



Inspector of
Custodial Services

Inspector of Custodial Services

Inspection of Six Youth Justice
Centres (2022)



Inspector of Custodial Services

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Inspector's Overview

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*.

This is the fourth report concerning youth justice centres. The first two reports related to theme based (thematic) inspections that addressed a specific issue:

- *Making Connections: Providing Family and Community Support to Young People in Custody* was tabled in 2015 and made 17 recommendations.¹ The inspection assessed the structures and supports available to young people to facilitate family and community contact, and the ways in which these are utilised.
- *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres* was tabled in 2018 and made 59 recommendations.² The inspection commenced in June 2016 focusing on use of force in juvenile justice centres. In October 2016, the Minister for Corrections asked for consideration to be given to expanding the terms of reference for the inspection to include the use of separation, segregation and confinement of young people in juvenile justice centres, and to cover the length of time spent in rooms and best practice about time out of rooms. On 4 November 2016, the terms of reference were amended accordingly, and included a review of the Chisholm Behaviour Program (CBP).

It is important to acknowledge the significant work that Youth Justice NSW (YJNSW) has undertaken to implement recommendations from our earlier reports. Tangible change is evident across YJNSW. We were pleased to find significant reductions in self-harm, use of confinement, segregation and use of force.³ In responding to the vulnerability and needs of children and young people in youth justice facilities it is also necessary to recognise that some young people are violent and dangerous and pose a risk to other young people and staff. Youth Justice staff perform a difficult job and must use restrictive practices at times to keep young people and staff safe.

Although the overall trends are positive there were two centres (Acmena and Orana YJCs) not in alignment that required immediate intervention, which has been acted upon by YJNSW. Following each centre inspection, I provide centre managers and the Executive Director YJNSW with immediate feedback and areas for improvement, as well as areas for systemic improvement and review. This important ongoing dialogue and practice has led to many of the areas identified during these current inspections having already been addressed or new policies and practices implemented. Although this cannot change what we found during the inspections, we have acknowledged what has been done by YJNSW to address our findings, throughout this report.

In contrast to our earlier thematic inspections, the third and the latest round of inspections focused on all areas of operation of the six youth justice centres (YJCs).⁴ The last inspection report was tabled in December 2020 and made fifty-one recommendations. Fifty of the recommendations were directed to YJNSW, three recommendations were directed to Justice Health & Forensic Mental Health Network (JH&FMHN), and two recommendations were directed to both agencies. Significant progress has been made by both YJNSW and JH&FMHN in implementing the recommendations. As of 30 June 2023, YJNSW

1 Inspector of Custodial Services (NSW), *Making Connections: providing family and community support to young people in custody* (Report, 2015).

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

3 Information provided by A/Executive Director YJNSW, 29 September 2023.

4 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres in NSW* (Report, December 2020).

have achieved or partially achieved fifty of the recommendations whilst JH&FMHN have achieved or partially achieved two recommendations. YJNSW and JH&FMHN are to be commended for their achievements. A full list of the recommendations and progress can be found in the ICS Annual Report.⁵

Since our last inspection much has occurred across YJCs, that is worthy of mention. Many respond to our previous recommendations:

- the introduction of body scanning machines has removed the need for partially clothed body searches.
- the introduction of tablets has provided another means of communication for young people to connect with their family.
- an increased cultural lens in Cobham, Reiby and Frank Baxter YJCs has led to diverse cultural programs and cultural diversity among staff, which are having a notable impact on young people.
- acknowledgement of the high numbers of young people on remand in YJCs and adjusting services for them through modified school and programs (My Journey My Life, Dialectical Behaviour Therapy).
- appointment of a NDIS liaison officer to provide advice and support to YJNSW staff and escalate cases if needed.
- expansion of the Waratah pre-release program at Reiby YJC to include girls.
- establishing the Enhanced Services Unit (ESU) at Frank Baxter YJC which provides a therapeutic environment for young people who have challenging behavioural issues and require intense therapeutic intervention.
- careful selection and training of staff for the ESU and the High Risk Unit (HRU) at Cobham and Frank Baxter YJCs and creating an assigned caseworker and psychologist position for the HRUs.
- establishing the Use of Force Review Panel to create an oversight framework for use of force in YJCs.
- conducting a pilot of Encouraging Positive Improvement and Change (EPIC) program at Acmena YJC to replace client assessment meetings (CAMs) and the incentives scheme that operate in YJCs.
- hosting Try-a-Trade events across YJCs that provide accredited training under Smart and Skilled, Schools-Based Apprenticeships and Traineeships (SBAT's) to support skilled pathways and employment for young people on release.⁶

Changing the culture and practice of any organisation is difficult. This is particularly so when there are six youth justice centres with their own distinct cultures and practices, and strengths and weaknesses. While YJNSW has come a long way in a relatively short period, there is still more work to be done. While it is acknowledged that YJNSW has implemented many of the recommendations from our previous reports there remains some important areas and long standing issues (identified in earlier reports) that still require attention. They are addressed throughout the report and include the following:

- improving bail services
- implementing body worn cameras in all YJCs
- closing old accommodation units (Tandara and Taralga) and holding cells at Cobham YJC
- installing privacy screens in holding rooms at Acmena YJC

⁵ Inspector of Custodial Services, *Inspector of Custodial Services Annual Report 2022-23* (Report, October 2023) 38 - 41.

⁶ Information provided by YJNSW, 10 December 2023.

- ceasing the reception of girls at Cobham and Frank Baxter YJCs and placing them in accommodation units with boys
- provision of new underwear
- installing additional phones on accommodation units (Frank Baxter YJC)
- increasing time out of room
- centralising oversight of programs and recreational activities in YJCs
- improving misbehaviour and punishment practices so they comply with legislation
- providing access to confidential psychology services
- improving the client assessment meeting (CAM) and incentives process
- improving the detainee risk management plan (DRMP) process
- improving the detainee representative committee (DRC) process
- improving staff training, recruitment and retention.

The latest series of inspections occurred in 2022 when YJNSW was dealing with COVID-19 outbreaks in their centres that were affecting staff and young people. Like all areas of the community, courts and youth justice centres (YJCs) were significantly impacted by the pandemic, which necessitated changes to service delivery. The pandemic responses of YJCs are outlined in each inspection chapter, which address the impact of the pandemic on centre operations and on young people. A review of the practices and responses employed by YJNSW and JH&FMHN can be found in the *ICS Review of the response to COVID-19 in NSW custody*.⁷

There were significant staffing and resource implications for both YJNSW and JH&FMHN staff during the pandemic. Staffing levels were impacted by isolation requirements for staff members who contracted the virus and/or who were close contacts. This also had an impact on the delivery of services to young people in YJCs. Maintaining operational staffing levels in centres resulted in considerable overtime and staff fatigue. Despite this, the adaptability and commitment of staff was evident to us in all centres, and we commend their hard work.

Much has changed in youth justice in the past decade. It has been pleasing to see the reduction in the number of young people in custody, 30.1% between December 2016 and December 2023.⁸ Despite this decrease in the daily population, the number of children and young people admitted to YJCs remains high and the incarceration rate of Aboriginal young people remains stubbornly high (61.5%), as is the high numbers of young people on remand (74.1%).⁹ 11,934 children and young people were admitted into YJCs in NSW between 2019 and 2022 and the average length of stay on remand in a youth justice centre is around 15 days.¹⁰

An overwhelming observation from these inspections is that YJNSW is essentially operating six remand centres. Moreover, centre managers, at times, felt they were providing crisis care accommodation to young people on remand. Several factors were described as contributing to this. They included police and court practices, out of home care (OOHC) services, increasing numbers of young people with multiple disabilities and complex needs and the 10-year minimum age of criminal responsibility.

7 Inspector of Custodial Services, *Review of the response to COVID-19 in NSW custody*, (Report, December 2023).

8 NSW Bureau of Crime Statistics and Research, *Custody Statistics* (December 2023).

9 NSW Bureau of Crime Statistics and Research, *Custody Statistics* (December 2023).

10 Data provided by YJNSW 24 May 2023.

Young people in youth justice centres are predominantly Aboriginal,¹¹ known to child protection and OOHC services¹² and have multiple disabilities and complex needs.¹³ Young people aged 10 to 14 years are regularly admitted to NSW youth justice centres, and while numbers fluctuate, most of these young people are ultimately released on bail by the courts.¹⁴ Police are gatekeepers of the youth justice system making determinations on whether to grant or refuse a young person bail.¹⁵ It must be acknowledged that some young people need to be remanded in custody and are not suitable for bail. However, the data shows most young people spend a short period on remand before they are bailed or released from YJCs.

Where police grant bail it is generally conditional on a young person having accommodation with a parent, guardian or in many cases a residential OOHC arrangement. Finding suitable OOHC placement can be difficult, and this may result in a young person being remanded in custody. These issues are not unique to NSW, with many jurisdictions in Australia grappling with the same issues.¹⁶

Increasing Bail and Accommodation Support Service (BASS) staff and hours of operation is considered necessary to help reduce remand numbers.¹⁷ While this is important it will have little impact if there is nowhere for the young person to reside. An AIC study looking at drivers of remand found that young people in OOHC are highly vulnerable to being placed on custodial remand due to them coming under a high level of scrutiny in residential care facilities.¹⁸ Information received on inspections seemed to support this.

During inspections the number of 10–13-year-old children in YJCs was noticeable. It was difficult seeing very young children in these environments where they are at risk of physical and psychological harm and of forming negative associations with other young offenders that may lead to future offending.¹⁹ Recent changes to court practices allows closer examination of the circumstances of children aged 10-13 years who are on remand in a YJC and helps develop better bail conditions and support for the child. In many cases breach of bail is the reason for a child's arrest as young children can have difficulty following court processes, and bail conditions can be difficult to adhere to. Detention only serves to embed children in the criminal justice system. Raising the age of criminal responsibility would reduce the number of young children in youth justice centres.

I acknowledge and applaud the various diversionary programs and efforts of many to reduce the numbers of young people in youth justice centres. The Broadmeadows Children's Court, short term remand initiatives, A Place to Go program (Parramatta), Maranguka are all important initiatives that have contributed

11 NSW Bureau of Crime Statistics and Research, *New South Wales Custody Statistics Quarterly Update* March 2023.

12 Baidawi S and Sheehan R, *Cross-over kids: Effective responses to children and young people in the youth justice and statutory Child Protection systems* (Report to the Criminology Research Advisory Council, December 2019).

13 Eileen Baldry, Damon B. Briggs, Barry Goldson & Sophie Russell; *Cruel and unusual punishment: an inter-jurisdictional study of the criminalisation of young people with complex support needs* (2018) 21(5), *Journal of Youth Studies*, p.636-652; Australian Institute of Health and Welfare, *Young people in child protection and under youth justice supervision: 1 July 2013 to 30 June 2017* (Report, 16 October 2018); Stewart Boiteux and Suzanne Poynton, (2023) *Offending by young people with disability*, (Crime and Justice Bulletin, NSW Bureau of Crime Statistics and Research, January 2023).

14 NSW Bureau of Crime Statistics and Research, *New South Wales Custody Statistics Quarterly Update*. Data is regularly reported at Table 1.1.5 Juvenile custody profile at end of quarter.

15 Eileen Baldry, Damon B. Briggs, Barry Goldson & Sophie Russell; *Cruel and unusual punishment: an inter-jurisdictional study of the criminalisation of young people with complex support needs* (2018) 21(5).

16 Office of the Guardian for Children and Young People, *Final Report of the South Australian Dual Involved Project, Children and young people in South Australia's child protection and youth justice systems* (Report, June 2022); Baidawi S and Sheehan R, *Cross-over kids: Effective responses to children and young people in the youth justice and statutory Child Protection systems* (Report to the Criminology Research Advisory Council, December 2019); Baidawi S & Sheehan R, 'Crossover kids': *Offending by child protection-involved youth*, (Trends & issues in crime and criminal justice no. 582, Australian Institute of Criminology, 13 December 2019).

17 Klauzner, I, *An evaluation of the youth Bail Assistance Line*, (Crime and Justice Bulletin No. 236, NSW Bureau of Crime Statistics and Research, July 2021).

18 Kelly Richards and Lauren Renshaw, *Bail and remand for young people in Australia: A national research project*, (Research and public policy series 125, Australian Institute of Criminology, 18 November 2013).

19 Kelly Richards and Lauren Renshaw, *Bail and remand for young people in Australia: A national research project*, (Research and public policy series 125, Australian Institute of Criminology, 18 November 2013).

to fewer young people in custody in NSW.²⁰ Despite this Aboriginal young people continue to be over-represented in youth justice facilities.²¹ It is essential that Aboriginal communities have a voice and are drivers of programs affecting their young people and families.²² Taking steps to address the immediate issues affecting the youth justice system is important. However, it is critical that strategies with long term impact are pursued, and greater attention given to front end strategies that address family, housing, education and health care support; and funding community initiatives (culturally inclusive) in places that are needed. Considerable research has occurred, and we are well armed with knowledge and strategies to tackle the current issues of youth crime. Whilst long term effort may be resource and time intensive, the effort and investment now will bring cost saving change in the future.

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. The Inspector would like to thank Ms Zoe Robinson, Advocate for Children and Young People for allowing her staff to be part of the inspection of the youth justice centres and Mr Alan Fairley, Principal Policy Officer Training Centre Visitor Unit, Office of the Guardian for Children and Young People (SA) for assisting with the inspection of Cobham Youth Justice Centre. The Inspector would also like to acknowledge health consultant, Mr Rory Maguire, for his expertise in health service delivery in custodial settings and his contribution to all six inspections.

Fiona Rafter
Inspector of Custodial Services
March 2024

20 A Place to Go provides accommodation in Western Sydney for 10–17-year-olds who are in contact with the juvenile justice system and who are temporarily unable to return home, have unstable housing, or are experiencing homelessness. Maranguka is a model of Indigenous self-governance guided by the Bourke Tribal Council. Maranguka partnered with Just Reinvest NSW in 2013 to develop a framework for justice reinvestment in Bourke.

21 As of December 2023 61.5% of young people in custody are Aboriginal. NSW Bureau of Crime Statistics and Research, *Custody Statistics, December 2023*.

22 Rachel Stringfellow, Juan Tauri and Kelly Richards, *Prevention and early intervention programs for indigenous young people in Australia and Aotearoa New Zealand* (Research Brief 32, Indigenous Justice Clearinghouse, May 2022).

Glossary of terms and acronyms

Aboriginal	'Aboriginal' when used in this report is inclusive of Aboriginal and Torres Strait Islander people.
AOD	Alcohol and other drugs
APO	Aboriginal practice officer
Arunta	The phone system used by young people in youth justice centres.
AVO	Apprehended violence order
AVL	Audio-visual link
BASS	Bail and Accommodation Support Service (BASS) provides an after-hours intake service for NSW Police, from 4pm to 3am 365 days a year. The service was formerly known as the Bail Assistance Line (BAL).
CAM	Client assessment meeting occurs on a weekly basis in all youth justice centres and give young people an opportunity to review their progress and achievements from the previous week, identify problem areas and establish new or re-assess current target behaviours and goals for the coming week. The weekly incentive scheme is facilitated through the CAM.
CBP	The Chisholm Behaviour Program (CBP) operated at Cobham YJC and Frank Baxter YJC between May 2015 and May 2016, to facilitate the reintegration of detainees from Kariiong Juvenile Correctional Centre (managed by Corrective Services NSW) to Youth Justice; and to transition all male detainees aged between 16 and 21 years with an A1 classification into the general population.
CHART	Changing habits and reaching targets is an evidence based intervention program for young people.
CIMS	Client information management system
CCTV	Closed circuit television
Confinement	Section 21(1)(d) of the <i>Children (Detention Centres) Act 1987</i> 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.
COVID-19	Coronavirus disease 2019, the disease caused by the SARS-CoV-2 virus.
CSM	Client services meeting
CSNSW	Corrective Services NSW
DCJ CAPS	Department of Communities and Justice Conduct and Professional Standards
DDCNC	Dual Diagnosis Clinic Nurse Consultant
DRC	Detainee representative committee
DRMP	Detainee risk management plan

EPIC	Encouraging positive improvement and change
ESU	Enhanced support unit
ETU	Education and training unit. The school in a youth justice centre.
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).
HRU	High risk unit. There is a HRU at Cobham youth justice centre and Frank Baxter youth justice centre.
HRYORP	High risk young offender review panel oversees the management of all young people placed in a HRU.
ICS	Inspector of Custodial Services
Identified position	Identified positions are positions where an employer may identify that a position is to be filled only by a person with a particular attribute. This might mean an Aboriginal or Torres Strait Islander applicant, a person with a disability, a person of a particular sex or a person of a particular age. ²³
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.
IRT	Incident response team
Isolation	Where people with COVID-19 or the close contacts of people with COVID-19 are separated to prevent further transmission.
JH&FMHN	Justice Health & Forensic Mental Health Network
MJML/ MJML (YINNAR)	My Journey My Life (MJML) is a culturally based intervention program for young Aboriginal men. MJML (Yinnar) is similar to MJML but is specifically for young women.
NDIS	National Disability Insurance Scheme
NUM	Nurse Unit Manager
OOHC	Out of Home Care (OOHC) is a residential or supported arrangement as defined in s135A and s135B, <i>Children and Young Persons (Care and Protection) Act 1998</i> . Residential OOHC is provided by a person other than a parent and at a place other than the usual home. Supported OOHC is where parental responsibility remains and a care arrangement around a child or young person who needs care and protection is made.
PCBS	Partially clothed body search
Quarantine	Where young people are separated for a period after entering custody to ensure they do not have COVID-19.

²³ Australian Human Rights Commission at <https://humanrights.gov.au/quick-guide/12047>.

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 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.
Stage	Young people are given a rating from stages one to four dependant on their behaviour, with each higher stage attracting more incentives.
SYORP	Serious Young Offenders Review Panel
The Act	Children (Detention Centres) Act 1987
The ICS Act	Inspector of Custodial Services Act 2012
The Regulation	Children (Detention Centres) Regulation 2015
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
UOFRP	Use of Force Review Panel
VET programs	Vocational education and training programs
Work party	Work party provides an alternative to school for older boys and generally involves grounds and general maintenance and horticulture work within the compounds of the centre.
X-Roads	A strengths based intervention program designed for young people assessed as having substance abuse issues.
YJC	Youth Justice Centre
YJNSW	Youth Justice NSW

Recommendations

The Inspector recommends:

1. Youth Justice NSW review the training and resource needs of regional centres to help them manage young people who demonstrate challenging behaviour.
2. Youth Justice NSW extend the hours of operation of the Bail and Accommodation Support Service.
3. Youth Justice NSW review centre routines to ensure young people have a minimum 10 hours time out of room per day.
4. Youth Justice NSW establish the roles of Aboriginal practice officer and Aboriginal mentor for all youth justice centres.
5. Youth Justice NSW centralise oversight of recreational programs and activities in all youth justice centres to their agency.
6. Youth Justice NSW cease the practice of providing young people on confinement or a detainee risk management plan with a different meal to that served to all young people in the centre, unless risk assessed otherwise.
7. Youth Justice NSW continue to take action to address racism, bullying and harassment in youth justice centres.
8. Youth Justice NSW use body scanners to search young people after visits and cease the use of visit overalls.
9. Youth Justice NSW regularly examine misbehaviour and punishment practices across youth justice centres and provide training to all youth officers in NSW on misbehaviours and punishment practices as prescribed by legislation.
10. Justice Health & Forensic Mental Health Network review the level of mental health nursing hours at each centre to ensure there are sufficient hours funded to meet the needs of the population.
11. Youth Justice NSW develop a state-wide policy position on the use of sensory tools in youth justice centres which enables the use of these tools in the circumstances where they are required.
12. Youth Justice NSW provide occupational therapy and speech pathology services to all youth justice centres in NSW.
13. Youth Justice NSW consider endorsement of a modified dialectical behaviour therapy program for delivery in all youth justice centres.
14. Youth Justice NSW ensure young people in all youth justice centres have access to culturally safe psychology services and continue efforts to recruit Aboriginal psychologists in centres.
15. Youth Justice NSW review the detainee representative committee and develop a format that is child centred, gives a voice to young people and helps them to develop communication, negotiation and resolution skills.
16. Youth Justice NSW implement the encouraging positive improvement and change model in all youth justice centres and provide lead in and post implementation support to staff.
17. Youth Justice NSW review the client services meeting and develop guidelines, manuals and training for implementation in all youth justice centres.

18. Youth Justice NSW explore ways of enabling enhanced support unit services to be available to as many young people as possible, including girls.
19. Youth Justice NSW centralise the process of identifying suitable placements for the Waratah pre-release program with their agency.

Cobham CC

20. Youth Justice NSW retire the Tandarra and Taralga units at Cobham Youth Justice Centre.
21. Youth Justice NSW ensure young people at Cobham Youth Justice Centre are provided with warm bedding (doonas) and new underwear.
22. Youth Justice NSW ensure all detainee risk management plans at Cobham Youth Justice Centre include a minimum daily six hours' time out of room for young people.
23. Youth Justice NSW endorse the Men's Group and Pasifika programs as state-wide intervention programs and explore program adaptations for young people of differing cultures.
24. Youth Justice NSW cease using the holding rooms in the old infrastructure of Cobham Youth Justice Centre.
25. Youth Justice NSW ensures psychologists have access to interview rooms or other confidential spaces to facilitate psychological assessments and interventions with young people.
26. Cobham Youth Justice Centre refrain from locking young people in their rooms while client assessment meetings are being conducted.
27. Youth Justice NSW ensure custodial training schedules in regional centres address managing problem behaviours in young people.

Frank Baxter CC

28. Youth Justice NSW develop a system of regular checks and compliance recording sheets for the cleaning and maintenance of reception holding rooms at Frank Baxter Youth Justice Centre.
29. Youth Justice NSW review induction processes at Frank Baxter Youth Justice Centre and ensure a timely transition to a mainstream unit.
30. Youth Justice NSW ensure the young people at Frank Baxter Youth Justice Centre have access to necessary intervention programs and that caseworkers are trained and supported to deliver those programs.
31. Youth Justice NSW appoint an identified position at Frank Baxter Youth Justice Centre to support the Aboriginal practice officer and promote a cultural agenda at the centre.

Reiby YJC

32. Youth Justice NSW ensure young people are provided with new underwear and girls have access to sanitary items.
33. Youth Justice NSW continue to reduce the use of restraints on young people in Reiby Youth Justice Centre.
34. Youth Justice NSW provide access to a body scanning machine for visits.

Acmena YJC

35. Youth Justice NSW remodel the reception and admissions area of Acmena Youth Justice Centre.
36. Youth Justice NSW reduce high levels of use of force and restraints in Acmena Youth Justice Centre.
37. Youth Justice NSW provide more training to staff at Acmena Youth Justice Centre in professional conduct and the duty of officers and staff to report misconduct.
38. Justice Health & Forensic Mental Health Network review health service space at Acmena Youth Justice Centre, the number of treatment rooms and the feasibility of including a dental suite.
39. Youth Justice NSW create an identified Aboriginal caseworker position at Acmena Youth Justice Centre.
40. Youth Justice NSW provide training and support to staff at Acmena Youth Justice Centre in the encouraging positive improvement and change model.

Orana YJC

41. Youth Justice NSW replace scratched windows at Orana Youth Justice Centre and ensure unobstructed vision is maintained.
42. Youth Justice NSW ensure young people are provided with new underwear.
43. Youth Justice NSW support Orana Youth Justice Centre to develop cultural connections with Elders and the local Aboriginal community and enable meaningful connections with Aboriginal young people in the centre.
44. Youth Justice NSW prioritise the delivery of recreational programs and activities at Orana Youth Justice Centre and ensure young people have access to the gymnasium.
45. Youth Justice NSW address staff culture at Orana Youth Justice Centre and provide support to the centre to effect necessary change.
46. Youth Justice NSW and Justice Health & Forensic Mental Health Network ensure appropriate signage is installed in Orana Youth Justice Centre to identify the location of the health centre to young people.
47. Youth Justice NSW ensure that psychologists have access to a confidential space to facilitate consultations with young people.
48. Youth Justice NSW remodel and refurbish the visits area at Orana Youth Justice Centre.

Riverina YJC

49. Youth Justice NSW create a sensory space for young people at Riverina Youth Justice Centre.
50. Youth Justice NSW monitor the workload of caseworkers at Riverina Youth Justice Centre with consideration of any need to allocate an additional caseworker position to the centre.
51. 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 (ICS) 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 ICS is required to inspect all New South Wales youth justice centres (YJCs) at least once every three years, in accordance with Section 6 (1)(b) of the *Inspector of Custodial Services Act 2012* and report on each inspection to the NSW Parliament with relevant advice and recommendations.²⁴

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.*

The inspection

This report is the third round of three-year inspections of NSW YJCs. Earlier reports can be viewed via the ICS website.²⁵

Terms of reference (TOR) for the inspection of all six YJCs were announced on 30 August 2021. The focus areas for the inspections were informed by the *Inspection standards for juvenile justice custodial services in New South Wales*.²⁶

The six inspections took place throughout 2022 and at a time when COVID-19 restrictions were relaxing and YJCs were slowly returning to pre-covid operations, albeit while managing COVID-19 outbreaks in YJCs. This report does not examine Youth Justice NSW (YJNSW) management of the COVID-19 pandemic as this

²⁴ *Inspector of Custodial Services Act 2012*, s 6.

²⁵ Inspector of Custodial Services (NSW), Reports and publications (inspection reports, youth reports, 17 January 2024) www.inspectorcustodial.nsw.gov.au/reports-and-publications/inspection-reports/youth-reports.html.

²⁶ Inspector of Custodial Services (NSW), *Youth Justice Inspection Standards*, (June 2020).

is addressed in the ICS report on the Review of the response to COVID-19 in NSW custody.²⁷ This report addresses each YJC's management of COVID-19 and its impact on the treatment and conditions of young people in those centres.

The Inspector conducted onsite inspections of the six YJCs in New South Wales throughout 2022 on the following dates:

Centre	Date of inspection
Frank Baxter YJC	11–13 April 2022
Acmena YJC	27–29 April 2022
Cobham YJC	24–26 May 2022
Orana YJC	26–28 July 2022
Reiby YJC	5–8 September 2022
Riverina YJC	17–19 October 2022

The inspection teams consisted of the Inspector, a Principal Inspection and Research Officer, an Aboriginal Inspection and Liaison Officer and several assisting staff. An external consultant with a clinical background in custodial health settings was engaged to accompany the inspection team and assist with the inspection of health services in each centre. In addition, staff from the NSW Advocate for Children and Young People (ACYP) accompanied inspection teams to assist primarily with the engagement of young people. An officer from the Office of the Guardian for Children and Young People (South Australia) helped on the inspection of Cobham YJC.

Methodology

Inspection methodology involved:

- analyses of centre data and information from YJNSW and Justice Health & Forensic Mental Health Network (JH&FMHN)
- onsite inspections of the six YJCs (including education training units and health clinics)
- interviews with YJNSW agency staff and YJC staff, young people (individually and in small groups) and relevant stakeholders including Official Visitors, staff from the NSW Ombudsman's office, NSW Department of Education, and JH&FMHN
- observation of centre practices, meetings and routines
- review of relevant YJC registers and records, incident reports, and CCTV footage
- review of relevant legislation, policy and literature
- several post inspections visits.

The prevalence of COVID-19 throughout the state meant that at times a YJC staff member identified as a close contact would be required to remain at home. In those circumstances interviews with the person occurred via Microsoft Teams.

²⁷ Inspector of Custodial Services, *Review of the response to COVID-19 in NSW custody*, (Report, December 2023).

Health consultant

The health consultant attended each youth justice centre on the following dates:

- Acmena YJC, 28-29 April 2022
- Frank Baxter YJC, 7 July 2022
- Cobham YJC, 8 July 2022
- Orana YJC, 27-28 July 2022
- Reiby YJC, 2 September 2022
- Riverina YJC, 3 November 2022.

JH&FMHN also kindly arranged for the health consultant and a member of the inspection team to visit the Austinmer Adolescent Unit in the Forensic Hospital at Malabar on 2 November 2022. Whilst this unit did not fall within the inspection review remit, understanding how young people move between YJCs and the Forensic Hospital for mental health inpatient care provided invaluable insights into the care provided to young people in custody with mental illness.

At each centre inspection the health consultant met with the JH&FMHN Nursing Unit Manager (NUM) and any other nursing and health staff who were on duty during the inspections. A tour of each health centre was undertaken and any areas where health services are provided was observed e.g. induction areas where initial screening of young people is undertaken.

Semi formal interviews were conducted with health staff whereby a range of topics were covered during discussions. These topics ranged from systemic issues affecting several sites to specific local matters relevant to individual centres.

In each centre, areas used for the quarantine or isolation of young people associated with COVID-19 requirements were observed including interviewing youth workers and young people in those units when possible. Any areas utilised in centres for the segregation or separation of young people for the purposes of safety or security were observed by the health consultant.

