms is provided by youth officers or the Official Visitor. The completed complaint form is handed to the unit manager who ensures delivery to the centre manager. It would be preferable for young people to be able to lodge their complaint confidentially. It was suggested that this could be done by installing a secure complaint box in each accommodation unit.

A complaint register was maintained by the centre manager, as required by legislation.<sup>94</sup> The centre manager is responsible for investigating complaints and responding to the young person. The centre manager meets with young people to inform them of the outcome of the complaint and young people sign an acknowledgment form that the complaint has been investigated and they have been advised of the outcome. This is good practice. Although complaints were generally acted upon and resolved promptly, some young people expressed frustration with perceived delay and lack of communication in relation to complaints concerning staff conduct.<sup>95</sup>

In addition to the internal complaints process, young people are able to speak with an Official Visitor during their weekly visits, and can telephone the NSW Ombudsman.

Detainee Representative Committee (DRC) meetings also provide a forum for young people to raise and discuss matters with custodial staff and management. DRC meetings need to be inclusive of young people's issues and perspectives, encourage them to have a voice and foster development in communication, negotiation and resolution skills. The inspection team met with the DRC delegates. The DRC appeared to be functioning as intended at Cobham YJC.

### Recommendation:

**Secure letter boxes are placed in each accommodation unit in all YJCs so young people can make a confidential complaint to the centre manager, Official Visitor or NSW Ombudsman.**

## Access to Legal Services

The majority of young people at Cobham YJC are on remand. Legal Aid NSW and the ALS attend the centre weekly and visit with young people regarding legal and associated matters. Non-contact visit spaces are set aside for those visits. Young people can also communicate with legal representatives through Audio Visual Link (AVL) or via the telephone.

The centre has three AVL court suites and two legal suites. To minimise the amount of time young people spend in the AVL holding rooms, staff call for them to be brought to the AVL suites when they are needed. This is good practice.

## Behaviour Management

The incentive scheme used across YJCs is designed as a basic management tool which encourages young people to develop pro-social behaviours. Young people's behaviour is scored on a daily basis and tallied weekly. Depending on the young person's score they will be given a rating from one to four. Level four is the highest level and at this level young people are allowed access to a range of incentives, which are predominately food, drink and products such as shampoo and conditioner, deodorant and magazines.

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<sup>94</sup> Clause 55, *Children (Detention Centres) Regulation 2015*.

<sup>95</sup> Complaints regarding staff conduct are referred by the centre manager to the DCJ CAPS.

CAMs are held weekly and must comply with YJNSW policy and procedures.<sup>96</sup> The meetings primarily focus on determining incentives for young people as a consequence of their behaviour. The inspection team observed accommodation staff, a unit manager and a centre psychologist discuss each young person's behaviour for the week and allocate a score. This feedback was then provided to the young people in an encouraging and supportive manner.

Some young people reported it was difficult to obtain their weekly incentives whilst some staff reported that young people can progress through the incentive scheme stages, but cannot be regressed for poor behaviour. Our previous report recommended a review of the incentive scheme. In response to our 2018 report,<sup>97</sup> YJNSW has reviewed the incentive scheme and created a new policy and resources. In addition, YJNSW is piloting the EPIC Positive Behaviour Scheme, an alternative to the incentive scheme, at Acmena YJC which will be evaluated after 12 months.<sup>98</sup>

## Restrictive Practices

### Use of Confinement

The use of confinement was a focus of the UOFSSC Report and remained an issue at the time of inspection.<sup>99</sup> A review of centre data revealed that in the 2018-19 financial year, there were 1,439 instances of confinement recorded, with one confinement lasting for 24 hours and 1,438 confinements lasting less than 24 hours.<sup>100</sup> During the 2019-20 financial year, there were 1,077 instances of confinement recorded, demonstrating a reduction in the number of confinements since the inspection.<sup>101</sup>

As previously reported, young people are at times confined for swearing.<sup>102</sup> Whilst this office appreciates that swearing can be the commencement of escalating behaviour by a young person, we reiterate our concerns that young people should not be confined for several hours for swearing when it is not abusive, indecent or threatening. Bad language is a misbehaviour that can be punished under section 21 of the Act, but Schedule 1 of the Regulation makes it clear that young people must not be confined for bad language, in either written or spoken form, if it is not abusive, indecent or threatening in nature.<sup>103</sup> Alternative methods of punishment should be considered such as additional chores and restriction from recreational activities.

### Segregation and Detainee Risk Management Plans

Staff, young people and visitors need to be safe whilst at Cobham YJC. An appropriate and timely response is required to address any incidents of violence or equally any threats of violence towards another person. Such incidents would generally require a young person to be placed on a DRMP.

The use of DRMPs at Cobham YJC has previously been identified as an area of concern by ICS.<sup>104</sup> It is

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96 *Behaviour Intervention Framework Policy*; November 2009 and *Incentive Scheme Procedure*; 27 April 2020.

97 Recommendation 5, Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, November 2018.

98 Information provided by YJNSW on 4 September 2020.

99 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, November 2018, pp.54-95.

100 Confinement by centre by financial year data, provided by YJNSW.

101 Confinement by centre by financial year data, provided by YJNSW.

102 Interviews with staff 2019.

103 s.21 *Children (Detention Centres) Act 1987*; Schedule 1 Misbehaviour; s.6, *Children (Detention Centres) Regulation 2015*.

104 Inspector of Custodial Services NSW, *Use of Force, separation, segregation and confinement in NSW Juvenile Justice centres*, November 2018, pp.153-157.

acknowledged that there has been considerable improvement in this area at Cobham YJC. At the time of the inspection there was only one young person on a DRMP.

It is a requirement of the Regulation that a DRMP must describe where a young person is accommodated.<sup>105</sup> The inspection found that the young person on the DRMP had been placed in a holding room for 13 days. A review of his DRMP failed to identify that the young person had been accommodated in the holding room. The Inspector made a referral to the NSW Ombudsman in accordance with section 25(d) of the ICS Act to investigate the individual young person's circumstances.<sup>106</sup>

Members of the inspection team also visited Cobham YJC on 10 July 2019. The young person on the DRMP at the time of inspection had been approved to attend school for part of the day, depending on his behaviour. A YJNSW psychologist had also been engaged to provide guidance and assistance in developing behavioural plans for young people with complex needs.

Regular meetings are held to discuss the progress of young people on a DRMP. Members of the inspection team observed two separate DRMP meetings. The DRMP review involved approximately 11 staff members of various disciplines, qualifications and roles including: the centre manager (chair of the meeting); deputy centre manager; psychologists; case workers; youth officers; union delegates; the workplace health and safety representative; programs staff; unit managers; the school principal; and nursing staff.

DRMP reviews are essential for developing plans to manage a young person's risk whilst in custody. However, such reviews should be focused on evidence-based interventions and solutions to address a young person's behaviour. The inspection found that the DRMP review process was not effective at Cobham.

Since the inspection a High Risk Management Review Committee has been established to monitor all young people on DRMPs at Cobham and any young person in the IHRMU on a weekly basis. The Taralga unit was reopened as the IHRMU in November 2019. The unit is able to receive up to four high risk young people and operates on six hours out of room each day for each young person to participate in schooling, recreation, counselling and programs.

The ICS team has visited the IHRMU on two occasions and continues to monitor young people on DRMPs. The ICS receives weekly updates on all DRMP orders and daily routines of those young people. The reports are comprehensive and detail actual daily time out of room and, where appropriate, reasons for any young person not having time out of their room. It is also important that young people in the IHRMU are seen by a nurse and psychologist seven days a week. The ICS will continue to closely monitor the operations and practices of this unit.

### **Recommendation:**

**YJNSW ensures young people in the High Risk Unit at Cobham YJC are seen by a nurse and have access to a centre-based psychologist seven days a week.**

## **Use of Force**

Cobham YJC had recently upgraded its dated CCTV camera system, which can store video footage for six months. Footage of use of force incidents are reviewed by members of the management team. Members of the inspection team viewed the most recent use of force at the centre, an example of a pre-planned use of force, an example of an unplanned use of force and the last use of force referred to the DCJ CAPS. Staff

<sup>105</sup> s. 10 (1) (c) of the *Children (Detention Centres) Regulation 2015* states that for the purposes of section 19 (3) of the Act, the following particulars are prescribed in relation to a detainee who is segregated: A description of the place where the detainee was kept segregated.

<sup>106</sup> Section 25 (d) of the *Inspector of Custodial Services Act 2012*.



appeared to be trained in protective tactics. There were no areas of concern with the review and referral process and the inspection team was satisfied that incidents were being appropriately referred to the DCJ CAPS.

A Youth Officer Centre Support (YOCS) team was implemented at Cobham YJC in 2019. Frank Baxter YJC also has a similar team. While the inspection team did not have any concerns with the practice of YOCS staff, it is questionable how effective they are. In the UOFSSC report, we noted that stakeholders were divided about the use of a YOCS team model. People supportive of these teams said they are likely to respond to incidents more quickly; are experienced in responding to incidents, including using force; and reports written by members of the team are generally of a good quality because officers have more experience in writing reports.<sup>107</sup> Stakeholders not supportive of the model stated that response teams should not have a place in juvenile settings, as having a dedicated team responding to all incidents may de-skill other officers.<sup>108</sup>

## Health Services

The health centre provides multi-disciplinary health services to young people at Cobham YJC. The services provided are detailed in the Table below.

Health Services	Hours of Operation
Nurse Unit Manager	Five days per week
Clinical Nurse	Two nurses seven days week (7:00am – 09:00 pm)
Dual diagnosis specialist nurse	Five days per week
Aboriginal Mental Health Nurse	Visits one day per week
General Practitioner	Visits one day per week
Psychiatrist	Visits one day per week
Dentist	Visits one day per month

Despite being the remand centre for the metropolitan Sydney area, there is no 24-hour onsite nursing service at Cobham YJC. The majority of young people are seen by medical staff within 24 hours of being admitted, with a more comprehensive assessment undertaken within seven days. It is preferable for young people to be assessed within two hours of admission due to the risk of self-harm, and a full health assessment to take place within 48 hours of assessment.

There were some delays observed in the initial health assessment. In some cases this is attributable to court attendances or transfers to another YJC. In the UOFSSC report, the Inspector recommended that JH&FMHN consider extending the hours that nurses are onsite at Juvenile Justice Centres, which was supported in principle by JH&FMHN.<sup>109</sup>

There are three camera rooms in the Tandarra induction unit where young people at risk of self-harm are placed. Staff advised that limited camera rooms make it difficult to manage young people assessed as

<sup>107</sup> Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres* November 2018, p. 73.

<sup>108</sup> Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, November 2018, p.74.

<sup>109</sup> Recommendation 53, Inspector of Custodial Services (NSW), *Use of force, separation, segregation and confinement in NSW juvenile justice centres*, November 2018; NSW Government response to the ICS report *Use of force, separation, segregation and confinement in NSW juvenile justice centres*.

being at risk of self-harm.<sup>110</sup> A review of the number of camera rooms and how young people at risk of self-harm are managed should occur.

Nurses are available daily (7:00am – 9:00pm) in the health centre and young people's requests are triaged daily. At the time of inspection young people were waiting up to two weeks to be seen by nursing staff. This was mainly due to youth officers being unavailable to escort or supervise a young person receiving treatment. Wait times for the general practitioner and psychiatrist were acceptable. It should be noted that wait time issues were not confined to Cobham YJC.

#### **Recommendations:**

**YJNSW and JH&FMHN ensure that young people take part in an initial risk and health assessment within two hours of reception and full health assessment within 48 hours of reception.**

**YJNSW review the way in which young people, who are considered to be at risk of self-harm and suicide, are managed and review the number of camera rooms in each centre.**

### **Psychology Services**

The centre employs three psychologists full-time and four psychologists part-time for two to three days a week. Psychologists are assigned to an accommodation unit and engage with the young people in therapeutic interventions, crisis intervention, assessments and provide recommendations for conditions on DRMPs.

It is important for psychologists to be able to have private interviews with young people. The inspection team observed psychologists having discussions with young people in exercise yards or in common areas. At times psychologists are also expected to engage in therapeutic work through a handcuff slot in the door of a young person's room. This undermines the therapeutic value of their work. Inspectors observed an interview and witnessed other young people listening to what was being discussed between the psychologist and young person. Such situations do not allow young people to have private and confidential meetings with their psychologist. Young people at risk of self-harm should be able to speak openly with their psychologist without other young people or staff listening.

The psychologists were not permitted to use interview rooms to engage in therapeutic work or to undertake assessments/discussions with young people. The interview rooms were being utilised as storage rooms for sporting equipment and other miscellaneous items. This practice is in place due to youth officers requiring line of sight of young people at all times. Psychologists should be able to use interview rooms to speak with young people confidentially. This also raised concerns that self-harm may not be fully understood by staff and that further training may be required.

#### **Recommendations:**

**Cobham YJC ensures interview rooms or other appropriate spaces that ensure confidentiality are used to facilitate psychological assessment and intervention.**

**YJNSW ensures staff training and refresher training addresses self-harm behaviours of young people in detention.**

### **Education**

The Putland School operates to the scheduled school term and delivers both primary and secondary school curriculums. Young people who are mandatory school age are required to attend school.

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<sup>110</sup> Interviews with staff 2019.



There are two campuses at Cobham YJC. The north campus services the newest units of Carter, Bligh and Jamieson in purpose built school rooms in each unit. The south campus is a standalone building that delivers schooling to young people accommodated in Garvey and Mandela units. The school operates classes from 9am to 3pm with scheduled breaks for morning and afternoon tea and lunch.

## Staff and Young People's Relationships

The Inspector has previously recommended that Juvenile Justice ensure that all youth officers receive comprehensive and ongoing training about trauma informed practice, which was supported by YJNSW.<sup>111</sup> Staff training in core effective practices is currently being piloted in three centres (Cobham, Reiby and Orana YJC).<sup>112</sup>

The inspection team observed interactions between staff and young people to be positive and respectful. Staff appeared to know the young people in their care and were responsive to their needs. Any allegations of inappropriate behaviour by staff towards young people were referred to the DCJ CAPS.

## Programs and Activities

An extensive suite of activities is offered at Cobham YJC. They include community and cultural programs, music, sport and weekend activities.

The inspection found that the programs team at Cobham YJC was proactive in providing a range of activities and programs for young people. A healthy relationship exists between the school and the programs team.

There was a mix of activities delivered by external service providers as well as members of the programs team. Examples of programs and activities include music, Aboriginal art, sports, contemporary culture programs, mentoring programs, intervention programs, physical exercise activities, cooking activities, relationship programs, men's health programs, life skills programs, pet therapy, and a hygiene program.

A number of offence-based programs are also delivered by centre staff including, Changing Habits and Reaching Targets, and My Journey My Life.

Activities for Sorry Day occurred during the inspection and involved Aboriginal Elders and other members of the Aboriginal community visiting the centre to speak and interact with the young people. These activities were held in the purpose built yarning circle and dance area.

The range of programs and activities provided at Cobham YJC was the most comprehensive of all the YJCs inspected. The programs team are commended for their commitment to providing a diverse range of activities to young people at Cobham YJC.

## Chaplaincy Services

There is an onsite chaplain at the centre who provides Christian-based services to young people. There are a number of Muslim young people at the centre requiring the services of a Muslim chaplain. The centre has experienced difficulty engaging an Imam but has a Muslim pastoral assistant regularly attending the centre to provide support to Muslim young people. The Christian chaplain also provides pastoral support to Muslim young people. A local procedure has been implemented at the centre prohibiting Muslim young people from praying outside of their room. This local procedure should be reviewed. Staff would also benefit from training regarding Islam and associated cultural practices.

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<sup>111</sup> Recommendation 37, Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, 2018; NSW Government response to the ICS Report on *Use of Force, Separation, Segregation and Confinement*.