Centre inspections

In preparation for inspection centre data for the 12 months prior to the inspection and centre operational information was requested from YJNSW and JH&FMHN. Data periods and when the information was received are detailed below:

Centre	Data period	Date received
Frank Baxter YJC	1 November 2020 to 31 October 2021	28 January 2022
Acmena YJC	1 September 2020 to 31 August 2021	26 November 2021
Cobham YJC	1 January 2021 to 31 December 2021	25 March 2022
Orana YJC	1 March 2021 to 28 February 2022	30 May 2022
Reiby YJC	1 May 2021 to 30 April 2022	28 July 2022
Riverina YJC	1 July 2021 to 30 June 2022	26 September 2022

We engaged with young people individually and in small groups throughout the inspections. Structured and semi-structured interviews were conducted with senior management and frontline staff on inspections, including:

- Centre manager and assistant managers
- Youth officers, including unit managers, shift supervisors and programs staff
- Aboriginal custodial and programs staff
- Psychologists
- JH&FMHN staff, including nursing unit managers
- Education and Training Unit (ETU) staff, including the principal and/or deputy principal
- Caseworkers
- Chaplaincy services
- Youth Justice community managers
- Families and visitors of young people (where possible)
- Manager Court Logistics, Classification & Placements YJNSW
- Manager, Bail and Accommodation Support Services (BASS).

In addition to these discussions, the inspection team observed the environment and operations of each centre including but not limited to:

- Client assessment meeting (CAMs)
- Encouraging positive improvement and change (EPIC) reflection meetings
- Client services meeting (CSM)
- Detainee representative committee (DRC) meetings
- face-to-face and AVL visit sessions
- AVL court appearances
- release of young person into community
- reception, admissions and transfers
- meal routines
- health services
- school routine
- centre daily briefings and shift handover
- Immediate response team (IRT) daily operation
- Detainee risk management plan (DRMP) review meetings
- delivery of programs.

We reviewed CCTV footage of a sample of incidents involving use of force at each centre, restrictive practices and matters referred to the Ethics & Professional Standards Unit.

It is acknowledged that inspections capture a snapshot in time, with understanding and observations limited by time spent on site. It should be noted that inspections of custodial facilities that occurred during the COVID-19 pandemic were impacted by ICS staff and centre staff being unavailable at short notice due to illness; centre lockdowns due to COVID-19 outbreaks; and changes to routines and practices to prevent or mitigate the risk of COVID-19 transmission. Consequently, some interviews that would usually occur in-person took place virtually either before or after the onsite inspection. The length of time onsite and ability to observe all functions of a centre was also impacted, often at short notice. Information obtained onsite during inspection and follow up visits were complemented by additional data obtained on and post-inspection. YJNSW provided updated data and information to the ICS on the 30 January 2023, 24 and 30 May 2023 and 29 September 2023 which was considered and included in the report. Conclusions are therefore drawn from the period of observation and additional data.

On-site inspections of the six YJCs involved a debrief with the centre manager where an overview of findings addressing the strengths of the centre and areas for improvement are discussed. The Inspector informed the Executive Director YJNSW of inspections and findings at their regular scheduled meetings. It is pleasing to learn from YJNSW that since the inspections many systemic and centre improvements have either occurred, are underway or are being developed. Those matters are recognised and addressed throughout the report. The improvements being made are aimed at assisting staff and young people and raising the standards of service delivery in youth justice centres.

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 YJC or in custody in a juvenile correctional centre, or identify or allow the identification of a YJC staff member, has been removed in the public interest.

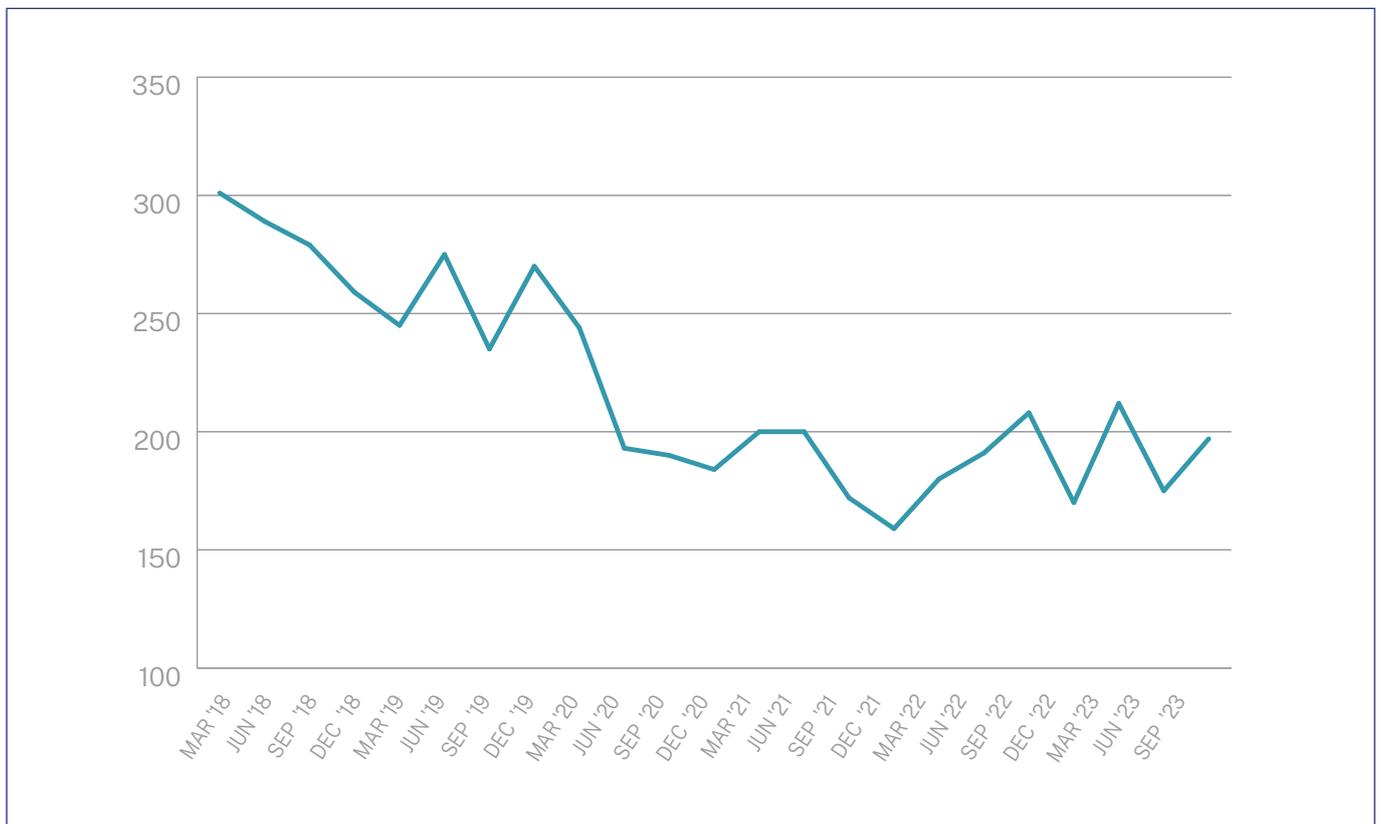
A draft report or relevant parts thereof were provided to YJNSW and JH&FMHN in accordance with section 14(2) of the ICS Act. Submissions were received from those agencies. In accordance with section 14(1) of the ICS Act, the Inspector provided the Honourable Jihad Dib, Minister for Youth Justice with 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 System findings

Youth justice population

Data from the NSW Bureau of Crime Statistics and Research (BOCSAR) shows the past four years recording a steady decline in the number of young people in youth justice centres (YJCs) to December 2021, with spikes in June and December 2019 and a slight rise in March 2021. Custodial numbers have steadily increased from December 2021 amongst some episodes of volatility.²⁸ At the end of the September 2023 quarter, 75.1 percent of young people in custody were on remand, 56.3 percent are Aboriginal, and 3.6 percent are female.²⁹

Figure 1: NSW Youth Custodial Population by quarter 2018-2023³⁰



YJNSW provided the ICS with data on number, detention status and length of stay of young people in YJCs for the 3-year period 2019/ 20 to 2021/22. 11,934 children and young people were admitted into YJCs over this three year period. Table 1 details remand numbers in YJCs and shows them increasing over the three-years and with 45 percent of young people being Aboriginal.³¹

28 NSW Bureau of Crime Statistics and Research, *New South Wales Custody Statistics Quarterly Update*, March 2018 to September 2023.
 29 NSW Bureau of Crime Statistics and Research, *Custody Statistics (Young People in custody as of September 2023)*, https://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx.
 30 NSW Bureau of Crime Statistics and Research, *New South Wales Custody Statistics Quarterly Update*, March 2018 to September 2023.
 31 The number of Aboriginal young people may be higher as our inspections found underreporting from young people.

Table 1: Control and remand numbers of young people in NSW Youth Justice Centres for the three years 2019/2020 to 2021/2022³²

	Control	Control s19	Remand	Total Admissions
2019-2020	603	52	3846 (85%)	4501
Aboriginal	295	16	1661	1972 (44%)
Non-Aboriginal	306	35	2113	2454
Unknown	2	1	72	75
2020-21	385	35	3489 (89%)	3909
Aboriginal	206	11	1409	1626 (41.5%)
Non-Aboriginal	178	23	2022	2223
Unknown	1	1	58	60
2021-22	294	39	3191 (90%)	3524
Aboriginal	149	15	1569	1733 (49%)
Non-Aboriginal	143	24	1553	1720
Unknown	2		69	71
Total	1282	126	10526 (88%)	11934

Information on length of stay shows young people on remand spending an average of between 12 to 17 days in custody over the three year period 2019/ 20 to 2021/22, details which appear in Table 2. Of young people on remand who receive bail they spent an average of 6-8 days on remand before being granted bail. See detail in Table 3.

Table 2: Average length of time a young person spends on remand in a Youth Justice Centre (by Aboriginal/Non-Aboriginal status)³³

Year	Average length of time (days)			
	Aboriginal	Non-Aboriginal	Unknown	Total days
2019-20	17	16.7	4.6	16.6
2020-21	12.6	12	2.8	12.1
2021-22	13.6	17.8	10.5	15.6

³² Information provided by YJNSW 30 May 2023.

³³ Information provided by YJNSW 30 January 2023.

Table 3: Average length of time a young person spends on remand in a Youth Justice Centre before a grant of bail (by Aboriginal/Non-Aboriginal status)³⁴

Year	Average length of time (days)			
	Aboriginal	Non-Aboriginal	Unknown	Total
2019-20	10.1	6.4	1.7	7.9
2020-21	7.7	5.2	1.6	6.1
2021-22	9.2	7.3	2.7	8.1

We met with young people in custody who were police bail refused, had been granted section 28 bail by the Magistrate and were waiting suitable accommodation in the community.³⁵ BOCSAR custody statistics report on the numbers of young people who are police bail refused. The data shows at times that young people aged 14 years and below are being police bail refused.³⁶

We received data from YJNSW detailing the numbers of young people aged 13 years and younger that were admitted into custody at YJCs over the 3-year period 2019/ 20 to 2021/22, and the numbers of young people granted bail.³⁷ The data reflects that almost all young people are granted bail which reflects what we heard from YJC staff on inspections. See Tables 4 and 5 for details.

Table 4: Total number of young people aged 13 years, 12 years, 11 years, and 10 years admitted into YJCs from 2019/20 to 2021/22³⁸

Year	Total number of young people admitted into YJCs custody (by age)			
	10 years	11 years	12 years	13 years
2019-20	0	24	68	224
Aboriginal	0	18	51	120
Non-Aboriginal	0	6	17	102
Unknown	0	0	0	2
2020-21	0	9	72	219
Aboriginal	0	8	56	107
Non-Aboriginal	0	1	13	103
Unknown	0	0	3	9
2021-22	1	15	64	193
Aboriginal	1	1	35	116
Non-Aboriginal	0	12	29	72
Unknown	0	2	0	5
Total	1	48	204	636

34 Information provided by YJNSW 30 January 2023.

35 Section 28 of the *Bail Act 2013* provides for a grant of bail to a child subject to finding suitable arrangements for their accommodation in the community.

36 NSW Bureau of Crime Statistics and Research, *New South Wales Custody Statistics Quarterly Update*; (quarterly bulletin, Table 1.1.5 Juvenile custody profile at end of quarter).

37 Information provided by YJNSW 30 January 2023.

38 Information provided by YJNSW 30 January 2023.

Table 5: Total number of young people aged 13 years, 12 years, 11 years, and 10 years who were granted bail* from 2019/ 20 to 2021/22³⁹

Year	Total number of young people admitted into YJCs custody (by age)			
	10 years	11 years	12 years	13 years
2019-20	0	25	68	208
Aboriginal	0	19	51	108
Non-Aboriginal	0	6	17	98
Unknown	0	0	0	2
2020-21	0	9	71	202
Aboriginal	0	8	56	103
Non-Aboriginal	0	1	12	93
Unknown	0	0	3	6
2021-22	1	14	59	178
Aboriginal	1	1	33	105
Non-Aboriginal	0	12	26	68
Unknown	0	1	0	5
Total	1	48	198	588

*Bail conditions satisfied, bail granted, bail dispensed with.

Information on length of stay provided by YJNSW shows children aged 10-13 years of age spent an average length of time on remand ranging from 1 to 9 days. The data shows a 10 year old Aboriginal child spent 8.7 days in custody. Further detail appears in Table 6.

Table 6: Average length of time a young people aged 13 years, 12 years, 11 years, and 10 years spends on remand from 2019/20 to 2021/22⁴⁰

Year	Average length of stay (by age)			
	10 years	11 years	12 years	13 years
2019-20	0	6.0	6.8	6.4
Aboriginal	0	7.6	8.3	7.8
Non-Aboriginal	0	0.6	2.5	4.9
Unknown	0	0	0	2.5
2020-21	0	3.8	3.5	6.9
Aboriginal	0	3.4	4.1	7.8
Non-Aboriginal	0	6.9	1.1	6.1
Unknown	0	0	0.5	4.8
2021-22	8.7	1.0	7.0	7.8
Aboriginal	8.7	0.9	3.0	7.8
Non-Aboriginal	0	1.0	11.8	8.4
Unknown	0	0.5	0	0.6

³⁹ Information provided by YJNSW 30 January 2023.

⁴⁰ Information provided by YJNSW 30 January 2023.

Increasing remand numbers and short stays have necessitated a shift in how centres operate and their service delivery. We found some centres better than others in adapting and implementing changes, the details of which appear in the centre inspection chapters and are considered in the discussions following.

Accommodation

The six YJCs have varied operational capacity ranging from 30 to 120 beds (the details of which appear in each centre chapter) and are a mix of old and new infrastructure with accommodation units built at different times. Some older units need refurbishment (Acmena YJC) and others require significant repair, including extensive window replacement due to scratching (Orana YJC). Some units need to be retired. Cobham YJC has two very old units that should not be used to accommodate young people. Taralga and Tandara units at Cobham YJC should be retired.

Overall, accommodation areas in the YJCs were clean. However, holding rooms in some locations were not maintained to a reasonable standard and needed attention (Frank Baxter, Acmena, and Orana YJCs). We have raised concerns about the cleanliness of holding rooms previously and will continue to monitor this.

Maintenance was an issue for most YJCs and was affecting accommodation placement in centres. Some centres (Acmena, Frank Baxter YJCs) had units offline during inspection which affected centre operations and limited the placement options of young people. Frank Baxter YJC had two units offline which created a bottleneck in the movement of young people from COVID-19 quarantine arrangements to induction and mainstream accommodation. Acmena YJC had only two of three units operational which at times resulted in Aboriginal young people being transferred to other centres when they should remain on Country and close to their family. Maintenance services were provided by a government authorised contractor and this caused delays. Though some infrastructure upgrades have happened in centres, maintenance management needs attention by YJNSW.

Reception and admission

Over the 3-year inspection period YJNSW recorded 11,934 admissions of young people through YJCs (see Table 1 for details). Reception areas in all YJCs were clean and tidy and most provided effective working spaces. The only centre of concern was Acmena YJC. The admissions area was unfit for purpose and needed attention. Acmena's admissions area had several blind spots, lacked privacy and was very noisy during busy periods. The holding rooms continue to have no privacy screen for the bathroom area, despite being a recommendation of our previous inspection report.⁴¹ The admissions area at Acmena YJC needs remodelling and requires support and capital investment from YJNSW. It is pleasing to learn that refurbishment of Acmena's reception and admission areas has commenced and should be completed by the end of 2023.⁴²

Admission procedures were performed well in all centres, with young people screened for COVID-19, searched, interviewed, and health checked. At the time of inspection body scanners had either been installed or were being installed in centres. The machines were welcomed by staff and replace the need for conducting a partially clothed body search (PCBS) on admission. This responds to our recommendation to

41 Recommendation 37 provides 'Acmena YJC install privacy screens so as to afford appropriate privacy to young people in the admission area.' Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020).

42 Information provided by YJNSW 29 September 2023.

cease strip searches that we made in our three earlier reports.⁴³

We had concerns around the placement of some young people in YJCs that are far from their families and communities. It is important that young people are placed as close as possible to their support networks, facilitating ongoing contact and connection while young people are in custody. However, in many cases this is not achievable. Centres receive young people from regional and remote areas, often resulting in Aboriginal young people being off Country and a considerable distance from their family and other supports. This includes children aged 10 to 13 years.

An associated issue was the inability, at times, for regional centres to manage a young person who displays problematic behaviour and thereby results in their security classification increased to A1(b) and transfer to Cobham or Frank Baxter YJCs.⁴⁴ Senior Managers at Cobham and Frank Baxter YJCs were of the view that in many cases a young person's behaviour did not warrant the increased classification and could have been managed at the regional centre. We witnessed a young boy who had been transferred from Orana YJC to Cobham YJC, resulting in their return to Orana YJC within 24 hours (see chapter 3 Cobham Youth Justice Centre, 'Reception and admission'). Transfers can place stress on young people and their families and must be avoided wherever possible. Training and resources to help youth officers in regional centres manage the challenging behaviours of young people is necessary. YJNSW has created a temporary Training and Development Officer role at Orana YJC and introduced behaviour support roles at Acmena YJC to address this issue.⁴⁵

Recommendation: YJNSW review the training and resource needs of regional centres to help them manage young people who demonstrate challenging behaviour.

Young women and girls

It is pleasing to report that since the last inspection, the number of young women and girls spending time in a YJC has decreased.⁴⁶ The practice of placing girls in a unit which also accommodates boys and young men, while not as frequent, still occurs. The practice was raised as inappropriate in our last inspection report.⁴⁷ Whilst it is accepted that COVID-19 quarantine requirements may have necessitated the practice, YJNSW should ensure this practice ceases now that quarantine requirements have been lifted.

We were disappointed with some practices in managing young women and girls. Reiby YJC is the dedicated female facility in NSW. It is expected that centre practices reflect the needs of their cohort. Unfortunately, we heard of young women having to ask for sanitary items and bras when they feel uncomfortable to do so and being issued with used underwear. Centre management has acknowledged that these practices are unacceptable and have committed to make changes.⁴⁸

The Enhanced Services Unit in Frank Baxter YJC (see discussion later in the chapter and in Chapter 4 Frank Baxter YJC) provides individualised treatment and support services for boys and consideration should be given to making these services available to girls. While it is accepted that the unit is in a male facility the ESU model is about services and could be offered in Reiby YJC. The inclusion of young women in the Waratah Pre-release Program which had previously only been offered to the boys responds to a recommendation in our last report (see discussion in Chapter 5 Reiby YJC).

43 Inspector of Custodial Services (NSW), *Making Connections: providing family and community support to young people in custody*, (Report, 2015), recommendation 10. Inspector of Custodial Services (NSW), *Use of force, separation, segregation and confinement in NSW juvenile justice centres*, (Report, November 2018), recommendation 14. Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres in NSW*, (Report, December 2020), recommendation 7.

44 YJNSW *Objective Classification System Policy*, (Version 2, 16 September 2020), cl 8 classification system categories.

45 Information provided by YJNSW 29 September 2023.

46 Information provided by YJNSW 30 January 2023.

47 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres in NSW*, (Report, December 2020).

48 Official Visitor Reiby YJC visit report including centre response 13 October 2022.

Bail and remand

The overwhelming number of young people in YJCs are on remand. YJ data for the three-year period 2019/2020 to 2021/2022 record increasing remand numbers of 85 -90 percent of young people in YJCs. See Table 1 for details.

It must be acknowledged that some young people need to be remanded in custody and are not suitable for bail. However, the data shows most young people spend a short period on remand before they are bailed or released from YJCs (see Table 3).

YJC management and staff often attributed high remand numbers to policing practices and bail refusals, limited out of home care and residential rehabilitation facilities, and increasing demand from the courts for comprehensive bail reports. Most young people remanded in custody are released on bail.

Following arrest police may grant bail to a young person after establishing suitable accommodation. In some cases, this will be with their parents or a guardian. If a young person does not have suitable accommodation, police can contact the Bail and Accommodation Support Service (BASS).⁴⁹ We were informed by YJ staff that referrals to the BASS by police were not routinely occurring, and police would instead deliver young people direct to a YJC. The BASS has two service coordinators during business hours who assist YJ staff in securing accommodation for young people in the community and an after-hours service which operates from 4pm to 3am 365 days a year. This leaves a gap in services from 3am to 9am which should be addressed.

Many young people in YJCs come from residential out of home care and this is their only housing option for bail. In many cases young people are unable to return to their residential facility and alternative arrangements must be found. Placements in out of home care become complicated and are often refused when domestic violence, assaults and/or substance dependence is involved. Unfortunately, those circumstances are common.

We reviewed BASS data from July 2022 to June 2023.⁵⁰ Over that period 1,208 referrals were received by the BASS of which the most common alleged offence was breach of bail (n=567). Sixty-four percent (n=770) of referrals concerned Aboriginal young people and over half (n=705; 58%) involved young people under the age 15 years. A fifth (n=259, 20%) of referrals were declined police bail despite the BASS offering an alternative to custody for the young person.

We were told that requests for court reports and comprehensive bail plans place additional workload on the BASS and YJCs.⁵¹ The reports involve the coordination of information across several service areas of a YJC and can include education, health, caseworkers and psychologists. Preparation of the reports are time intensive and can take weeks to prepare. Young people remain in custody while they are being prepared.

The BASS is struggling to meet the demand for out of home care accommodation. With a limited pool of suitable accommodation services YJCs are becoming crisis care accommodation for young people. Bail assistance for young people in NSW needs immediate attention to ensure young people who do not need to be in youth justice facilities are released as soon as possible.

Recommendation: YJNSW extend the hours of operation of the Bail and Accommodation Support Service.

49 The Bail and Accommodation Support Service was formerly known as the Bail Assistance Line.

50 Information provided by YJNSW 29 June 2023.

51 See YJNSW *Bail Policy* 14 December 2021. Background reports are also requested by the court for young people who are facing a custodial order, s25 *Children Criminal Proceeding Act 1987*.

Clothing and bedding

All centres had adequate supplies of clothing and bedding. Despite this, some (Cobham, Orana and Reiby YJCs) were distributing used underwear to young people. The issue was raised in our last report and it was disappointing to find the practice occurring in some centres.⁵² A reliable supply of clean underwear is essential for the dignity of young people.

Doonas were commonplace for young people in most YJCs. Cobham YJC was the only centre issuing hospital blankets to young people in place of doonas. Young people reported needing several hospital blankets to keep warm. Since the inspection Cobham YJC is exploring alternative bedding options to keep young people warm.⁵³

Managing the pandemic

Overall YJCs have managed the many challenges of the COVID-19 pandemic very well. Centres have largely been able to deliver standard operational routines and meet essential service delivery for young people. At the onset of the pandemic all young people who tested positive to COVID-19 were managed in situ at the YJC where they were held. This changed in 2021 and YJNSW established Cobham YJC as the COVID-19 hub requiring all young people who tested positive to COVID-19 to be transferred to the centre. This helped centres in their local management of the virus and the implementation of directives around quarantine, medical isolation, time out of room, vaccination and visits.

All centres had a nominated unit where young people admitted to custody spent a specified period in quarantine, which at different times ranged from 7 to 14 days, as directed by YJNSW. During quarantine, newly admitted young people were separated from other young people to reduce the chances of COVID-19 being introduced into a YJC. In the quarantine unit, JH&FMHN staff reviewed each young person daily which included a clinical assessment and COVID-19 testing. Young people were cleared by JH&FMHN to leave quarantine and move to a general accommodation unit. During the peak of the pandemic young people were waiting two days to be cleared by JH&FMHN which meant the young person remained subject to restrictive quarantine conditions for longer than required. We found YJNSW demonstrated good practice during the pandemic in placing young people subject to quarantine or medical isolation on a separation order. This enabled YJ to monitor how long a young person was subject to restrictive conditions. Since the inspection, the quarantine of young people entering custody ceased entirely.

JH&FMHN provided important leadership and support to YJC staff and young people. JH&FMHN's ongoing communications and training around transmission, hygiene, personal protective equipment (PPE) and general health protocols, helped settle the anxiety among centre staff and young people.

The inspection team inspected each of the quarantine units and spoke with young people and staff in these units. Overall, we observed that the units were well managed, despite the challenges of using custodial facilities for health-related purposes and managing different cohorts on different regimes. Infection control practices were evident, including the use of PPE and 'clean' and 'dirty' areas for donning and doffing PPE, and cleaning protocols were appropriate.

We observed some challenges including a lack of privacy for young people during health assessments as most of the quarantine units did not have separate clinical or interview spaces where young people could speak with health professionals about their health concerns. Noting that part of the daily screening process included questions about mental health issues, in future practices should provide as much privacy as is reasonably practicable in the circumstances.

52 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres in NSW*, (Report, December 2020).

53 Information provided by YJNSW 29 September 2023.

A few centres (Cobham, Frank Baxter and Acmena) experienced COVID-19 outbreaks which placed considerable burden on daily operations and required necessary adjustments in those centres which affected daily routines and service delivery to the young people. Young people were locked in units with restricted movements and associations. We were impressed by the young people's stories of resilience and their understanding of why restrictions and practices were necessary.

The main challenges of the pandemic reported by centre staff was wearing PPE and meeting time out of room requirements for young people in the quarantine unit. PPE was particularly hard in the warmer months and in regional centres where temperatures were higher. At the time of inspection PPE fatigue was evident among staff in centres. Young people in quarantine were allowed limited time out of their cells and were only able to interact with young people who had come into custody on the same day (a quarantine cohort). Managing a rotational roster of quarantine cohorts to ensure young people were receiving six hours time out of room was a mountainous task for all centres. Some centres managed better than others, but it was very much dependent on the centre having adequate staffing numbers and spaces to place young people so to avoid interaction with other young people.

COVID-19 resulted in the cessation of in-person visits to YJCs for a lengthy period. The introduction of tablets enabled young people to talk face to face with their family and facilitated legal and court processes. Tablets (when necessary) also facilitated communications between young people and psychologists, caseworkers and school staff. We were pleased to hear that tablets will remain as an additional means of communication in YJCs, enabling greater connection between young people and their families and support networks.⁵⁴

Despite the challenges of the quarantine unit, there was overwhelming support for maintaining an intake unit post pandemic. Staff reported that time in the quarantine unit had provided time for a young person to settle, become familiar with centre rules and daily routines, and connect with relevant services. It was hoped an intake unit would have a similar impact. We acknowledge the potential merits of an intake or induction unit, however time in the unit should not be wasted and a clear purpose and structured induction process is essential for young people entering custody. It is also imperative that this experience is not isolating for young people and provides sufficient time out of room.

Significant health resources were required to manage COVID-19 in YJCs, and this had a significant impact on the ability of nursing staff to perform their duties. It is difficult to understate the impact of the pandemic on health service delivery. Despite these challenges, all health staff that we spoke with were proud of the work they had done and continue to do in response to the pandemic and we commend them and JH&FMHN for their work in difficult circumstances.

Structured day

Time out of room

In our previous reports, we highlighted the need for YJNSW to ensure YJCs provide young people with a minimum of 10 hours out of room per day.⁵⁵ This requirement was not met in any YJC. In many cases centre routines had considerably less than 10 hours' time out of room, especially for young people who were not attending school and on weekends and holidays. Time out of room schedules are detailed in centre chapters. It is acknowledged that Covid-19 may have impacted on time out of room but it is timely to

54 For further discussion and findings around contact with family and friends see Part 5.3.1 *Review of response to COVID-19 in NSW custody*, Inspector of Custodial Services NSW, (Report, December 2023).

55 Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards*, June 2020, Standard 9.8; Inspector of Custodial Services (NSW) *Use of force, separation, segregation and confinement in NSW juvenile justice centres*, (Report, November 2018); Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020).

review centre routines to ensure all young people receive the minimum 10 hours out of room per day (unless placed on a confinement or segregation order).

Following on from our previous inspection report we continued to monitor time out of room in the High Risk Units (HRU) at Frank Baxter and Cobham YJCs on a weekly basis until August 2022, when we were confident that the Executive Director of YJNSW was monitoring the time out of room and length of stay of young people in these units. All young people in YJCs participate in a structured day governed by prescribed weekday, weekend, and school holiday schedules. The schedules detail daily movements from wake-up to bedtimes, including times spent in and out of rooms and when televisions are turned off each day. Bedtimes in all centres are staged, with later bedtimes provided as a reward for good behaviour.

Recommendation: YJNSW review centre routines to ensure young people have a minimum 10 hours time out of room per day.