<sup>112</sup> Information provided by YJNSW on 4 September 2020.

**Recommendation:**

**YJNSW provide staff training in Islam and associated cultural practices.**

## **Case Management**

Case management appears to operate well at the centre. The case management model is operating as designed by YJNSW with custodial and community caseworkers working together for the benefit of young people in detention.<sup>113</sup> Initial assessments, case plans, case conferences and exit conferences are occurring within required timelines.

There are six caseworkers employed at Cobham YJC, each with a caseload of 11-16 young people. A model operates where caseworkers are allocated to young people. Young people remain with the same caseworker if they return to custody, thereby providing continuity of care.

Caseworkers meet weekly with young people. The importance of having family engaged in case management and for Aboriginal Elders to have greater involvement with young people who need support and guidance, was emphasised by caseworkers.

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<sup>113</sup> Youth Justice NSW, *Collaborative Case Management of Young People in Custody* (JJCW (Custody) Operating Manual Version Two).

## Chapter 5

### Orana Youth Justice Centre

Snapshot of Orana Youth Justice Centre at the time of inspection	
Dates of inspection	5-6 June 2019
Pre and post inspection visits	2 December 2019
Built capacity	45 (at the time of the inspection only 15 beds were being utilised)
Highest daily number of young people at time of the inspection.	13
Number of young people on Remand	9
Number of Aboriginal young people	8
Youngest detainee	12 years old
Oldest detainee	18 years old



## Background

The inspection of Orana YJC took place on 5-6 June 2019. Orana YJC is located in Dubbo, approximately 380 kilometres northwest of Sydney. It is a centre for young males aged from 10 – 21 years, who are on remand or control orders. It accommodates up to 45 young people, and is able to accommodate young women and girls for overnight and short stays. The centre does not accommodate young people who are classified as A1(o) or A1(b). Aboriginal young people make up the majority of young people at Orana YJC.

## Reception and Admission

The reception area was clean and tidy, and had been recently painted. The toilets and showers were also clean and of an acceptable standard. Posters informing young people of the PCB search process were positioned in areas where searches are conducted. There are markings on the floor where the young person is required to stand whilst being searched. There is also a table between the staff member responsible for conducting searches and the young person, which provides an appropriate barrier.



**Reception area at Orana YJC**

As part of the admission process young people are provided with a detailed pamphlet containing relevant information about the centre, including how to make a complaint, what services are available, and how to request a family visit. The young person is interviewed and all required documentation is completed. The interview and assessment process is comprehensive and young people are moved to their accommodation unit as soon as possible.

## Young Women and Girls

Young women are, at times, detained overnight at Orana YJC following arrest and awaiting court attendance or transit to Reiby YJC. Young women and girls may also be transferred to Orana YJC to attend court or to enable family visits. In the 12 month period prior to inspection a total of 14 young women were temporarily accommodated at the centre.<sup>114</sup>

Young women are accommodated in either a holding room in the administration block or in the right wing of the Macquarie unit. All rooms were clean and well lit with television and bathroom facilities.

In some cases girls are received at the centre when there is no nursing staff onsite. A short stay may result in them not being medically assessed before release from the centre. Unfortunately, lack of 24-hour onsite

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<sup>114</sup> 12 month period 12 May 2018 to 12 May 2019, data provided by YJNSW.

medical services is a problem for all YJCs.

## Clothing and Bedding

Upon admission young people were provided with fresh clothes which were of a good standard. Their clothes are washed and placed in their property and available for when they are released from custody or for wearing to court.

## Searches

Inspection of log books and interviews with young people identified that staff have implemented the new *Searching Young People Policy*.<sup>115</sup> All young people are subject to a PCB search upon admission but are no longer routinely searched before or after visits.

In the 12 months prior to the inspection there were 695 PCB searches of young people. The majority of searches occurred during the admission and readmission process. Other searches were conducted on suspicion of the young person having contraband.

## Accommodation

There are three accommodation units at Orana YJC: Macquarie, Castlereagh and Talbragar. At the time of the inspection only one accommodation unit was operational. The other units were being refurbished due to damage caused by young people. Although there are anti-climb structures on the accommodation units, some young people have identified ways to circumvent the structure. It is important to have more than one unit operational to accommodate different age groups and ensure vulnerable children are safe. A review of structural and design weaknesses should occur to prevent future damage to property.



**Anti-climb structure at Orana YJC**

### Recommendation:

**YJNSW identify and repair structural and design weaknesses within Orana YJC and its buildings.**

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<sup>115</sup> Youth Justice NSW, *Searching Young People Policy*; February 2019.



## Food and Nutrition

The kitchen at Orana YJC was clean and well equipped. There are two members of staff responsible for preparing all meals for young people and centre staff. Meal plans accommodated dietary requirements such as religious requirements, food allergies, or medical conditions. Meals are eaten communally by young people in the dining area of the accommodation units.

Meals were generally liked by young people, but young people said there was not enough food. The centre menu provided to the inspection team did not comply with the Youth Justice Food Safety Plan 2012 Version 1.5 (YJFSP). The inspection revealed a direction from YJNSW to implement cost savings in food services at all YJCs. Orana YJC had implemented the required changes and as a result, meal portion size and nutritional value had been reduced. This has subsequently been reviewed by the centre and YJNSW and updated menu plans have been provided to the Inspector.<sup>116</sup> All issues identified during the inspection have been addressed.

### Recommendation:

**YJNSW review centre menus to ensure they meet dietary and nutritional standards for young people in custody.**

## Visits

The visits area was tidy and well appointed. There is an internal and external visits area, although the external area is not used. Utilising the outdoor area would provide young people and their families with greater privacy during visits. Families and friends can book their visit with centre administration. Although visiting times are restricted to Saturday and Sunday, special visits can be arranged upon request.

AVL is used to connect young people with their families in remote locations. Additional time is allowed at the end of AVL case management conferences for young people to visit and talk with family members and significant persons.

Young people also have access to phones in the accommodation units and are allowed unlimited phone calls during out of room hours.

### Recommendation:

**Orana YJC utilises both the indoor and outdoor visits area.**

## Complaints

The Centre maintains a complaints register, as required by legislation.<sup>117</sup> There was evidence that young people could make complaints and the centre manager was investigating complaints.<sup>118</sup> However, young people were not always informed by the centre manager of the results of their complaint. Direct communication with the complainant is an important and necessary step in complaint management. The centre would also benefit from regular analyses of complaints to identify and implement system improvements. A pilot scheme has begun at Orana YJC with secure letterboxes made available for young people to communicate with the centre manager.<sup>119</sup>

In addition to the internal complaints process, young people are able to speak with an Official Visitor or may telephone the NSW Ombudsman. Orana YJC has two Official Visitors, one of whom is an Aboriginal Elder. An Official Visitor visits the centre each week.

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<sup>116</sup> Advice provided by Orana YJC December 2019.

<sup>117</sup> Clause 55 *Children (Detention Centres) Regulation 2015*.

<sup>118</sup> Interviews with young people, staff and Official Visitors. Complaints records were also available (both hard copy and CIMS records).

<sup>119</sup> Information provided by YJNSW on 4 September 2020.

## Access to Legal Services

Young people have access to their legal representatives either in person, via telephone or AVL.

All newly admitted young people remanded in custody are interviewed and a comprehensive plan is put in place to assist the young person to be granted bail. During the 2018 – 2019 financial year there were a total of 327 incidences where bail was granted to young people in the Orana catchment area.

The Bail Assessment Program at Orana consists of four specialist caseworkers and two managers. The success of this service relies on the constructive relationships which have been developed with the local magistrates and judiciary.

The active presence of the bail team at Orana and the support of the centre manager and staff are also credited for the success of this program. Replication of this program should occur in all YJCs in NSW, with particular priority for children under 14 years of age.

### Recommendation:

**The Bail Assessment Program at Orana YJC is replicated in all youth justice centres in NSW, with particular priority for children under 14 years of age, in order to address the issues around finding timely and suitable accommodation for young people.**

## Behaviour Management

CAMs are held weekly and there appears to be general compliance with policy regarding the incentive scheme. Young people who make two-thirds of their weekly points receive incentives and are able to choose from a list of items. The level of attainment of incentives at Orana YJC was lower than other YJCs.

Case notes are essential to the CAM process. The inspection found that youth officers would benefit from training around the engagement of young people, and the construction of useful case notes. YJNSW are reviewing the incentive scheme. It is anticipated that officer engagement, and the importance of accurate, balanced case notes will be addressed in the review.

## Restrictive Practices

### Use of Confinement

A review of centre data revealed that in the 2018-19 financial year there were 571 instances of confinement recorded, with all confinements lasting less than 24 hours.<sup>120</sup> This was a decrease in the number of confinements issued compared with the previous financial year, during which 624 confinements were issued, with all lasting less than 24 hours.<sup>121</sup> However the number of confinements has increased to 689 in the 2019-20 financial year.<sup>122</sup> Alternative punishments should be considered before confinement is issued.

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<sup>120</sup> Confinement by centre by financial year data provided by YJNSW.

<sup>121</sup> Confinement by centre by financial year data provided by YJNSW.

<sup>122</sup> Confinement by centre by financial year data provided by YJNSW.



## Detainee Risk Management Plans

At the time of the inspection only one young person was on a DRMP. The inspection team was satisfied that DRMPs were operating in compliance with YJNSW policy and were culturally appropriate. This is important as Aboriginal young people are overrepresented at the centre, mostly coming from western NSW. There was adequate supervision, daily access to psychologist and health services, and evidence of complete and accurate records, including time out of room, being maintained. DRMP reviews occurred regularly and decisions were based on evidence and accurate recording of information.

## Use of Force

A number of incidents which involved use of force were viewed. The inspection team commends Orana YJC for the improvement in use of force practice but notes that more work needs to be done. The inspection team was satisfied that incidents were being referred to the DCJ CAPS for review, when necessary, and staff appeared to be trained in protective tactics. However, ongoing training in trauma informed practice would be beneficial for all youth officers, to assist in understanding and identifying triggers for young people that sometimes result in the use of force.<sup>123</sup>

The UOFSSC report recommended that JH&FMHN staff 'assess every young person who is subject to a pre-planned, situational or immediate use of force, as soon as practicable and record whether the young person has sustained injuries or not; and take photographs of any injuries with a young person's consent'.<sup>124</sup> It was established that notification of use of force to JH&FMHN was occurring but that it needed to be more prompt and in a standardised format. Lack of a 24-hour onsite health service remains a barrier as it can result in young people not being seen by nursing staff for several hours after a use of force. This was addressed in the UOFSSC report.<sup>125</sup>

## Health Services

The services provided are detailed in the Table below.

Health Service	Visiting times
Nurse Unit Manager	Five days a week
Clinical Nurse	Seven days a week
After hours on call telephone advice	24 hours
Mental Health Nurse	Visits two – three days a week
Aboriginal Sexual Health Worker	Visits one day a week
Drug and Alcohol Nurse	Visits two – three days a week
General Practitioner	Visits each Friday for four hours.
Psychiatrist	Visits one day a fortnight
Dentist	Visits one day a month

The health centre operates seven days a week, with no evening or overnight coverage at the centre. An

<sup>123</sup> Recommendation 37 of the ICS report: *Use of Force, separation, segregation and confinement in NSW Juvenile Justice Centres*, November 2018.

<sup>124</sup> Recommendation 52 of the ICS report: *Use of Force, separation, segregation and confinement in NSW Juvenile Justice Centres*, November 2018.

<sup>125</sup> Inspector of Custodial Services (NSW), *Use of force, separation, segregation and confinement in NSW Juvenile Justice Centres*, November 2018, pp.81-83.

after-hours nurse manager is on call 24 hours. Young people arriving at the centre out of hours must be medically cleared by police before they can be accepted at the centre. An initial health assessment of a young person admitted to a YJC must be conducted within two hours and a full health assessment by a nurse within the first 48 hours of admission, with ongoing assessments occurring on a regular basis or on an as needs basis, as required by JH&FMHN.<sup>126</sup> If it is not possible reasons must be documented in the health record and Patient Administration System (PAS), as soon as possible.<sup>127</sup>

There are four full-time nursing staff, one AOD nurse and one mental health nurse, each working two-three days per week. Medical practitioners attend the centre regularly with the general practitioner attending every Friday for four hours, a psychiatrist attending fortnightly and a dentist monthly. An Aboriginal sexual health worker also attends weekly.

Young people place their name on a list to see nursing staff and medical appointments are generally offered within two weeks. However, health staff can experience difficulty having young people escorted to the health centre for their medical appointments. This causes disruption to appointment schedules and results in young people not receiving medical treatment. Visiting medical consultants have limited availability and therefore little ability to move appointments in such circumstances. The health centre would benefit from a youth officer being stationed at the health centre to escort young people to and from their medical appointments.

## Psychology Services

The centre has one full-time psychologist position. This is an important service as staff reported that there is a high rate of self-harm at the centre. However, at the time of inspection the centre was soon to be without a psychologist, and was trying to negotiate a part-time psychologist.

It was also reported that young people's access to psychology services was impacted by youth officers not being available to escort young people to and from their psychology appointments. This raised concerns that youth officers may not fully understand the risks of self-harm and that further training may be required.<sup>128</sup> It is important to ensure staff receive training in the risk of self-harm to young people and how young people at risk of self-harm should be managed. There was also a lack of rooms with cameras for young people at risk or known to self-harm. A review of the number of camera rooms should occur.

### Recommendations:

**YJNSW ensure young people at Orana YJC have access to psychology services.**

**YJNSW ensures staff training and refresher training addresses self-harm behaviours of young people in custody.**

**YJNSW review the way in which young people, who are considered to be at risk of self-harm and suicide, are managed and review the number of camera rooms in the centre.**

## Education

The Lincoln educational and training unit provides primary and secondary schooling to all school aged young people at Orana YJC. The school operates to the standard school calendar. School attendance was high and as in all centres, school played a vital role in meeting the educational requirements of young people.

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<sup>126</sup> Section 2.1 Mandatory Requirements, JH&FMHN, *Health Assessments (Adolescents)*.

<sup>127</sup> Section 2.1 Mandatory Requirements, JH&FMHN, *Health Assessments (Adolescents)*.

<sup>128</sup> Interviews with staff June 2019.

## Staff and Young People's Relationships

Staff and management appeared to know the young people in the centre by name and were responsive to their needs.

Interactions between staff and young people were observed to be generally positive and respectful. Whilst most youth officers were proactively engaging with young people, some were reluctant to do so. Staff are referred to the DCJ CAPS if conduct with young people is deemed inappropriate.

## Programs and Activities

A programs officer is employed at the centre to organise and facilitate programs and activities during after school hours, school holidays and weekends. However, few programs and activities were operating at the centre at the time of inspection. The majority of young people interviewed spoke of boredom and their desire for more interesting and engaging activities and programs.

In the UOFSSC report, the Inspector recommended that programs and activities are provided as part of the implementation of a structured day, particularly in school holidays.<sup>129</sup> This recommendation was supported by YJNSW.<sup>130</sup>

The inspection found that although there was a range of after school and weekend activities scheduled, their delivery relied on the willingness of youth officers to organise and supervise the activities. While some staff were keen to participate in activities and motivate young people, other staff were less enthusiastic to engage with young people. Some staff stated that they did not take young people to the scheduled activities on the oval because of the risk that some young people may climb on to the roof of an accommodation unit. This resulted in young people being kept in their accommodation unit rather than being actively involved in outdoor recreational activities. Orana YJC would benefit from more structured programs and activities that encourage positive relationships between young people and youth officers.

On a subsequent visit in December 2019, the centre had employed an assistant manager, client services to implement a structured program of activities. Since then, there has been active community engagement resulting in the delivery of a comprehensive and meaningful summer school holiday program. The efforts of the centre are commendable. The creation of a programs and activities coordinator would assist the centre to develop and implement a programs and activities plan on an ongoing basis.