Education Training Units (ETU)

The ETUs (schools) in all centres were operating well and young people reported enjoying school. School continued throughout the pandemic. Most schools performed education assessments while young people were in quarantine, enabling young people to immediately start in school after completing quarantine. This was a good use of time and particularly beneficial to young people on remand who spend an average of around 15 days in custody. We were pleased to observe ETUs adapting education delivery to provide meaningful learning for a predominantly remand population. Young people on remand may exit custody after a few days or weeks, and with little prior notice, and education should be delivered with this in mind.

Intervention programs

YJNSW-endorsed programs targeting behavioural intervention are delivered by caseworkers in all YJCs. These include Changing Habits and Reaching Targets (CHART), My Journey My Life (MJML), YINNAR, X-Roads and Love Bites.⁵⁶ The challenge within centres has been in delivering programs to a predominantly remand population as young people on remand have not been convicted, and programs must be modified to avoid any focus on the offence with which they are charged. Such adaptations appear to be easier for some programs than others.

At Acmena YJC and Orana YJC, where almost all young people are Aboriginal and on remand, MJML is the principal program offered. It is adapted to address attitudes and beliefs around general behaviours and, where relevant, make associations to past offending. This is good practice and is the best way moving forward for all intervention programs. The profile of young people in YJCs has dramatically changed and intervention programs need to be modified. Short, sharp interventions tailored for a remand cohort are needed. We were pleased to see developments in this area in many YJCs.

Cultural programs

Following our previous inspection report there has been substantial development in cultural initiatives across YJCs.⁵⁷ The cultural frameworks in Cobham, Reiby and Frank Baxter YJCs are good and are having a notable impact on Aboriginal and Pasifika young people. Several identified positions have been created to promote a cultural agenda at those centres, including an Aboriginal practice officer (APO), Aboriginal mentor and Aboriginal and Pasifika youth officers.

⁵⁶ See Glossary for program descriptions.

⁵⁷ Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), recommendation 19.

The Men's Group and Pasifika Program (created at Cobham YJC) help Aboriginal and Pasifika young people connect with their culture, assist with self-reflection and develop good behaviours, and have been particularly helpful with young people on remand. Adaptations of those programs are being delivered in Reiby YJC and Frank Baxter YJC. Cobham's cultural program offerings are outstanding and deserve endorsement by YJNSW for roll-out in all YJCs.

An Aboriginal cultural screening tool (Gillangs) was being trialled at Frank Baxter YJC. This aims to identify information missed in the court process to inform better case plans for Aboriginal young people. The screening process will enable young people to share their and their family's story and talk about their cultural connection enabling case plans to identify what cultural learning and support is available at the centre that will benefit the young person.

The cultural agenda across YJCs is vast and requires a clear and committed plan with oversight from YJNSW. We applaud the cultural initiatives in Cobham, Reiby and Frank Baxter YJCs. However, substantial gaps were noted in Acmena YJC and Orana YJC where the number of Aboriginal young people is almost 100%. We have been informed by YJNSW that following our inspections significant developments have occurred at Orana YJC which are detailed in chapter seven. Acmena and Orana YJCs also have access to a shared Aboriginal practice officer to assist the centres to become culturally competent.⁵⁸

Following the inspections, we were able to attend NAIDOC celebrations in all YJCs. It was pleasing to see young people genuinely engaged in their day of celebration and enjoying the festivities.

Recommendation: YJNSW establish the roles of Aboriginal practice officer and Aboriginal mentor for all youth justice centres.

Recreational programs and activities

COVID-19 and associated lockdowns impacted greatly on recreational program offerings in all YJCs. Community programs stopped during peak periods of the pandemic and centre activities were limited. At times, program staff were needed to perform custodial duties due to reduced staffing from COVID-19 related illness and close contacts. This left a void in recreational offerings and activities for young people. Some centres (Cobham YJC and Riverina YJC) were more adept in finding ways to deliver programs and activities for the young people which was helped by staffing levels and a willingness to maintain normal daily operations.

At the time of inspection, centres were welcoming the return of community programs and work was underway to reinstate programs and activities for the young people. In many YJCs programs teams were enhanced to develop and deliver their recreational programs and activities agenda. However greater attention to programs and activities was needed at Acmena, Orana and Frank Baxter YJCs.

We found that at some centres, discussions around young people and program participation focused primarily on risk. Many young people classified medium or low security were deemed too high risk to participate in most programs. Young people not participating in programs and activities leaves them bored and open to engaging in disruptive behaviour. The practice of risk assessing young people out of programs and activities was happening at Orana YJC and Acmena YJC (see discussion in Chapter 6 Acmena YJC 'recreational programs and activities' and 'client services meetings'). YJNSW should review this practice and centrally manage risk ratings and program criteria for all programs and activities offered in centres. This will enable consistency and hopefully result in greater program participation and fewer incidents.

58 Information provided by YJNSW 23 September 2023.

A post inspection update from YJNSW indicates that improvements are underway in centres (see centre chapters for further detail).⁵⁹ We previously recommended that YJNSW create a programs and activities coordinator to oversee the development and implementation of programs and activities plans in all YJCs.⁶⁰ The position would help deliver consistency in risk assessment criteria for programs and make it a fair and objective process for young people. This is particularly important as we observed during the inspections, many ad-hoc decisions around whether a young person was able to participate in a program. A central agency role will also deliver cost efficiencies with bulk buys of products and services.

Support from YJNSW is essential and is best provided from a centralised programs role with formal oversight of recreational programs and activities in all youth justice centres throughout NSW.

Recommendation: YJNSW centralise oversight of recreational programs and activities in all youth justice centres to their agency.

Food

In all centres meals (as prescribed by YJNSW seasonal menus) are prepared by kitchen staff for both young people and youth officers. We found that dietary and religious requirements were met but halal certification from providers was sometimes problematic. Birthdays and special days for young people were acknowledged and celebrated. All centre kitchens were clean and adequately resourced.

At the onset of COVID-19, YJNSW directed staff to eat their meals separately from young people. Consequently, in many YJCs we heard from young people that they received cold food after youth officers had eaten and that at times insufficient food was available for children and young people after staff had eaten.⁶¹ This is unacceptable. Staff should resume eating meals with young people and ensure young people have sufficient food.

We were also disappointed to observe that some YJCs (Cobham, Frank Baxter, Reiby YJCs) continue the unnecessary practice of providing all young people on a detainee risk management plan (DRMP) with a modified meal that requires no cutlery (sausage rolls or meat pies). Meals should only be modified when a young person is risk assessed for no cutlery.

Recommendation: YJNSW cease the practice of providing young people on confinement or a DRMP with a different meal to that served to all young people in the centre, unless risk assessed otherwise.

Safety, security and restrictive practices

Staff, recruitment and training

Staff recruitment and retention rates is a continuing challenge for management in all YJCs. During inspections, staff numbers were down in all YJCs, reportedly due to sick leave and low retention rates of new youth officers. New strategies around recruitment and training of youth officers were being pursued by centre management at Reiby YJC and mentoring practices were introduced at Cobham YJC, both of which were believed to be helpful. Attrition rates of YJC staff for 2020 to 2022 appear in Figure 2.

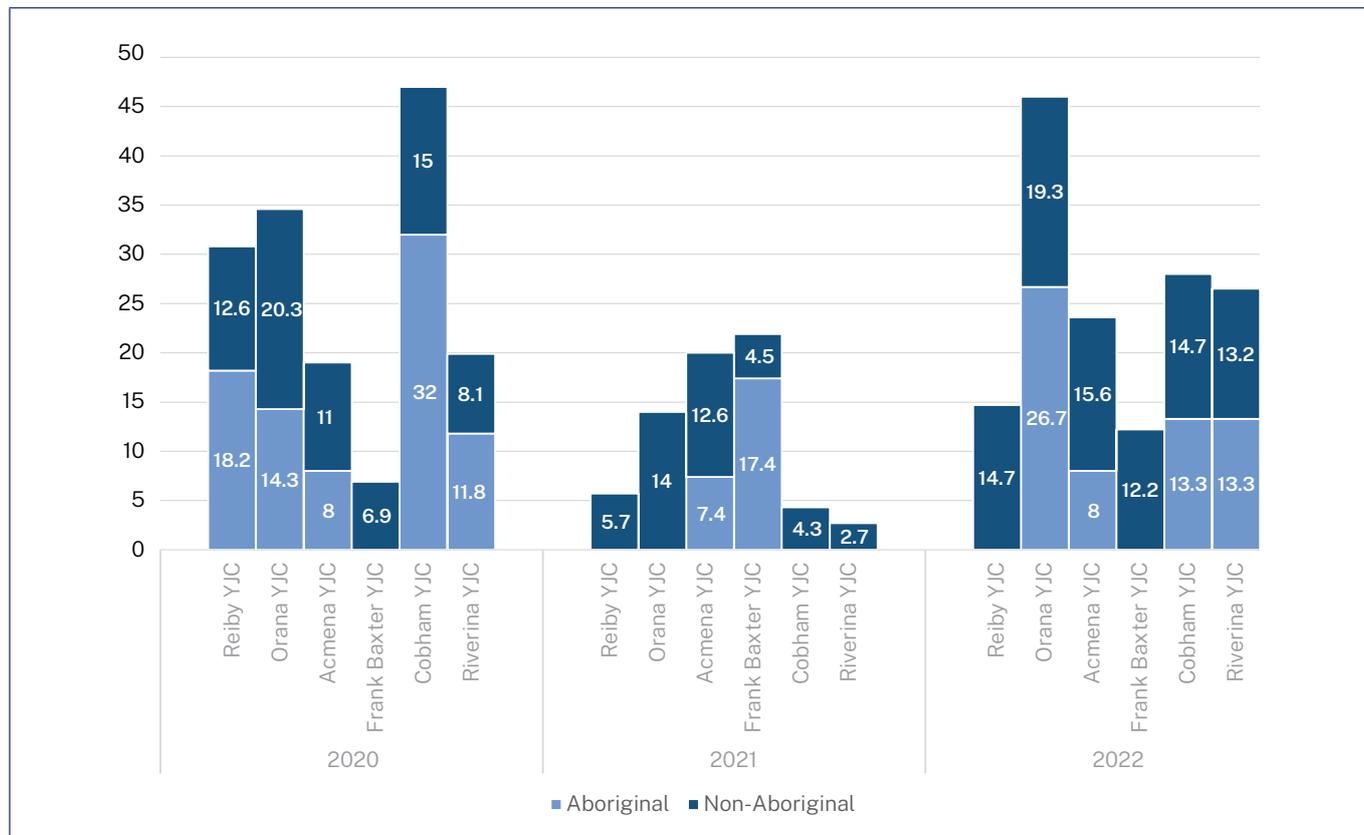
59 Information provided by YJNSW 29 September 2023.

60 Inspector of Custodial Services, *Inspection of six Youth Justice Centres*, (Report, December 2020), recommendation 18.

61 Interviews with young people and staff.

Figure 2: Attrition rates of staff in YJCs from 2019/2020 to 2021/2022⁶²

(Total Employees/Exits *100)



Data provided by Family and Community Services Insights Analysis and Research (FACSIAR); Source: PSC annual profile dataset (excl Casuals). Data is for all staff groups (excluding casuals) at each location. Data is sourced by FACSIAR and is not owned by Youth Justice

The recruitment, training and support of new youth officers is a state-wide concern and requires attention. YJNSW informs that they have reviewed the recruitment, training and retention of youth officers. The systems now in place are monitored and adjusted frequently to meet local needs and trends at each centre and that recruitment and training elements are operating well.⁶³

The number of identified positions and cultural diversity of staff across centres has increased since the last inspection. We welcome the efforts of YJNSW in this area and hope staff diversity continues to increase and reflect the cultural diversity of young people in custody.

We heard relationships between staff and young people were generally good, although there were reports of bullying and poor attitudes among small numbers of youth officers that were affecting young people. Racist attitudes from staff were reported by both staff and young people in Frank Baxter YJC and Acmena YJC. This is unacceptable. YJNSW agree and advise it has developed and deployed targeted processes, taken disciplinary action, suspended people from the workplace and terminated people’s employment.⁶⁴ We support YJNSW to continue to take strong action against unprofessional staff.

Recommendation: YJNSW continue to take action to address racism, bullying and harassment in youth justice centres.

62 Information provided by YJNSW 30 January 2023.

63 Information provided by YJNSW 29 September 2023.

64 Information provided by YJNSW 29 September 2023.

Partially clothed body searches

During inspections body scanner machines were being rolled out in YJCs. The machines and associated training in the use and reading of scans were welcomed by staff. Body scanners minimise the need for a partially clothed body search (PCBS) to be performed on a young person and thereby limits the trauma associated with searches. This is particularly important for girls and young women and any child who may have been a victim of sexual assault. Body scanning should also negate the need for young people to wear visit overalls (similar to those used in adult corrections) when they meet with their families. However, the location of the body scanning machines in admission areas prevented their use during visits when visit areas were in a separate area of the centre. This needs attention from YJNSW and visit procedures updated.

Recommendation: YJNSW use body scanners to search young people after visits and cease the use of visit overalls.

Incidents

Assault and self-harm occurrences require continued attention in custodial settings. YJNSW provided assault and self-harm data for the three years 2019/20 to 2021/22.⁶⁵ The data reflects a marginal increase in assaults over the three year period. Physical assaults show some decline but young people are still more likely to be assaulted than staff. An increase in young person on staff assaults in 2020-2021 was followed by a decline. Verbal assaults are increasing with young people more likely to direct their words at staff than at another young person. Assault with weapon numbers increased slightly. See Table 7 for details.

Table 7: Assault numbers in YJCs 2019/20 to 2021/22⁶⁶

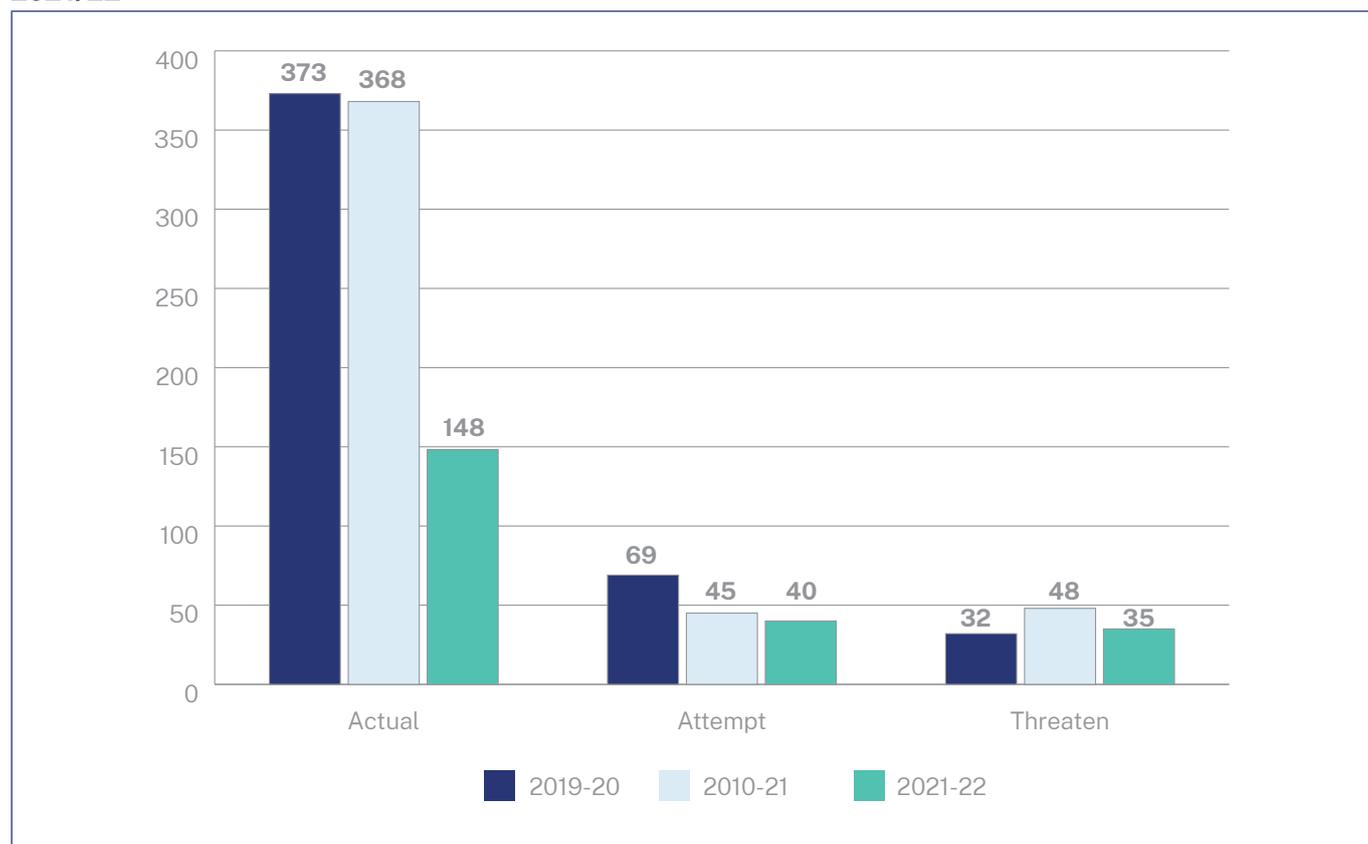
Assault Category	2019-2020	2020-2021	2021-2022
Assault – Physical	269	250	245
Young person on young person	149	119	139
Young person on staff	105	113	88
Other	15	18	18
Assault – Verbal	52	76	78
Young person on young person	13	14	25
Young person on staff	33	57	51
Other	6	5	2
Assault with Weapon	9	18	22
Young person on young person	3	3	12
Young person on staff	1	12	8
Other	5	3	2
Total	330	344	345

⁶⁵ Information provided by YJNSW 30 January 2023.

⁶⁶ Information provided by YJNSW 30 January 2023.

YJNSW data shows self-harm has decreased among young people in YJCs over the three years 2019/20 to 2021/22, with a substantial drop of more than fifty percent in actual self-harm incidents in 2021/22 (see Figure 3). This is pleasing and reflects the information given to us by centres on inspection. The time which young people were spending in a quarantine unit was regarded as being a significant contributor to the reduction in actual self-harm among young people.⁶⁷ The quarantine unit provided time for the young person to detox if needed, receive daily health checks and engage with essential services such as psychologists and case workers. There was resounding calls from centres for a permanent induction unit and framework for managing new admissions to centres. The marked decline of self-harm data reflects the efforts of both custodial and clinical staff.

Figure 3: Actual, attempt and threaten self-harm numbers across all YJCs from 2019/20 to 2021/22⁶⁸



Misbehaviours

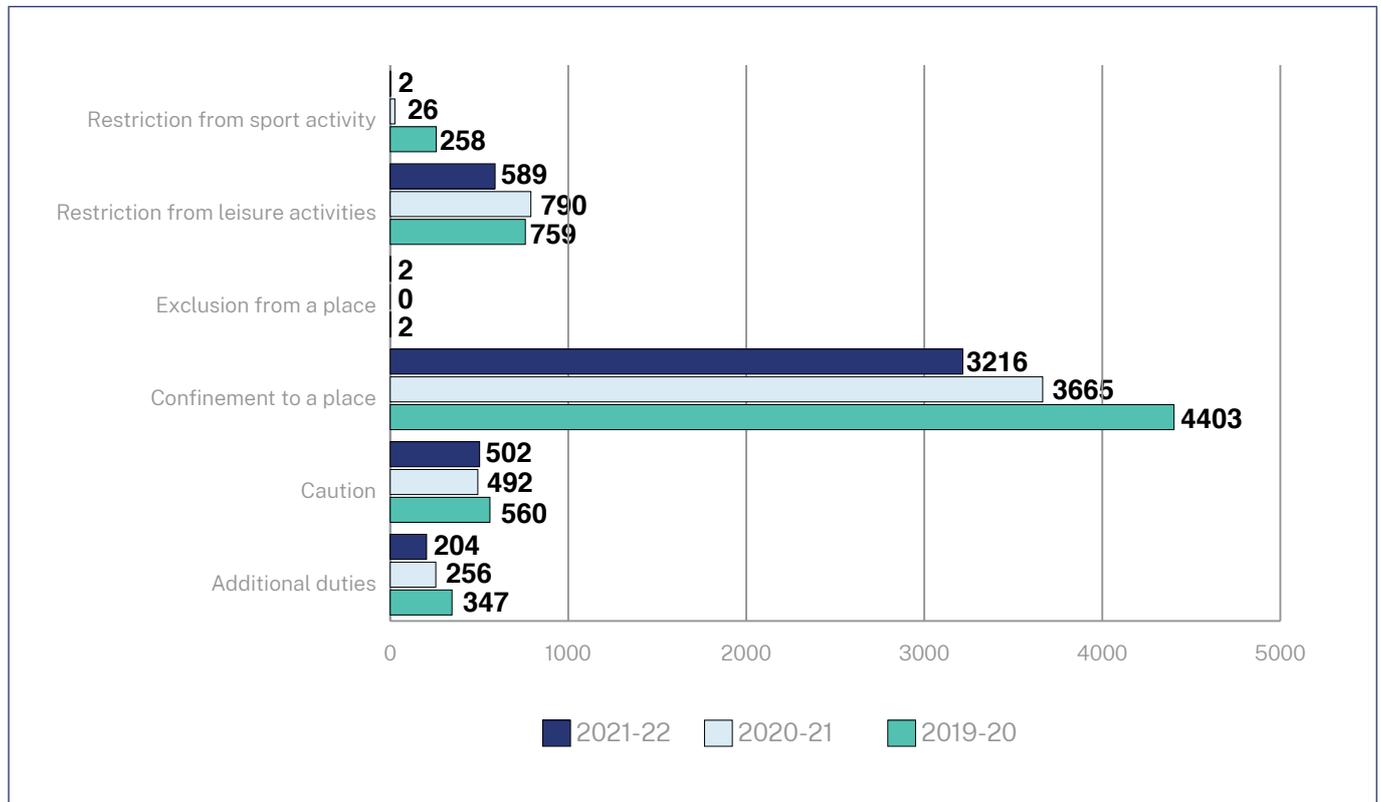
Misbehaviours by young people are met with a range of consequences from a caution to confinement.⁶⁹ Confinement was overwhelmingly the preferred consequence for misbehaviour, with other forms of punishment rarely used in comparison. See figure 4 below for further detail. Use of confinement in YJCs is discussed later in the chapter under 'confinement'.

⁶⁷ Kasinathan et al; *Keeping COVID out: a collaborative approach to COVID-19 is associated with a significant reduction in self-harm in young people in custody*, 2021, Vol 29(4) *Australasian Psychiatry* 412 –416.

⁶⁸ Information provided by YJNSW 30 January 2023.

⁶⁹ *Children (Detention Centres) Act 1989*, section 21(1).

Figure 4: Type and total number of punishments for misbehaviour in YJCs from 2019/20 to 2021/22⁷⁰



Use of force and restraints

YJNSW data indicates that from 2019/2020 to 2021/2022 force was used on young people on 4349 occasions. Force was used primarily to protect the officer or other person from attack or harm (n=2724; 63%) or to move a young person (n=908; 21%). In almost all categories of use of force the majority involved Aboriginal young people. While there was a decrease in the overall use of force early in the three years, the numbers have remained stable. Further detail appears in the following table.

Table 8: Reason for use of force and occurrences across all YJCs from 2019/2020 to 2021/2022.⁷¹

Reason for UOF		2019-20	2020-21	2021-22	Total
Move young person	Aboriginal	204	207	200	611
	Non-Aboriginal	118	90	79	287
	Unknown	6	2	2	10
Prevent escape	Aboriginal	3	1	8	12
	Non-Aboriginal	3	5	0	8
	Unknown	0	0	0	0
Prevent property damage	Aboriginal	20	24	11	55
	Non-Aboriginal	4	5	3	12
	Unknown	0	0	0	0

⁷⁰ Information provided by YJNSW 30 January 2023.

⁷¹ Information provided by YJNSW 30 January 2023.

Prevent self-injury	Aboriginal	78	58	38	174
	Non-Aboriginal	44	46	18	108
	Unknown	0	0	0	0
Prevent riot	Aboriginal	46	36	81	163
	Non-Aboriginal	54	38	45	137
	Unknown	1	1	0	2
Protect from harm	Aboriginal	527	419	487	1,433
	Non-Aboriginal	557	408	308	1,273
	Unknown	5	6	7	18
Search a detainee	Aboriginal	1	0	1	2
	Non-Aboriginal	3	0	1	4
	Unknown	0	0	0	0
Seize dangerous item	Aboriginal	7	8	1	16
	Non-Aboriginal	2	1	3	6
	Unknown	0	0	0	0
Protect drug dog	Aboriginal	0	2	0	2
	Non-Aboriginal	0	1	0	1
	Unknown	0	0	0	0
Prevent entry by force	Aboriginal	0	0	0	0
	Non-Aboriginal	0	1	0	1
	Unknown	0	0	0	0
Allow medic to treat	Aboriginal	0	1	0	1
	Non-Aboriginal	0	2	0	2
	Unknown	0	0	0	0
Other	Aboriginal	3	1	1	5
	Non-Aboriginal	2	0	4	6
	Unknown	0	0	0	0
Total		1,688	1,363	1,298	4,349

Centre data provided by YJNSW was compared with data last reported in the *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres* report.⁷² The data shows a reduction in the use of force and restraints in almost all centres (see table 10). This is positive however more work is needed around practices at Acmena YJC where use of force and restraint numbers increased. Orana YJC had a marginal increase in use of restraints. YJNSW reports that recent collaborations with staff at Acmena YJC has resulted in a reduction in restrictive practices and the establishment of a new behaviour support team to prevent incidents.⁷³ We will continue to monitor the use of restrictive practices at Acmena YJC.

⁷² Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018).

⁷³ Information provided by YJNSW 29 September 2023.

Table 9: Use of force and restraint numbers in YJCs

Centre	UOF numbers		Restraints numbers	
	2017/ 18 ⁷⁴	2021/ 22 ⁷⁵	2017/ 18 ⁷⁶	2021/ 22 ⁷⁷
Cobham	589	276	323	152
Frank Baxter	406	252	269	87
Reiby	465	204	169	153
Orana	155	108	32	38
Riverina	206	105	94	9
Acmena	106	141	74	161

Following the previous inspection YJNSW established the Use of Force Review Panel, a governance structure to review use of force (UOF) incidents in centres. Management and staff welcomed the review panel; however, many reported the process as time intensive and highlighted the need for security cameras upgrades in some centres to ensure footage is clear and accurate. Officers would benefit from body-worn cameras, so the focus is on the performance of their duties and ensuring the UOF is performed well. We previously recommended to YJNSW that body worn cameras be rolled out to all YJCs, which would enable the contemporaneous recording of the UOF.⁷⁸ Whilst it is noted that some centres have body worn cameras it would be beneficial to have them available for staff in all centres. This needs immediate attention. Improving report writing was common feedback from the UOF review panel. The creation of the Use of Force Review Panel was an ICS recommendation to increase the transparency and independence of the review process and improve custodial practice. Our observation is that the Use of Force Review Panel has been effective in reducing UOF and improving practice and accountability. We support continued work and oversight by YJNSW in this area.

Confinement

Misbehaviours of young people are met with a range of consequences from receiving a caution to serving a period in confinement.⁷⁹ Overreliance on confinement has historically been an issue across YJCs, however, YJNSW data is indicating a reduction in confinement numbers. See Figure 5 for details.

74 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80. see Figure 15C: Restraints used during force, 2017–18.

75 Information provided by YJNSW 24 May 2023.

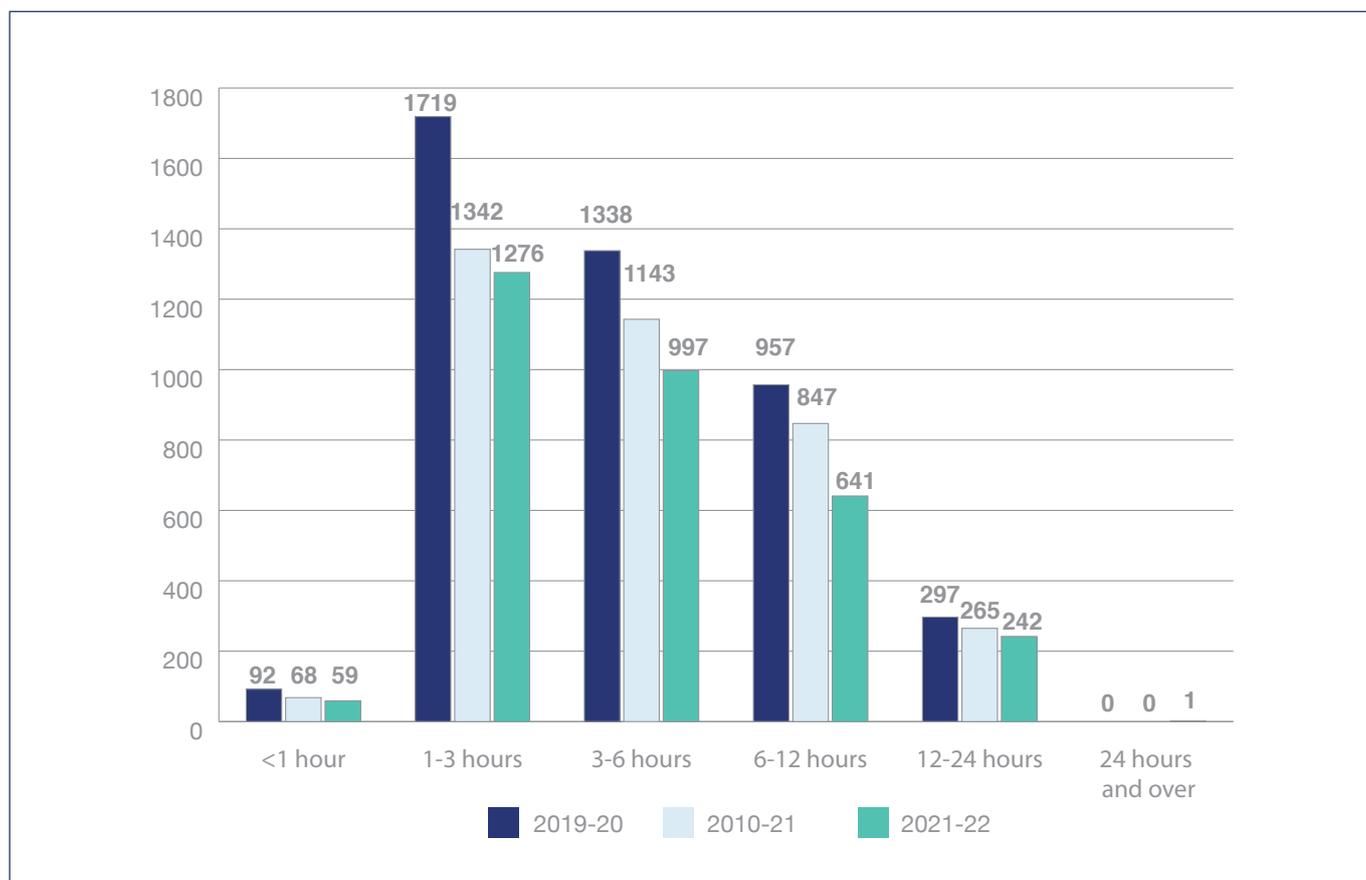
76 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80. see Figure 15C: Restraints used during force, 2017–18.

77 Information provided by YJNSW 24 May 2023.

78 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), recommendation 15.

79 *Children (Detention Centres) Regulation 2015*, schedule 1 Misbehaviour Part 1 cl.6. Children's (Detention Centres) Act 1987 s21(1).

Figure 5: Total number and duration of confinements in YJCs from 2019/2020 to 2021/2022.⁸⁰



Centre data provided by YJNSW was compared with confinement data last reported in our previous report.⁸¹ On review of centre data we found that all centres (excluding Acmena YJC) reduced confinement numbers and in many cases almost halved their use of confinement (Cobham, Frank Baxter, Reiby, Riverina YJCs). Details appear at Table 10 below. Confinement at Acmena YJC increased from 585 to 703 orders. Centre data revealed that most young people placed in confinement were Aboriginal, with Acmena YJC and Orana YJC reflecting very high numbers. We were surprised to find that some centres (Frank Baxter, Acmena, Orana YJCs) had girls serving periods of confinement of 1-3, 3-6 and 6-12 hours when they were either in the centre overnight or on a short stay, awaiting a court appearance or in transit to Reiby YJC (female facility). In Acmena YJC all girls serving confinement were Aboriginal (n=27).⁸² Confinement numbers in Acmena YJC require attention and is discussed further in chapter 6. YJNSW has informed ICS that discussions have occurred with the leadership team at Acmena YJC and strategies developed to prevent incidents that lead to the use of restrictive practices.⁸³ Whilst we are supportive of this action, we also believe staff require training in what constitutes misbehaviour and what punishment is available. We will continue to monitor the use of confinement at Acmena YJC.

80 Information provided by YJNSW 30 January 2023.

81 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres, (Report, December 2020)* 37 Table 6.

82 Information provided by YJNSW 24 May 2023.

83 Information provided by YJNSW 29 September 2023.

Table 10: Confinement numbers in YJCs

Centre	Confinement numbers	
	Previous report data (2019/2020) ⁸⁴	Current centre data ⁸⁵
Cobham	1077	580
Frank Baxter	1102	633 (3 girls, 2 Aboriginal)
Reiby	1149	675 (f=233, 161 Aboriginal/ m=442, 239 Aboriginal)
Acmena	585	703 (27 Aboriginal girls)
Orana	570	419 (4 non-Aboriginal girls)
Riverina	515	263
Total	4998	3273

While YJNSW data reflects an overall reduction in the use of confinement, practices within the centres indicate that young people can remain locked in their rooms for considerable time after confinement has ended. We found it was commonplace for confinement periods to occur before the commencement of bedtime routines. On completion of the confinement period the young person remains separated from others and is in their room until all young people are let out the following morning. Whilst the time a young person remains in their room is considerable (which can be over 14 hours and in some cases over 24 hours), centre records reflect the young person as having served a short time of 1-3 or 3-6 hours on confinement. This was occurring in some centres (Reiby YJC, Frank Baxter, Acmena YJC). Confinements that flow into bedtime lock in will avoid triggering the 24-hour statutory notification to the NSW Ombudsman.⁸⁶ Although YJNSW say they have legal advice to support their practice, we note their policy provides “While at times confinement periods will partially or fully overlap with sleep routines, confinement must not be ‘scheduled’ so as to intentionally increase the period of time a young person continuously spends in their room (i.e. sleep routine > confinement > sleep routine)”. Because the practice we observed impairs reporting to the NSW Ombudsman, we are referring the matter to the NSW Ombudsman for investigation.⁸⁷ In most centres young people reported that confinement generally occurred in their room. This was an improvement on past practice; however, we saw evidence during inspections that holding rooms were still being used (Cobham, Frank Baxter, Acmena YJCs).

We were disappointed to hear from many young people that they had received multiple punishments for a single misbehaviour. In almost all centres young people on confinement were considered a cutlery risk and receive a different meal to everyone else (meat pie or sausage roll). They were often also ineligible for weekly incentives and not allowed to watch television in their rooms or attend the gym for a period. It is necessary for there to be consequences for misbehaviour; however, the over punishment of young people can be counterproductive and unlawful. We have raised this issue and YJNSW must take action to ensure misbehaviour and punishment practices in YJCs are consistent with legislation and proportionate to the misbehaviour of the young person.⁸⁸ We are also referring these practices to the NSW Ombudsman for further investigation.

84 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres, (Report, December 2020), Juvenile Justice Centres, 2018*, 37 Table 6.

85 Information provided by YJNSW 24 May 2023. Centre data is the 12 month data period provided by each YJC.

86 Where a young person is in confinement for 24 or more hours the Ombudsman must be informed. *Children’s (Detention Centre) Regulations 2015*, cl 10.

87 *Inspector of Custodial Services Act 2012*, s26(1).

88 *Children (Detention Centres) Act 1987* s 21.; *Children (Detention Centres) Regulation 2015*, Part 8 Division 1 *Misbehaviour generally* Schedule 1.

YJNSW’s misbehaviour policy refers to confinement as the highest punishment for misbehaviour and that other punishment options must be considered before resorting to confinement.⁸⁹ The legislation details the progression of punishment for misbehaviour from a caution to loss of leisure activities, additional duties and confinement.⁹⁰ We found instances of confinement being given for minor misbehaviours such as disobedience and bad language.⁹¹ We have previously identified such practices and made recommendations in our last two reports.⁹² Youth officers would benefit from further training on misbehaviours and punishment practices as prescribed by YJ policy and the legislation.

Recommendation: YJNSW regularly examine misbehaviour and punishment practices across YJCs and provide training to all youth officers in NSW on misbehaviours and punishment practices as prescribed by legislation.

Separation and segregation

NSW legislation provides that young people may be placed in separation or segregation.⁹³ 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.⁹⁴ 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. COVID-19 required young people on admission to be managed for a period in quarantine which necessitated a separation order. Consequently, separation data provided by the centres for the purpose of the inspections indicated an increase on separation numbers which were last reported in our 2018 report (n=1489).⁹⁵

Segregation is used to protect the personal safety of the person being segregated or another person and must be as short as possible and for no more than three hours without the approval of the Secretary.⁹⁶ We were pleased to see the number of segregation orders markedly reduced from the data last reported (n=7180).⁹⁷

Table 11: Separation and Segregation orders of young people recorded by YJCs⁹⁸

Order	Cobham	Frank Baxter	Reiby	Acmena	Orana	Riverina	Total
Separation	1099	613	996	869	482	455	4514
Segregation	132	405	588	500	337	378	2340

89 YJNSW *Misbehaviour Policy* (1 July 2019) Part 7.

90 Children (Detention Centres) Act 1989, s 21(1).

91 *Children (Detention Centres) Regulation* 2015, Part 8 Division 1 Misbehaviour generally Schedule 1.

92 Inspector of Custodial Services, *Use of force, separation, segregation and confinement in NSW juvenile justice centres* (Report, November 2018), recommendations 17 and 18. Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres* (Report, December 2020) 50 and 93.

93 Children (Detention Centres) Act 1987, s 16 and s 19.

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

95 Inspector of Custodial Services, *Use of force, separation, segregation and confinement in NSW juvenile justice centres*, (Report, November 2018), 99, Figure 16.

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

97 Inspector of Custodial Services, *Use of force, separation, segregation and confinement in NSW juvenile justice centres*, (Report, November 2018) 106.

98 Information provided by YJNSW 24 May 2023.

Incident Response Team (IRT)

Following the Shearer review, Incident Response Teams (IRT) were created at Cobham YJC and Frank Baxter YJC with officers recruited from the existing pool of youth officers in those centres.⁹⁹ Although the role of each IRT is the same at each centre, they operate differently. We observed IRT officers at Cobham YJC to have little if any interaction with young people whilst IRT officers at Frank Baxter YJC were happy to engage with young people.

It is important that the IRT is ready to provide immediate support when there is an incident. We consider that they also have a role in enhancing dynamic security and helping prevent incidents from occurring. Active engagement with young people, like that displayed by the IRT officers at Frank Baxter YJC, helps officers to know what is going on in the centre and with the young people. With over two years of operation in Cobham YJC and Frank Baxter YJC, it is timely for YJNSW to reflect on what have been the strengths and challenges of the IRT and what changes (if any) may enhance the IRT and benefit staff and young people. Doing so would reflect YJNSW's commitment to ongoing monitoring of the Shearer recommendations.¹⁰⁰

Health and well-being

Mental health care and treatment

Mental health services are provided by JH&FMHN staff in all centres with some services delivered by YJNSW psychologists. Each centre has access to a Dual Diagnosis Clinical Nurse Consultant (DDCNC), specialist nurses trained in both mental health and drug and alcohol treatment. Centres also have access to a psychiatrist with varying amounts of service hours each month. When the psychiatrist or DDCNC is not onsite, JH&FMHN provides access to advice or telehealth assessments through the Remote Offsite Afterhours Medical Service (ROAMS).

The DDCNC roles provide clinical care to young people in custody and coordinate release planning to support the transfer of their care to community providers. These activities are resource intensive, particularly in regional, rural and remote areas where community health services are limited. There are significant barriers for young people exiting custody to access mental health services in the community, reportedly due to stigma, challenging behaviours, and poor availability of services. While it is beyond the scope of this review, JH&FMHN is encouraged to continue working with the NSW Ministry of Health, Local Health Districts and community providers to advocate for improved access to services for young people leaving custody.

Only Frank Baxter YJC and Cobham YJC had full time DDCNC roles filled at the time of the inspections. All other centres either had part time or vacant positions. It was evident at all centres, especially those centres where the DDCNC position is vacant or part time, that there are insufficient mental health nursing hours provided to service the needs of young people. Given the high prevalence of mental illness in young people in custody, a review of the number of mental health nursing hours at each site is needed.

Youth officers in each centre spend the most time interacting with young people on a day-to-day basis. We observed some excellent examples within this work group of compassionate and understanding care of young people experiencing distress and displaying challenging behaviours associated with mental health issues. We also heard from this staff group about challenges in relation to managing young people with

99 Lee Shearer APM, *Ministerial Review Into the riot at Frank Baxter Detention Centre – 21 and 22 July 2019*, (Report, August 2019), recommendation 43.

100 Evidence to Portfolio Committee No. 8 – Customer Service and Digital Government, Emergency Services, Youth Justice, Parliament of NSW Sydney, Tuesday 31 October 2023, 76 (Simone Czech, Deputy Secretary, Child Protection and Permanency District and Youth Justice Services).

mental health issues and of a desire for further training in the care and treatment of mental health issues within the youth justice context. We considered that further and ongoing training in providing support to young people experiencing distress would provide benefits to both staff, young people and the safety and good order of the centres.

Recommendation: JH&FMHN review the level of mental health nursing hours at each centre to ensure there are sufficient hours funded to meet the needs of the population.

Management of suicide and self-harm risk

YJNSW policy for the management of suicide and self-harm risk for young people in custody outlines the procedures to be followed by staff when a young person is identified as being at risk of harm to themselves.¹⁰¹ There is a requirement for ongoing assessment of young people at risk which appears to be working well. However, the response to risk varies between centres and seems to be based on the decisions of individual staff members rather than utilising a standardised, evidence-based approach to responding to risk of self-harm in young people.

Information sharing between JH&FMHN and YJNSW at times can be problematic with limitations on the availability of information kept within the YJNSW information systems for JH&FMHN mental health clinicians. Reliance is then placed on communications with centre psychologists, which is generally good but can present problems when they are on leave.

While JH&FMHN staff described good relationships with YJC management teams, they have no formal role in decision making processes around the care, treatment and management of young people at risk of self-harm. The JH&FMHN Self Harm and Suicide Prevention Policy and accompanying procedure has been in place since 2020. The collaborative work between Youth Justice and JH&FMHN staff has resulted in a reduction in the self-harm of young people.¹⁰² We applaud the efforts of staff in both agencies and the reduction of incidents in self-harm. The scheduled review of the policy and procedure for December 2023 will provide an opportunity to address any gaps in process and practices.¹⁰³

We heard of trials of sensory modulation tools for use with young people within some centres. The introduction of these tools is to be commended. The inspection team also heard of local projects to create dedicated 'sensory spaces' and to compile a 'toolbox' which could be provided to young people to use within their own rooms and turn their rooms into sensory spaces. However, we were disappointed to learn that the use of these tools was subject to a risk assessment in each case and youth officers often considered them to be high risk, preventing their use in the exact circumstances for which they were designed. Given that these tools, which include soft toys and distraction devices, are an evidenced based mechanism to relieve acute distress, the use of these tools should be subject to a state-wide risk assessment to ensure they are able to be used when required, with appropriate supervision.

Recommendation: YJNSW develop a state-wide policy position on the use of sensory tools in youth justice centres which enables the use of these tools in the circumstances where they are required.

101 YJNSW, Self-Harm and Suicide Prevention Policy and related Self-Harm and Suicide Prevention Procedures (3 December 2020).

102 Information provided by YJNSW 29 September 2023.

103 YJNSW, Self-Harm and Suicide Prevention Policy and related Self-Harm and Suicide Prevention Procedures (3 December 2020) is scheduled for review in December 2023.

Aboriginal health services

JH&FMHN provide state-wide in-reach services for Aboriginal young people with a particular focus on health promotion and sexual health services. Given the high proportion of Aboriginal young people in custody, health outcomes for Aboriginal young people can be improved by providing dedicated, culturally competent health services by Aboriginal health staff. Several identified state-wide roles (Senior Aboriginal Adolescent Sexual Health and Harm Reduction Officer, Aboriginal Mental Health Clinical Leader, and Aboriginal Health Worker with the Aboriginal Chronic Care Program) and contracted in-reach services provide care across all YJCs. In addition, visiting GPs at Cobham and Frank Baxter YJCs, and the midwife provide antenatal and postnatal care and parenting advice to Aboriginal girls and young women at Reiby YJC. JH&FMHN plans to increase Aboriginal representation across a range of roles, and not just Aboriginal Health Workers.¹⁰⁴

Use of telehealth

The provision of health services by JH&FMHN across NSW necessitates the use of innovations and technological solutions for more efficient service delivery. Telehealth services are an effective tool for delivering health services while reducing the need for specialists to travel (usually from Sydney) to regional areas. Although there are clear financial benefits to the use of telehealth services, we heard that some health services are better delivered face-to-face.

There was a clear divide between metropolitan and regional centres in perceptions of the efficacy of telehealth. In regional centres health services were routinely delivered via telehealth whereas it was more an ad hoc occurrence in metropolitan centres.

Medication management

Our 2019 inspection report recommended the extension of nursing hours at each centre to ensure that nursing staff, in place of youth officers, administer medications to young people in the evenings. This recommendation was not accepted as JH&FMHN had a process in place whereby nursing staff prepared medications for administration by youth officers later in their shift. We were advised that this process was predominantly occurring at regional YJCs due to fewer nursing hours. The process involved both the nurse and youth officer checking the medications and signing off that they were correct. The youth officer must record the administration of the medication to the young person, which is again recorded by the nurse in the electronic medical register the following day. This system is effective however centres must ensure practices occur in accordance with policy.¹⁰⁵

Psychology services

Several new initiatives have occurred around psychology services in YJCs. The introduction of the Clinical Services Manager role has helped drive some of those changes. A Clinical Services Manager was appointed at Cobham, Frank Baxter and Reiby YJCs. More recently a Clinical Manager role has been assigned to Orana YJC. They provide clinical and administrative supervision of psychologists and a therapeutic voice to the centre executive, which is particularly important for centres with varied and complex populations. Other important initiatives include sensory therapy spaces, permanent psychologist allocation to high-risk units, involvement of occupational therapy and speech pathology services and a modified Dialectical Behaviour Therapy (DBT) for young people on remand.

¹⁰⁴ Information provided by JH&FMHN 29 September 2023.

¹⁰⁵ Justice Health and Forensic Mental Health Network (NSW) *Guideline 6.049 - Medication Guidelines*, section 5.15, 3 June 2022. YJNSW *Procedure - Administering Medication to Young People*, 15 November 2022.

We acknowledge the important developments that have occurred around psychology services. However, it was disappointing to learn that lack of privacy and interview space remains an issue for psychologists in some centres. Psychologists at Cobham, Orana and Acmena YJCs have no formal space for private consultations with young people and are seeing young people in communal areas of units, which is neither a confidential nor therapeutic space.¹⁰⁶ We reported these issues in the previous inspection and this should be given immediate attention by YJNSW.

Sensory therapy rooms have been introduced in several centres and include sensory furniture. Psychologists welcomed the initiative. With increasing numbers of young people in YJCs presenting with one or more disabilities, therapeutic sensory spaces are needed in all centres. We heard the number of young people in custody with disabilities has resulted in psychologists creating increasing numbers of reports to support NDIS applications.

The appointment of a psychologist to the high-risk units at Frank Baxter YJC and Cobham YJC is good practice. The complexity of behaviour and mental health issues associated with young people in those units necessitates a dedicated psychologist who can build relationships and is readily available to provide support to young people.

There was an overwhelming call from psychologists for occupational therapy and speech pathology services in all YJCs. A speech pathologist and occupational therapist are employed at Frank Baxter YJC to assist young people in the Enhanced Support Unit (ESU).¹⁰⁷ Their services were a valued asset to the intervention work with young people and these positions have been extended from part-time to full-time to enable them to assist all young people in Frank Baxter YJC. We were informed that occupational therapy and speech pathology services complement the work of psychologists and would fill a gap in essential services for young people in all centres. YJNSW says that psychologists can access a pool of allied health professionals, as required, to work with young people in custody.¹⁰⁸

It was exciting to learn of the developments in psychology services targeting young people on remand. Psychologists at Reiby YJC have created a modified version of Dialectical Behaviour Therapy (DBT) for delivery in group sessions. The DBT program is a short, sharp injection of skills-based learning to help young people in everyday life such as with regulating behaviour and learning in the classroom. Rolling entry to the program allows young people, and more importantly those on remand, to join a group at any time and learn skills they can practice and revisit. As the percentage of young people on remand across centres is high, the program would be helpful in all YJCs.

During the pandemic, psychologists visited young people daily in the quarantine unit and if needed tablets were used to facilitate face-to-face communication. Daily visits allowed psychologists to observe, assess and address mental health issues and if there were problems, to make any necessary adjustments to help the young person. This is good practice and a reflection on the professional commitment and standard of psychology services in YJCs.

We were pleased to see YJNSW's efforts to enhance psychology services in centres and ensure a high level of service delivery to young people. However, staffing levels need attention in the larger centres of Cobham and Frank Baxter YJCs, where the numbers of young people are high and reflect more varied and complex behavioural issues and concerns. Staff in some centres also highlighted the lack of identified psychologist positions and with the increasing rates of incarceration of Aboriginal young people this needs attention. YJNSW must ensure YJCs are a culturally safe custodial environment for young people. YJNSW

106 YJNSW reports that since the inspection Orana YJC has assigned a private and confidential space for psychologists to meet with young people. Information received from YJNSW 29 September 2023.

107 ESU accommodates young people who have challenging behavioural issues and require intense therapeutic interventions.

108 Information provided by YJNSW 29 September 2023.

acknowledges this and employs two of only around 100 Aboriginal Psychologists across Australia. The ongoing challenge for YJNSW is recruiting Aboriginal psychologists to identified positions.¹⁰⁹

Recommendation:

YJNSW provide occupational therapy and speech pathology services to all YJCs in NSW.

YJNSW consider endorsement of a modified DBT program for delivery in all YJCs.

YJNSW ensure young people in all YJCs have access to culturally safe psychology services and continue efforts to recruit Aboriginal psychologists in centres.

Communications and support

Visits and telephone calls

Despite the challenges of the COVID-19 pandemic centres were able to provide some level of communication between young people and their families and support networks. From the outset of the pandemic in-person visits were stopped and soon thereafter tablets were introduced, which enabled young people to have face-to-face communications. While tablets were welcomed there were connectivity issues in all centres. Some centres were able to establish tablet visits earlier than others depending on the availability of Wi-Fi equipment and tablets in a context of global shortages. Acmena YJC was unable to provide tablet visits to young people until early 2022. While in-person visits to YJCs have been reinstated, tablet visits will continue alongside in all centres. This is a good outcome as it will benefit young people if their family do not live close to the centre where they are held and Aboriginal young people who are off Country.

On the previous inspection, young people from many centres reported difficulties accessing phones. We recommended additional telephones be installed on accommodation units. It was pleasing to see that almost all centres (excluding Frank Baxter) had two phones on accommodation units giving young people greater access to family, lawyers, government and community support services.

Visit areas in YJCs were closed for most of the three-year inspection period. Despite this it was pleasing to note that enhancement work had occurred in a few centres. The visits area at Acmena YJC had been renovated and the area extended. The centre was also hoping to renovate the outdoor area to include a children's space and a place for families to gather and celebrate birthdays. Riverina YJC's visits area had been enhanced with Aboriginal murals and soft animal structures for children's play in the outdoor area. The project was a joint initiative with the local Aboriginal community which provided a valuable learning space to engage with Aboriginal young people at Riverina YJC. We were pleased to see the additions made at Acmena and Riverina YJCs which are important for maintaining positive family connections.

We found the visit areas of Orana and Reiby YJCs to be uninviting spaces and in need of renovation. With the reinstatement of in-person visits, these centres must be given attention by YJNSW. The centres would benefit from the projects being a joint initiative with their local Aboriginal communities and involving the young people.

Access to lawyers and legal support services

There were no concerns raised by young people regarding access to lawyers and legal support services. Centres provide several means of communication through telephone, AVL and tablets. AVL facilities in most centres were adequate, apart from Frank Baxter YJC where more court suites were required to meet the

¹⁰⁹ Information provided by YJNSW 29 September 2023.

increased number of remote court appearances and legal appointments. Work has been scheduled to address those shortcomings.

Chaplaincy services

Chaplaincy services were offered in all centres and included pastoral care and faith support, programs and activities. While chaplains were predominantly of Christian based faith some centres had a Muslim chaplain or pastoral assistant (Cobham and Frank Baxter YJCs). Spiritual support for Muslim young people in other centres was provided via tablet calls with the Muslim chaplain assigned to Cobham YJC. This is a sensible alternative and demonstrates the benefits of the introduction of tablets in YJCs.

Tablets are also used to enable young people to attend funerals. Whilst this may be the only means of attendance, it is important that young people are supported, and that Aboriginal young people are culturally supported through Sorry Business.

Complaints and grievances

Young people can have their complaints and concerns addressed in several ways. Almost all centres (apart from Cobham YJC) have a secure locked box in the accommodation units that enable young people to direct their concerns confidentially to the centre manager. Their concerns can also be addressed with the Official Visitor and the NSW Ombudsman who, with the young person's permission, can address matters with management. Young people can also raise centre specific issues through the monthly Detainee Representative Committee (DRC) meetings. Young people generally reported being comfortable having their complaints or grievances heard through any of the available forums.

There was however some reluctance from almost all young people to use the complaint box due to its conspicuous placement in the communal area of accommodation units. Young people were uncomfortable with the position of the locked box and would like the system reviewed. Of greater concern we heard that Aboriginal young people were reluctant to raise issues internally due to concerns around racism.

Despite having previously identified the shortcomings of DRC meetings, more work is required to make DRCs useful. At Frank Baxter YJC meetings were reported by young people as irregular and that there was no reporting back about the issues raised at the meeting. In some centres (Riverina and Reiby YJC) DRC meetings focused on operational matters, compliance and behaviour with little time given to the issues and concerns of young people. The DRC is a forum for young people to talk, share and discuss matters relating to them and to teach young people how to effectively raise and discuss issues. We suggest the DRC be reviewed to make the format more child-centred and give a voice to young people and help them develop communication, negotiation and resolution skills.

Recommendation: YJNSW review the DRC and develop a format that is child centred, gives a voice to young people and helps them to develop communication, negotiation and resolution skills.

Behaviour management

Managing the behaviour of young people is central to the work of YJNSW and helps provide a safe and supportive custodial environment. This is achieved through several means and includes case management, delivering essential support services, encouraging positive behaviour, managing risk behaviours and special management regimes (HRU and ESU).

Case management

Custodial caseworkers work with young people to plan and manage their time in custody and have continuous care of them. Their duties include initial assessments, case plans, program delivery, case conferences and exit conferences.

The role of custodial caseworkers has changed considerably since the last inspection. Caseworkers are responsible for performing Youth Level of Service/Case Management Inventory (YLS/CMI) assessments, developing case plans and delivering offence-focused intervention programs. The increasing percentage of young people on remand in centres is requiring caseworkers to assist with locating out of home care accommodation for young people and collating information for bail plans, which is time consuming. In addition, the number of young people requiring assistance under the NDIS has increased, requiring caseworkers to prepare NDIS applications, which we heard is a lengthy and demanding process. The appointment of a NDIS liaison officer in YJNSW has helped centres negotiate the NDIS process. The liaison officer provides support and advice to YJNSW staff and can prioritise or escalate cases if needed. Hopefully, this will remove some pressure and free up time for caseworkers.

In April 2022, the professional management and training of caseworkers was brought under the supervision of the regional assistant manager community (YJNSW). Previously case workers were supervised internally by the centre's assistant manager client services. The new model is designed to enhance relationships between community and custodial caseworkers and deliver continuity in the case management of young people. This is of particular importance with the high remand population in youth justice centres. Community caseworkers are primarily responsible for the first 14 days a young person is in custody.¹¹⁰ During that time, they may need the help of custodial caseworkers in preparing any necessary court documentation to help the young person obtain bail.

It was also anticipated the new community model will provide consistency in the standards of delivery of offence-focused intervention programs, delivered by caseworkers in the community and in a youth justice centre. At the time of inspection most centres were operating under the new model except for Reiby YJC where the community YJNSW reporting framework was still in negotiation.

It was pleasing to see culturally diverse casework teams, reflective of the diversity of young people in their centre. An Aboriginal caseworker was employed in all centres and Pasifika caseworkers were in Cobham and Reiby YJCs. Caseworkers are essential in creating a culturally safe custodial environment for young people.

Client assessment meeting (CAM) and encouraging positive improvement and change (EPIC)

Client assessment meetings (CAMs) are held weekly in YJCs and are conducted in compliance with YJNSW policy and procedures.¹¹¹ The meetings give young people an opportunity to review their progress and achievements from the previous week, identify problem areas and establish new or re-assess current target behaviours and goals for the coming week. The weekly incentive scheme is facilitated through the CAM.¹¹² The incentive scheme is a token economy system that encourages positive behaviour and achievement of individualised goals. Young people's behaviour is scored daily and tallied weekly. Depending on the young person's score they will be given a rating from stages one to four with each stage attracting a range of incentives, which are predominately food, drink and products such as shampoo and conditioner, deodorant and magazines.

110 Information provided to the ICS on inspection. YJNSW *Collaborative Case Management of Young People in Custody (JJCW (Custody) Operating Manual, Version Two)*, 6 and 17.

111 YJNSW, *Incentive Scheme Policy* (Version 2, 29 October 2023), 15.

112 YJNSW, *Incentive Scheme Policy* (Version 2, 29 October 2023), 12.

Concerns about CAMS were expressed by young people around unfair processes, inconsistencies in determination of stages and differing incentive offerings among centres. Staff and management in some centres also reflected on the failings of CAMs and the need for a better system. With permission from the young people, we observed CAMs in Riverina and Cobham YJCs. All young people were locked in their rooms and brought out to meet with the unit manager and/or senior youth officer in the common area of the unit one by one. This practice reduces the time out of room for young people. The time could be better used for young people to access psychologists, caseworkers, or engage in programs/ activities. The practice should be reviewed. We also observed differing levels of capability among the staff conducting CAMs which influenced the engagement of the young person and potentially the outcome and effectiveness of the process.