### Recommendation:

**YJNSW create a programs and activities coordinator to ensure all centres implement a programs and activities plan.**

## Chaplaincy Services

Orana YJC's chaplaincy program, coordinated by an Aboriginal chaplain, is an important source of support for young people.

## Case Management

Case management is working well at the centre. Orana YJC has two full-time caseworker positions. One caseworker currently works in the centre and there is one vacant position. The current caseworker is

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<sup>129</sup> Recommendation 24, Inspector of Custodial Services (NSW), *Use of force, separation, segregation and confinement in NSW juvenile justice centres* 2018.

<sup>130</sup> NSW Government response to the ICS report *Use of force, separation, segregation and confinement in NSW juvenile justice centres*.

Aboriginal and a former youth officer with many years of experience at the centre.

The caseworker meets weekly with young people but interacts with and observes them daily in their accommodation unit. Case plans are developed with the young person and designed so their goals are achievable. Young people also have the benefit of an Aboriginal caseworker, who is able to deliver culturally specific programs to Aboriginal young people as part of their case plan.

The inspection team observed an exit case conference. All relevant parties were in attendance, including the caseworker, community youth justice officer, psychologist, school principal, JH&FMHN staff, a member of the NSW police force, the young person's family and the young person. It was evident the young person had participated in the development of his exit plan.

## Chapter 6

### Reiby Youth Justice Centre

Snapshot of Reiby Youth Justice Centre at the time of inspection	
Dates of inspection	18-20 June 2019
Pre and post inspection visits	3 December 2018 26 August 2020
Built capacity	55 young people
Number of young people at the time of inspection	20 (young women and girls) 18 (young males)
Number of young people on remand	13 (young women and girls) 11 (young males)
Number of Aboriginal young people	8 (young women and girls) 7 (young males)
Youngest detainee	11 year old boy
Oldest detainee	20 year old young woman.



## Background

Located in Airds, Reiby YJC accommodates young women and girls aged between 10 and 21 years, and boys younger than 15 years, who are on a control order or are on remand. The facility has the capacity to hold 55 young people. During the 12 months prior to inspection there were 753 admissions to the centre.<sup>131</sup> This included 333 girls and 420 boys. Reiby YJC has the second highest number of yearly admissions of any YJC in NSW.<sup>132</sup>

## Reception and Admission

The reception area was clean and tidy, with minimal graffiti or damage. It has an interview room and a search room.

On admission, young people are subject to a PCB search and are provided with a change of clothing. The PCB search procedure is displayed on the search room wall and able to be clearly followed by the searching officer and young person. The room provides little privacy for the young person. A modesty screen would assist in resolving this issue. Young people are interviewed by staff in the private consultation room. A series of questions are asked and documentation completed.

The centre also has a breathalyser to measure if a young person has any alcohol in their system. If staff has concerns regarding a young person being under the influence of alcohol or an illicit substance, police will be requested to obtain a medical certificate stating that the young person is fit for detention.

## Young Women and Girls

At the time of inspection there were 20 young women and girls detained at Reiby YJC. In the 12 months prior to the inspection, there were five young women who were pregnant at the time of admission. All were released before giving birth.

Understandably there are strict rules in place to separate the young women and girls from the boys. Young women are accommodated in the Slattery and Whitton accommodation units separate from the boys who are accommodated in the Warby unit.

## Searches

In the 12 months prior to the inspection there were 1,149 PCB searches conducted on young people despite there being 753 admissions to the centre.<sup>133</sup> The number of PCB searches should decrease over time as a result of changes to legislation and policy. The ICS will continue to monitor the number of PCB searches compared with admissions.

## Accommodation

The centre has three accommodation units Whitton, Slattery and Warby. Outside the secure perimeter of the centre is the Waratah unit which accommodates up to 10 young people participating in a pre-release program.<sup>134</sup>

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<sup>131</sup> 10 June 2018 – 10th June 2019.

<sup>132</sup> Cobham YJC has the highest number of admissions.

<sup>133</sup> 10 June 2018 – 10 June 2019, data provided by YJNSW.

<sup>134</sup> <http://www.juvenile.justice.nsw.gov.au/Pages/youth-justice/about/youth-justice-centres/centres-reiby.aspx>



## Food and Nutrition

The kitchen is serviced by three staff and the menu was well balanced and complied with the YJFSP. There were no substantive complaints from young people regarding food. Meals are eaten communally by young people in the dining area of the accommodation units.

There was some confusion around whether youth officer meals are also to be provided by the kitchen. The matter requires clarification as it impacts on the quantity of food produced for each meal.

## Visits

The centre encourages contact with family and friends and has established processes to ensure visits occur for all young people. Visiting times at Reiby YJC are Tuesday, Wednesday and weekends but visits are able to be accommodated any day except Monday. The morning session is allocated for visits to female young people and the afternoon session is allocated for visits to male young people. The centre provides flexibility for parents that cannot attend on the scheduled days.

Young people are required to wear overalls during visits, in addition to being subject to a PCB search. This practice was raised on inspection with the centre manager as being in contravention of the legislation and policy. The centre has since stopped the practice of routine PCB searching after visits. Notwithstanding this, staff require further training around the new legislation and policy for PCB searching.

The visits area is well lit and has colourful paintings and toys. Even so, there is the capacity to increase the visits space and make it more family friendly. The centre manager is investigating this and hopes to expand the area to incorporate recreational activities for young people and their families.

In addition to visits young people are able to make daily calls to their family. AVL facilities are also available for young people whose families live in remote communities or are unable to travel to the centre.

### Recommendation:

**YJNSW staff are trained on the legislative provisions around partially clothed body searches and cease routine partially clothed body searches after visits.**

## Complaints

Reiby YJC maintains a complaints register, as required by legislation.<sup>135</sup> However, there was little evidence of complaints being received by the centre manager. A review of the complaints register revealed the last complaint was received six months before the inspection.

Inspectors were advised that complaints generally come from young people via the NSW Ombudsman or the Official Visitor. Young people can telephone the NSW Ombudsman from their accommodation unit or communicate in person with the Official Visitor, who visits weekly. The centre manager investigates and provides a response to the NSW Ombudsman and the Official Visitor, who in turn communicate directly with the young person. Although young people appear to be comfortable and confident with the process, the centre should ensure it has an accessible complaints system that young people are confident to use. Staff should be provided with training in complaints handling. The centre should also install secure letter boxes to allow young people to make a confidential complaint.

### Recommendations:

**YJNSW staff are provided with training on their legislative obligations in regards to complaints handling.**

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<sup>135</sup> Clause 55, *Children (Detention Centres) Regulation 2015*.



**Secure letter boxes are placed in each accommodation unit in all YJCs so young people can make a confidential complaint to the centre manager, Official Visitor or NSW Ombudsman.**

## **Access to Legal Services**

Young people are able to access their legal representative either at the centre, via AVL or by telephone. AVL and legal visit facilities appeared to be sound-proof to facilitate confidential communications.

## **Behaviour Management**

CAMs are held weekly and are conducted in compliance with YJNSW procedure.<sup>136</sup> The inspection team observed CAMs being conducted in each accommodation unit. Young people were engaged in their CAM and played an active role in developing their weekly behaviour plan. However, it was unclear whether young people were provided with a copy of their behaviour plan. In many cases these are detailed documents and young people would benefit from having a copy to remind them of their behavioural commitments.

## **Restrictive Practices**

### **Use of Confinement**

A review of centre data provided by YJNSW revealed that there were 1,149 instances of confinement recorded for the 2018-19 financial year, with all lasting less than 24 hours.<sup>137</sup> This is a decrease in the number of confinements compared to the previous financial year, in which 1,242 confinements were issued.<sup>138</sup> Since the inspection, the number of confinements recorded has decreased to 906 during the 2019-20 financial year.<sup>139</sup>

### **Segregation and Detainee Risk Management Plans**

The segregation unit has two rooms, a shower room, an office, and an outdoor area with seating and artificial grass. Young people have supervised access to the outdoor area. It provides a space for individual programs and meetings with the young person's caseworker and psychologist. There is no phone in the segregation unit. If a young person needs to make a phone call they are escorted by two youth officers to the games room next door.

Rooms are large with a full wall window looking out onto a private outdoor garden. The rooms have running water and a toilet, with privacy screen. At the time of inspection one room was occupied by a 15 year old boy on a DRMP. The other unoccupied room was dirty and in need of cleaning.

The segregation unit was adequately staffed with two youth officers during the day. Segregation and separation registers are maintained. Records were reviewed and revealed the record of checks and log book to be accurately completed and up to date.

At the time of inspection there were three young people being managed on a DRMP, two young women and a boy. The young women were being managed in their accommodation unit whilst the young boy was managed between the accommodation unit during the day and the segregation unit at night.

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<sup>136</sup> Behaviour Management – Incentive Scheme Procedure.

<sup>137</sup> Confinement by centre by financial year data provided by YJNSW.

<sup>138</sup> Confinement by centre by financial year data provided by YJNSW.

<sup>139</sup> Confinement by centre by financial year data provided by YJNSW

All young people on DRMPs are seen daily by the psychologist and DRMPs are reviewed weekly by the management team which consists of the centre manager, psychologist, caseworker, school principal, nurse unit manager, unit manager and other staff, as needed.

#### **Recommendation:**

**Reiby YJC ensures that the segregation unit is regularly cleaned and maintained.**

### **Use of Force**

The inspection team asked for examples of use of force footage from Reiby YJC. However it was identified that the footage is not always stored. YJC managers have an obligation to retain footage for a minimum of six months. Any CCTV footage that contains evidence used in the investigation or review of an incident must be retained in accordance with a separate disposal authority, with the minimum retention period ranging from ten years to permanent retention.<sup>140</sup> YJNSW needs to ensure Reiby YJC retains CCTV footage in accordance with NSW Government record keeping requirements. A regular audit of use of force incidents would identify any failures to comply with record keeping requirements.

#### **Recommendations:**

**YJNSW ensures that CCTV footage of use of force incidents are retained as per NSW Government record keeping requirements.**

**YJNSW regularly audits at least one third of all video footage of incidents involving the use of force across all centres to ensure compliance with section 5 of the *Use of Force, Protective Equipment & Instruments of Restraint* policy.**

### **Health Services**

The services provided are detailed in the Table below.

<b>Health Services</b>	<b>Hours of Operation</b>
Nurse Unit Manager	Five days per week
Clinical Nurse	Three registered nurses seven days a week 7am to 8pm
Dual Diagnosis Specialist Nurse	Three days a week ( Monday, Wednesday and Friday)
General Practitioner	Visits each Tuesday
Psychiatrist	Visits one day a fortnight
Dentist	Visits one day a month on a needs basis

The health centre is well staffed. An after-hours nurse manager is available via the JH&FMHN phone support line. Youth officers readily facilitate escorts of young people to the health centre, when needed. Problems occur when young people have external specialist appointments and require transport and escort. The current approval process is cumbersome, requiring the approval of several persons. Unfortunately, at times, this has resulted in missed appointments.

<sup>140</sup> Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, November 2018, pp.86-87.

## Psychology Services

The centre has two full-time and two part-time psychologists working five days per week. Psychologists provide counselling services to young people and assessments as required.

Psychologists prepare daily notes on young people that are emailed to all staff. The reports are a tool to help staff in their daily interactions with young people. However, the inspection found that many staff do not read these notes. Staff advised that the demands on their time did not always allow them time to read their emails. It was considered that this could be addressed by the supervising officer at unit handover briefings.

Psychologists also outline strategies and recommendations to assist youth officers manage young people on DRMPs. This provides valuable insight and assistance regarding the management of young people and should be used by youth officers.

Psychologists have little available space to hold therapeutic sessions with individual young people or conduct group therapeutic forums. This can result in sessions being delayed. Appropriate areas need to be identified for psychologists to see young people in private.

### **Recommendation:**

**Reiby YJC identify adequate counselling space for psychology services.**

## Education

The Dorchester School delivers primary and secondary school curriculums to male and female young people at the centre. Classes are delivered to the boys in their accommodation unit. Girls are escorted to dedicated classrooms separate from their accommodation units.

The school operates to the school calendar year and adjusts the curriculum to meet the student's needs. The education program incorporates technology, virtual reality learning, robotics, as well as life skills and cultural programs. The long standing barista and café skills course is one of the most popular programs in the state. At the time of inspection the school was educating two HSC students and helping one young woman prepare for university. It was apparent that young people enjoy attending school.

## Relationships Between Staff and Young People

Relationships between staff and young people were observed to be generally positive and professional with staff addressing young people by their first name. Staff were approachable and helpful towards young people and appeared genuinely interested in the welfare of young people.

Staff spoke positively about the amount of training available at Reiby YJC and that the training is beneficial for improving their youth officer skills. However, they also stated that they would like more training on working with young people with mental health issues.

## Programs and Activities

The centre has a programs manager and five full-time programs staff. The programs manager is responsible for developing a schedule of extracurricular activities and programs for young people. Having no allocated programs budget makes the task difficult. In many cases the programs officer relies on sourcing free community programs which can be limited particularly during school break.

Developing a programs and activities schedule is an issue for most YJCs. There are some centres that have been successful in engaging community groups to deliver programs. Program managers would benefit from

regular contact with their counterparts around the state and greater coordination. A regular teleconference with program staff would be beneficial for developing and implementing a program and activities plan. YJNSW advise that in recent months programs staff have been regularly connecting via teleconference led by the manager of custodial support.<sup>141</sup>

The centre offers a comprehensive suite of cultural programs including Kari Aboriginal Group, Wolkara Elders, Dinner program and the Learning Circle.

Both Karitane and Shine for Kids are actively involved with the centre and deliver weekly programs to the young women. Karitane delivers a relationship and parenting program. Shine for Kids offers a program designed to help with self-worth and resilience. In addition they hold an annual 'end of year' ball for young women. The ball has been operating for several years and is a highlight of the Reiby YJC calendar.

### **Recommendation:**

**YJNSW create a programs and activities coordinator to ensure all centres implement a programs and activities plan.**

## **Chaplaincy Services**

The chaplaincy service provided at Reiby YJC is exceptional and popular with the young people. The chapel is well designed and a peaceful place where young people can engage with the female chaplain in a relaxed but controlled environment.

The chaplain provides a number of support services for young people and staff. A homework club is run at the chapel once per fortnight for young women doing their HSC.

## **Case Management**

The centre employs three caseworkers. Due to small numbers of young people at the centre, a unit based casework model has been implemented. Caseworkers have an office space in each accommodation unit and regularly meet with the young people accommodated in their unit. However, they can continue to see a young person if they need to be moved to another unit. Being unit based allows the caseworker to observe young people on a daily basis and be readily accessible, if needed.

Case plans are developed with the young person and designed so that goals are achievable. Both case and exit conferences have key personnel in attendance and appear to comply with YJNSW policy and procedure. Caseworkers believe the model works well and that young people are provided with support to reintegrate into the community. There is now a transition plan to the community and a stronger connection with community YJNSW to support regular contact between young people and their community YJNSW officer.

Like many other YJCs, conditional bail is an issue for Reiby YJC and impacts on the work of caseworkers.<sup>142</sup> It is the responsibility of community YJNSW to find accommodation for young people who receive conditional bail. The average length of stay for young people on conditional bail is two-three days.<sup>143</sup> During the inspection there was a 12 year old girl requiring accommodation to meet her bail conditions. It took over 48 hours to find suitable accommodation for her to be placed. Reiby YJC should speak with their counterparts in Orana YJC in relation to their bail assessment program.

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<sup>141</sup> Information provided by YJNSW on 4 September 2020.

<sup>142</sup> Section 28 of the *Bail Act 2013*.