The CAMs model is problematic and should be replaced. YJNSW is moving in that direction with the new Encouraging Positive Improvement and Change (EPIC) scheme, which was piloted at Acmena YJC and is operating well at Reiby YJC. EPIC is considered a simple and easy model for young people to understand. EPIC involves a weekly reflection session with the unit manager and a senior youth officer and allows young people to earn up to 21 cards per week by demonstrating good behaviour. The cards are currency for spending on items such as food, hygiene products, clothing, gift cards, magazines, or they can be saved for more expensive items. While the process may seem similar to CAMs, it appeared to us that young people were more engaged in their reflection meetings and felt more positive about their experiences and the cards.

The success of EPIC is seemingly attributable to the implementation model employed by YJNSW. Having the benefit of learning from the EPIC pilot at Acmena YJC, YJNSW appointed a project officer to oversee the implementation of EPIC in Reiby YJC and provide post operational support to staff. From our observations made during the inspections of both centres, it was evident to us that the process employed at Reiby YJC was effective and should be adopted in the rollout of EPIC in all YJCs. Further information on the EPIC scheme at Acmena and Reiby appears in Chapters 6 and 7.

Recommendation: YJNSW implement the EPIC model in all youth justice centres and provide lead in and post implementation support to staff.

Client services meeting (CSM)

All centres are required to conduct Client Services Meetings (CSM), the purpose of which is to discuss strategies and plans to meet the identified needs of young people in custody.¹¹³ Key operational staff gather at the meeting to share information about young people and make necessary decisions around their management. The forum also performs a monitoring role around new admissions, court, risk, alerts, behaviour concerns, programs and services, stages and classifications, case conferences and release from custody.

We observed the CSM at all YJCs. Although the format differed across centres the agenda items were largely the same. Centres address the items set in YJNSW's computer-based client information management system (CIMS) and enter the prescribed data into a series of drop-down menus. Orana YJC was less prescriptive in their approach and discussed each young person in their care leaving a clear picture of what was needed for the child. The bail officer (community YJNSW) attended the CSM at Orana who led a comprehensive discussion around new receptions and bail. A practice which should be adopted in all centres. The CSM in most centres seemed to spend most time on approving young people's incentive stage (see glossary) and their participation in programs. There was little, if any talk, or follow up or action items around individual young people. The CSM does not operate well in its current format and needs to be

113 YJNSW, CIMS Custodial User Guide, Client Services Meeting, (Version 2, undated).

reviewed to define its purpose and process to ensure effective outcomes for young people. Centres would also benefit from clear guidelines and manuals to support the CSM and associated training.

Recommendation: YJNSW review the CSM and develop guidelines, manuals and training for implementation in all youth justice centres.

Detainee risk management plan (DRMP)

A detainee risk management plan (DRMP) is an individualised plan that provides management strategies to address ongoing challenging behaviours, which present a risk to the safety of the young person, to others and/or the security of the centre.¹¹⁴ A DRMP should manage risk and is not a punishment tool. The 12-month centre data provided by YJNSW reflected high numbers of DRMPs at Frank Baxter with an average length of 21 days. Details appear in the following table. Those numbers are mainly attributable to HYRORP referrals to the HRU and ESU and the practice for all young people in those units to be placed on a DRMP. In contrast Riverina YJC recorded no DRMPs and informed us during the inspection that most young people displaying challenging behaviours can be managed without them.

Table 12: Number of DRMPs and average length of time per youth justice centre¹¹⁵

Youth Justice Centre	Number of DRMPs	Average time (days)
Cobham	57	17.5
Frank Baxter	282	21
Reiby	18	19
Acmena	34	15
Orana	28	13
Riverina	0	0

DRMPs are reviewed weekly and involve a meeting of key operational staff including caseworkers, psychologists, the Nurse Unit Manager (NUM), the school principal and youth officer staff to assess the young person's progress. We observed reviews in most centres which were largely performed well. Attention is needed at Frank Baxter YJC where the meeting was more a general update on each young person with no reference to their actual DRMP.

Historically we have been concerned about the use of DRMPs at Cobham YJC.¹¹⁶ We were pleased to see an improvement during this inspection. However, the six-hour time out of room requirement was not being met for young people on DRMPs who were not overseen by the High Risk Young Offender Review Panel (HRYORP).¹¹⁷

We welcome improvements in centres around DRMPs, however, there are still some issues of concern. Young people in the HRU at Cobham YJC were unable to eat meals together and instead had their meals in their room. They were routinely given finger food meals as they were not allowed cutlery, regardless of whether there was a risk of self-harm. At Acmena YJC young people on DRMPs were handcuffed when moved around the centre. As mentioned earlier, Acmena YJC's use of restraints have increased since the last inspection and needs attention (see Table 14: use of force and restraints).

¹¹⁴ YJNSW, Detainee Risk Management Plan (DRMP) Policy, (30 September 2020).

¹¹⁵ Information provided by YJNSW 24 May 2023. Centre data is the 12 month data period provided by each YJC.

¹¹⁶ Inspector of Custodial Services NSW, Use of Force, separation, segregation and confinement in NSW Juvenile Justice centres, (Report, November 2018), 153-157.

¹¹⁷ A centre Manager can place a young person on a DRMP who is displaying challenging behaviours. Those DRMPs are not overseen by the HRYORP.

It was interesting to hear staff at Cobham YJC, Frank Baxter YJC and Riverina YJC question the utility of DRMPs. Historically DRMPs have been associated with punishment and some youth officers continue to have this mindset. We have been informed by YJNSW that a new model, the 'Behaviour Assistance Pathway', has been developed to replace DRMPs and is scheduled to commence in October 2023.¹¹⁸ We will monitor its implementation to see if it addresses our concerns about the use of DRMPs.

High Risk Units and Enhanced Support Unit

The High Risk Units (HRUs) at Cobham and Frank Baxter YJC and the ESU (Frank Baxter) were established in late 2019 in response to the Shearer Review.¹¹⁹ The HRUs manage young people who are deemed high risk. The ESU provides a therapeutic environment for young people who have challenging behavioural issues and require intense therapeutic interventions. The cohorts can overlap and some young people will move from a HRU to the ESU.

The High Risk Young Offenders Review Panel (HRYORP) provides oversight of the young people in the HRUs and ESU, which is important. Youth officers who work in the HRU and ESU units are carefully chosen and trained, which is good practice.

Young people in HRUs spend six hours out of their room each day. In the early years of the HRUs, the ICS monitored time out of room on a weekly basis. It was pleasing to note on inspection that time out of room was continuing to be met.

Early in the implementation of the HRUs, we were concerned to see young people either returning to HRUs or being continuously moved between the HRUs in Cobham and Frank Baxter YJC. A review of centre data confirmed the practice continues.

We acknowledge the importance of the ESU program however it is not fully utilised. On a post inspection visit to Frank Baxter YJC we observed two young people in the ESU which has capacity for six. With high numbers of young people in need of intense therapeutic intervention the program should be full. It is appreciated that to do this young people may need to be transferred from other centres and Aboriginal young people taken off Country for a time. As this is not the best option, new ways could be explored. Consideration could be given to how services in the ESU could be offered to young people across YJCs, and in particular girls who are currently excluded from the ESU. There is considerable support from centres for the ESU services to be available in other centres. YJNSW supports access to ESU services in all centres.¹²⁰

Recommendation: YJNSW explore ways of enabling ESU services to be available to as many young people as possible, including girls.

Transition from detention

With the increasing percentage of young people on remand in YJCs, transition practices look very different. Young people on remand were spending on average 15 days in a centre before being released to their family, out of home care accommodation or a residential rehabilitation facility. Arrangements are generally made through the Bail and Accommodation Support Service (BASS) with the help of a community caseworker and YJC caseworker and staff. For young people on a control order, transitioning from detention to community supervision is a significant change and must be captured in the young person's exit plan.

¹¹⁸ Information provided by YJNSW 29 September 2023.

¹¹⁹ Lee Shearer APM, Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019, (Report, August 2019).

¹²⁰ Information provided by YJNSW 29 September 2023.

Transition planning involves identifying the supports and resources a young person requires and addresses the likely challenges and changes they may encounter. There must be substantial continuity in planning between detention and community.¹²¹

An exit planning case conference is held with young people serving a control order and generally occurs four weeks before release. The conference is facilitated through AVL and involves the young person, their custodial and community caseworker, psychologist, unit manager or delegate, all relevant stakeholders including other government agencies (when applicable), JH&FMHN, the school, community agencies and the young person's family / support persons. An exit plan will address key areas of accommodation, education, health, community supports, Centrelink and NDIS matters if necessary. We observed an interim exit planning case conference for a young person at Acmena YJC. It involved arranging for the young person to leave NSW and travel to the Northern Territory to engage in men's business. It was a demonstration of effective case planning where YJNSW, JH&FMHN, government agencies and the Aboriginal community working together to support a young person.

For several years YJNSW has operated the Waratah Unit pre-release program at Reiby YJC (see Chapter 5 for further discussion of the program). It was a recommendation of our previous inspection report that YJNSW make necessary structural and security changes to the Waratah unit to enable young women to be accommodated and participate in this important pre-release program.¹²² It was pleasing to see those changes have occurred and that several girls have participated in the program.

Entry to the Waratah pre-release program is by referral from other YJCs. This results in the program being underutilised as other centres operate their own pre-release programs and compete for the same cohort of young people. We believe the criteria and method for identifying suitable referrals to the Waratah Program should be centralised with YJNSW, to increase the number of young people participating in the program.

Recommendation: YJNSW centralise the process of identifying suitable placements for the Waratah pre-release program with their agency.

121 YJNSW Case Management Policy (Version 1.2.1, 23 November 2023) Clause 4.6.

122 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), rec 35.

Chapter 3 Cobham Youth Justice Centre

Overview of Cobham Youth Justice Centre¹²³

Analyses of centre data is for the 12 month period 1 January 2021 to 31 December 2021

Dates of inspection	24 - 26 May 2022
Pre and post inspection visits	9 March 2022, 13 June 2023 (NAIDOC), 4 September 2023
Bed capacity	90
Average number of young people at the centre	60
Percentage (average) of Aboriginal young people	28%
Average length of stay	17 days
Percentage (average) of young people on remand	92%
Average length of time on remand	13 days

Yarning circle



Centre grounds



Background

Cobham YJC is located on Dharug Country 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 90 young people and is the primary remand centre for young people in NSW. The centre also accommodates young men and boys aged from 15 to 21 years who are on remand or on a control order and have a high security classification of A1(o) or A1(b).¹²⁴ Young women and girls may also be accommodated for short periods.

Centre data for the 12 months 1 January 2021 to 31 December 2021 reflects that 28 percent of young people at Cobham are Aboriginal.¹²⁵ However the number may be higher as the data relies on young people reporting that they are Aboriginal.¹²⁶

¹²³ Information provided by YJNSW 24 May 2023.

¹²⁴ Young boys under 15 are moved to Reiby YJC.

¹²⁵ Information provided by YJNSW 24 May 2023.

¹²⁶ Engaging with young people on inspections of YJCs commonly revealed underreporting of Aboriginality.

Table 13: Demographic snapshot of young people at Cobham YJC¹²⁷

Age	15 - 21 years (youngest 12 years; oldest 20 years)
Aboriginal young people (average)	33% (n=19)
Pacific Islander young people	27.5%
Religion	Christian (19), Muslim (7), Jewish (1) with the majority recording no religion or not recorded.
Language primarily spoken	English (n=48)
Education level	69% of students recorded as having an educational level at Year 10 or below; several enrolled in HSC and undertaking accredited vocational training. Literacy levels ranging from 6 years 2 months to 14 years 6 months.
Disability	24% (n=14) of young people with one or more confirmed disability.

Note: Centre records a total population of 58 young people

Cobham YJC was last inspected by ICS in 2019 as part of the three year inspection cycle and was reported on in the *Inspection of Six Youth Justice Centres in NSW* report.¹²⁸ The report made recommendations around the following:

- the need for regular cleaning of the accommodation rooms in the induction unit
- the cessation of placing young women in the induction unit with boys and young men
- the induction unit to be a modern unit with communal eating and social spaces
- the visits space be reconsidered to enable more contact visits for young people and their families
- young people in the High Risk Unit at Cobham YJC to be seen by a nurse and have access to a centre based psychologist seven days a week
- confidential interview spaces for psychological assessments and interventions with young people to occur
- staff training to include learning around Islam and associated cultural practices.

127 Snapshot data on 28 February 2022. Information provided by Cobham YJC, 25 March 2022.

128 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020).

Accommodation

There are eight accommodation units at Cobham YJC: Uralba, Taralga, Tandarra, Garvey, Mandela, Bligh, Jamieson and Carter. Details of their capacity and layout is as follows:

Table 14: Capacity and facilities of accommodation units at Cobham YJC

Unit	Capacity	Purpose	Unit design
Bligh, Jamieson and Carter units	15 per unit	Male accommodation	<ul style="list-style-type: none"> • 18 rooms (single bed accommodation) • 1 x assessment room • 3 x classrooms • 1 x camera room • 1 x holding room
Tandarra unit	15	Quarantine, Induction Unit	<ul style="list-style-type: none"> • 15 rooms (single bed accommodation) • 1 x interview room (with Cisco) • 1 x TV room also utilised as an assessment room when needed. • 5 x camera rooms • No dedicated confinement rooms
Taralga unit	15	High Risk Unit	<ul style="list-style-type: none"> • 15 rooms (single bed accommodation) • 1 x interview room (with Cisco) • 1 x TV room also utilised as an assessment room when needed. • 5 x camera rooms • No dedicated confinement rooms
Garvey and Mandela units	11	Male accommodation	<ul style="list-style-type: none"> • 11 rooms (7 single beds, 4 double bed accommodation) • Nil holding/assessment rooms • Garvey has 2 camera rooms/Mandela has 3 • No dedicated confinement rooms
Uralba unit	12	COVID-19 Hub	<ul style="list-style-type: none"> • 12 beds (single bed accommodation) • 1 x interview room (with Cisco) • 1 x TV room also utilised as an assessment room when needed. • 2 x courtyards (1 x enclosed/1 x open side). • 5 x camera rooms • No dedicated confinement rooms

Generally, the centre presented well with clean and well-maintained grounds and accommodation units. Some unit modifications were underway to meet the Shearer recommendations around security and access.¹²⁹

¹²⁹ Lee Shearer APM, Ministerial Review Into the riot at Frank Baxter Detention Centre – 21 and 22 July 2019, (Report, August 2019).

The Tandarra, Taralga and Uralba units are over 30 years old. All young people admitted to Cobham YJC were placed in the Tandarra unit to serve a quarantine period and receive induction. Taralga unit is the High Risk Unit (HRU), accommodating young people considered high risk on referral from the High Risk Young Offenders Review Panel (HRYORP).¹³⁰ The Uralba Unit was previously home to the discredited Chisholm Behaviour Program (CBP) but was reopened in 2021 and commissioned by YJNSW as the COVID-19 isolation hub for young people in custody who tested positive for COVID-19. We do not support its continued use for the general accommodation of young people in Cobham YJC.¹³¹

Our previous reports have been critical of older units in YJCs.¹³² They do not provide a suitable environment for the care and management of young people. The unit design is oppressive, rooms have little natural light and there is no ability to see beyond the concrete walls. The design and facilities are outdated and reflect the worst of custodial environments for young people in New South Wales. YJNSW provides that closing the units without a replacement will impact on YJ's bed capacity and operational capability and cannot be supported within the existing YJNSW budget allocations. While we accept that capital allocation is necessary to replace the older units at Cobham, having low numbers of young people in custody state-wide should minimise the impact on bed capacity. The units must be retired.

Tandarra (quarantine/ induction) unit



Recommendation: YJNSW retire the Tandarra and Taralga units at Cobham YJC.

¹³⁰ The HRYORP was established in December 2019, in response to recommendations in the Shearer Review. The HRYORP is a governance body that provides guidance on managing young people demonstrating continued high risk and complex needs.

¹³¹ The Chisholm Behaviour Program (CBP) operated at Cobham JJC and Frank Baxter JJC between May 2015 and May 2016, to facilitate the reintegration of detainees from Kariong Juvenile Correctional Centre (managed by Corrective Services NSW) to Juvenile Justice; and to transition all male detainees aged between 16 and 21 years with an A1 classification into the general population. For further information on the Chisholm Behaviour Programs see Inspector of Custodial Services, *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018).

¹³² Inspector of Custodial Services, *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) rec 28. Inspector of Custodial Services, *Inspection of six Youth Justice Centres in NSW*, (Report, December 2020) rec 24.

Reception and admission

Cobham YJC is the primary remand facility in NSW for young people who have been either refused bail or have been ordered by the court to serve a control order. The centre receives admissions 24 hours a day, seven days a week. Centre data provides that in the 12 month period 1 January 2021 to 31 December 2021 there were 1372 admissions with the overwhelming majority of young people on remand (1262, 92%). Over a quarter of those young people were recorded as being an Aboriginal person (28%).¹³³ The inspection found high numbers of young people off Country, which is not ideal. It is important for young people to remain close to their family and community. The following table details the detainee status and number of young people in the 12 months 1 January to 31 December 2021.

Table 15: Detainee status and numbers of young people at Cobham YJC 1 January to 31 December 2021¹³⁴

Detainee status	Number	Percentage
Control	100	7.3%
Control S19	10	0.7%
Remand	1262	92%
Total	1372	100 %

In the 12 months 1 January to 31 December 2021 the average length of stay at the centre for a young person was 17 days. Of those on remand the average length of stay was 13 days.¹³⁵

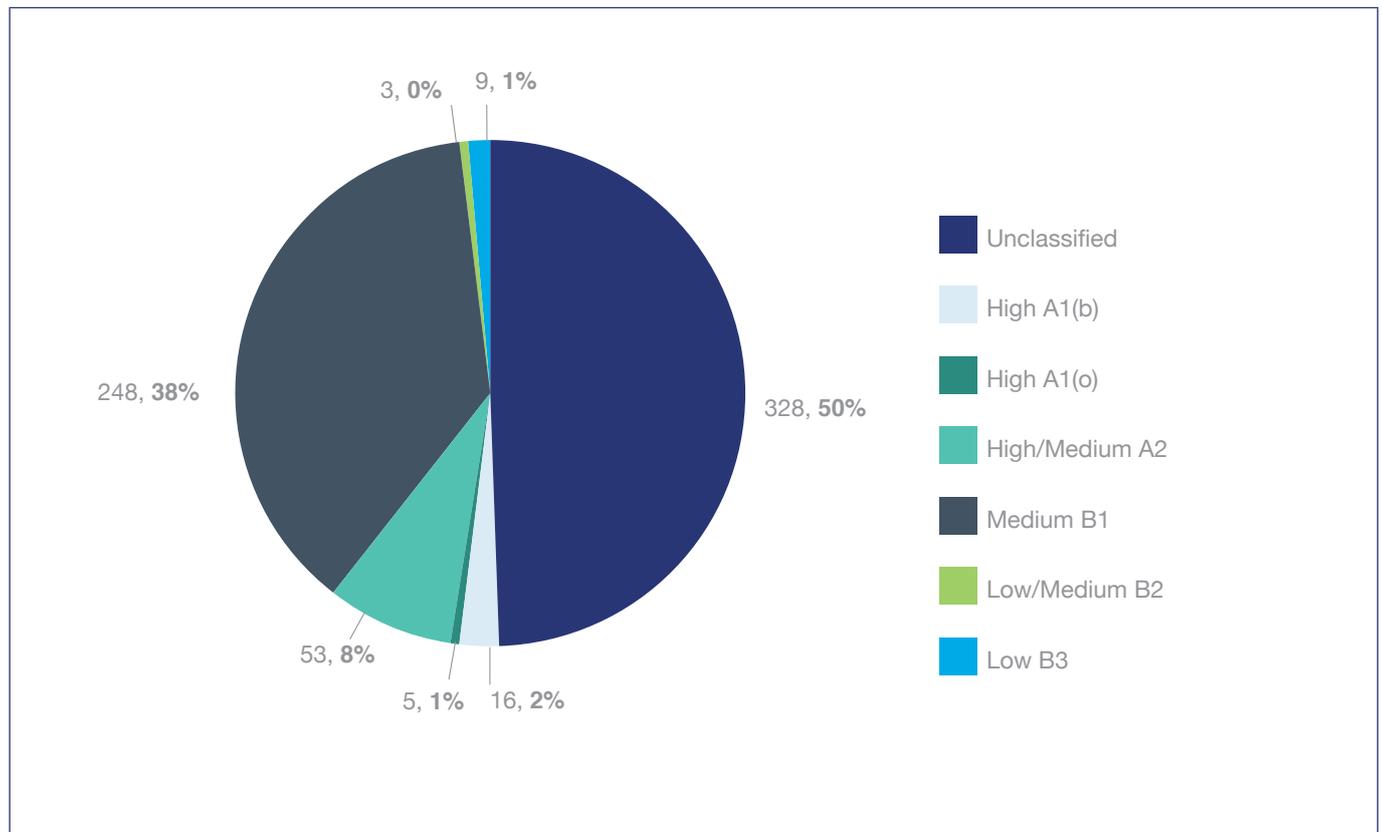
Young people at Cobham YJC are predominately of medium classification (n=248). Those of high classification hold the status mainly for their behaviour (n=16) and only a small number of young people have a high classification in response to the seriousness of their offence (n=5). Very high numbers of young people are unclassified (n=328) which reflects the nature of a remand centre with short stays and the continued movement of young people through the centre. Classification status and numbers of young people in Cobham YJC over a 12 month data period appear in the following figure.

¹³³ Information provided by YJNSW 24 May 2023.

¹³⁴ Information provided by YJNSW 24 May 2023.

¹³⁵ Information provided by YJNSW 24 May 2023.

Figure 6: Classification status of Young People detained at Cobham YJC, 1 January 2021 to 31 December 2021¹³⁶



Young women and girls

Centre data shows that girls are sometimes received at Cobham YJC although the numbers have considerably reduced since the last inspection. Despite YJNSW’s previous assurances that girls were no longer being received at Cobham YJC, we found that from 1 January to 31 December 2021 ten girls were received at Cobham YJC of which four spent five to eight days, two girls spent one day, and the remaining girls were moved out in less than a day.¹³⁷ In our previous report it was noted that YJNSW had been able to negotiate with NSW Police for young women and girls within the greater Sydney region to be taken directly to Reiby YJC.¹³⁸

Quarantine practices may have necessitated girls having to stay at Cobham YJC and being placed in the same unit as boys. With a return to standard centre practices across YJCs young girls should not be received at Cobham YJC.

Reception process

Cobham YJC has good reception facilities and admission processes. There are three holding rooms, a search room and interview space. All areas were clean and presented well. At the time of inspection, young people were placed in a holding room and were rapid antigen tested on arrival. Admissions and health staff wore PPE. Young people were interviewed, and staff conducted welfare and risk assessments. A body scanner had been installed at Cobham YJC, replacing the need to perform partially clothed body searches on young people. This is a good development for young people entering custody, who in many cases feel

¹³⁶ Information provided by Cobham YJC 25 March 2022.

¹³⁷ Information received from Cobham YJC, 25 March, 2022.

¹³⁸ Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), 28.

vulnerable and may have experienced physical and/or sexual assault. Admissions staff welcomed the body scanner and training was underway to educate staff on its operation and interpreting body scans. Young people are issued clothing and their own garments are washed and stored. Young people's property and valuables are labelled, registered and securely kept in locked facilities.

Pre-COVID-19 pandemic, most young people remained overnight in the reception rooms, as in many cases the young person is released the next day when they receive their court determination. At the time of inspection all new arrivals were moved from the admissions holding rooms to the quarantine unit (Tandarra unit) for a seven day quarantine period. Whilst in quarantine young people received an induction around centre rules and expectations and connected with essential services including justice health, psychology services, case workers and the school. This is good practice and a sensible use of time as it effectively enables the young person, on release from quarantine, to immediately participate in school, programs and activities.

Staff believed quarantine allowed them time to engage with and get to know each young person, understand their needs and where best to place them. Cobham YJC has always operated an induction unit and we would expect that to resume when quarantine is no longer required. However, it is important that induction routines are not restrictive, and that young people can spend most of the day out of their room. We recommended in our last report that the induction unit should be a modern unit with communal eating and social spaces. It is also essential that time in an induction unit is not wasted and that all necessary assessments occur that will allow the young person to participate in school and the structured day immediately on release from the unit.

Bail and remand

From 1 January to 31 December 2021, 997 young people were released on bail from Cobham YJC.¹³⁹ We were told that high remand numbers at Cobham YJC were attributable to the lack of OOHC accommodation for young people in the community and increasing requests from courts for detailed bail plans and background reports for young people facing a control order.¹⁴⁰

Finding suitable community accommodation for young people has become increasingly problematic. Many young people have come into custody from residential out of home care (23%) and their only option is to return to that arrangement.¹⁴¹ Unfortunately, this will often not be possible. Where the young person has an AVO, a history of violence or aggression or they are withdrawing from substances, the OOHC facility will not accept the young person. With limited community placement offerings for young people, where they can be safely accommodated and cared for, Cobham YJC considers its role has changed to an alternate crisis care accommodation facility.

The demand for reports from the courts has required community and custodial case workers to work together to facilitate court requests. We heard that preparing reports is time consuming and involves collating material from caseworkers, psychologists, JH&FMHN and community supports. Consequently, bail hearings may be adjourned, potentially for weeks, and young people remain in Cobham YJC.

As the primary reception and remand facility for young people in NSW, this particularly impacts Cobham YJC. The Bail Accommodation and Support Service (BASS) is struggling to meet demand, negatively affecting bail and remand processes, and general service delivery to young people at Cobham YJC. Bail assistance for young people in NSW needs immediate attention to ensure young people who are suitable to be released on bail, are bailed quickly and are not placed in a YJC.

¹³⁹ Information provided by Cobham YJC 25 March 2022.

¹⁴⁰ Children Criminal Proceeding Act 1987, s. 6.

¹⁴¹ Information provided by YJNSW 24 May 2023.

Clothing and bedding

The centre had adequate supplies of clothing and bedding. Despite this, some underwear and socks appeared used and were in clothing packs ready to be distributed to new admissions. It is unacceptable for used underwear and socks to be given to young people.

Second hand underpants and socks



An ongoing practice at Cobham YJC is the issue of hospital blankets, similar to ones used in adult corrections, to young people in place of doonas. Young people complain that several are required to keep warm. Cobham is the only centre where young people are unable to have a doona. Cobham should adopt a consistent practice with other centres. Cobham YJC is currently exploring alternative bedding options to keep young people warm. ¹⁴²

Recommendation: YJNSW ensure young people at Cobham YJC are provided with warm bedding (doonas) and new underwear.

Managing the pandemic

At the outset of the pandemic Cobham YJC repurposed the Tandarra unit (which has capacity for 15 young people) into a quarantine/ medical isolation unit. Young people received at Cobham YJC would spend their initial 14 days (which later became 10 days and at the time of inspection 7 days) in quarantine, in the Tandarra unit. If during the quarantine period a young person did not present with symptoms or test positive to COVID-19, they were moved to a general accommodation unit.

Young people in the quarantine unit were grouped (where possible) with those young people who arrived in the same 24-hour period (known as a quarantine cohort). In the early days of the pandemic the maximum grouping was two young people which increased up to five young people. These groups were able to spend their time out of room together.

¹⁴² Information provided by YJNSW 29 September 2023.

COVID-19 Hub

In around September 2021, YJNSW established Cobham YJC as the COVID-19 isolation hub (the hub) for young people in custody with COVID-19. This meant all young people who tested positive to COVID-19 were transferred to Cobham YJC to isolate. The decommissioned Uralba unit was re-opened for this purpose.¹⁴³

The design of Uralba unit was considered good; it was unoccupied, and it was ready to receive young people. Cobham YJC, being a metropolitan remand centre was regarded as likely to receive the majority of COVID-19 positive young people and was located close to hospitals and advanced health care services. Uralba unit has 12 single bed accommodation rooms (with bathrooms), split across two separate wings. Each wing has an exercise courtyard and telephone for young people to access when given time out of their room.

Youth officers from the High Risk Unit (HRU) were reassigned to Uralba Unit. The HRU was temporarily suspended, and young people were transferred to the HRU at Frank Baxter YJC. At the time of inspection, the HRU at Cobham YJC had been reinstated and was fully operational.

The health centre at Cobham YJC received additional staffing of 1.8 FTE to support the Hub. It had been explained to the ICS on an earlier visit to Cobham YJC in March 2022 that time out of room in Uralba unit was (at a minimum) one hour per day with more time permitted if the numbers of young people were low. Unit records however gave no indication of any young person receiving more than one hour out of their room per day.

Necessary changes in the centre

To reduce the spread of COVID-19 YJNSW stopped all social visits to centres which meant young people were no longer able to have in person visits with their family. To enable young people to maintain family connections YJNSW introduced tablets in all YJCs. Unfortunately, rollout of the tablets was slow due to supply issues and internet connectivity problems in centres. Cobham YJC was able to effect tablet visits immediately. Pre-pandemic the centre manager of Cobham YJC had secured 12 tablets for use with programs, and these were repurposed for visits. Despite connectivity issues, management and staff were resourceful and able to create a system to facilitate tablet visits.