<sup>143</sup> Information provided on inspection 2019.

**Recommendation:**

**The Bail Assessment Program at Orana YJC is replicated in all youth justice centres in NSW, with particular priority for children under 14 years of age, in order to address the issues around finding timely and suitable accommodation for young people.**

**Transition from Detention**

The Waratah unit is designed to assist young people's transition back into the community. The Waratah program is a 12 week course. It teaches independent living skills and encourages young people to manage their day which involves cleaning, laundry, shopping and preparing meals, and attending training and work engagements. Young people attend external community locations, such as TAFE and employment services and are able to gain industry certificates and apprenticeships. Young people accessing external leave also undertake community work in the local area, which develops their skills and builds connections between the centre and the community. The aim of the program is for young people to be work ready and have all necessary documentation for employment upon their release from custody.

The ICS acknowledges the importance of programs such as the Waratah unit and the need for young people to be provided with meaningful opportunities to transition from detention back into the community. The ICS commends Reiby YJC and YJNSW on the program.

However, it was noted that since our previous inspections conditions in the Waratah pre-release unit had deteriorated. Basic maintenance and cleaning was required. Equipment was not being stored appropriately and the outdoor activity area required cleaning. The yard was also unkempt with pieces of broken equipment laying on the ground as well as visible rubbish including food scraps. It was disappointing to see that this unit was not being maintained to an appropriate standard.

Young people placed in the program have generally served lengthier control orders and are preparing for community reintegration. However, the unit only accommodates young men. At the time of inspection, two young women were also attending the program daily but returning to their accommodation unit within Reiby YJC every afternoon. Consideration should be given to making adjustments to the Waratah unit to provide separate accommodation for young women. On a recent visit to Reiby YJC it was pleasing to see the improvements made to the Waratah unit and a separate and secure accommodation wing for young woman. YJNSW further informed of the first successful reintegration of a young woman into the community earlier this year.<sup>144</sup>

**Recommendation:**

**YJNSW make necessary structural and security changes to the Waratah unit to separately accommodate young women.**

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<sup>144</sup> Information provided by YJNSW on 4 September 2020.



**Waratah Pre-Release Unit**



**Weathered and rusty exercise equipment**



## Chapter 7

### Acmena Youth Justice Centre

Snapshot of Acmena Youth Justice Centre at the time of inspection	
Dates of inspection	29 - 31 July 2019
Pre and post inspection visits	27 May 2020
Built capacity	45
Highest daily number of young people at time of the inspection.	40
Number of young people on remand	24
Number of Aboriginal young people	29
Youngest detainee	11 years old
Oldest detainee	19 years old



## Background

The inspection of Acmena YJC took place from 29-31 July 2019. The centre is located in South Grafton, which is 608km north of Sydney. It has the capacity to accommodate 45 young people who are on remand or control orders. The facility accommodates young men and boys with A2 or B classification. Young women and girls may also be accommodated for short periods following arrest, for court appearances or to visit family. At the time of inspection over two thirds of young people were Aboriginal. However, it is not uncommon for 85% of young people at Acmena YJC to be Aboriginal.<sup>145</sup>

Acmena YJC is an open campus design. It consists of three accommodation units: Jacaranda, Clarence and Orara. The school classrooms and training facilities are separate from the accommodation units.

Acmena YJC was inspected shortly after the riot at the Frank Baxter YJC in July 2019. Seven young people at Acmena YJC had been transferred from Frank Baxter YJC.<sup>146</sup> Others had been transferred from Cobham, Orana, and Reiby YJCs, due to bed shortages in the Sydney metropolitan region following the riot. The ICS acknowledges the additional pressures on staff and management at the time of inspection due to the high number of young people at the centre.

## Reception and Admission

The inspection team observed the admission of three young people at Acmena YJC from police custody. All documentation provided by police was checked by admissions staff. Each young person was subject to a PCB search in accordance with legislation, and given a clean set of centre issued clothing. Young people were interviewed by staff in a professional and respectful manner.

However, the holding rooms adjoining the admissions area were visibly dirty and foul smelling. This is an unacceptable standard in which to hold young people, even for the shortest period of time. These rooms were also being used for young people placed in confinement as punishment. The adjoining shower area was not clean and did not meet an acceptable standard of hygiene.

Since the COVID-19 pandemic response commenced in March 2020, Acmena YJC has restructured its cleaning process to minimise the risk of young people being potentially exposed to infection. On a follow-up visit to the centre in May 2020, the centre appeared much cleaner and the issues with the holding rooms had been addressed. It is important that Acmena YJC continues to maintain appropriate hygiene standards and regularly cleans its holding rooms.

### Recommendation:

**YJNSW regularly audits Acmena YJC to ensure all holding rooms, including toilet and shower facilities, are cleaned daily and comply with applicable regulations and cleaning standards.**

## Young Women and Girls

On occasion, young women and girls are held at Acmena YJC for short periods of time to attend court, family visits, or after arrest before being transferred to Reiby YJC. From 1 July 2018 – 1 July 2019 there were 85 admissions of young women to Acmena YJC. The longest time a young woman spent at the centre during that time was five days.<sup>147</sup>

Whilst in custody, young women are held in the admissions area which is separate from the male

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<sup>145</sup> As per records obtained from YJNSW.

<sup>146</sup> Following the riot at Frank Baxter YJC on 21 July 2019.

<sup>147</sup> Records from Acmena YJC.

accommodation areas. The admissions area has two rooms. One has a camera for use if a young person is assessed as being at risk of self-harm. This room is positioned so that youth officers have a clear view of the young person at all times. The design means young people's privacy is compromised as it is possible to see a young person using the toilet from the officer's station. Other than for the purpose of a PCB search, young people should not be viewed by adults while they are in a state of undress. An alternative room should be used for accommodating young women and girls who are not at risk of self-harm. Privacy screens should also be installed to afford young people privacy. Young women are provided with opportunities to spend time out of their room, in a larger space in the admissions area. The shower is separate and was found to be unclean and unhygienic.



**Holding room requiring privacy screen**



**Holding Room**

### **Recommendations:**

**Acmena YJC install privacy screens so as to afford appropriate privacy to young people in the admissions area rooms.**

## Clothing and Bedding

The inspection found the centre was issuing second hand underwear to young people. This is unhygienic and an unacceptable practice. The centre manager was informed and he immediately issued a direction for the practice to cease. Centre management should ensure that clothing is well stocked and available for issue to young people.

### Recommendation:

**YJNSW introduce stock-management controls to maintain sufficient stock of clothing and bedding to meet the entitlements of young people in detention.**

## Searches

From 1 July 2018 – 1 July 2019 there were 721 PCB searches conducted on male and female young people.<sup>148</sup> PCB searches were conducted in accordance with legislation, that is, routinely on admission to custody. There was no evidence of young people being routinely subject to a PCB search after visits.<sup>149</sup>

The range of contraband found included cigarettes, cigarette lighters and matches. Other items such as small rocks and screws were also found. These items can pose a risk to young people and the security of the centre.

## Accommodation

Orara unit was commissioned in 2010 and is of a contemporary design with a secure exercise yard attached to the unit. Unlike Orara, Clarence and Jacaranda units do not have secure exercise areas attached. This limits the opportunity for outdoor exercise as young people need to be supervised on the oval. On a subsequent visit to Acmena YJC we were advised that exercise yards are being constructed adjacent to the Jacaranda and Clarence accommodation units and will soon be completed.<sup>150</sup>

### Recommendation:

**YJNSW consider constructing yards adjoining the Jacaranda and Clarence accommodation units, to enable young people to participate in outdoor activities in a safe and secure location.**

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<sup>148</sup> Data provided by Acmena YJC.

<sup>149</sup> Interviews with staff, young people and a review of the searches and visits register.

<sup>150</sup> Information provided by YJNSW on 4 September 2020.

## Food and Nutrition



**The kitchen**

The kitchen was clean and well equipped. It was staffed by two cooks responsible for preparing all meals for young people and staff.

Meals are eaten communally by young people in the dining area of each accommodation unit. Meals are plated and served by youth officers from the kitchen servery in the unit. Customised serving tools are used to ensure that equitable, portion-controlled servings are distributed. This has reduced complaints.

The meals were generally liked by young people; but there were concerns about whether there was enough food. Enquiries revealed that kitchen staff had been asked to make savings by YJNSW in the cost of meals per day. In doing this the centre had reduced the amount of meat in some meals and increased the amount of vegetables. This resulted in the menu not meeting the recommended standard for food and nutrition. YJNSW should review all centre menus to ensure they meet dietary and nutritional standards for young people.

Meal plans did incorporate necessary changes for special dietary requirements such as allergies and medical conditions and for religious requirements. The inspection team also observed a birthday cake being provided for a young person's birthday for all to share.

### **Recommendation:**

**YJNSW review centre menus to ensure they meet dietary and nutritional standards for young people in custody.**

## Visits

Regular contact with family and friends is facilitated by the centre in accordance with YJNSW policy. Young people are afforded one weekend visit and one weekday visit with the ability to facilitate visits outside those days as required. Visits can be arranged with 24 hours notice for a maximum of five visitors; however larger groups can be accommodated.

Although the visits area was clean and tidy, it is a small space with five tables and seating capacity for 17 people. There was no soft play area for children, and the outside area is cold and uninviting. In the ICS report *Making Connections: Family and Community Support to Young People in Custody*, the Inspector recommended that YJNSW ensure that the physical environment of visits promotes family interaction, which

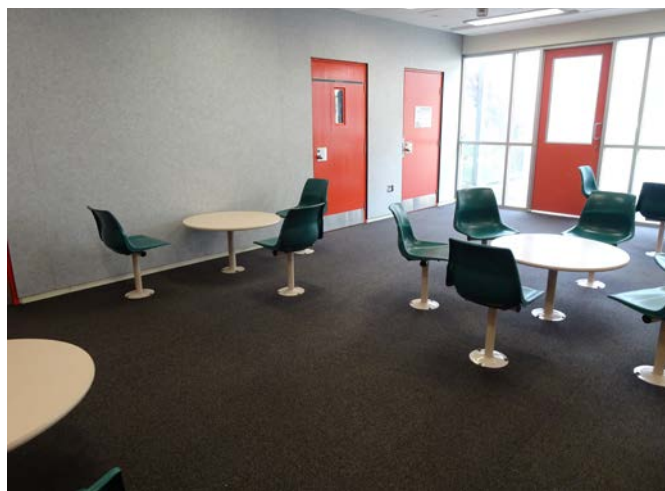


was supported by YJNSW.<sup>151</sup> YJNSW is extending the visits area and work is almost complete.<sup>152</sup> AVL visits are available to young people whose family live in remote communities and/ or are unable to visit at the centre.

Young people are able to make daily telephone calls to family but there were insufficient telephones to meet demand. The length of time young people were locked in their rooms each day also inhibited their access to the telephone. Since the inspection YJNSW has commenced a significant project to digitise the phone system and expand availability of phones to detainees. The project is expected to be completed by the end of September 2020 with two telephones available in every accommodation units throughout all YJCs.<sup>153</sup>



Visitor information sign



Visits area at Acmena YJC

## Recommendation:

**Acmena YJC installs additional telephones for use by young people.**

## Complaints

A formal complaints process is required to operate in all YJCs.<sup>154</sup> However, there was no evidence of a complaints management system operating at Acmena YJC. The centre manager explained that complaints regarding officer conduct are occasionally received and are referred to the DCJ CAPS.

Complaint forms should be available to all young people in the accommodation units. However, staff on two of the three units did not have any complaint forms, did not know where complaint forms were or how to print complaint forms. Complaint forms were only available from staff in one of the centre's three units (Orara Unit). Young people should also be able make complaints confidentially.

Young people were aware of Official Visitors and the NSW Ombudsman and use these complaint mechanisms. The centre has two Official Visitors who visit the centre weekly. The inspection found the

<sup>151</sup> Recommendation 5, Inspector of Custodial Services (NSW), *Making Connections: Family and Community Support to Young People in Custody*, June 2015; NSW Government response to the ICS report *Making Connections: Family and Community Support to Young People in Custody*.

<sup>152</sup> Information provided by YJNSW on 4 September 2020.

<sup>153</sup> Information provided by YJNSW on 4 September 2020.

<sup>154</sup> Part 5, Clause 55 *Children (Detention Centres) Regulation 2015*.



centre relied on these external complaints mechanisms rather than having a centre complaints management system to resolve complaints quickly at the local level.

#### **Recommendations:**

**The centre manager at Acmena YJC, in compliance with legislation, maintains a complaints management system and ensures that both young people and staff are aware of, and understand, the process.**

**Secure letter boxes are placed in each accommodation unit in all YJCs so young people can make a confidential complaint to the centre manager, Official Visitor or NSW Ombudsman.**

### **Access to Legal Services**

Legal Aid NSW contracts a private solicitor to attend Acmena YJC for two hours per week. The solicitor generally sees between three and eight young people each visit. These legal visits are conducted in private.

Acmena YJC's AVL facilities are also used for young people to access their legal representatives. Young people are able to make free calls to Legal Aid NSW, ALS and private lawyers via the telephone phone system. Aboriginal young people are over represented at Acmena YJC and would benefit from regular visits with the ALS.

#### **Recommendation:**

**Acmena YJC and Aboriginal Legal Service establish a schedule of regular visits to the centre.**

### **Behaviour Management**

CAMs are held weekly. The inspection team observed CAMs in the Jacaranda and Clarence units. A number of CAMs were being conducted at the same time with each young person being interviewed by a youth officer. Youth officers engaged the young person in discussion and made sure they understood the process. Young people appeared to be engaged in their CAMs. They were asked to reflect on their behaviour over the past week, comment on positive behaviours and identify where they could improve.

Daily points determine whether a young person meets their weekly incentives and whether a young person was allowed to stay up later before being locked in their room for the night. The inspection found that unit managers and youth officers treated young people unfairly. Young people were told that they had not met their daily points when in fact they had. This practice was employed by unit managers to reduce the number of young people out of their rooms in the evening. Unit managers determined, irrespective of whether a young person had met their daily points, who was allowed to have a later bedtime. This practice was confirmed by centre management at the time of inspection.

The ICS understands that the incentive scheme has been reviewed and a new policy and resources created. In addition, YJNSW is piloting an alternative to the incentive scheme, at Acmena YJC. The new EPIC positive behaviour scheme is an evidence-based model which recognises positive behaviour and will be evaluated at 12 months.<sup>155</sup>

#### **Recommendation:**

**Acmena YJC reviews the Client Assessment Meetings process to ensure young people are treated fairly.**

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<sup>155</sup> Information provided by YJNSW on 4 September 2020

## Restrictive Practices

### Use of Confinement

The use of confinement at Acmena YJC was of concern to the inspection team. Confinement is a punishment which can be imposed on a young person for misbehaviour.<sup>156</sup> The Act provides for a progressing scale of punishments for misbehaviour. Confinement is preceded on this scale by a caution, restriction from participation in sport or leisure activities, and up to seven days additional duties. It is followed only by an extension of detention.

The conditions that young people were confined in at Acmena YJC were some of the most concerning encountered across all YJCs in NSW. Confinement is the punishment, not the conditions of confinement. The Act makes this clear as section 21 states that:

- (2) *Punishment of a kind referred to in subsection (1) (d) may only be imposed on a detainee subject to the following conditions—*
- (b) *if the punishment consists of confinement to a place, the physical environment of the place where the detainee is confined shall, unless otherwise appropriate, be no less favourable than the physical environment of other places occupied by detainees in the detention centre*

At Acmena YJC, young people confined to their rooms had their mattress and bedding routinely removed during confinement. This practice may be a potential breach of section 21 (2) (b) of the Act.