An interview room in Tandarra unit and Uralba unit allowed caseworkers and psychologists to visit with young people provided they wore PPE and complied with COVID-19 requirements. Visits with family occurred for young people in quarantine and isolation via tablet.

COVID-19 outbreak

At the time of the inspection, there had been two outbreaks of COVID-19 at Cobham YJC where transmission occurred among staff and young people. The most significant outbreak was following a 2021 Christmas gathering of approximately 36 staff which subsequently resulted in the majority of them testing positive to COVID-19. As staff attended work in days after the event there was some transmission from infected staff to young people (approximately 7 or 8 young people caught COVID-19 in custody). As a consequence of the outbreak, around 119 staff (who either had COVID-19 or were close contacts) were required to isolate. It was necessary for Cobham YJC to lockdown the accommodation units for a 14-day isolation period and operate with skeleton staffing.

During the outbreak, Cobham YJC stopped receiving young people into custody. Meetings between young people and their caseworker or psychologists were facilitated via a tablet and virtual visits continued to be

¹⁴³ Uralba unit previously accommodated the Chisholm Behaviour program.

arranged with family. Young people received 30 minutes out of their room in the morning and 30 minutes in the afternoon. They were given munchie packs, pizza nights and activity packs during the lockdown.¹⁴⁴ Unit managers who were isolating consented to their work mobile numbers being placed on the Arunta phone system so young people could call them. These initiatives were important and both management and staff are commended for their willingness and flexibility to do whatever necessary to alleviate the stress felt by young people during the 14-day lockdown.

Young people with COVID-19 were not able to interact with other young people with COVID-19 after they had been moved to Uralba Unit. The young people reported that the isolation period would have been easier if they could have interacted with each other, given they all have COVID-19 and there was no risk of infecting each other.

At the time of inspection there were no COVID-19 positive young people at Cobham YJC. We heard that controlling transmission was very challenging for staff with many feeling anxious about contracting the virus and/or transmitting it to their family and loved ones. Daily briefings around PPE and hygiene requirements conducted by JH&FMHN staff helped and were welcomed by centre staff.

Structured day

Young people at Cobham YJC participate in a structured day with prescribed weekday and weekend schedules.

Time out of room

The centre operates a weekday and weekend schedule for young people. Weekday routine is from 7.00am to 9.30pm and weekend routine is 8.30am to 9.30pm. Young people can be out of their rooms for 8 to 10 hours and 50 minutes per day on weekdays and for 9 hours and 50 minutes on weekends. Within those schedules there are several periods where the young person is locked in their room for morning and evening showers, school preparation, staff changeover and chores.¹⁴⁵ These periods can be 30 minutes duration and considerably reduce the total time out of room. The accepted standard is for young people to have a minimum of 10 hours out of their room per day.¹⁴⁶ It would seem that the standard is rarely met.

Table 16: Time out of room schedule for Cobham YJC¹⁴⁷

Unit	Day	Wake up	Let go	Lock in	Time out of room
High Risk Unit	Weekday	7:00	8:00	19:00	8hr 00min
Tandarra	Weekday	7:00	8:00	20:00	9hr 00min
Centre schedule	Weekday	7:00	7:45	21:30	10hr 50min (Max)
	Weekend	8:30	8:55	21:30	9hr 50min (Max)
Uralba	No data				

**Note: total time out of room excludes scheduled times per day when young people are locked in their room.*

¹⁴⁴ ICS staff confirmed this with young people on a visit to the centre in early 2022.

¹⁴⁵ Information provided by Cobham YJC 25 March 2022.

¹⁴⁶ Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards*, June 2020, 9.8.

¹⁴⁷ Information provided by YJNSW 24 May 2023.

Where a young person is being managed under a detainee risk management plan (DRMP) the time out of room should be no less than six hours.¹⁴⁸ A DRMP is an individualised plan that provides management strategies to address ongoing challenging behaviours, which present a risk to the safety of the young person, to others and/or the security of the centre (further discussion on DRMPs appears later in the chapter). DRMPs at Cobham YJC are either those that are HRYORP approved for all young people in the HRU or DRMPs entered with a young person who is deemed by the centre manager as needing a structured plan (centre DRMP).

A review of centre data provided for the 12 months 1 January 2021 to 31 December 2021 revealed that young people on a centre DRMP were regularly receiving less than 6 hours per day out of their room and spending (on average) 4 hours out of their room per day. In contrast young people in the HRU spent more than 6 hours per day out of their room, apart from December 2021 where the average time out of room was 3.12 hours. The HRU was closed between 23/08/2021 to 21/11/2021 due to Cobham becoming the COVID-19 isolation hub for YJNSW. See table for details.

Table 17: Average time out of room for young people on HRYORP and centre DRMPs 1 January 2021 to 31 December 2021¹⁴⁹

Month	HRYORP DRMP average time out of room (hours)	Centre DRMP average time out of room (hours)
January	6:58	4:33
February	7:48	4:59
March	7:01	4:39
April	7:24	3:21
May	6:17	4:58
June	7:28	3:36
July	7:51	3:52
August	7:46	5:07
December	3:12	4:38

It is disappointing that centre DRMPs at Cobham YJC are not reflecting the required standard of six hours time out of room. Whilst the impact of COVID-19 on centre operations is acknowledged, it is not clear why the six hour time out of room standard could be met for young people on HRYORP DRMPs and not for those on a centre DRMP. YNSW has informed ICS that a new 'Behaviour Assistance Pathway' model (scheduled to commence in October 2023) has been developed to replace DRMPs and will address such matters.¹⁵⁰ We look forward to its implementation.

Recommendation: YJNSW ensure all DRMPs at Cobham YJC include a minimum daily six hours time out of room for young people.

148 Six hours out of room per day is the minimum required for young people on a DRMP. YJNSW, Detainee Risk Management Plan (DRMP) Policy (Version 0.1, 30 September 2020), 5.

149 Information provided by Cobham YJC 25 March 2022. Data for September, October and November 2021 was not provided.

150 Information provided by YJNSW 29 September 2023.

Education Training Unit (ETU)

The Putland Education and Training Unit is the school operating within Cobham YJC. The school operates Monday to Friday during school term from 8:40am to 3.10pm. The school has 17 classrooms across two areas within the centre.

The school offered several co-curricular programs and vocational education and training (VET) courses including vocational attainments in Certificate III Community Services, Certificate III Horticulture, Certificate II Business, Fitness (VET), Hospitality (VET) and Barista. Although the course offerings were good, having the ability to obtain a course competency would be of greater benefit as the young person can build upon it in the community to a full certificate. Delivering education in this format enables young people on short stays, which includes those on remand, to spend meaningful time in education and creates foundations for learning in the community. It was pleasing to learn that several schools in YJCs are either exploring or have introduced VET competencies that young people can complete in short timeframes of 2-3 weeks.

The ETU was operating well, and young people reported enjoying school. However, there were reports from young people on control orders that their learning levels were at times not being met. There was a desire to provide more and better programs, but this was considered difficult in the context of COVID-19. Hopefully, this can change.

We were pleased to learn that classes were being delivered to young people in the HRU. Apart from a two-week lockdown, the school operated throughout COVID-19. Education assessments were performed over the telephone while young people were in quarantine. This was a good use of this time as it allowed young people to commence school immediately after leaving quarantine and maximise the time engaged in their education plan.

Intervention programs

YJNSW endorsed programs targeting behaviour intervention are primarily delivered by caseworkers in all youth justice centres. Programs delivered at Cobham YJC included Changing Habits and Reaching Targets (CHART), My Journey My Life (MJML), X-Roads and Love Bites.

High remand numbers and short stays were a challenge for caseworkers in the delivery of behavioural intervention programs.¹⁵¹ For young people on remand, programs cannot focus on the alleged offence as the young person is not convicted. However, general behaviours and associations to past offending can be addressed. We were informed that, where possible, program participation can occur for young people on remand. However competing demands on caseworkers was making this difficult.

Program modifications to enable short, sharp interventions are needed to be effective for what is largely a remand cohort in youth justice centres. The inspection saw developments in this area in many YJCs, which is good practice.

Cultural programs

Cobham YJC has excelled in the development and delivery of cultural programs. Numbers of Aboriginal young people (28%) and Pasifika young people (27.5%) at Cobham YJC are considerable which is reflected in centre data and as we observed on our inspection and subsequent visits.¹⁵²

The newly established Men's Group and Pasifika Program help Aboriginal and Pasifika young people

¹⁵¹ Information provided by YJNSW 24 May 2023 shows average length of stay in the centre as 17 days and 13 days for young people on remand.

¹⁵² Information provided by Cobham YJC 25 March 2022.

connect with their culture, assist with self-reflection and the development of good behaviours. The programs have been particularly helpful with remand young people who spend short periods in the centre. That time is viewed as providing an opportunity to connect culturally with young people. The Pasifika Program was expanded to include young people from other cultural backgrounds. Cultural inclusiveness is considered important by staff at Cobham YJC. Creating an inclusive element to programs was thought to help address cultural awareness and respect in young people.

Strong support was expressed by staff and young people around the Men's Group and Pasifika Program as both help recognise and develop good behaviour. At the time of inspection, the centre had sought funding from YJNSW to continue the programs. The Men's Group and Pasifika Program deserve YJNSW endorsement and if possible, should be modified to a format that can be delivered to young people in all YJCs. YJNSW has advised ICS that an independent review of the Pasifika Program has been undertaken and they are developing a model of practice to support staff working with young people of Pacific and other cultural backgrounds.¹⁵³ This demonstrates the state-wide impact of the work conducted by programs staff at Cobham YJC.

It is also pleasing to learn of several new cultural initiatives that have occurred since our inspection. In March 2023 Cobham staff and young people celebrated the opening of two multicultural spaces that bring together four cultures and the engagement of Aboriginal, Pasifika, Middle Eastern and African communities with young people in the centre. The centre has also extended their cultural programs to include African young people. The centre is trialling the Afro-Nite Program, which aims to educate young people about African culture and challenge anti-social behaviours in a culturally safe environment that is supported by several community organisations in Western Sydney and role models from African communities.

Recommendation: YJNSW endorse the Men's Group and Pasifika Programs as state-wide intervention programs and explore program adaptations for young people of differing cultures.

Recreational programs and activities

Cobham YJC offered an extensive list of programs and recreational activities for young people to enjoy and acquire skills. Programs occurred throughout the year and included life skills, mindfulness, music, sport, games, cooking, culture and drama. Recreational activities occurred on weekdays after school and on weekends which included the active, passive & creative engagement of young people.

We were also provided with a list of recreational programs and activities offered to young people in the HRU. They included fitness, baking, bingo, trivia, driver safety, living skills, cultural art and mentoring, problem solving activities, creative writing, and journaling. The list demonstrates that recreational programs and activities can be delivered in a high-risk environment. However, we were unable to confirm on inspection what (if any) programs were occurring in the HRU.

COVID-19 and associated lockdowns impacted greatly on recreational program offerings in all youth justice centres. At Cobham YJC programs staff were deployed to unit duties. Aboriginal programs and other community programs could not be delivered when providers were no longer allowed entry to centres due to the risk of COVID-19 transmission to young people. Despite operational restrictions and setbacks, programs staff and management at Cobham remained committed to delivering recreational programs and activities to young people. Initiatives of the programs team included messages and workout videos from Penrith Panthers players and Confit.¹⁵⁴ At the time of inspection programs were returning, however, vaccination requirements were limiting the uptake from some community facilitators. We detected a genuine

¹⁵³ Information provided by YJNSW 29 September 2023.

¹⁵⁴ Penrith Panthers is a professional NRL team. Confit is a community agency that delivers fitness programs to young people in youth detention in NSW.

will and drive from programs staff to rebuild its full complement of program offerings to the young people at Cobham YJC.

During the inspection, we observed a Ted X Talk involving external speakers and several young people from Cobham YJC. The session was well organised, and the young people and external guests spoke well. It was well supported by staff.

The inspection team were informed of the upcoming school break and told that the programs team had consulted with the young people to ensure their buy-in and maximise participation in holiday programs. Programs scheduled to occur included bubble soccer, fitness sessions, healthy living, Confit, music day, cooking, podcasts and managing stress.

We heard that an activities and recreational programs planning committee, coordinated by YJNSW, was meeting regularly via video link-up. The forum allowed YJCs to share ideas around activities and programs for young people. This is good. However, it falls short of our recommendation that YJNSW create a state-wide programs and activities coordinator.¹⁵⁵ Throughout these inspections there was strong support from all YJCs for such a position.

We were impressed by the resilience of Cobham YJC programs staff and their commitment to deliver recreational programs and activities to young people during the pandemic. Their preparedness to return to the high standard of program delivery at Cobham YJC that existed prior to the pandemic is commendable and worthy of recognition. This is the standard which all youth justice centres should meet.

Food

Young people were generally happy with meals at Cobham YJC. The menus are seasonal and set by YJNSW. At times, the kitchen manager at Cobham YJC made minor changes to include suggestions from young people.

All meals were prepared in the centre kitchen and delivered to the units for serving. Kitchen staff prepared a meal for each young person plus an additional six meals per unit for staff. Each unit has a kitchen and servery. Young people were called separately to the servery and their meals were served to them by unit staff.

Special diets, allergies and religious requirements were catered for when required. Birthdays and special days such as Christmas and Easter are celebrated, as are other days of religious or cultural significance.

The kitchen was well equipped, and staff were generally happy and pleased with the facilities and workspace.

Safety, security and restrictive practices

Staff and young people

We observed positive and respectful interactions between staff and young people at Cobham YJC. Staff appeared to know the young people in their care, and they were responsive to their needs. We heard that at the onset of the pandemic and during lockdowns staff developed strategies to stay positive so they could continue helping young people. Centre staff engaged in recreational activities with young people and delivered programs when community groups were unable to enter Cobham YJC.

¹⁵⁵ Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres in NSW*, (Report, December 2020), rec 19.

Staff recruitment and training

Youth officer recruits must complete the five-week Induction, Training and Assessment Program (ITAP) before commencing formal duties in a YJC. We were informed that ITAP helped increase staff recruitment numbers at Cobham YJC. Despite this, retention remained a challenge with a high turnover of new staff. At the time of inspection, attention was being given to improving the mentoring of new youth officers by rostering casuals and new recruits with experienced supervisory staff. It was hoped that having the right mentor would ensure that new officers were properly supported, improving the retention of new staff.

Improved staff diversity (Aboriginal people, women, young officers, Pasifika and those with wider life experiences employed at the centre) was recognised as a positive contribution to the culture of the centre. Staff diversity at Cobham YJC reflects sound recruitment practices.

Centre data around staff training and completion numbers were provided by YJNSW for the period 1 January 2021 to 31 December 2021.¹⁵⁶ The training schedule was comprehensive and covered the key areas of operational systems, YJNSW policy and procedures, safety and security, Aboriginal young people, diversity in young people and mental health.

Partially Clothed Body Search

Clause 11A(9) of the *Children (Detention Centres) Regulation 2015* provides that a partially clothed body search (PCBS) of a detainee must only occur on admission to a centre or on return from day or overnight leave. PCBSs are not to be conducted as part of general centre routine. From 1 January to 31 December 2021, Cobham YJC recorded 1372 admissions and 1157 PCBSs were conducted on young people. Of the 12 contraband items found on young people, the majority were recorded as illegal drugs (n=8). Other items were tobacco and a weapon.¹⁵⁷

A body scanner had been installed in Cobham YJC as part of the roll-out of body scanners in all YJCs. We endorse this initiative. Body scanners will greatly minimise the need for PCBSs, limiting the trauma associated with this practice. Body scans are also more thorough and less time consuming than PCBSs, which should support timely processing of new admissions. The machine was welcomed by staff and at the time of inspection training was underway to educate staff on its operation and the interpretation of body scans.

Incidents

From 1 January to 31 December 2021 Cobham YJC recorded 240 incidents, detailed in the following table. The data records assault occurring on 115 occasions with the majority being physical assault (n=108). Four assaults were verbal and 3 involved a weapon.¹⁵⁸ Cobham YJC recorded 34 occasions of self-harm. Of those 21 were recorded as actual self-harm, 12 attempted and 1 threatened.¹⁵⁹ Trends and issues around assault rates and self-harm in YJCs are discussed in Chapter 2.

¹⁵⁶ Information provided by Cobham YJC 25 March 2022.

¹⁵⁷ Information provided by Cobham YJC 25 March 2022.

¹⁵⁸ Information received from Cobham YJC 25 March 2022.

¹⁵⁹ Information received from Cobham YJC 25 March 2022.

Table 18: Type and number of incidents at Cobham YJC 1 January 2021 to 31 December 2021¹⁶⁰

Category	Number of Incidents
Assault	108
Assault with a weapon	4
Assault – verbal	3
Threat to Worker	2
Alleged criminal activity	1
Escape	1
Inappropriate behaviour	1
Contraband	20
Property Damage/Loss	7
Self-harm	34
Medical/ hospital treatment	29
Security breach	17
Injury/Accident	12
Unauthorised discharge	1
Total	240

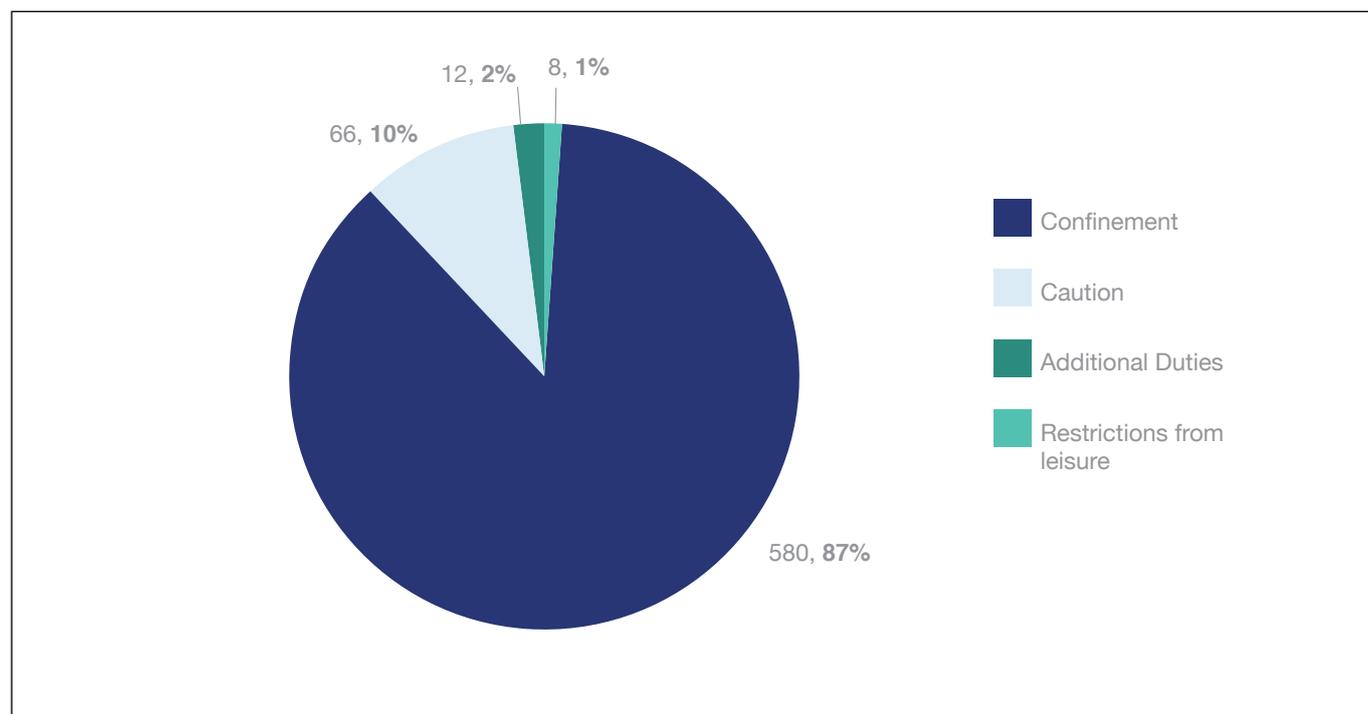
Misbehaviour

Misbehaviours by young people are met with a range of consequences from a caution to confinement. No concerns were reported from young people around the misbehaviour process. Centre data for the period 1 January 2021 to 31 December 2021 recorded 666 punishments for misbehaviours of young people.¹⁶¹ Confinement was overwhelmingly the preferred consequence for misbehaviour (87%) and is discussed later in this chapter.

¹⁶⁰ Information provided by Cobham YJC 25 March 2022.

¹⁶¹ Information provided by YJNSW, 24 May 2023.

Figure 7: Punishment type and number, Cobham YJC, 1 January 2021 to 31 December 2021¹⁶²



Use of force and restraints

Cobham YJC data records that in 2021 force was used on 276 occasions of which 42 (15%) occurred in the HRU.¹⁶³ Force was primarily used to protect from harm (n=198; 72%), prevent a riot (n=36; 13%), or move a young person (n=26; 9.4%). In the HRU force was used mostly to protect from harm (n=30; 71.4%) or move a young person (n=8). Further detail appears in the following table.

Table 19: Number of times and reasons for use of force 1 January 2021 to 31 December 2021¹⁶⁴

UOF Reason	Number	HRU (number)
Protect from harm	198	30
Prevent riot	36	2
Move young person	26	8
Prevent self-injury	8	0
Prevent property damage	2	0
Seize dangerous Item	2	1
Allow medic to treat	1	0
Prevent entry by force	1	0
Prevent escape	1	0
Protect drug dog	1	1
Total	276	42

¹⁶² Information provided by YJNSW 24 May 2023.

¹⁶³ Information provided by Cobham YJC 25 March 2022.

¹⁶⁴ Information provided by Cobham YJC 25 March 2022.

All young people are assessed by JH&FMHN after a use of force (planned and unplanned). The centre recorded no incidents of injury associated with use of force in 2021.¹⁶⁵ The inspection team viewed randomly selected footage of use of force and had no concerns with processes and action taken by staff.

Restraints may accompany a use of force. Cobham YJC recorded 152 occasions over the 12 months 1 January 2021 to 31 December 2021 where restraints were used. Restraints used on young people were handcuffs (n=132; 87%), protective shields (n=11), protective helmets (n=5) and a restraint belt (n=4).¹⁶⁶ We were told that restraints were used primarily for moving young people from the HRU and when escorting young people to the holding room.

It was pleasing to see a considerable reduction in use of force and use of restraints on young people in Cobham YJC, details of which appear in the following table. Data provided by Cobham YJC for the period 1 January 2021 to 31 December 2021 was compared with data last reported in the *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres* report.¹⁶⁷

Table 20: Use of force and restraint numbers in Cobham YJC

Centre	UOF numbers		Restraints numbers	
	2017/ 18 ¹⁶⁸	2022 ¹⁶⁹	2017/ 18 ¹⁷⁰	2022 ¹⁷¹
Cobham	589	276	323	152

Since our last inspection YJNSW established the Use of Force Review Panel to review use of force incidents. Cobham YJC management team and staff welcomed the review panel but raised concerns that it creates considerable work. Cobham YJC had its own internal review process around use of force and in addition to this, they must prepare footage and documentation for the Use of Force Review Panel, which is time consuming. The creation of the Use of Force Review Panel was an ICS recommendation to increase the transparency and independence of the review process and improve custodial practice. Our observation is that the Use of Force Review Panel has been effective in reducing UOF and improving practice and accountability. We commend YJNSW for this.

Confinement

Cobham YJC, like many YJCs has a history of overreliance on confinement as punishment for misbehaviour.¹⁷² We were pleased however to see YJNSW data showing a decline in the numbers of young people placed in confinement. The last inspection recorded 1,077 orders of confinement over the 12 months 2019 – 2020.¹⁷³ Cobham data for the 12 months 1 January to 31 December 2021 shows confinement had almost halved to 580 orders.¹⁷⁴ Of the young people placed in confinement almost half (n=289 49.8%) were Aboriginal.

¹⁶⁵ Information provided by Cobham YJC 25 March 2022.

¹⁶⁶ Information provided by Cobham YJC 25 March 2022.

¹⁶⁷ Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018).

¹⁶⁸ Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017–18.

¹⁶⁹ Data for the 12 months 1 January 2022 to 31 December 2022 provided by Cobham YJC 25 March 2022.

¹⁷⁰ Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017–18.

¹⁷¹ Data for the 12 months 1 January 2022 to 31 December 2022 provided by Cobham YJC 25 March 2022.

¹⁷² Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018).

¹⁷³ Inspector of Custodial Services (NSW), *Inspection of six youth justice centres in NSW*, (Report, December 2020) 37.

¹⁷⁴ Information provided by YJNSW 24 May 2023.

Periods of confinement during 2021 ranged from 1 – 3 hours to more than 24 hours. Young people at Cobham YJC were most likely to receive confinement of 6-12 hours (n=215) of which the majority were Aboriginal young people (n=120). The next likely confinement period was 3-6 hours (n=169) and 12-24 hours (n=118). Further detail appears in the following table.

Table 21: Confinement of young people at Cobham YJC 1 January to 31 December 2021¹⁷⁵

Aboriginal status	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Aboriginal	1	42	83	120	43	0	289
Non-Aboriginal	1	34	86	95	75	0	291
Total	2	76	169	215	118	0	580

Young people reported on inspection that confinement generally occurred in their room and that they received the same meal as other young people in the unit. However, there was evidence on inspection that the holding room was still being used to confine young people. The holding room is part of the old infrastructure and poorly positioned in the centre. It is disappointing that this room continues to be used when confinement should be in the young person's room as was recommended in our Use of Force report and YJNSW claim to have implemented our recommendation.¹⁷⁶ YJNSW maintain that the rooms are rarely used but need to be available as a last resort for when a young person is demonstrating violent behaviours that are a risk to others. We reiterate our concern over the use of the holding room in the old infrastructure at Cobham YJC.

Recommendation: YJNSW cease using the holding rooms in the old infrastructure of Cobham YJC.

Segregation and separation

Cobham YJC recorded 132 episodes of segregation from 1 January to 31 December 2021. Most young people were in segregation for 1-3 hours (n=50) and < 1 hour (n=44).¹⁷⁷ 32 young people spent more than 24 hours in segregation. Segregations over 24 hours must be notified to the NSW Ombudsman.¹⁷⁸ In all time categories more than half of the young people on segregation orders were Aboriginal. See table below for further detail.

Table 22: Segregation orders of young people at Cobham YJC from 1 January to 31 December 2021¹⁷⁹

Segregation	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	0	0	0	0	0	0	0
Male	44	50	4	0	2	32	132
Aboriginal	24	29	2	0	2	19	76

¹⁷⁵ Information provided by YJNSW 24 May 2023.

¹⁷⁶ Inspector of Custodial Services, *Annual Report 2022 – 2023*, 47.

¹⁷⁷ Information provided by YJNSW 24 May 2023.

¹⁷⁸ Children's (Detention centres) Regulations 2015, cl 10(2)(a).

¹⁷⁹ Information provided by YJNSW 24 May 2023.

Most separation orders issued in the centre were attributable to the placement of new reception young people in quarantine.¹⁸⁰ Cobham YJC recorded 1099 occurrences of separation from 1 January to 31 December 2021. Most young people spent more than 24 hours in separation (n=561).¹⁸¹ See table below for further detail.

Table 23: Separation orders of young people at Cobham YJC months 1 January to 31 December 2021¹⁸²

Separation	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	0	0	0	0	0	5	5
Aboriginal	0	0	0	0	0	4	4
Male	196	216	43	6	77	556	1094
Aboriginal	45	63	10	4	28	182	332
Total	196	216	43	6	77	561	1099

Incident Response Team

The Shearer Report recommended the establishment of an incident response team (IRT) at Cobham YJC.¹⁸³ In 2021 an IRT was created, and officers were recruited from the existing pool of youth officers at the centre. There are 12 permanent and four stand-by IRT officers at Cobham YJC. They patrol the centre in pairs providing a visual presence and have no interaction with young people. Their role is to respond to incidents and conduct perimeter checks. To ensure they retain their custodial skills, IRT officers return to youth officer duties for a month every year. IRT officers undertake training on use of force, body worn cameras, unit and perimeter checks, and scenario response. Continued training occurs bimonthly on use of force procedures and compliance with policy.

On inspection, we interviewed the IRT team and observed them performing their duties. We also spoke with staff and management about the role and effectiveness of the IRT. We saw IRT officers positioned around the centre and interacting among themselves and with other staff and playing cards with each other. Youth officers like knowing they have an IRT they can call for assistance, if needed. Having immediate support to respond to an incident is important, the ability to prevent an incident from occurring is better. We observed a lack of relational security with children and young people which is important for knowing what is happening in a centre and preventing incidents from occurring. A review of the role of the IRT is recommended.

Health and well-being

Health services

Justice Health & Forensic Mental Health Network (JH&FMHN) is responsible for health service delivery at Cobham YJC. Health services are provided through a multi-disciplinary team with nursing staff on site from 0700hrs to 2100hrs 7 days per week.

¹⁸⁰ Children's (Detention Centre) Act 1987, s16.

¹⁸¹ Information provided by YJNSW 24 May 2023.

¹⁸² Information provided by YJNSW 24 May 2023.