If young people were confined in their own room the water in their room was switched off. Staff stated that this was to prevent young people from flooding their rooms. Staff justified this practice on the basis that some young people had intentionally flooded their rooms in the past.

Turning off water supply as a standard practice restricts the young person from accessing fresh drinking water and does not allow a young person to flush their toilet or have a shower. Young people have to ask staff to turn the water on when they need to flush the toilet. Staff are not always available to turn on the water immediately if they are addressing other operational needs. Leaving toilets unflushed is unacceptable, particularly when young people are required to eat in their room. This practice should be ceased.

YJNSW concede that although this was practiced frequently in the past, it has recently stopped and water is only turned off if a young person is flooding their room or spraying water at staff.<sup>157</sup> The practice of turning water off requires ongoing monitoring by YJNSW, as it poses a health risk.

Of greater concern is that young people are often placed in dirty holding rooms for the period of confinement without bedding or day activities, as required by the Act.<sup>158</sup> Toilet paper is also removed when young people are placed in a holding room. Young people must ask staff for toilet paper and a staff member was observed by the inspection team measuring toilet paper to give to a young person in a holding room. This treatment of a child is degrading.

Irrespective of the type of misbehaviour, confinement was the most prevalent punishment given to young people at Acmena YJC. A review of data provided by YJNSW revealed that during the 2018-19 financial year, 438 instances of confinement were recorded, with all lasting less than 24 hours.<sup>159</sup> This was a small

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<sup>156</sup> Section 21 (1) (d), *Children Detention Centres Act 1987*.

<sup>157</sup> Information provided by YJNSW May 2020.

<sup>158</sup> s.21 (a) of the *Children (Detention Centres) Act 1987*.

<sup>159</sup> Number of confinements by financial year by individual YJNSW centres, provided by YJNSW.

increase from the previous financial year, during which 436 instances of confinement were issued, where two confinements lasted for more than 24 hours.<sup>160</sup>

Despite ICS recommendations to reduce the use of confinement having been accepted by YJNSW, the overuse of confinement remains an issue at Acmena YJC.<sup>161</sup> This is of significant concern due to the very high numbers of young Aboriginal children at Acmena YJC.

When confinement is used YJNSW advise that whilst placing the young person in their own room is the preferred option, there are circumstances that warrants placement in the holding rooms for safety and security reasons. This includes where:

- The young person is housed in a double room and it was deemed that his behaviour is a risk to the other person in the room and there are no other single rooms available.
- The young person's behaviour causes further conflict with others in their accommodation unit, for example, if the detainee repeatedly strikes the door loudly during bed time.
- The young person behaves in a way that prevents staff from monitoring his behaviour in the room, for example covering viewing cameras and panels in their room. This is because under the current YJNSW policy, staff are responsible for monitoring young people in confinement regularly to ensure their safety.
- The young person continues to display violent behaviours that results in significant property damage to the room.
- The young person requested a short period of 'time out' in the holding room.
- Two young people involved in a conflict reside in adjacent rooms or near to each other. This is done to prevent verbal abuse and escalation of conflict. Whether the young person is placed in the holding room or another unit is determined by risk assessment and room availability.

Since the inspection the centre manager at Acmena YJC has introduced the following strategies to reduce the number of confinements in holding rooms:

- instructed staff that any confinement in holding rooms requires approval from the duty manager or higher
- reminded staff of the appropriate use of confinement by forwarding the YJ policy to all staff
- disseminated information pertaining to section 21 (2) (b) of the Act to staff, and reminded them of the appropriate use of confinement under this legislation.

Further, a weekly review of misbehaviours and responses (including the use of confinement) is now incorporated into Acmena YJC's management meeting. Any issues identified in the meeting are relayed back to staff to correct performance issues and serious matters are referred to the DCJ CAPS.<sup>162</sup> This action is necessary because there has been a further increase in the use of confinement at Acmena YJC in the 2019-2020 year, with 585 instances of confinement recorded.<sup>163</sup>

The ICS acknowledges YJNSW's recent efforts to implement contemporary practice in behaviour management and identify ways to move away from lengthy periods of time spent in rooms. This is positive

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<sup>160</sup> Number of confinements by financial year by individual YJNSW centres, provided by YJNSW.

<sup>161</sup> NSW Government response to the ICS report on *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*.

<sup>162</sup> Information provided by YJNSW May 2020.

<sup>163</sup> Number of confinements by financial year by individual YJNSW centres, provided by YJNSW.

and shows a commitment to improvement by YJNSW. Providing staff with skills to prevent young people from engaging in poor behaviour should be prioritised over punishing children and young people for misbehaviour. This should reduce the use of confinement. Nevertheless, management and staff at Acmena YJC require close monitoring and more training.

## Segregation and Detainee Risk Management Plans

At the time of inspection there were two young people on DRMPs. The centre maintained appropriate records and recorded all time out of room. There was adequate staff supervision with an extra DRMP officer rostered to ensure young people received their time out of room. This resulted in young people on DRMPs actually spending more time out of their room than other young people.

The psychologist and nursing staff visited young people on DRMPs daily and DRMP reviews occurred regularly with decisions based on evidence and accurate recording on the management of the young person.

## Use of Force

Video footage of a sample of incidents which involved the use of force was viewed. One use of force incident was referred by the ICS to the Executive Director of YJNSW for consideration as to whether it required referral to the DCJ CAPS. Regular audits of use of force would ensure appropriate referrals are being made to the DCJ CAPS.

### Recommendation:

**YJNSW regularly audits at least one third of all video footage of incidents involving the use of force across all centres to ensure compliance with section 5 of the Use of Force, Protective Equipment & Instruments of Restraint policy.**

## Health Services

Health Services at Acmena YJC consist of:

Health Service	Times a week
Nurse Unit Manager	Five days a week
Clinical Nurse	Seven days a week (07:00 -03:00pm)
After hours on call telephone advice	24 hours
Mental Health Services	Seven days a week
Psychiatrist	Visits one day a month
General Practitioner	Visits four hours per fortnight
Aboriginal Sexual Health Education	Visits one day per month
Health Officer, Community Integration Team	Visits four hours per week
Dental Clinic	One day per month, however, only if there are staff available to facilitate the escort.
Antenatal and Parenting Program	Visits one day a month
Speech Pathologist and Community Renal Nurses	Visits on an as needs basis

Young people are seen by a nurse within 48 hours of being admitted to the centre and are prioritised for assessment, as per JH&FMHN policy.<sup>164</sup>

There is a range of health services available at Acmena YJC. A nurse is rostered at the health centre seven days a week providing coverage from 7am – 3pm each day. This results in evening medications being packed by the nurse in the morning for later distribution, by non-medical staff. This process is not ideal. Where a JH&FMHN staff member is not available at the YJC, JH&FMHN need to ensure that only YJNSW staff who are appropriately trained in the administration of prescribed medication, distribute medication to young people. In most YJCs, nursing staff operate 7am – 9pm, seven days per week. Extended health centre hours would afford young people arriving at the centre in the evening, an opportunity to be seen by nursing staff. Young people (including girls) who arrive at the centre after 8pm receive no medical attention until the next morning.

There is no onsite dental clinic which means young people have to be taken out of the YJC to receive dental care. Any matter deemed as not urgent seems to be left unattended.

#### **Recommendation:**

**YJNSW work with JH&FMHN to establish extended health centre hours to ensure all medication is distributed by nursing staff.**

## **Psychology Services**

Psychology services are operating well at the centre. The centre has three psychologists and young people have good access to psychology services at Acmena YJC. The psychologists are also responsible for delivering offence-based programs to young people.

All young people are monitored by a psychologist. As well as individual consultation, the psychologists spend time in accommodation units observing young people's behaviour. Psychologists work closely with caseworkers and meet fortnightly to discuss issues and develop strategies for working with a young person. The psychologists are located near the health centre. This has facilitated good communication and cooperation with JH&FMHN staff and the visiting psychiatrist.

At the time of inspection, Acmena YJC had received several young people from Frank Baxter YJC.<sup>165</sup> These young people were promptly seen by a psychologist and placed on a waitlist for follow-up.

## **Education**

The Injuna Education Training unit delivers a primary and secondary school program to school aged young people five days per week during school term. The school operates a hospitality training facility and horticulture program as well as offering TAFE courses and distance education. Links to local businesses have been established, which provide work experience opportunities to young people. The school had recently increased its focus on literacy and numeracy, delivering three classes per week, resulting in a noticeable uptake of library loans.

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<sup>164</sup> s.2.1 Mandatory Requirements, JH&FMHN, *Health Assessments (Adolescents)* policy, 2016; s 10.3, Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards*, June 2020 provides 'An initial medical and psychological assessment of each young person must be conducted within 48 hours of their admittance to the centre'.

<sup>165</sup> Following the Frank Baxter YJC riot 21 July 2019.





**Hospitality training facility**

## Staff and Young People's Relationships

Staff appeared to be courteous and professional in their interactions with young people. However, there was little evidence of staff effectively engaging with young people. Interaction with young people was generally on a needs basis, for example to facilitate movements, address questions or concerns, or to conduct CAMs. Relational security is essential for maintaining a safe environment for staff and young people.

In the UOFSSC report, the Inspector recommended that YJNSW ensure all youth officers receive ongoing training including how to build positive relationships with young people, trauma informed practice, and de-escalation techniques. This was supported by YJNSW.<sup>166</sup> Training is also required in relational security.

The intake of young people from Frank Baxter YJC had also impacted general routines at Acmena YJC. Young people in the induction unit or waiting for admission to school were locked in their rooms during school hours. In the Jacaranda unit only four young people were let out of their rooms at a time which reduced their time out of their room to five hours each day. This did not comply with the centre routine and was well below the accepted standard for young people to spend ten hours out of their room each day.<sup>167</sup>

### Recommendations:

**Acmena YJC ensures young people spend ten hours out of their room each day and young people not attending school are provided with meaningful time out of their room.**

**YJNSW provide all staff with additional training in relational security.**

## Programs and Activities

The centre has one programs officer who is responsible for delivering extracurricular activities and programs to young people. There are consistently high numbers of Aboriginal young people at Acmena YJC and Aboriginal staff assist with cultural program delivery. There are several programs offered at the centre, namely GIRAGAM (Aboriginal business, dance, didgeridoo and language), and Dethina Yuwali (DY) an Aboriginal program that focuses on violence. The centre also has a yarning circle.

Some older boys participate in fortnightly supervised community outings to the creek, beach and cinema. However, there were limited activities occurring each afternoon after school and on the weekend. This was explained on the basis of insufficient budget allocation, lack of interest from community-based service providers, isolation and limited infrastructure. Like other YJCs, Acmena would benefit from having a

<sup>166</sup> Recommendation 37, Inspector of Custodial Services (NSW), *Use of force, separation, segregation and confinement in NSW juvenile justice centres*; NSW Government response to the ICS report *Use of force, separation, segregation and confinement in NSW juvenile justice centres*.

<sup>167</sup> Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards*, June 2020, 9.8.



coordinated programs and activities plan. In the UOFSSC report, the Inspector recommended programs and activities are provided as part of the implementation of a structured day, particularly in school holidays, which was supported by YJNSW.<sup>168</sup>

### **Recommendation:**

**YJNSW create a programs and activities coordinator to ensure all centres implement a programs and activities plan.**



**Aboriginal yarning circle**



## **Chaplaincy Services**

A chaplain visits the centre on a regular basis. The chaplain provides primarily Christian faith services. Services for Muslim young people and other faiths are also organised by the chaplain.

## **Case Management**

There are three full-time caseworkers at Acmena YJC, one of whom is Aboriginal. A continuity of care model operates where a young person is allocated a caseworker who has responsibility for the young person during their time at the centre and on any subsequent return to the centre.

However, there are no defined regular meetings with young people. One caseworker operates on the community model and meets weekly with young people whilst another meets with them only on request. At other YJCs, caseworkers see young people on a daily basis as they observe their daily interactions in their accommodation unit.<sup>169</sup>

Caseworkers have no defined meeting room space in the accommodation units which has also limited their access to regular meetings with young people. A lack of training may have also contributed. During inspection the assistant centre manager was delivering training to one of the newer caseworkers, as there was no opportunity to attend training in Sydney. Ongoing training and support is necessary for caseworkers, as is the need for caseworkers to hold regular meetings with young people.

<sup>168</sup> Recommendation 24, Inspector of Custodial Services (NSW), *Use of force, separation, segregation and confinement in NSW juvenile justice centres*; NSW Government response to the ICS report *Use of force, separation, segregation and confinement in NSW juvenile justice centres*.

<sup>169</sup> This was observed at Orana, Reiby and Frank Baxter YJCs.

### ***Recommendations:***

**Acmena YJC ensures that caseworkers have regular meetings with young people and for there to be a defined, private meeting space for them to meet with young people.**

**YJNSW provide ongoing support and training for caseworkers.**

## **Security**

As highlighted in the Shearer Review, key control is a crucial element in any custodial environment and staff should perform daily checks of their key lanyards.<sup>170</sup> The inspection team located a security fob (electronic security key) in the staff car park. This was immediately reported however there did not appear to be an established process to report this type of security incident to the centre manager.<sup>171</sup>

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<sup>170</sup> Recommendation 50, Lee Shearer APM, *Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019*.

<sup>171</sup> Recommendation 21, Lee Shearer APM, *Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019*.

## Chapter 8

### Frank Baxter Youth Justice Centre

Snapshot of Frank Baxter Youth Justice Centre at the time of inspection	
Dates of inspection and liaison visit	19 - 23 August 2019
Pre and post inspection visits	9 April 2019, 7 August 2019, 12 August 2019, 19 September 2019, 31 October 2019, 28 November 2019, 10 August 2020 and 22 November 2020.
Built capacity	120 (88 operational)
Highest number of young people at the time of inspection.	49
Number of young people on remand	21
Number of Aboriginal young people	21
Youngest detainee	15 years old
Oldest detainee	20 years old



## Background

Frank Baxter YJC is located in Kariong approximately 70 kilometres north of Sydney. It has capacity to hold 120 boys and young men aged from 15 to 21 years, who are on remand, control orders or in some cases both. It has an open campus layout and is the largest YJC in NSW.

A school is situated at the centre and is administered by the NSW Department of Education. JH&FMHN also has a presence seven days a week.

Young people accommodated at Frank Baxter YJC either attend school, participate in programs or are involved in community-based activities as part of their reintegration plan.

Frank Baxter YJC was due to be inspected from 2-4 September 2019. However, following a riot at the centre on 21 July 2019, the inspection was brought forward to 19-23 August 2019. The riot commenced when six young people armed themselves with makeshift weapons and overpowered staff. Young people took a staff member's security key which was then used to access other parts of the centre. The incident quickly escalated, and involved numerous young people. Extensive property damage was caused to the centre during the riot and a number of young people were assaulted by other young people. Seven young people were admitted to hospital, one in a critical condition. There were also incidents of physical violence towards staff by some young people.

Assistance from the NSW Police Force was required to regain control of the centre. However, full control was not restored until approximately 21 hours later. In response to the riot, the Minister for Families, Communities and Disability Services announced an independent review into the riot on the 25 July 2019 by former Assistant Commissioner NSW Police Force, Lee Shearer APM.

The Inspector visited the centre on two separate occasions; after the riot and before the inspection, for the purpose of interviewing staff and young people about conditions at the centre before and after the riot. The ICS also requested that Official Visitors conduct additional visits after the riot to speak to young people and staff. The Inspector also met with Ms Shearer.

Ms Shearer's report was published on 29 October 2019 and contains 63 recommendations. In considering the wellbeing and safety of young people, and the security and management of the centre, there is no intention to replicate Ms Shearer's review.

## Reception and Admission

The reception and admissions area consists of three holding rooms, one AVL (courtroom) suite, two AVL (professional) suites and a search room. The reception area and AVL rooms were generally clean; however the holding room walls had significant graffiti, including references to young people's offences and personal circumstances. The graffiti has since been removed.

Young people on arrival at Frank Baxter YJC are searched, interviewed and health checked before being allocated a room in the induction unit. The inspection team observed the admission of a young person to the centre. Staff interactions with the young person were respectful. The interview and assessment process was comprehensive and complied with YJNSW admissions and discharge procedures, with all required documentation completed. Questions regarding whether it was the first time in a YJC were addressed with the young person.

The young person was taken immediately to the health centre for a general medical check, with a full assessment to follow within two days of admission. The young person was seen promptly by JH&FMHN staff and then escorted to their accommodation unit. All efforts were made by staff to ensure young people



are placed in the induction unit as soon as possible.

## Young Women and Girls

Young women and girls are occasionally accommodated overnight at the centre whilst transiting to court or Reiby YJC. There are two rooms near the health centre where they are accommodated away from the other young people at the centre.

## Clothing and bedding

Clean clothes, underwear, socks and shoes are given to each young person. Personal clothes are laundered and stored. The process of laundering, bagging, safe storage and recording of property appears to be adequately conducted. The management of clothing and linen stores would benefit from a register to record stock levels and inform ordering.

## Searches

A PCB search occurs on admission to the centre and thereafter on the basis of a risk assessment. The PCB search procedure is displayed on the search room wall and is able to be clearly followed by the searching officer and young person. The search procedure is consistent with YJNSW policy.<sup>172</sup> There was no evidence of routine PCB searches occurring before and after visits. Young people wear visit overalls when meeting family and friends; reducing the need for a PCB search. A search register details the reasons for the search, who conducted the search and the outcomes. However, an inspection of the register revealed that reasons were not recorded in all cases. It is therefore unclear whether staff applied risk-based assessments to justify the PCB search.<sup>173</sup>

## Accommodation

The centre comprises of eight 15-bed accommodation units: Penang, Bouddi, Elliot, Katandra, Nurranga, Peat, Strickland and Tasman. Tasman unit was operating as the induction unit at the time of the inspection. Penang, Nurranga and Strickland units were closed due to damage caused by young people, which resulted in 45 beds being unavailable.

## Food and Nutrition

The kitchen was clean and well equipped. It is staffed by three cooks, including one head cook and one assistant cook. They are responsible for preparing all meals for young people and staff.

The menu is well balanced and complies with the YJFSP. Meal plans incorporate necessary changes for special dietary requirements (for example, food allergies, medical conditions) and the kitchen prepares religious friendly meals. The menu is generally liked by young people.

Meals are eaten communally by young people in the dining area of all accommodation units, except Bouddi and Peat, where meals are provided to young people in their room.<sup>174</sup>

## Visits

Regular contact with family and friends is facilitated by Frank Baxter YJC. Young people are allowed one weekend and one weekday visit each week. Visits can also be arranged outside of those days, if necessary

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<sup>172</sup> *Searching Young People Policy*; February 2019.

<sup>173</sup> The reasons for searches in the registers were recorded as 'as per policy'.

<sup>174</sup> The Bouddi and Peat unit regimes were introduced post-riot.

and can be arranged with 24 hours' notice. Up to five visitors are able to visit with the young person. However, the centre can accommodate large groups if needed. AVL visits are available to young people where their family live remotely or are unable to visit the centre.

The visits area is a clean, adequately proportioned space and provides essential amenities such as tea and coffee making facilities, vending machines and a soft play area for young children.<sup>175</sup> The inspection team observed visits staff to be friendly, polite and accommodating to families.

## Complaints

A complaints register is maintained by the centre manager, as required by legislation.<sup>176</sup> Young people can request a complaint form from staff, which must be submitted to the unit manager to deliver to the centre manager. It is the centre manager's responsibility to investigate and respond to the young person.

However, young people are reluctant to use the complaints form process as they fear retaliation from staff.<sup>177</sup> Complaints to the centre manager generally come from young people through the Official Visitor, who visits weekly. Matters relating to alleged misconduct are referred to the DCJ CAPS.<sup>178</sup> Other complaints are investigated by the centre manager, who provides a response to the Official Visitor, who in turn communicates directly with the young person. Young people appear to be more comfortable and confident with that process. Young people are also able to telephone the NSW Ombudsman. The installation of secure letter boxes in accommodation units would enable young people to make complaints to the centre manager confidentially.

The inspection found that although DRC meetings were being held regularly they were not functioning as intended and were not used as a meaningful forum for young people to raise and resolve issues. A review of DRC minutes revealed they were identical for each meeting. The centre manager should ensure regular and meaningful DRCs are occurring.

### Recommendations:

**Frank Baxter YJC ensures regular and meaningful detainee representative committee meetings occur.**

**Secure letter boxes are placed in each accommodation unit in all YJCs so young people can make a confidential complaint to the centre manager, Official Visitor or Ombudsman.**

## Access to Legal Services

The centre has two AVL (professional) suites which are primarily used for legal visits. Legal Aid's contact number is listed on the telephone system and is easily accessed by young people through keying in the agency's auto connect number. Young people may also register their private lawyer's contact details on the phone system. There are no restrictions on the number or duration of legal telephone calls. If needed, legal visits can also be accommodated at the centre.

## Behaviour Management

As Frank Baxter YJC was operating on a restrictive regime at the time of inspection, the incentive scheme

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<sup>175</sup> Recommendation 5, Inspector of Custodial Services (NSW), *Making connections: Providing family and community support to young people in custody*, June 2015.

<sup>176</sup> Clause 55, *Children (Detention Centres) Regulation 2015*.

<sup>177</sup> Interviews with staff 2019.

<sup>178</sup> Complaints regarding staff conduct are referred by the Centre Manager to the Department of Communities and Justice, Conduct and Professional Standards.



was not fully operational. Consequently, the inspection team was unable to observe the functioning of the complete CAM process but observed some meetings.

In the absence of CAMs, the centre still operated a daily points system. Young people were required to meet daily points (50 points) to maintain the right to watch television in their room. Young people were asked to reflect on their behaviour over the past week and state what their positive behaviours were and where they could improve. If a young person met their weekly points they were able to earn incentives and indicate which items they would like. There is a risk that without sufficient structure to the meeting and without clear and comprehensive case notes detailing the young person's behaviour across the week under review, the value of the CAM process as a tool is undermined.

Some staff expressed concern that young people involved in unacceptable behaviour such as a staff assault, were allowed to remain on the same incentive level, albeit they were not entitled to any incentives for a period of time. This meant a young person could remain on the highest level of incentives (Level 4) despite poor behaviour. The inspection team was advised that the rationale behind this approach is so young people do not receive a double punishment for any offence or misbehaviour that occurs whilst they are in custody. The reasoning may be well intentioned; however, it sends mixed messages to both young people and staff. It is acknowledged that YJNSW were in the process of reviewing the incentive scheme at the time of the inspection, in response to a recommendation in the UOFSSC report.<sup>179</sup>

Of greater concern, was that items achieved through the incentive scheme were being used as payment for gambling debts. The extent of this was highlighted by stockpiles of products in the rooms of some young people. Gambling has a pernicious effect on the dynamics of a YJC and on YJNSW. Allowing gambling activities to occur demonstrates a lack of understanding by staff at all levels of the negative consequences that such practices have in a custodial environment. The danger of this practice is that vulnerable young people who have learning difficulties, mental health issues or who are physically smaller are taken advantage of by older or physically stronger young people. It should be noted that young people gambling items that they have earned through the incentive scheme is not distinct to Frank Baxter YJC. The inspection team also saw evidence of gambling at other YJCs.

In addition to the incentive scheme and CAMs, Minor Misbehaviour reports (MMR) are used as a behaviour management tool. Where a young person engages in minor misbehaviour a MMR may issue. As a result of the MMR, a young person may be subject to punishment, including confinement. Young people informed the inspection team that they are not provided with an opportunity to respond.

*'If you tick the box 'not guilty' you receive longer time. They will say to you "I was going to give you 8 [hours confinement] but now it is 12 hours [confinement]'.*

Procedural fairness should be afforded to all young people who are facing a MMR. Young people are entitled to reply to the allegations made in the report and to have their submissions recorded. In addition they must also be advised of their right to appeal. The process would benefit from caseworkers being present, as a support person for a young person, during the hearing of a MMR.

The inspection found staff focused on punishing young people for minor behaviour but failed to take action in relation to more serious behaviour such as gambling, bullying and standover tactics.

### **Recommendation:**

**Frank Baxter YJC reviews the misbehaviour process to ensure young people receive procedural fairness.**

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<sup>179</sup> Recommendation 5, Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, November 2018.

## Restrictive Practices

### Use of Confinement

The inspection found an overreliance on the use of confinement at Frank Baxter YJC for minor misbehaviour. A review of confinement data provided by YJNSW revealed that there were 1,102 instances of confinement recorded in the 2018-19 financial year, with two confinements lasting for 24 hours.<sup>180</sup> Since the inspection, there has been a significant reduction in the use of confinement to 644 during the 2019-20 financial year.<sup>181</sup> This is to be commended.

Custodial staff expressed a strong intolerance for swearing. There should be no tolerance for young people using bad language that is abusive or threatening. However, during the inspection a young person received 18 hours confinement for swearing. A review of the MMR revealed it was for the use of a swear word. It was not bad language as defined in the legislation.<sup>182</sup> Schedule 1 of the Regulation states that young people must not be confined for bad language, in either written or spoken form, if it is not abusive, indecent or threatening in nature.<sup>183</sup> The Inspector questions the practice of confining a young person for 18 hours for swearing. Further staff training is required in this regard.

Frank Baxter YJC has five holding rooms that are used to secure young people when they are being admitted to the centre or if they are confined as punishment for misbehaviour; two of these are in the movement control area and three are in the admissions area.

The holding rooms were not clean. The inspection team noticed blood on the walls in one holding room which is a potential biohazard to other young people, staff and visitors. Other holding rooms presented with heavy amounts of graffiti some of which mentioned young people's names and details of alleged offences. This not only raises an unnecessary security risk for young people who are detained at Frank Baxter YJC, but potentially increases the anxiety levels of newly admitted young people who have charges of a similar nature.

The holding rooms were also very cold and the mattresses in these rooms were damaged and unhygienic. Young people on confinement were not provided with a pillow or blanket until after 8:30pm. When we asked why young people were not provided with a blanket or pillow, staff stated that these conditions are part of the punishment.

Although the Act allows for young people to be confined for acts of misbehaviour it also requires that the place where the young person is confined, unless otherwise appropriate, shall be no less favourable than the physical environment of other places occupied by young people in detention.<sup>184</sup> The confinement of a young person to their room is the punishment, not the standard or the poor conditions of the room.

### Use of Force

The inspection team viewed a sample of use of force footage. As a result the Inspector referred two incidents to the Executive Director YJNSW for referral to the DCJ CAPS.

The review of use of force incidents relies on footage from handheld cameras and CCTV. This means

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<sup>180</sup> Confinement by centre by financial year data provided by YJNSW.

<sup>181</sup> Confinement by centre by financial year data provided by YJNSW.

<sup>182</sup> Schedule 1, Misbehaviour, s.6, *Children (Detention Centres) Regulation 2015*.

<sup>183</sup> Schedule 1 Misbehaviour, s.6, *Children (Detention Centres) Regulation 2015*.

<sup>184</sup> Section 2(b), *Children (Detention Centres) Act 1987 No.57*.

footage is not always available for review of some or all of an incident. CSNSW have introduced body worn cameras to designated staff in correctional centres to record use of force and situations with a high potential for use of force.<sup>185</sup> An evaluation conducted by the HM Prison and Probation Service, found that if body worn cameras are used transparently, consistently and fairly, they can have a positive impact on staff and prisoners' perceptions of safety.<sup>186</sup> However, YJNSW is concerned that body worn cameras will negatively impact the ability of staff to effect relational security.<sup>187</sup> The ICS acknowledge this is a valid concern, but given the prevalence of use of force in YJCs, the introduction of body worn cameras to record use of force should be considered.

## Incident Response

Frank Baxter YJC has a four person YOCS team rostered on the morning and afternoon shift. The YOCS team is generally used to respond to incidents, use force if necessary and conduct searches. Members of the YOCS team identified a need for more training in responding to serious incidents and a better standard of personal protective equipment.

### Recommendation:

**YJNSW consider the introduction of body worn cameras for staff to record incidents including use of force.**

## Health Services

The services provided are detailed in the Table below.

Health Services	Hours of Operation
Nurse Unit Manager	Five days per week
Clinical Nurse	Seven days a week
Mental Health nurse	Five days a week
General Practitioner	Visits one day a week
Psychiatrist	Visits one day a fortnight
Dentist	Visits one day a month

JH&FMHN operates 7am to 10pm, seven days per week. There are eight full time equivalent positions, however only 2.4 were filled at the time of inspection.

Young people receive an initial health assessment on arrival at the centre and a full health assessment within 48 hours. This ensures their safety as many young people have mental health issues.<sup>188</sup> Medical practitioners attend the centre regularly with the general practitioner and psychiatrist attending weekly and the mental health registrar fortnightly. The dentist visits the centre monthly. Medical waitlists are triaged by nursing staff and followed up by the dual diagnosis nurse.<sup>189</sup> Young people are generally seen within seven days. Wait times could be reduced if the health service was fully staffed. JH&FMHN should prioritise the

<sup>185</sup> Part1.2, Corrective Services NSW, *Body-Worn Video Policy*; November 2018.

<sup>186</sup> HM Prison & Probation Service, *Body Worn Video Camera (BWVC) Pilot Evaluation*, April 2020, p.22; See also HM Chief Inspector of Prisons, Report of an unannounced inspection of HMYOI Feltham (children and young people) 2015, p.5; University of Queensland, Sykes, Dodd and Antrobus, *Body Worn Cameras (BWC) Behind Bars: Correctional officer views on the introduction of BWCs in QLD prisons*, Presentation 2020.

<sup>187</sup> Information provided by YJNSW dated 4 September 2020.

<sup>188</sup> Interviews with staff 2019.

<sup>189</sup> 'Dual diagnosis' is when a person is affected by both mental illness and drug or alcohol use. See NSW Department of Community Services, *Dual Diagnosis: A resource for parents*, December 2005.

recruitment of health staff at Frank Baxter YJC.

#### **Recommendation:**

**JH&FMHN prioritises the recruitment of health staff at the centre.**

### **Psychology Services**

There are six psychologists employed at the centre, with three psychologists employed on a full-time basis. One psychologist at the centre specialises in AOD.

While there generally appeared to be positive working relationships between custodial staff and psychologists, a small number of custodial staff appeared reluctant to engage with caseworkers and psychologists.

Frank Baxter YJC has interview rooms where young people can speak to psychologists in a confidential setting. However, at the time of the inspection psychologists were experiencing difficulties accessing young people in the Bouddi and Peat units due to their restrictive regimes. At times psychologists were expected to engage in therapeutic work through a handcuff slot in the door or in the unit common area.<sup>190</sup> This undermines the therapeutic value of their work. Young people should be able to speak openly with their psychologist without other young people or staff listening. This issue is not unique to Frank Baxter YJC.

Follow-up visits on 31 October 2019 and 28 November 2019 revealed improvements such as increased visits from psychologists to the accommodation units.

### **Education**

The Girrakool School usually operates five days per week during school term. It delivers a comprehensive school program incorporating both traditional and extracurricular programs. Music and sport are each offered for two hours per week.

The principal is committed to ensuring the school operates to the highest standards and that every opportunity is provided to young people to access quality education and realise their potential. It is important to remember that the majority of young people are not involved in serious incidents whilst in custody and spend their time being involved in schooling and programs. A 'transitional plan' is developed by the school for each young person outlining their education needs and pathway to release. An annual graduation ceremony is held for young people having graduated with high school, year 12 and TAFE certificates.