¹⁸³ Lee Shearer APM, Ministerial Review Into the riot at Frank Baxter Detention Centre – 21 and 22 July 2019, (Report, August 2019), rec 43.

JH&FMHN advised that the health centre provides the following services:

Health Services	Hours of Operation
Nurse Unit Manager	Five days per week
Registered Nurse x 5	Seven days a week
Dual Diagnosis Clinical Nurse Consultant (CNC)	Five days a week
General Practitioner	Visits six hours per week
Psychiatrist	Visits one day a per week
Dentist	Visits 9 hours per month

The Senior Aboriginal Adolescent Sexual Health and Harm Reduction Officer provided health promotion activities to young people. Nursing staff also provided health promotion advice and parenting classes were delivered by a midwife.

Young people requiring specialist appointments were taken for appointments at local health service providers, usually Nepean Hospital or Westmead Children's Hospital, which staff reported generally worked well. Some of these appointments were facilitated through telehealth which was a positive development.

Cobham was designated as the COVID-19 centre for the state mid pandemic and young people who tested positive were transferred there for observation and management. Nursing staff felt that overall, this process worked well, however they noted the challenges of young people being away from their families and local areas during this time. Nursing staff also reported ongoing impacts of COVID-19 on their workloads, which was consistent across all centres.

Nursing staff appeared to have good working relationships with YJNSW staff however the lack of a dedicated escort officer to bring young people to the health centre or to escort nursing staff to accommodation units impacted on access to young people at times. Nursing staff said they had a good relationship with young people, however young people found some nursing staff difficult and said there were delays in seeing the visiting doctor.

Psychology services

The role of psychologists at Cobham YJC involves crisis and therapeutic intervention, assessments, preparation of reports, delivering programs, engagement in case conferences and DRMP reviews. Young people are seen by a psychologist within 24 hours of arriving at Cobham YJC and are assessed within 7 days. Contact is prioritised dependant on risk ie whether the young person is at risk of self-harm, has acute mental health or is on a DRMP.

The clinical manager's role is a recent introduction to Cobham YJC. The clinical manager provides clinical and administrative supervision of psychologists and provides a therapeutic perspective to the centre executive. Cobham YJC has eight full-time psychologists. One of the psychologists is Aboriginal but the role is not an identified position. At the time of inspection, no psychologist was assigned to the HRU, so the work was shared among all the psychologists. Having an appointed psychologist to the HRU is essential and replicates the HRU model at Frank Baxter YJC.

Psychologists performed an initial assessment of all young people during quarantine. This was good practice and ensured young people's needs were being met on entry to the centre. All psychologists were assigned to a unit, enabling young people to speak with a psychologist as needed. Psychologists regarded

the model as good as it allowed for collaboration with the unit manager and youth officers. Where a young person was moved to another unit, the psychologist could follow them, ensuring continuity of care.

Psychologists convened weekly offence focused programs to young people on control orders at Cobham YJC. Young people on remand were unable to participate in any programs due to their legal status. The Dialectical Behaviour Therapy (DBT) program at Reiby YJC was modified to include young people on remand and provide them with an opportunity to learn skills that are transferable to everyday life and can help with behaviour regulation. It is designed so that young people can join at any time. Cobham YJC would benefit from adopting the Reiby DBT model. Further information on the program appears in chapter 5 in 'psychology services'.

There was overwhelming support from staff and management at Cobham YJC for an occupational therapist and speech pathologist to provide services in the centre. Their professional services would complement the work of psychologists and address service gaps for the complex cohort of young people at Cobham YJC. This would be of particular benefit to young people in the HRU as was seen on our inspection of Frank Baxter YJC. Frank Baxter YJC has a full-time occupational therapist and full-time speech pathologist and their services are available to all young people in the centre including the Enhanced Services Unit (ESU) and HRU.

The previous inspection found a lack of interview space for psychologists at Cobham YJC which impacted on their ability to hold private interviews with young people. Access to a confidential space remained an issue. We observed psychologists seeing young people in the dining room or courtyard which is neither a confidential nor therapeutic space. At the time of inspection, a new workspace was under construction for psychologists at Cobham YJC. However, consultation and therapy rooms were not included. This should be addressed.

Recommendation: YJNSW ensures psychologists have access to interview rooms or other confidential spaces to facilitate psychological assessments and interventions with young people.

Communications and support

Visits and telephone calls

At the time of the inspection, COVID-19 restrictions had lifted around visits and young people were able to receive visits every day from 3.30pm to 5.30pm, subject to availability. Visits were either in-person or via tablets or audio-visual link (AVL). There are two contact visit rooms and two non-contact visit rooms. Both contact and non-contact visit rooms were clean and functional and decorated with murals that softened the overall aesthetics of the environment. Young people were allowed two visits per week but could have more where possible.

The introduction of tablets is a welcome addition to in-person visits for young people and is also welcomed by staff. We were told of early connectivity issues which were temporarily addressed by centre staff. At the time of inspection face-to-face visits had been reinstated with tablet visits continuing alongside. This is a good outcome as tablet visits allow young people whose families are remote or unable to visit in person to stay connected via face-to-face technology.

It was disappointing that when in person visits recommenced visitors were required to be triple vaccinated. This made it difficult for many and was particularly unfair for children under the age of 5 years who were not offered vaccination and therefore were not allowed in the centre. Young people were unable to visit with

their siblings and in some cases, their children. The direction was different for staff in that they only needed to be double vaccinated, and this caused frustration for young people and their families.¹⁸⁴

We observed tablet visits occurring with family in the non-contact visit booths. The room had good sound proofing. The visits were for 40 minutes and observed from central monitoring. At the last inspection we recommended 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. With the return of face-to-face visits it would be timely for YJNSW to review the visits space.

Young people were required to wear overalls for face-to-face visits. It was not liked by the young people and should be unnecessary with the introduction of the body scanner at Cobham YJC.

All accommodation units have two telephones available for young people to make calls to family, friends, lawyers, the NSW Ombudsman and government and community support agencies. There were no concerns around access from young people.

Access to lawyers and legal support services

Most young people at Cobham YJC are on remand. Legal Aid NSW and the ALS provide services to young people regarding legal and associated matters. Non-contact visit spaces were set aside for those visits. Young people could also communicate with legal representatives through audio visual link (AVL) or via telephone on the units.

Chaplaincy services

Cobham YJC had an Anglican and a Muslim chaplain. Chaplains provide faith and pastoral support to the young people and engage young people in activities. It was pleasing to observe a genuine recognition of all faiths.

Complaints and grievances

There are several ways young people can raise their concerns. Information on making a complaint was displayed via a rolling loop on the TV monitor in all unit common areas.

Complaints to the centre manager are recorded on the CIMS register, as required by legislation.¹⁸⁵ 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. Matters relating to alleged misconduct are referred to the DCJ CAPS.¹⁸⁶ In the 12 months from 1 January to 31 December 2021, Cobham YJC reported three internal complaints to the centre manager. At the time of inspection Cobham had not installed locked complaint boxes in the units, a feature in place in all other YJCs.

DRC meetings occurred monthly in all units. A review of minutes from several DRC meetings showed that issues commonly raised by young people were clothing and linen supplies and delays in registering phone contacts on the Arunta system.

184 DCJ vaccination requirement for visitors was removed as per ED instruction COVID-19 – Face-to-face visits to be reviewed in Youth Justice Centres, 5 December 2022.

185 Children (Detention Centres) Regulation 2015, cl 55.

186 Complaints regarding staff conduct are referred by the Centre Manager to the Department of Communities and Justice, Conduct and Professional Standards.

Two Official Visitors are appointed to Cobham YJC of which one is an Aboriginal person. They visit the centre regularly and talk with young people. Any concerns they have can be, with their consent, addressed with the centre manager. Young people are also able to contact the NSW Ombudsman for assistance.

Behaviour management

Case management

Cobham YJC had seven fulltime custodial caseworkers. There were two Aboriginal caseworkers of which one was an identified position. There was also a Pasifika caseworker. The Aboriginal and Pasifika caseworkers lead the Men's Group and Pasifika Program which was highly regarded by young people and staff. Cultural diversity among caseworkers is important as it reflects the diverse backgrounds of the young people at Cobham YJC.

Caseworkers were assigned to each young person and each caseworker managed around 10 to 15 young people. If a young person moves unit or returns to the centre after being discharged, they will have the same case worker. This is good practice.

A caseworker was assigned to the HRU to look after the young people. Most young people in the HRU come from other centres, and it is important that they receive continuity of care from a caseworker. Having a caseworker assigned to the HRU supported young people as they adjusted to the HRU and facilitated information exchange with the young person's caseworker at the transferring centre.

The new casework model was well received. Cobham caseworkers reported having good relationships with community case workers and together they delivered continuous care for young people. Increasing calls from the courts for bail reports have resulted in the need for collaboration between community and custodial caseworkers (see discussion earlier on bail and remand). The bail demands have resulted in considerable work for custodial caseworkers and shifted their work priorities from developing case plans and delivering intervention programs to young people in custody.

Client assessment meeting (CAM)

Client assessment meetings (CAMs) were held weekly and conducted in compliance with YJNSW policy and procedures.¹⁸⁷ The meetings primarily focus on determining the incentives stage the young person has reached because of their behaviour.¹⁸⁸

We were granted permission from young people to observe their CAM. The unit was locked down while CAMs are taking place and young people were brought out one at a time to meet with the unit manager and/or senior youth officer in the unit common area. It was not clear to us why the unit was locked down when there is adequate space on the units for CAMs to occur in a private room. Being locked in reduces time out of room for young people. That time could be used with young people accessing psychologists, caseworkers, or engaged in programs/activities. The practice should be reviewed. YJNSW claims that young people are not routinely held in their rooms during CAMs and safety and security considerations and risk assessment dictates the need for young people to remain in their rooms during CAMS.¹⁸⁹ This is contrary to what we directly observed and were told by unit managers and young people. With adequate staff in the unit such matters should be able to be managed.

¹⁸⁷ YJNSW, *Incentive Scheme Policy* (Version 2, 29 October 2023), 15.

¹⁸⁸ YJNSW, *Incentive Scheme Policy* (Version 2, 29 October 2023), 12. See further discussion of CAMs in chapter 2.

¹⁸⁹ Information provided by YJNSW 29 September 2023.

We observed differing levels of capability among unit staff conducting CAMs. Some staff were more confident and engaged well with the young person which influenced the discussion and their participation. During the discussion where it is identified that a young person might need to access a case worker or psychologist, the young person is told to contact them. There was no responsibility on the staff conducting the CAM to make the referral. This is poor practice and officers should be making referrals where a young person requires additional support. In many cases we observed youth officers leading young people on their responses and completing their weekly plan, which should be written by the young person. There was little time for the young person to reflect on and examine what they could do better. Young people reported that if you failed to meet the weekly points there were multiple consequences with no incentive items and having an early bed with no television.

In our view CAMs is not the best model and should be replaced with the new EPIC scheme which has been piloted and is operating well at Reiby YJC. For more discussion on EPIC see chapter 5, Reiby YJC.

Recommendation: Cobham YJC refrain from locking young people in their rooms while client assessment meetings are being conducted.

Client services meeting (CSM)

Client services meetings (CSMs) occur weekly at Cobham YJC with executive and youth officer staff, caseworkers, psychologists, the NUM and school principal. We observed a CSM. While the meeting was conducted well, discussions focused on the behaviour of young people and seeking approval for the young person to move an incentive stage. The agenda did not address those young people who were struggling and required additional services or interventions. The central focus of a CSM should be about service delivery to young people in detention. Too much attention was directed at rewarding good behaviour and stage movements, with very little time given to reviewing and discussing service delivery to young people. It was interesting to observe that the format of the CSM at Cobham YJC and in most centres appeared to be driven by the need to update necessary information on CIMS.¹⁹⁰ The CSM format should be more productive and needs attention from YJNSW.

Detainee risk management plan (DRMP)

A detainee risk management plan (DRMP) is an individualised plan that provides management strategies to address ongoing challenging behaviours, which present a risk to the safety of the young person, to others and/or the security of the centre.¹⁹¹ A DRMP manages risk and is not a punishment tool.

DRMPs at Cobham YJC were either those attributed to young people in the HRU or centre DRMPs. All young people in the HRU are HRYORP referrals and must have a DRMP which is overseen by HRYORP. Young people at Cobham YJC can also be placed on a DRMP when, because of their behaviour, it is determined necessary by the centre manager. The DRMP is developed by the centre manager and relevant staff, in consultation with the young person. At times, a young person on a centre DRMP may be placed in the HRU but will not have HRYORP's oversight. The practice is reminiscent of the Chisholm Behaviour Program (CBP) and should be avoided.¹⁹²

DRMPs at Cobham YJC are referred to as having either a standard or individualised routine. Standard routine means the young person can attend school and can mix with other young people on the unit. An individualised routine is more restricted due to risk. The practice of categorising DRMPs and the associated

¹⁹⁰ YJNSW, CIMS Custodial User Guide, Client Services Meeting, (Version 2, undated).

¹⁹¹ YJNSW, Detainee Risk Management Plan (DRMP) Policy, (30 September 2020).

¹⁹² Inspector of Custodial Services (NSW), Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres, (Report, November 2018), 150-151.

language (standard vs individualised) is confusing. All DRMPs should be individualised to the young person's risk and need.

Historically, we have been concerned about the use of DRMPs at Cobham YJC.¹⁹³ We consider that there has been considerable improvement in this area at Cobham YJC. In 2021 there were 57 recorded DRMPs assigned to 43 young people with the average length of time on a DRMP being 17.5 days.¹⁹⁴ At the time of inspection there were seven young people at Cobham YJC on a DRMP. Four young people were HRYORP referrals and were in the HRU and three young people were on centre DRMPs managed in the general centre population.

Regular DRMP reviews are essential and Cobham YJC convenes a weekly DRMP meeting to review the young person's progress involving the caseworker, psychologist, NUM, school principal and youth officers. As discussed in Chapter two, YJNSW intend to replace DRMPs with the Behaviour Assistance Pathway.

High Risk Unit

The High Risk Unit (HRU) at Cobham was established in December 2019 in response to the recommendations of the Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019 (the Shearer Review).¹⁹⁵ The role of the HRU at Cobham YJC is to assess, stabilise and transition young people demonstrating continued high risk and complex needs. At times the HRU accommodates some very high risk young people who pose a threat to other young people and staff.

The HRU is in the oldest part of the centre and in the formerly decommissioned Taralga Unit. Whilst the overall design of the unit is not good, modifications have been made to provide important services. The HRU unit has a designated room for school sessions and an exercise area for young people to participate in recreational activities such as basketball and cooking. Psychologists, caseworkers and community case workers can meet with young people in a confidential space on the unit.

Young people are unable to eat meals together and have their meals in their room. They are routinely given meals referred to as DRMP meals, which is mainly finger food as they are not allowed cutlery, regardless of there being no evidence of self-harm. This has been raised in earlier reports.¹⁹⁶ In the absence of any assessed risk of harm, young people in the HRU should receive the same meal that is being served to all young people in the centre.

Centre data from 1 January to 31 December 2021 recorded 41 placements in the HRU of which 35 were HRYORP referrals. Eight of the young people were on remand. The average length of stay in the HRU was 20 days with four young people having completed two placements in the unit and two young people having completed three placements in the unit. It was explained that on reception a young person who is known to be an ongoing challenge and may have been in the HRU previously, will be placed in the HRU and a referral made to HRYORP for its immediate consideration. The centre regards the numbers as small with only two young people who fall into that category. YJNSW maintains that the most challenging and violent young people in the state are placed in the HRUs and will likely require multiple attempts to address the underlying causes for their challenging behaviour.¹⁹⁷ Balancing the need for HRU placement with the want to promptly transition young people back to a mainstream unit is a fine line which is monitored by the multi-

193 Inspector of Custodial Services NSW, Use of Force, separation, segregation and confinement in NSW Juvenile Justice Centres, (Report, November 2018) 153-157.

194 Information provided by Cobham YJC 25 March 2022.

195 Lee Shearer APM, Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019, recommendation 10.

196 Inspector of Custodial Services (NSW), Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres, (Report, November 2018) recommendation 21.

197 There are HRUs at Cobham YJC and Frank Baxter YJC.

agency HRYORP.¹⁹⁸ Those statements are at odds with the views of senior staff and our observations. This is because all young people who are classified as an A1(b) are automatically placed in the HRU. There was a strong view among senior staff that children considered high risk by regional centres who were classified A1(b) did not always meet the threshold for placement in the HRU. It was considered that placement in the HRU should not be automatic for A1(b) classifications and that an assessment by experienced staff at Cobham and Frank Baxter YJCs should be considered by the HRYORP before authorising placement of the young person in the HRU.

YJNSW has commenced a pathway to address young people with complex behaviours and who struggle in a mainstream environment. In 2020 the Enhanced Services Unit (ESU) at Frank Baxter YJC was established (see Chapter 4 Frank Baxter for further discussion of the ESU). It is a specialised program designed to meet the needs of young men who have complex needs. From 1 January to 31 December 2021, one young person was referred from the HRU at Cobham YJC to the ESU. There are many reasons a young person in the HRU may not be suited to the ESU, from a clinical perspective. YJNSW believes the systems they have established with the HRU, ESU, HRYORP and custodial operating model are strong at ensuring appropriate custodial service delivery with young people displaying the most challenging and violent behaviours.¹⁹⁹

Transfers and transition from detention

Cobham YJC is the primary reception centre for New South Wales and consequently manages high movement numbers with admissions, transfers and releases occurring almost daily.

Transfers between youth justice centres are at times problematic for Cobham YJC. Transferring young people between centres occur where:

- an incident has occurred resulting in a reclassification to A1(b)
- a young person is out of area and is requesting a transfer to a regional centre or vice versa
- a young person is transferring for discharge reasons.²⁰⁰

Proximity of the YJC to family is considered important when placing a young person but it is not always actioned. It was explained to the inspection team that Cobham YJC receives many young people from regional and remote areas. Interviews with young people revealed high numbers of young Aboriginal people who were off Country or were a considerable distance from family. YJNSW should ensure those placements are essential and that wherever possible young Aboriginal people remain on Country and close to their families.

The practice of some regional centres to request a transfer of a young person displaying challenging behaviours to a more secure centre was an issue for Cobham YJC. With the exception of HRU placements directed by HRYORP, transfers of young people between centres are negotiated between centres and actioned by the Classification and Placement Coordinator (CLCP). Where centres don't agree the request for transfer can be escalated to the Manager CLCP for review and final decision.²⁰¹ Young people who are regional transfers to Cobham YJC are placed temporarily in the HRU where it can become evident that the young person does not need a higher level of security and should have remained and been managed in the transferring centre.

198 Information provided by YJNSW 29 September 2023.

199 Information provided by YJNSW 29 September 2023.

200 YJNSW, *Centre to Centre Transfer & Handover Process* Doc No: D21.24248/YJ File No: 21/04089.

201 YJNSW, *Centre to Centre Transfer & Handover Process* Doc No: D21.24248/YJ File No: 21/04089.

On the first day of inspection a child (14 years) had been transferred from Orana YJC to Cobham YJC. Management explained that Cobham YJC had not agreed to the transfer and the child was scheduled to appear in a regional court (via AVL) the next day. The child was placed in the HRU and managed as per unit protocol, which includes handcuffs on movement and finger food (no utensils). The child was granted community release from the regional court which required him to be returned to Orana YJC to be formally processed for release. This transfer placed unnecessary stress on the young person and required staff from Cobham YJC to drive the young person to Orana YJC. Centre transfers are costly and have associated consequences (albeit positive or negative) for the young person. Regional centres would benefit from additional training to enable them to manage young people whose behaviour is challenging.

Recommendation: YJNSW ensure custodial training schedules in regional centres address managing problem behaviours in young people.

Chapter 4 Frank Baxter Youth Justice Centre

Overview of Frank Baxter Youth Justice Centre²⁰²

Analyses of centre data is for the 12 month period 1 November 2020 to 31 October 2021

Dates of inspection	11 – 13 April 2022
Pre and post inspection visits	11 March 2022, 22 June 2022, 18-19 April 2023, 14 July 2023 (NAIDOC)
Bed capacity	120
Average number of young people at the centre	50
Percentage (average) of Aboriginal young people	38%
Average length of stay	32 days
Percentage (average) of young people on remand	85%
Average length of time on remand	14 days

Centre grounds



Yarning circle



Background

Frank Baxter YJC is located in Kariong approximately 70 kilometres north of Sydney, on the land of the Darkinjung people. It has the capacity to hold 118 boys and young men aged from 15 to 21 years, who are on remand or a control order and in some cases both. Young women and girls may also be accommodated for short periods. It has an open campus layout and is the largest YJC in NSW.

Centre data for the 12 month period 1 November 2020 to 31 October 2021 states that on average, less than half of young people at Frank Baxter YJC are Aboriginal (38%).²⁰³ We note that this number may be higher as the data relies on young people reporting that they are Aboriginal.²⁰⁴ A demographic snapshot of the young people at Frank Baxter YJC appears in the following table.

²⁰² Information provided by YJNSW 24 May 2023.

²⁰³ Information provided YJNSW 24 May 2023.

²⁰⁴ Engaging with young people on inspections of YJCs commonly revealed underreporting of Aboriginality.

Table 24: Demographic snapshot of young people at Frank Baxter YJC²⁰⁵

Age	Male 15 - 21 years
Aboriginal young people	19 (38%)
Religion	Christian (9), Muslim (5), Jewish (1) with the majority recording no religion or not recorded
Language primarily spoken	English
Education level	79% of students recorded as having an educational level at Year 10 or below and 21% at Year 11. Literacy levels ranging from 6 years 2 months to 14 years 6 months.
Disability	15 young people with a confirmed disability.

Note: At the time of the data the centre recorded a total population of 49 young people.

We last inspected Frank Baxter YJC in 2019 as part of the three year inspection cycle. We reported on this inspection in the *Inspection of Six Youth Justice Centres in NSW* report.²⁰⁶ The report made recommendations around the following:

- regular and meaningful detainee representative committee meetings to occur with detainees' concerns documented and a formal response provided by management
- the misbehaviour process to be reviewed to ensure young people receive procedural fairness
- increased health staff at the centre
- young people in the High Risk Unit (HRU) and Enhanced Support Unit (ESU) to have 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.

Accommodation

Frank Baxter YJC has eight 15-bed accommodation units. Each unit has 7 single rooms and 4 double (2 single bed) rooms. Five units have some rooms with camera surveillance. The unit design has two accommodation wings, each coming off a central area that has a secure officer's station and kitchen, communal dining and television areas and a telephone booth. All units have access to their own outside exercise space with basketball hoop and secured outdoor fitness equipment. Details of the accommodation and holding areas at Frank Baxter YJC appear in the following table.

²⁰⁵ Snapshot data on 31 October 2021. Information provided by Frank Baxter YJC, 28 January 2022.

²⁰⁶ Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres* (Report, December 2020).

Table 25: Capacity and facilities of accommodation units at Frank Baxter YJC²⁰⁷

Unit	Capacity	Purpose	Unit design
Bouddi	6	High Risk Unit	<ul style="list-style-type: none"> • 11 rooms • 7 single accommodations • 4 shared rooms (2 person) • 11 x camera rooms
Peat	6	Enhanced Support Unit	<ul style="list-style-type: none"> • 11 rooms • 7 single accommodations • 4 shared rooms (2 person) • 5 x camera rooms
Tasman	15	Induction Unit	<ul style="list-style-type: none"> • 11 rooms • 7 single accommodations • 4 shared rooms (2 person) • 4 x camera rooms
Nurrunga	15	Quarantine Unit	<ul style="list-style-type: none"> • 11 rooms • 7 single accommodations • 4 shared rooms (2 person) • 0 x camera room
Katandra	15	Closed for refurbishment	<ul style="list-style-type: none"> • 11 rooms • 7 single accommodations • 4 shared rooms (2 person) • 4 x camera rooms
Elliot	15	Closed for refurbishment	<ul style="list-style-type: none"> • 11 rooms • 7 single accommodations • 4 shared rooms (2 person) • 0 x camera rooms
Strickland	15	General population	<ul style="list-style-type: none"> • 11 rooms • 7 single accommodations • 4 shared rooms (2 person) • 4 x camera rooms
Penang	15	Pre-release unit	<ul style="list-style-type: none"> • 11 rooms • 7 single accommodations • 4 shared rooms (2 person) • 0 x camera room

At the time of inspection six units were operational and two units were being refurbished.²⁰⁸ Four of the six operational units accommodated a defined population (ie quarantine, induction, HRU and ESU) leaving two

²⁰⁷ Information provided by Frank Baxter YJC, 28 January 2022.

²⁰⁸ At the time of inspection Katandra and Elliott units were being refurbished to address security concerns resulting from the Shearer report (2019). Lee Shearer APM, *Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019*, (Report, August 2019).

units to accommodate the general population of young people. Having two units offline affects operations and limits placement options. Consequently, young people were at times spending two weeks in the induction unit when the average stay was two days. This time followed 10 days in quarantine which meant some young people lived in a restrictive regime for almost four weeks. Having two units offline also affects management's ability to move young people if needed. Where possible, YJNSW should ensure centres have only one unit offline at any given time to minimise the impact on operational practices and routines.

Frank Baxter YJC has two behaviour management units, the High-Risk Unit (HRU) and the Enhanced Support Unit (ESU). The units manage young people who are considered high risk and/or have complex needs. Both units have a limited operational capacity of 6 rooms each.²⁰⁹ Referral to the units is managed through the High-Risk Young Offenders Review Panel (HRYORP).²¹⁰ HRYORP determines all placements and movements out of the HRU and ESU and is responsible for making decisions on the safe management of high-risk young people in contact with Youth Justice NSW (YJNSW). Further discussion of the HRU and ESU appears later in the chapter.

Centre data provides that from 1 November 2020 to 31 October 2021 55 young people were accommodated in the HRU. The average length of stay was 24 days. The ESU is a six-month program for a maximum of 6 young people at any given time. Program data provided by the centre for the 12-month period 1 November 2020 to 31 October 2021 shows 15 young people in the program. Of that, one young person was 'in program', 3 'completed', 8 were 'released' and 3 recorded as 'other'.²¹¹

Reception and admission

Data provided by YJNSW shows that from 1 November 2020 to 31 October 2021, Frank Baxter YJC recorded a total population of 538 young people of which over a third were Aboriginal (38%).²¹² 85 percent of young people are on remand.²¹³ See table below for detainee status and number of young people at Frank Baxter YJC.

Table 26: Detainee status and number of young people at Frank Baxter YJC, 1 November 2020 to 31 October 2021²¹⁴

Detainee status	Number	Percentage
Control order	70	13%
Control order s19	11	2
Remand	457	84.9%
Total	538	100%

During the twelve months 1 November 2020 to 31 October 2021 young people spent an average of 32 days at Frank Baxter YJC with those on remand residing in the centre on average 14 days.²¹⁵

209 The HRU can and does expand its capacity based on need.

210 HRYORP was established in December 2019, in response to the recommendations in the Shearer Report (2019). Lee Shearer, *Ministerial Review Into the riot at Frank Baxter Detention Centre – 21 and 22 July 2019*, (Report, August 2019).

211 Information provided by Frank Baxter YJC 28 January 2022.

212 Information provided by YJNSW 24 May 2023.

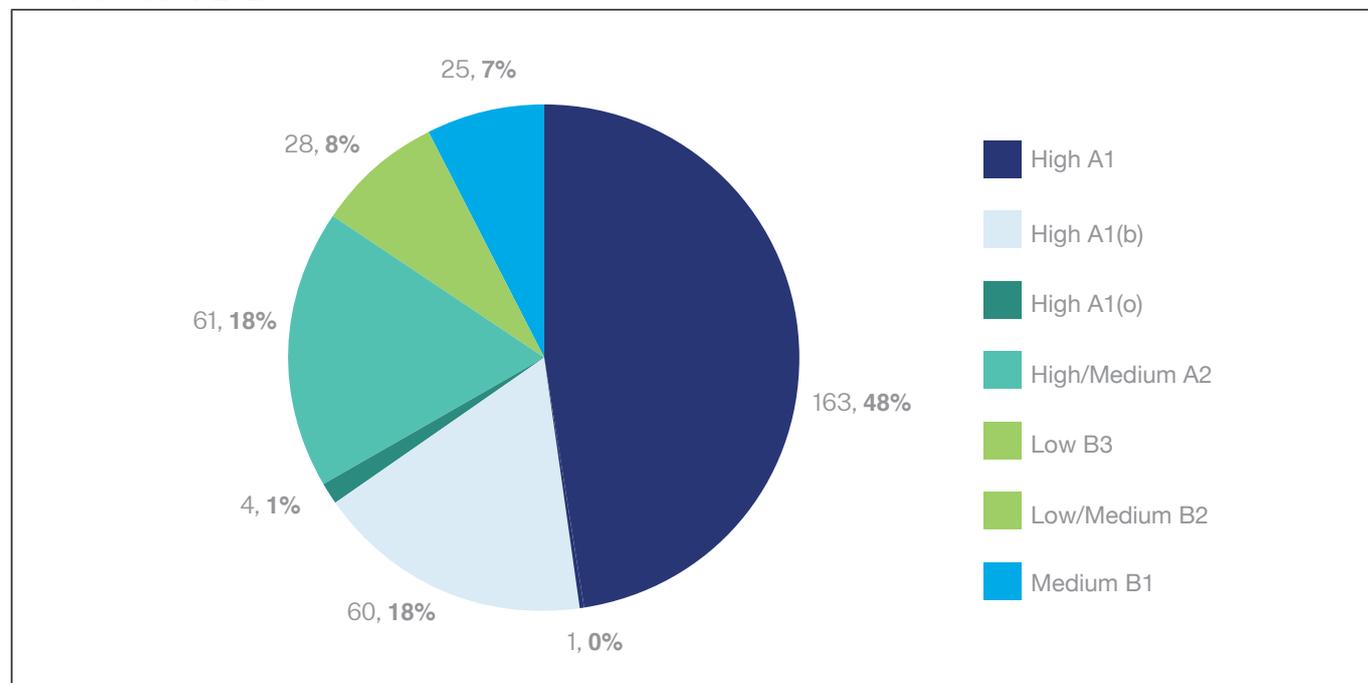
213 Information provided by YJNSW 24 May 2023.