At the time of the inspection the school was delivering a modified education program to all young people in their accommodation units, with plans to recommence the normal school program in term three.<sup>191</sup> Education packs were being provided to young people in the Bouddi and Peat units and teachers were conducting lessons with small groups in the other accommodation units. On a follow-up visit on 31 October 2019, the inspection team was advised that school was being run in groups of two or three young people in the Bouddi unit, in groups of four or five young people in the Nurranga unit, and had resumed in the education buildings for the other young people at the centre.<sup>192</sup>

The school, in conjunction with TAFE, offers a number of VET programs to young people. Those programs include: horticulture, laundry, life skills multimedia programs, fitness, haircutting, outdoor education,

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<sup>190</sup> Interviews with staff 2019.

<sup>191</sup> Interviews with staff 2019.

<sup>192</sup> Interviews with staff 2019.

hospitality, visual arts, furnishings, Aboriginal work and skills and an induction to work program. The centre also offers land care, commercial cleaning, bricklaying, and the 'Riding for the Disabled' program. Inspectors were advised that many young people who have completed vocational modules have commenced apprenticeships upon release from custody.

The inspection team were shown fully equipped industry buildings that were ready to deliver carpentry and mechanics training. The buildings and programs have been non-operational since 2008. The inspection team was advised that recommissioning of those industries and training facilities would greatly increase program and apprenticeship opportunities for young people.<sup>193</sup>

## Staff and Young People's Relationships

Young people spoke favourably of their relationships with Girrakool school staff, caseworkers, psychologists and JH&FMHN staff. The inspection team noted, through observation in the accommodation units and general discussions with staff, that young people were addressed by their first name. Custodial staff appeared to engage with young people on a needs basis, for example to facilitate movements, issue instructions, and conduct CAMs. Staff require additional training in relational security.

Relationships between custodial officers and young people were strained as a result of the riot and the restrictive routines operating at Frank Baxter YJC. At the time of inspection young people who were not involved in the riot, some of whom were victims of assaults during the riot, were still in the centre and also being subjected to restrictive routines.

It is important to remember that not all young people at Frank Baxter YJC were involved in the riot. Some young people were victims and others did not participate. There was also evidence that some young people actively discouraged other young people from participating in the riot.<sup>194</sup> The riot was a traumatic experience not only for staff and young people who were victims, but also for those young people who chose not to participate in the riot, and witnessed the violence.

### Recommendation:

**YJNSW provide all staff with additional training in relational security.**

## Programs and Activities

Although programs and activities were not operating at the time of inspection, during previous inspections and onsite visits the inspection team had been impressed with the structured daily programs occurring at Frank Baxter YJC. This involved young people attending school in the mornings and being involved in a range of structured activities in the afternoon, such as sport. The centre offered a variety of activities and programs throughout the year and in school holidays. Activities operated from 1:00 pm weekdays, weekends and during school vacation. The programs and activities covered recreation, education and lifestyle. During the school week activities were generally limited to the oval or gymnasium. On weekends and school break a variety of activities were offered such as hip-hop, yoga, Duke of Edinburgh, Toastmasters, Food Ready training SMART skills - RSA and Barista, and dog training for Guide Dogs Australia. The dog training program is particularly beneficial to young people with behavioural issues.

However, the inspection team were advised that this standard had deteriorated as young people would often decline to participate in after school events in favour of staying in the accommodation units to either make telephone calls or to play card games. Whilst the availability for young people to make telephone calls to their family is important, it is also important for young people to engage in outdoor activities rather than

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<sup>193</sup> Interviews with staff 2019.

<sup>194</sup> Interviews with staff and young people 2019.

staying indoors as a result of more dominant young people wanting to stay inside to make telephone calls or gamble.

The centre employs five programs staff. The programs manager spoke of the difficulties in sourcing engaging programs for young people with no budget. Proper planning and the ability to offer varied programs and activities to young people are important, especially during school holidays. Attempts have been made among programs managers across YJCs to communicate and share information. A regular forum to communicate and share ideas and a coordinated approach would be beneficial to all programs staff state-wide.

**Recommendation:**

**YJNSW create a programs and activities coordinator to ensure all centres implement a programs and activities plan.**

## Chaplaincy Services

There are weekly Christian-based chaplaincy services at the centre. The centre also has a Muslim Pastoral Assistant who provides weekly services. The Chaplain runs a number of programs for young people, including a weekly bushcraft program which includes hunting, tracking and survival skills that is facilitated by a local Aboriginal community member. The chapel was not in use at the time of inspection. However, young people were still able to see the Chaplain and Muslim Pastoral Assistant in their accommodation units for group discussions with 2-3 young people at a time.

## Case Management

The centre has five caseworkers from diverse professional backgrounds, namely AOD support, counselling, psychology, community YJNSW and a project officer with YJNSW. The case management model is working well at the centre with custodial and community caseworkers working together for the benefit of young people.<sup>195</sup> Initial assessments, case plans, case conferences and exit conferences are occurring within required timelines.

The original casework model implemented at Frank Baxter YJC was unit based. It resulted in a change of caseworker if a young person moved to another unit. However concerns about continuity of care had triggered a review of the model to provide continuous case management of the individual young person, irrespective of their accommodation unit. This occurs in other centres. The continuity of care model allows the caseworker to build rapport with the young person, form a relationship, and understand their needs from entry to exit.

Communication is critical to an effective case management system. Caseworkers spoke of good communications with community caseworkers, centre staff and psychologists. Exit case conferences also appeared to be operating well, however caseworkers face issues around finding adequate support services on discharge for young people who are aged 18 and over unless the young person has been allowed to retain community supervision by YJNSW. This is because otherwise they have no jurisdiction over adults.

The training for caseworkers consists of two weeks. One week occurs at the Yasmar training facility, and one week in the YJC. Training is focused on the custodial setting rather than the fundamentals of casework. Caseworkers would benefit from continued support and training from YJNSW.

**Recommendation:**

**YJNSW provide ongoing support and training for caseworkers.**

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<sup>195</sup> See *Collaborative Case Management of Young People in Custody* (JJCW (Custody) Operating Manual Version Two).



## The Management of High Risk Young People

There are two recognised ways of managing high risk offenders; concentration and dispersal. A dispersal model involves dispersing high risk young people across centres and units so they cannot mix, to dilute the risk they pose. In contrast a concentration model involves containing all high risk young people in a high security unit with high levels of supervision and strict controls.

At the time of the riot at Frank Baxter YJC, YJNSW had attempted to implement a dispersal model for managing high risk young people. However, the inspection found that at the time of the riot a number of A1(b) young people were concentrated in a unit without the necessary security controls required to manage a unit with predominately high risk young people. Recommendation 11 from the Shearer Review appears to address this issue.<sup>196</sup>

The inspection also found that if a young person categorised as an A1(o) is involved in a serious incident during their time in custody, they do not become an A1(b), they remain A1(o). It is very important for YJNSW to be able to identify those young people whose behaviour in custody poses a high risk. This is to enable the young people to be appropriately placed. This issue was also identified in the Shearer Review.<sup>197</sup> The YJNSW Shearer Review implementation Board has resolved to introduce an alert to CIMS identifying those young people who require placement in a High Risk Management Unit (HRMU).<sup>198</sup> The ability to clearly identify young people who pose significant institutional risk is supported by the ICS.

Of concern, A1(b) young people were still being admitted to the centre following the riot. These young people were either new admissions or young people from other centres whose classification had been upgraded to an A1(b).

Transferring young people classified as A1(b) to Frank Baxter YJC in this period was high risk and had the potential to cause further incidents. When this was raised as a concern with YJNSW the response was that the practice was occurring out of necessity as there were not a sufficient number of secure beds available across the youth justice system due to damage caused by young people.

## Management of young people after the riot

Following the riot the centre remained in the control of CSNSW for a period of time with CSNSW officers onsite. A number of young people alleged to be involved in the riot remained at Frank Baxter YJC and were placed in the Bouddi and Peat accommodation units.

Due to the damage in the centre and reduced services, a number of young people who were not involved in the riot were transferred to other YJCs across NSW. A number of young people who were not involved in the riot or who were assaulted during the riot remained at Frank Baxter YJC.

An issue raised by numerous young people who were not involved in the riot was that their property, such as clothing, hygiene products, reading material, photographs and food items had been removed from their rooms either during the riot or after the riot. The main concern raised by these young people was that there was conflicting advice given by staff about what had happened to their property. Some young people stated that staff had advised them that the property was in storage whilst others were advised that their property was destroyed. In response to our concerns in relation to young people's property, the centre appointed a member of staff to complete an audit of property and provide advice to individual young people in relation to their missing or damaged property.

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<sup>196</sup> Recommendation 11, Lee Shearer APM, *Ministerial review into the riot at Frank Baxter Detention Centre 21 and 22 July 2019*.

<sup>197</sup> Lee Shearer APM, *Ministerial review into the riot at Frank Baxter Detention Centre 21 and 22 July 2019*.

<sup>198</sup> Information provided by YJNSW on 4 September 2020.

A number of young people allegedly involved in the riot were charged with criminal offences. Some of the young people who were aged 18 years old or over were transferred to an adult correctional facility pursuant to section 28 of the Act.

It is acknowledged that it is reasonable to apply stricter daily routines after a serious incident to regain control and authority within a centre. The routines implemented immediately after the riot included young people spending 22 hours a day or more in their rooms, and having no access to school, programs or activities. There was no evidence that any unreasonable practices such as routine PCB searches, restrictions to food, or excessive use of force were being used.

It is important to note that there is a balance between implementing stricter routines after a serious incident with the aim of working towards creating a safe and secure centre, and constructing an overly restrictive and punitive routine which provides little or no opportunities to address young people's behaviour.

## Segregation and Detainee Risk Management Plans

NSW legislation provides that young people may be placed in separation or segregation. Separation is used for individuals or groups of detainees who need to be managed separately to the general population for the safety, security or good order of the centre.<sup>199</sup> In practice, separation is generally used to keep young women and girls separate from young men and boys; or young people of different ages or classifications separate from one another. It does not require a young person to be accommodated alone but it can result in this occurring. Segregation is used to protect the personal safety of the person being segregated, or another person.<sup>200</sup>

At the time of inspection Frank Baxter YJC was operating separation routines. Young people who were suspected of being the main instigators of the riot and remained at Frank Baxter YJC, were placed in either the Bouddi or Peat accommodation units on a separation routine.

The initial separation routine required young people to have access out of their rooms for three hours per day. However the inspection found this was not occurring. Time out of room generally consisted of two sessions of one hour either in a pair or group of three. Young people were only out of their rooms for a maximum of two hours a day, and in many cases time out of room was under two hours a day.

The inspection also found that young people who were placed in their rooms for 22 hours per day were not formally recorded as being segregated. This is the same issue identified with the CBP in the UOFSSC report.<sup>201</sup> Failure to comply with the legislative requirement for segregation means that internal and external oversight mechanisms are not enacted. As young people were being managed on a separation routine rather than being placed on a segregation order, there was no review by senior management occurring as required by legislation.

The use of segregation to manage a young person's behaviour may be a necessary response to addressing a young person's risk to themselves or others. The legislative requirements around the use of segregation are to ensure the practice is not mismanaged or abused, which historically has occurred in closed institutions that detain children and young people. It is well documented that long term segregation has significant negative consequences on a young person's mental health, physical health, and cognitive development as well as social and educational development, where the detrimental effects are even greater

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199 s.16(3), *Children (Detention Centres) Act 1987*.

200 s.19(1), *Children (Detention Centres) Act 1987*.

201 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, pp.150-151.

among younger children than adults.<sup>202</sup> The inspection found that the routine in place for several weeks after the riot in both Bouddi and Peat lacked adequate oversight.<sup>203</sup>

Each young person in the Bouddi unit was placed on an individual DRMP. General practice for reviewing DRMPs at Frank Baxter YJC was to individually review DRMPs at the weekly Client Services Meeting (CSM). However, due to the considerable number of DRMPs, a separate forum was commenced and a DRMP Coordinator was appointed. Their role was to develop DRMPs in consultation with staff and the centre manager; monitor their progress; and conduct weekly meetings.

A review of the DRMPs identified that each DRMP was individualised and took into account the specific needs and risks of each young person. The majority of DRMPs had considerable detail in relation to the young person's history and gave a reasonable explanation of their behaviour with guidance for staff about how to best manage the young person's behaviour.

However, DRMPs did not specify that these young people were being segregated or specify how much time they should have outside of their room every day. The DRMPs did not provide for regular visits from a psychologist and nursing staff as required for young people subject to segregation. Time out of room and daily access to nursing and psychology staff should be included in DRMPs. Discussions with young people in the Bouddi unit confirmed that they were unaware of what was required from them in order to progress to a less restrictive regime and into another unit.

The conditions within the Bouddi unit allowed young people to keep their belongings in their rooms and have access to telephone calls, family and legal visits and a television in their room. All of which assist in providing the young person to maintain contact with the outside world whilst in custody. However, inspectors witnessed caseworkers and psychologists speaking to young people through a handcuff slot in the door. Such restrictions limit the opportunity for the psychologist or caseworker to reasonably speak to the young person about sensitive matters, or appropriately assess the young person.

#### **Recommendation:**

**YJNSW ensure young people in the High Risk Management Unit and Enhanced Support Unit at Frank Baxter YJC are placed on detainee risk management plans that provide for a minimum number of hours out of their room and access to a nurse and psychologist seven days a week.**

### **Time Out of Room**

At the time of inspection there was no monitoring of whether young people were allowed out of their room. This was immediately brought to the attention of the Executive Director YJNSW and a system of monitoring time out of rooms was implemented on 5 August 2019 to ensure young people were having time out of their room each day.

An analysis of time out of room in the Bouddi unit for the period 5 August to 1 December 2019 shows that for the six week period from 5 August to 15 September the majority (average 93%) of young people received two hours or less time out of their room each day. Despite the restrictive regime operating in the Bouddi unit, at times young people were also confined to their room as punishment for misbehaviour, resulting in no time out of their room during a 24-hour period.

By week seven (16 September 2019) the majority of young people (70%) were receiving between three hours and four hours out of their room each day, with a small number of young people accessing between

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202 James Ogloff, *Separation, Segregation and Confinement of Juvenile Detainees: Towards Best Practice*, report prepared for the Inspector of Custodial Services, March 2017, pp 11–16.

203 ss.16(3) and 19(1), *Children (Detention Centres) Act 1987*.

four and five hours out of room each day (n=4; 5.7%). By week nine, 9% (n=5) of young people in Bouddi unit were accessing between five and six hours out of their room each day. In week 10 one young person spent six hours out of their room each day.

On 15 October 2019, the routine in the Bouddi unit was amended to state that all young people were to receive a minimum of four hours out of room per day. The goal was to achieve six hours out of room per day, as this is the minimum required for young people on a DRMP as per the YJNSW Standards for DRMPs.<sup>204</sup> In week 11 most young people received between three and four hours (59.3%; n=35) out of their room with 17% (n=10) receiving over four hours out of their room each day. However for five weeks from week 11 to week 15 one young person started to regularly decline his scheduled time out of his room. This resulted in the young person receiving little or no time out of his room each day. He was moved to Cobham YJC in week 15.

From week 12 onwards there was a steady increase in young people receiving between four and five hours of time out of their room each day. Staff were advised that routines were to change in the Bouddi unit on the 28 October 2019, affording young people six hours out of their room. By week 16, over half (58.6%; n=26) of the young people in Bouddi unit were accessing over five hours of time out of their room each day and a number received over six hours of time out of their room each day (13.6%; n=6). By week 17, 35% (n=16) of young people were accessing over six hours out of their room each day.

In addition to monitoring time out of room data, a number of follow-up visits were conducted between September and November 2019 to speak with young people in the Bouddi unit. On 19 September 2019 young people we spoke to confirmed they were receiving four hours out of their rooms each day. The school teachers were also in the units. On 31 October 2019 inspectors visited Frank Baxter YJC and interviewed the majority of young people who were accommodated in the Bouddi unit. There were some positive improvements such as two school teachers delivering lessons in the units, as well as caseworkers and psychologists visiting the units. However, time out of rooms was still an issue for young people.

Inspectors visited the centre again on 28 November 2019 and interviewed the majority of young people in the Bouddi, Peat and Nurrunga units. One young person presented with visible injuries from an incident involving use of force the previous day. Upon reviewing the video footage the ICS referred the incident to the Executive Director Youth Justice NSW for assessment as to whether the force used by staff was reasonable. The incident was referred to the DCJ CAPS. The visit confirmed that young people in the Bouddi unit were accessing six hours out of their rooms per day.

Following the release of the Shearer Review, Frank Baxter YJC opened an IHRMU in the Bouddi unit and an Enhanced Support Unit (ESU) in the Peat unit in November 2019.<sup>205</sup> Young people requiring intense therapeutic interventions are accommodated in the ESU and supported by additional psychologists.

An IHRMU was also opened at Cobham YJC. Six young people from Frank Baxter YJC who were either in the Bouddi or Peat units were transferred to Cobham YJC. On 4 December 2019 inspectors visited the young people at Cobham YJC. Four young people were in the IHRU and two young people had transitioned to another accommodation unit.<sup>206</sup> At Cobham YJC there was a clear operational plan for ensuring that young people in the IHRMU were able to access six hours per day out of their rooms and being kept gainfully occupied by the staff. The centre had also implemented electronic time out of room sheets for young people, resulting in more accurate recording of time out of room. Interviews with each young person, staff, the centre manager and time out of room records confirmed that the young people were out of their

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204 YJNSW *Standards for DRMPs*; September 2018.

205 The Enhanced Support Unit opened on 11 November 2019 and provides individualised treatment and interventions for a small number of high-risk young people through rehabilitative, therapeutic and trauma-informed practices.

206 Interviews with staff and young people December 2019.

rooms for approximately six hours per day.

**Recommendation:**

**YJNSW regularly audits at least one third of all video footage of incidents involving the use of force across all centres to ensure compliance with section 5 of the Use of Force, Protective Equipment & Instruments of Restraint policy.**



## Chapter 9

### Riverina Youth Justice Centre

Snapshot of Riverina Youth Justice Centre at the time of inspection	
Dates of inspection	3- 6 September 2019
Pre and post inspection visits	15 October 2020
Built capacity	30
Highest daily number of young people at time of the inspection.	26
Number of young people on remand	10
Number of Aboriginal young people	11
Youngest detainee	14 years old
Oldest detainee	19 years old





## Background

Riverina YJC is located in Wagga Wagga which is approximately 468 km southwest of Sydney. It detains low to medium risk young people who are either on remand or control orders.

## Reception and Admission

The reception and admissions area was generally clean. The area consists of four holding rooms, one overnight suite and a search room.

On arrival at the centre young people are searched, interviewed and health checked before being allocated to a room on an accommodation unit. The search procedure must be conducted in compliance with YJNSW policy. The PCB search procedure is displayed on the search room wall and able to be clearly followed by the searching officer and young person.

## Young Women and Girls

Young women and girls are sometimes accommodated at the centre for the purposes of attending court or if they are in transit to Reiby YJC. The overnight suite in admissions is used to accommodate young women in these circumstances. Young women are able to exercise in a yard attached to an accommodation unit, under the strict supervision of staff. They also have the option of eating in an accommodation unit with staff and boys; otherwise meals are provided to them in their room. The young women are provided with a shower pack (including towels) and given books and magazines. At the time of inspection there was one young woman in the centre.

## Clothing and Bedding

Clean clothes, underwear, socks and shoes are given to young people on admission. Personal clothes are laundered and stored.

## Searches

A PCBS occurs on a young person's admission to the centre. PCB searches were also being conducted routinely on young people after family visits and special visits. On some occasions searches were also occurring before those visits. This was raised with centre management for immediate attention to ensure the centre is complying with changes to legislation and policy introduced in October 2018. It is important for staff to receive training in relation to the changes to the search policy.

### **Recommendation:**

**YJNSW staff are trained on the legislative provisions around partially clothed body searches and cease routine partially clothed body searches after visits.**

## Accommodation

Riverina YJC comprises of four accommodation units: Lachlan, Murrumbidgee, Murray and Barwon. Murrumbidgee can accommodate up to 18 young people while Murray, Lachlan and Barwon can each accommodate up to 15 young people. At the time of the inspection, 15 beds in the Murray unit were unable to be used due to damage caused by a serious incident.

There is one telephone in each accommodation unit. Young people have daily access to telephone calls during out of room times. Additional telephones would alleviate issues around access.

## **Recommendation:**

**YJNSW installs additional telephones for young people at Riverina YJC.**

## **Food and Nutrition**

The kitchen is staffed with a head cook and an assistant cook. They are responsible for preparing all meals for young people and staff. Meals are eaten communally by young people in the dining area of all accommodation units. The menu is well-balanced and complies with the YJFSP. The food is enjoyed by young people. Meal plans cater for religious festivals (e.g. Ramadan) and special dietary requirements (e.g. food allergies, medical conditions).

Kitchen staff bake a cake for any young person who celebrates a birthday while they are at the centre. The cake is shared by all young people in the unit. Arrangements are also made for a cake to be shared between the young person and their family on visits.

## **Visits**

Regular contact with family and friends is facilitated by the centre through visits, AVL and telephone calls. AVL visits are available to young people if their family is unable to visit at the centre.

The visits area is large, with both an inside and outside area. It has games and toys for toddlers, and vending machines. However, there was no soft play area for young children.<sup>207</sup> The area would benefit from the addition of a soft play area, tea and coffee facilities, and puzzles and books for older children. Families spoke positively of staff and our observations of their interactions with the staff member on duty appeared friendly and respectful. Children appeared to be comfortable and were not afraid to talk, play and run around.

A unique practice of the centre is allowing families to bring their family dog to visit. The centre provides a time outside of normal visits, to accommodate for unknown allergies of other visitors and to remove the chance of anyone being afraid or harmed by the dog.



**Visits area at Riverina YJC**

<sup>207</sup> Recommendation 5, Inspector of Custodial Services (NSW), *Making Connections: Providing Family and Community Support to Young People in Custody*, June 2015.

## Complaints

The centre records and maintains complaints on the CIMS. Complaint forms are provided to young people when requested and, if necessary, assistance is provided to complete the forms. The complaint is uploaded on CIMS. The matter is investigated and a resolution plan developed, acknowledged and recorded on CIMS. Complaints regarding officer conduct are at times received and are referred to the DCJ CAPS.

Since the introduction of the CIMS complaints management system, 23 complaints have been recorded at the centre. The last complaint was recorded in April 2018. It was explained that in more recent times, issues which cause concern for young people have been able to be resolved without escalation to a formal complaint process.

Whilst recording of formal complaints on CIMS is acknowledged, incomplete documentation was evident for many complaints. The complaints resolution process requires a signed acknowledgment from the young person of the decision made to indicate either acceptance or non-acceptance of the outcome. Staff would benefit from training in relation to complaints handling.

Young people were aware of Official Visitors and the NSW Ombudsman and use these complaint mechanisms. Young people trust the Official Visitors and are generally happier to discuss their issues with them for resolution with the centre manager. The placement of secure letter boxes in accommodation units would enable young people to make a confidential complaint.

There was no DRC constituted at Riverina YJC. DRC meetings are important forums for young people to safely bring unit and centre issues to the attention of management. Young people learn important communication and negotiation skills from engaging in those meetings. It is a requirement of YJNSW policy that DRC meetings are held every month.<sup>208</sup>

### Recommendations:

**YJNSW custodial staff are provided with training on their legislative obligations in regards to complaints handling.**

**Secure letter boxes are placed in each accommodation unit in all YJCs so young people can make a confidential complaint to the centre manager, Official Visitor or NSW Ombudsman.**

**Riverina YJC implements monthly detainee representative committee meetings.**

## Access to Legal Services

The centre has four AVL suites of which two are for court hearings and two for legal or professional meetings. The legal suites are primarily used for contact between young people and their legal representatives. Young people can also access Legal Aid through the direct dial number listed on the telephone system. Young people may also register their private lawyer's contact details on the phone system. There are no restrictions on the amount of time allowed for legal calls. If needed, legal visits can also be accommodated at the centre.

Court Ordered (Section 28) conditional bail continues to impact the number of young people at the centre. It also impacts on the work of caseworkers.<sup>209</sup> It is the responsibility of DCJ to find accommodation for young people who receive court ordered bail. Finding timely and appropriate accommodation for young people on release is an ongoing challenge. This sometimes results in young people remaining in custody, even though

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<sup>208</sup> See YJNSW *Representative Committee Policy*, March 2019. YJNSW centres are required to hold monthly RC meetings and to display minutes (Clause 4.1 and Clause 4.2).

<sup>209</sup> s.28 of the *Bail Act 2013*.

bail has been granted.

The centre is participating in a pilot project that provides bail support to young people from Wagga, Griffith and Albury. The project is reporting reduced numbers of young people on remand. At the time of the inspection there were six young people on remand at Riverina YJC. The pilot has resulted in a stronger relationship between the courts and Riverina YJC. However, finding appropriate community-based accommodation for young people in the Riverina area remains a challenge.

#### **Recommendation:**

**The Bail Assessment Program at Orana YJC is replicated in all youth justice centres in NSW, with particular priority for children under 14 years of age, in order to address the issues around finding timely and suitable accommodation for young people.**

## **Behaviour Management**

CAMs are held weekly on each unit. The inspection team observed several meetings between staff and young people. Meetings were conducted well with staff engaging the young person in the process. Young people were asked to reflect on their week and identify both positive and negative behaviours, and to set goals for the forthcoming week. Consistent boundaries and consequences need to be applied having regard to individual risks, needs and abilities of the young person. It is important that CAMs are used to positively motivate young people.

If a young person met their weekly points they were able to access incentives and indicate which items they would like. Concerns were raised with centre management around officers allowing young people to play cards and gamble items earned through the incentive scheme. This was an issue in a number of centres.

## **Restrictive Practices**

### **Use of Confinement**

Confinement is generally used for short periods of three hours and usually young people are confined to their room, with their belongings, unless they need removal for safety reasons. A review of confinement data provided by YJNSW revealed that there were 515 instances of confinement recorded during the 2018-19 financial year, with all lasting less than 24 hours.<sup>210</sup> This reflects a downward trend in the number of confinements issued compared to the previous financial year, which saw 819 confinements recorded, with one lasting for 24 hours.<sup>211</sup> Since the inspection, the number of confinements has decreased to 500 during the 2019-20 financial year.<sup>212</sup> Riverina YJC management resist the use of confinement unless all other alternatives have been exhausted. The Inspector supports this approach.

### **Use of Force**

The inspection team reviewed a sample of use of force footage for the six month period prior to inspection. Video evidence showed that there was at least one incident that revealed practice issues where, as a result of staff not intervening, an incident escalated into a serious incident. It is recommended that staff undertake further training related to when and how to use force.

#### **Recommendation:**

**Riverina YJC staff undertake further training relating to when and how to use force.**

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210 Confinement by centre by financial year data, provided by YJNSW.

211 Confinement by centre by financial year data, provided by YJNSW.

212 Confinement by centre by financial year data, provided by YJNSW

## Health Services

Health Services	Visiting times
Nurse Unit Manager	Five days a week
Clinical Nurse	Seven days a week (however no clinic on Wednesdays)
Visiting General Practitioner	Once a week
Psychiatrist	Once a fortnight
Paediatrician	Once a fortnight
Dental services	Off centre and when required

The health centre has a good relationship with centre staff, including youth officers, the psychologist and the AOD counsellor. There is a small waitlist. Young people attend the health centre to receive their medication. However, evening medications are prepacked by nursing staff and distributed to young people by youth officers. The health centre would like to extend its operating hours to service the centre until evening lockdown. This would allow nursing staff to attend to after school injuries, evening medication rounds and any use of force.

## Psychology Services

The centre has one psychologist and one AOD counsellor. Psychology and AOD services were operating well although there was a vacant psychologist position, which had not been filled for three years. It was reported that there are difficulties in recruiting psychologists due to the regional location of the centre. While such challenges are acknowledged, it is important to ensure that psychology services are maintained.

## Education

The Shepherds Park School operates five days per week for a 42 week school year. The school program incorporates both traditional and extracurricular programs. The school employs 10 staff which includes three VET staff (two hospitality and one entertainment). The relationship between the school and the centre appeared positive.

In addition to the normal school day the school operates a 'partial school release group'. This involves young people attending two sessions of school plus work each day. The program is designed for young people 18 years or over or for children who have difficulty with the traditional school setting.

The school principal is genuinely interested in the welfare and education of young people and is continuously developing ways to better assist young people at school and after their release. For example, the principal is working with local community schools to establish a handover procedure for young people on release. Headspace, TAFE and local sporting clubs will also play a role.



**Classroom at Shepherds Park School**

TAFE courses are incorporated into the school curriculum. Programs offered include Dog Training and Obedience. Planned TAFE courses include Fitness and Construction. All courses are aimed at supporting young people on release.

## **Staff and Young People's Relationships**

There was evidence of strong leadership at the centre, and this clearly influenced a culture of positive and professional relationships between staff and young people. Staff addressed young people by their first name and readily engaged with them in many contexts, such as mealtime, recreation and in the accommodation units. It was evident that staff were committed and interested in working with, and the welfare of, young people. Shift supervisors spoke of how they enjoy walking around the centre and into units because it allowed them to engage with young people and establish rapport. The inspection team observed some highly skilled officers dealing with young people with complex and high needs. However, there were some officers who require further training in this area.

Young people felt supported by staff and management at the centre. This account was not only provided by young people at Riverina YJC during the inspection, but also by young people at other centres who had spent time at Riverina YJC.

## **Programs and Activities**

There were limited structured activities to occupy young people after school in the afternoons. Young people could use gym equipment (including tackle bags and a crash mat), play badminton, cards or console games. The majority of young people said there were not enough activities at the centre.

There are occasional TAFE programs delivered through the NSW Department of Education & Training but no additional courses on afternoons or weekends are funded. The centre is reliant on staff and volunteers as they have no budget to pay external providers to run courses or activities. It is important to provide activities which engage young people and they enjoy. A programs and activities coordinator could ensure the centre develops and implements a programs and activities plan.

### **Recommendation:**

**YJNSW create a programs and activities coordinator to ensure all centres implement a programs and activities plan.**



## Chaplaincy Services

The chaplain had recently commenced at Riverina YJC to fill a vacancy of over six months. He attends the centre three days per week and was commencing a Sunday service. His relationship with management appeared positive.

The chaplain has been working at identifying points of connection with young people at Riverina YJC. He had plans to introduce a number of manual arts programs, for example woodwork, metal work, and panel beating. He believes these skills could help young people experience a sense of achievement.

## Case Management

Case management was operating well at the centre. The centre has two caseworkers. One is a former youth officer and the other a former counsellor.

Riverina YJC operates a model where caseworkers are allocated to young people. Caseworkers meet weekly with young people but interact with and observe them daily in their accommodation unit. Caseworkers reported good communication with youth officers and psychologists.

The case management model is operating as designed by YJNSW with custodial and community caseworkers working together for the benefit of young people.<sup>213</sup> Initial assessments, case plans, case conferences and exit conferences are occurring within required timelines.

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<sup>213</sup> See *Collaborative Case Management of Young People in Custody* (JJCW (Custody) Operating Manual Version Two).



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