214 Information provided by YJNSW 24 May 2023.

215 Information provided by YJNSW 24 May 2023.

Whilst Frank Baxter YJC accommodates young people of all classifications centre data indicates most young people are a medium classification (n=163; 47.7%). The next group are high/ medium (n=61, 17.8%) and high A1(b) (n=60; 17.5%) classifications.²¹⁶ Further detail appears in the following figure.

Figure 8: Classification status of young people detained at Frank Baxter YJC 1 November 2020 to 31 October 2021²¹⁷



Young women and girls

Young women and girls are sometimes accommodated overnight at Frank Baxter YJC while transiting to court or Reiby YJC (female YJC facility). Prior to the pandemic young women and girls were accommodated in the health centre. At the time of inspection girls were placed in the quarantine unit and, where possible, away from the boys in a separate wing. From 1 November to 31 October 2021 the centre received 94 female admissions with average occupancy of two days.²¹⁸

Reception process

Young people arrive at Frank Baxter YJC by transport vehicle from another youth justice centre or by police. Most admissions occur between 5.00pm and midnight. Young people are searched, interviewed and health checked, with a more comprehensive health assessment undertaken within 7 days. Where the admission is after 10pm the nurse performs a health check in the morning. A PCBS is performed on young people on arrival unless they have been under the continued supervision of youth justice staff. During the inspection we were informed that body scanners were expected to be installed in the near future replacing the need for a PCBS.

Young people generally spend their first night at Frank Baxter YJC in the admissions holding rooms until they receive a court determination, which in most cases is the next day. Pre-COVID-19 pandemic young people were accommodated in rooms in the health centre that have a shower, toilet and television. The admissions holding cells have only a bed and toilet. The centre should return to pre-COVID-19 arrangements.

²¹⁶ YJNSW *Objective Classification System Policy*, (Version 2,16 September 2020), cl 8 classification system categories.

²¹⁷ Information provided by Frank Baxter YJC, 28 January 2022.

²¹⁸ Information provided by Frank Baxter YJC, 28 January 2022.

Young people are issued clothing and their own garments are washed and stored. Young people's property and valuables are labelled and registered in CIMS and securely kept in locked facilities.

It is important that hygiene standards are met in the admissions area and for rooms to be cleaned after use. We observed that some holding rooms had not been cleaned and that cleaning practices have not improved since the last inspection. Regular checks and compliance recording sheets would help in addressing the matter and assigning the duty to a specific role.

During the inspection, if bail was not granted young people were moved to the quarantine unit (Nurrunga unit), followed by several days in the induction unit (Tasman unit). At the time of inspection young people were required to quarantine for 10 days.²¹⁹ On completion of quarantine young people were moved to the induction unit for school assessment and general observation of behaviour.

The time spent in the induction unit is dependent on the availability of beds in the general accommodation units, which can be from two days to two weeks. At the time of inspection two accommodation units were off-line which resulted in limited opportunities for placement of young people. The practice of moving young people through Nurrunga and Tasman units meant the centre was effectively running two induction units. This practice was not observed in other YJCs and in most centres, the centre induction, education assessments and connecting with caseworkers and psychologists was occurring during quarantine. This allowed young people, on release from quarantine, to immediately participate in the school program and standard operational routine. Frank Baxter YJC would benefit from a review of their induction practices.

We observed inappropriate displays in the admissions area which should be removed. A "welcome to the tardis" mural displayed on the wall of the Admissions area is seen by all young people arriving at Frank Baxter YJC. There is also a poem displayed on the notice board for the benefit of staff.

Admissions area



Recommendation:

YJNSW develop a system of regular checks and compliance recording sheets for the cleaning and maintenance of reception holding rooms at Frank Baxter YJC.

YJNSW review induction processes at Frank Baxter YJC and ensure a timely transition to a mainstream unit.

²¹⁹ In compliance with JH&FMHN health orders.

Bail and remand

From 1 November to 31 October 2021, 273 young people were released on bail from Frank Baxter YJC.²²⁰ The average time on remand was 14 days.²²¹ We were told young people who are known and have support from parents, guardians or carers can receive bail within 24 hours. For others, the Bail and Accommodation Support Service (BASS) is engaged to help the young person secure community accommodation and achieve bail.

Young people granted section 28 conditional bail from the court can spend some time in Frank Baxter YJC before accommodation is found.²²² Young people with a disability, whose numbers are increasing throughout the youth justice system, have even less placement options. The situation can be worse on weekends when YJ community and custodial caseworkers, who work business hours weekdays, are unavailable to assist with securing accommodation for young people in the community. We heard similar concerns from other youth justice centres. It is understood that multi-agency and stakeholder attention is being given to improving bail systems, however small changes can be made at local levels to increase bail support staff and work hours.

Clothing and bedding

During the admissions process young people receive a fresh set of clothes. Additional clothing supplies are provided to young people on the accommodation unit. Clothes include a jumper, shorts, T shirt, tracksuit pants, underwear, shoes and a pair of thongs. Linen stores are maintained on the accommodation units. There were no concerns from young people around either the quality or quantity of clothing and linen provided.

Managing the pandemic

We heard that at the onset of the COVID-19 pandemic the greatest challenge was managing anxiety. With clear and continual communications and training around transmission, hygiene, PPE and general health protocols, the anxiety among staff settled. Staffing and overtime were at times challenging with staff needing to either stay home or work from home if they were close contacts or in isolation. Maintaining operational levels was a necessary driving force but led to high levels of overtime and staff fatigue.

Telehealth and tablet options helped to deliver clinical services, sustain visits, and where possible assist with the delivery of services from the school, caseworkers and psychologists. Vaccination of staff at Frank Baxter YJC has been high.

At the time of inspection, the centre was beginning to operate at business as usual (BAU) levels after coming out of a substantial outbreak of COVID-19 among young people and staff. The centre was still experiencing restrictions with access to community groups. There was however hope that this would change and the Confit program would return to Frank Baxter YJC.²²³

Early days

We visited Frank Baxter YJC in August 2020 as part of a series of COVID-19 monitoring visits to YJCs. It was pleasing to observe that COVID-19 management and practices at Frank Baxter YJC were (and continue

²²⁰ Information provided by Frank Baxter YJC, 28 January 2022.

²²¹ Information provided by YJNSW, 24 May 2023.

²²² *Bail Act* 2013, section 28 provides for a grant of bail from the court subject to suitable arrangements being made for the accommodation of the person before they are released.

²²³ Confit is a community agency that delivers fitness programs to young people in youth detention in NSW.

to be) conducted well with hygiene practices, covid supplies and signage adequately addressed. Staff were committed to adhering to policy and procedural requirements around hygiene and cleaning. Both JH&FMHN and the school were happy with how the centre had managed COVID-19 procedures. The young people were engaged in ensuring the health and safety of everyone and prepared a short video around how to wash hands and COVID-19 protective behaviour for the centre TV channel.

Frank Baxter YJC converted Penang unit into a quarantine unit to accommodate young people undertaking quarantine. If a young person returned a positive result for COVID-19, then they were moved to the Tasman Unit which was empty and identified for housing COVID-19 positive patients. Quarantined young people had 5 -6 hours' time out of room when numbers were low and 3-4 hours when numbers were high. Young people in the quarantine unit had access to portable play stations in their rooms, puzzle packs and sensory items.

Tablets and AVL suites facilitated continued connection with family and friends. We were told that tablets are particularly useful for young people who come from remote areas, who would not receive in-person visits due to distance. It was pleasing to hear that Frank Baxter YJC experienced minimal connectivity issues affecting the use of tablets, where in other centres connectivity was problematic.

JH&FMHN staff conducted twice daily welfare checks on young people in quarantine and medical isolation and provided mental health support. JH&FMHN also supported staff with ongoing training on wearing and safe removal of PPE.

In 2021 Cobham YJC became the COVID-19 hub for all YJCs and any young person who tested positive for COVID-19 was transferred to the centre. This provided the management and staff at Frank Baxter YJC with some relief in managing the pandemic.

Covid outbreak

At the time of inspection Frank Baxter was coming out of a substantial outbreak in the centre resulting from an inaccurate RAT result of a staff member who worked in the centre whilst unsuspectingly infected with COVID-19. On direction from YJNSW no young people were moved to the Cobham COVID-19 hub. This was the most significant COVID-19 outbreak at Frank Baxter YJC during the pandemic. Eight young people tested positive to COVID-19, with the first four young people in the Enhanced Services Unit (ESU). The unit became the COVID-19 hub for the centre and four more young people from two other units joined, after testing positive. Other units were also placed into lockdown due to young people from different units coming into contact at school and with a staff member who had also tested positive and had visited all units. During the lockdown young people were allowed out of their rooms for 30 minutes on their own to make phone calls. School packs were distributed to the young people and tablets were used to allow psychologists and caseworkers to communicate with young people. The lockdown did not impact on young people attending court or seeing their legal representatives.

Structured day

Young people at Frank Baxter YJC participate in a structured day with prescribed weekday and weekend schedules.

Time out of room

The centre operates separate weekday and weekend/ school holiday schedules for each unit. Weekday routine is 7.00am to 8.30pm lock-in and weekend/ holiday routine is 8.15am to 8.30pm lock-in. Television is available for all young people in their room and is turned off at midnight.

Frank Baxter YJC operates a tiered custodial model. Units are graded from Tier 1 to Tier 3 depending on the risk levels of the young people. The following table provides detail on the units allocated to each tier, the general practice of those units and time out of room.

Table 27: Unit tier, practice and time out of room allowance²²⁴

Tier	Unit	Practice	Time out of room
1	Tasman (induction)	Mainstream routines and practices with a focus on reducing risk of re-offending, behaviour modification, managing safety of staff and young people and preparing for their transition back to the community	Tasman 8hrs 15 min weekdays 8hrs 45 min weekend
	Katandra		Katandra / Elliott 10 hrs 75 min weekdays 9hrs 15 min weekend
	Elliott		
2	Bouddi (HRU)	Young people that demonstrate patterns of high risk behaviours (eg. violence, self-harm etc.) that are unable to be managed and addressed through mainstream routines are placed on a detainee risk management plan (DRMP) to provide tailored supports and engage with strategies to reduce presenting risk/s.	Bouddi 6 hours max per day
	Nurrunga (transitional unit)		Nurrunga 8hrs 15 min weekdays 8hrs 15 min weekend
3	Peat (ESU)	Manage young people who present with the most complex needs and who do not respond to strategies provided in Tier 2. ESU can scale the level of support based on a young person's behaviour in custody and their responses to intervention and treatment.	9hrs 30 min weekdays 5hrs 45 min Saturday 7 hours 45 min Sunday

**Note: total time out of room excludes scheduled times per day when young people are locked in their room.*

The accepted standard for time out of room for young people is a minimum of 10 hours per day.²²⁵ Time out of room for young people in the Katandra and Elliott units meets this standard on weekdays. The centre falls short of the standard for all other units (excluding young people on a DRMP regime) during the week and on weekends/ school holidays. Daily schedules at Frank Baxter YJC need attention to ensure that all young people (excluding those in HRU) are reaching the minimum 10 hours.

Young people accommodated in the HRU are individually managed as prescribed in their Detainee Risk Management Plans (DRMP). Adherence to the DRMP Standards must occur which includes, where possible, a minimum 6 hours out for room being built into their daily routine.²²⁶ In the early years of the HRU from 2020 to 2022, we closely monitored time out of room. In the first 12 months six hours was rarely

²²⁴ Information provided by Frank Baxter YJC, 28 January 2022.

²²⁵ Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards*, June 2020, 9.8.

²²⁶ YJNSW, Detainee Risk Management Plan (DRMP) Policy, (30 September 2020).

met. However, when proper systems were created for monitoring time out of room and staff changes were implemented, six hours was more the norm. A review of 12 months of data from 1 November 2020 to 31 October 2021 revealed that young people in the HRU spent on average 5.4 hours out of their room.

Education and Training Unit (ETU)

Girrakool Education and Training Unit (the school) is a school within Frank Baxter YJC. The school operates five days a week during school term from 8:30am – 2:30pm. The school caters for a maximum of 90 male students with class sizes of a maximum of six students with one teacher and one School Learning Support Officer. Initial assessments indicate students' reading and literacy levels as ranging from six years to 14 years. Intensive Literacy and Numeracy classes are provided for students requiring assistance.²²⁷

The school manages students who are generally disengaged with education and have varying educational needs including behaviour difficulties, mental health issues and diagnosed disabilities. This includes young people in the Enhanced Support Unit (ESU) and those in the High Risk Unit (HRU).

The young people in the ESU attend school and are supported in the early stage of their attendance.

The school delivers a modified education program to young people in the HRU. Education packs are provided to young people in the HRU and collected each day for review and feedback.

The school informed us that it has a strong focus on providing engaging and relevant educational programs. The school aims to broaden education through digital forums with iPads and the creation of a virtual reality room. Where appropriate, higher education is encouraged and at the time of inspection two young people had received and deferred university offers.

Vocational education is also encouraged with several programs available to young people including work and vocational pathways, furniture making pathways, information digital media and technology and fitness. Young people can attain a VET competency that can be credited towards a full qualification and which they can achieve during a short stay at Frank Baxter YJC (in particular young people on remand).

We heard that delivering education to young people during the COVID-19 pandemic was at times challenging. In the beginning of the pandemic the school operated a work from home program. Some staff remained in the centre preparing and delivering learning packs to the units. School staff wore PPE and tried to maintain some level of normality around education for the young people. We commend the efforts of Girrakool ETU and the staff of Frank Baxter YJC.

Intervention programs

YJNSW endorsed programs targeting behavioural intervention are primarily delivered by caseworkers in all youth justice centres.²²⁸ Changing Habits and Reaching Targets (CHART) was the primary program offered at Frank Baxter YJC at the time of inspection. The program is generally delivered in a group setting but due to concerns around COVID-19 transmission it was being offered individually to young people in the centre. This resulted in fewer young people accessing the program and, in some cases the session was cancelled. The centre was hoping to offer X-Roads and at the time of inspection was waiting approval from YJNSW. We found the My Journey My Life (MJML) program was not being delivered, which left no intervention offering for the Aboriginal young people at Frank Baxter YJC. MJML is designed for Aboriginal young people and challenges their attitudes and beliefs around offending behaviours. We visited Frank Baxter in April 2023 and MJML had still not commenced. The centre had employed an Aboriginal caseworker which was a

²²⁷ Information provided by Girrakool Education and Training Unit, 28 January 2022

²²⁸ YJNSW endorsed programs include Changing Habits Reaching Targets CHART, My Journey My Life MYML, X-Roads and Love Bites.

step in the right direction, but they had yet to be trained in delivering MJML to young people.

We accept that high remand numbers and short stays present challenges for caseworkers in delivering intervention programs, however the level of program delivery at Frank Baxter YJC needs attention. We are mindful that at the time of inspection the centre had many new caseworkers who commenced before the new community casework model was introduced and that many had not received adequate training (see discussion later in the chapter in 'case management'). Nevertheless, YJNSW must ensure that the young people at Frank Baxter YJC have access to appropriate intervention programs and that caseworkers are trained and supported to deliver those programs.

Recommendation: YJNSW ensure the young people at Frank Baxter YJC have access to necessary intervention programs and that caseworkers are trained and supported to deliver those programs.

Cultural programs

Frank Baxter YJC delivers cultural programs to Aboriginal young people. Documentation provided to us by Frank Baxter YJC presented an extensive suite of cultural programs including a cultural art and artifact program, didgeridoo playing, cultural healing and several chapel organised programs. It was explained that many programs were postponed due to COVID-19 and were scheduled to recommence once restrictions were eased and community-based members and agency staff were able to attend the centre to facilitate and assist with program delivery. We were told that several Aboriginal staff members were able to help deliver cultural programs and interventions with the Aboriginal young people. Feedback from young people, on the availability of cultural programs, was mixed but there was overwhelming support for the chaplain and the programs he delivered. For some time, the chaplain was the primary driver of cultural programs at Frank Baxter YJC and would work with Aboriginal Elders and community to deliver programs to Aboriginal young people at Frank Baxter YJC.

On a post inspection visit to Frank Baxter YJC in April 2023 it was pleasing to learn that the centre had adopted a cultural model like Cobham YJC and Reiby YJC and employed an Aboriginal practice officer (APO). With the help of the new Aboriginal caseworker, the APO was expected to promote a cultural agenda at the centre. A cultural plan had been developed which aimed to improve the quality of service provided to Aboriginal young people. The plan outlines initiatives to develop staff cultural competency and capabilities, improve cultural safety for Aboriginal staff and young people and integrate cultural respect and responsibility in the work with Aboriginal young people, their families, staff and the wider community. It was considered that the APO will drive and oversee Aboriginal programs, groups, cultural safety and culture in the centre.

We were also told about a new Aboriginal cultural screening tool (Gillangs cultural screening tool) employed in the centre. It allows young people to share their and their family's story, talk about their cultural connection and determine what cultural learning and support is available at the centre that could benefit them.

We welcome the cultural initiatives at Frank Baxter however consideration should be given to creating an additional position to help the APO deliver the comprehensive cultural agenda. Having the continued assistance of the Aboriginal caseworker is not sustainable as the responsibilities of their role are substantial. YJNSW should replicate the models of Cobham YJC and Reiby YJC and appoint an additional identified position (eg Aboriginal mentor) at Frank Baxter YJC.

Recommendation: YJNSW appoint an identified position at Frank Baxter YJC to support the Aboriginal practice officer and promote a cultural agenda at the centre.

Recreational programs and activities

Frank Baxter YJC informed us that they offer a range of recreational programs and structured activities to young people after school, on weekends and during school break, including recreational, therapeutic, health, cultural, and religious / spiritual programs.²²⁹

Historically Frank Baxter YJC has performed well in their delivery of recreational programs and activities for young people. It employs six programs and activities officers responsible for delivering recreational programs to young people. They deliver in-house activities and engage with community providers to run specific programs around music, arts, dance, fitness, barista skills, white card and driver testing. It was good to see that the centre continues its longstanding association with Guide Dogs NSW where the young people train and socialise puppies in preparation for community life.

Both in house and community programs stopped during peak periods of the COVID-19 pandemic and activities were limited. At times, during the pandemic, program staff were needed to perform operational duties due to reduced staffing from covid related illness and close contact isolation. This affected recreational offerings and activities were confined to the units. At the time of inspection, the centre was welcoming the return of community programs.

Specific recreational schedules operate for the HRU and the ESU. Recreational programs and activities are part of daily activities in the HRU, including basketball, fitness, boot camp, and bingo. Programs and activities officers work within the ESU program and the occupational therapist helps deliver effective recreational programs and activities such as cooking and photography.

We acknowledge the constraints placed upon the centre by the pandemic. The efforts of programs staff to rebuild programs and activities for the young people was underway on inspection, however, a lot of work was needed. We were told that clarity around program funding was important in helping plan a programs schedule. A post inspection visit to Frank Baxter YJC (some 12 months later) saw little change around recreational programs and activities in the centre. It was pleasing to hear that communications were occurring with the programs team at Cobham YJC to learn and follow their lead. However, the schedules and documentation produced to us did not in any way reflect the standard of Cobham YJC. Recreational programs and activities are important for young people and need more attention at Frank Baxter YJC. Support from YJNSW would help and would be best offered from a centralised agency programs role that has formal oversight of recreational programs and activities in all youth justice centres throughout NSW.

Vocational programs

In addition to the vocational programs offered through the GIRRAKOOL school, Frank Baxter YJC also provides opportunities for young people to acquire vocational skills. Young people who do not attend school can participate in the horticulture program which involves lawn mowing and grounds maintenance. Unfortunately, TAFE facilitated training for horticulture ceased before the pandemic and may not be reinstated, which removes the ability for young people to acquire an accredited competency which can be built upon in the community. The centre laundry also provides a place for young people to acquire skills, however no recognised qualification can be issued to young people. With increasing remand numbers in the centre and the average length of stay in the YJC being 32 days; having the ability to attain a vocational competency would be useful and allows young people to build upon those skills in the community to a full qualification. This should be pursued.

229 Information provided by Frank Baxter YJC, 28 January 2022.

Food

The kitchen at Frank Baxter YJC was staffed with three cooks and two part-time support staff. They are responsible for preparing all meals for young people and staff. Meals are prepared in the centre kitchen and served to young people in the communal dining area on the unit. On inspection the kitchen presented as clean and well equipped. Meals follow the recommended YJNSW state-wide menu with minor adaptations to include feedback from the young people. The kitchen prepares religious friendly, and diet modified meals when necessary and birthdays of young people are celebrated with a cake, which is shared with the young people on their unit.

Young people in confinement and on a detainee risk management plan (DRMP) receive a different evening meal which is less nutritional (sausage rolls/ meat pies) than that served to the young people eating in the dining areas of accommodation units. Despite being raised on earlier inspections the practice continues in many YJCs and must stop.²³⁰ Meals should be the same for all young people unless there are risk issues around the use of cutlery for a young person.

During the COVID-19 pandemic and as situations changed, several modifications were made to food preparation and delivery. At one point, on instruction from JH&FMHN finger food and snack packs were served to young people and cutlery avoided to minimise transmission of the virus. This practice has ceased.

Safety, security and restrictive practices

Staff, culture and training

At the time of inspection Frank Baxter YJC had welcomed a new centre manager who had respect and support from staff. Staff reported being happy and feeling supported by the centre manager. This was pleasing to hear as emotional well-being generally affects staff interactions with young people. Whilst young people reported that staff were generally good many commented on racism as being an issue among some youth officers. It was disturbing to hear some of the young people's stories which were raised immediately with the centre manager. YJNSW must ensure racism is promptly dealt with, and there are plans to deliver cultural engagement and education sessions to staff to ensure cultural safety of young people and staff. Such initiatives will need to reinforce the message that staff are required to meet standards of professionalism and treat all young people with respect.

The centre has seen several staff changes with resignations and new appointments. New youth officers are well trained and centre practice to buddy them with experienced youth officers provides support and guidance and helps retention rates. This is regarded by staff as helping with cultural change in the centre.

Youth officer training has increased and occurs largely in the centre replacing the need to attend offsite training at YASMAR.²³¹ This has resulted in a greater willingness of staff to participate in training. Youth officer training and drills occur during CAMs and on Saturday and Sunday mornings when young people are locked in their rooms. While it is pleasing to hear of the increased interest of staff in training, it is important that training has minimal impact on the time young people are out of their room.

Partially clothed body search

At the time of inspection Frank Baxter was expecting the arrival of a body scanner. Until then a partially clothed body search (PCBS) was performed on young people on admission to the centre and thereafter

²³⁰ Inspector of Custodial Services, *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018), recommendation 21.

²³¹ YASMAR is the training facility that provides custodial training programs for YJNSW.

based on risk. A review of 12 months of data from 1 November 2020 to 31 October 2021 recorded 31 items found during PCBSs performed on young people at Frank Baxter YJC, with the most found item being a weapon followed by prescription drugs. See the following table for further detail.

Table 28: Items found and recorded during partially clothed body search²³²

Item found during PCBS	Times recorded
Weapons	14
Prescription drugs	8
Unauthorised goods	2
Lighter/ matches	2
Illegal drugs	2
Literature	1
Other	2
Total	31

Incidents

From 1 November 2020 to 31 October 2021 Frank Baxter YJC recorded 303 incidents which are detailed in the following table.²³³ The data records assaults occurring on 60 occasions. Over half of the assaults recorded (n=33) were between young people, 26 assaults involved young people on staff and one was an assault by police on a young person.²³⁴ Contraband finds were primarily weapons (n=14) and prescription drugs (n=8). Security breaches were predominantly young people refusing a direction (n=20).²³⁵ Of concern are five recorded occasions involving keys and unauthorised entry. Considering the circumstances around the Frank Baxter YJC riot in 2019 and the Shearer review which addressed the need to secure keys, lanyards and doors, those incidents should not be occurring.

Frank Baxter recorded 56 occasions of self-harm. There were 40 actual incidents of self-harm, 12 attempted and 4 threatened by a young person.²³⁶ Assault and self-harm rates have dropped considerably across YJCs over past years, which is commendable. Trends and issues around assault rates and self-harm in YJCs are discussed in Chapter 2.

Table 29: Type and number of incidents at Frank Baxter YJC 1 November 2020 to 31 October 2021²³⁷

Category	Number of Incidents
Assault	60
Threat to Worker	58
Contraband	31
Security Breach	29
Property Damage/Loss	14

²³² Information provided by Frank Baxter YJC 28 January 2022.

²³³ Incidents recorded on CIMS are a broad brush of situations that may occur in a YJC.

²³⁴ One assault is recorded as police on young person. Information provided by YJNSW 28 January 2022.

²³⁵ Information provided by Frank Baxter YJC 28 January 2022.

²³⁶ Information provided by Frank Baxter YJC 28 January 2022.

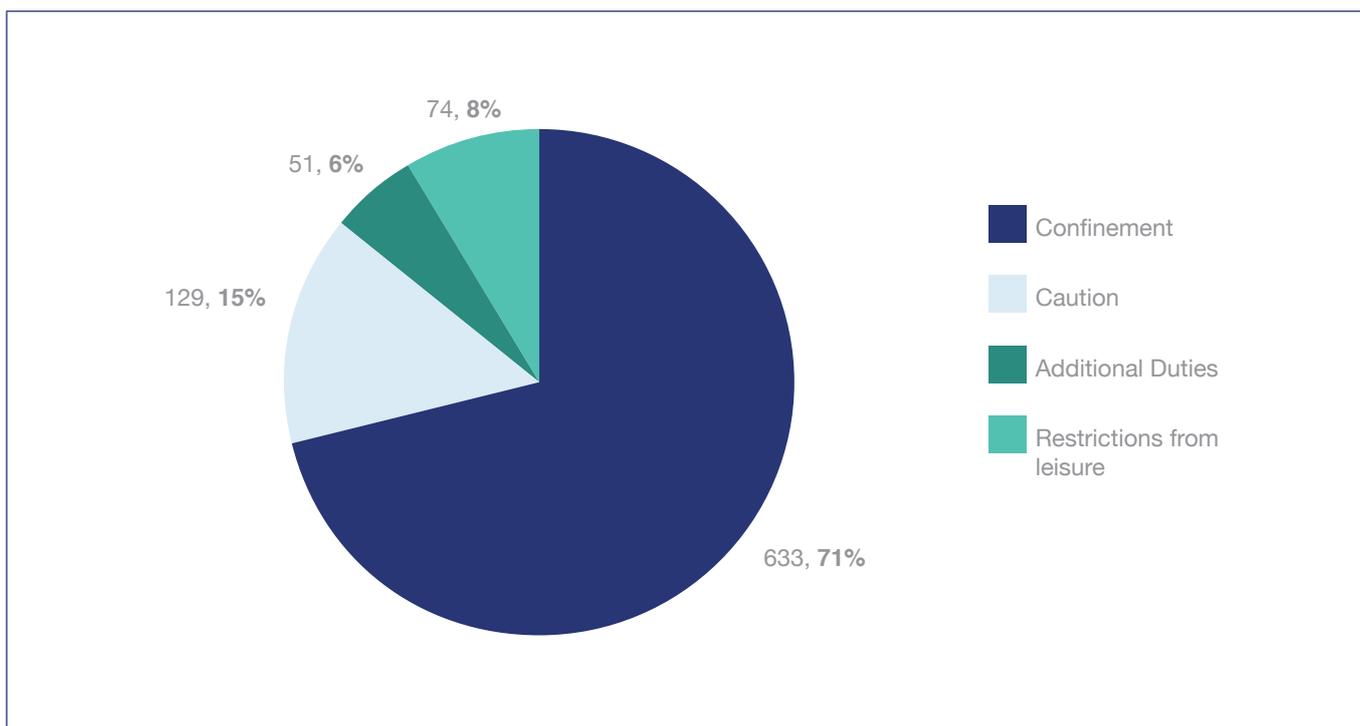
²³⁷ Information provided by Frank Baxter YJC 28 January 2022.

Inappropriate Behaviour	4
Attempt Escape	1
Self Harm	56
Medical /Hospital Treatment	46
Injury/Accident	2
Other	2
Total	303

Misbehaviours

Misbehaviours by young people are met with a range of consequences from a caution to confinement. Centre data for the period 1 November 2020 to 31 October 2021 recorded 887 punishments for misbehaviours of young people.²³⁸ Confinement is the most preferred consequence for misbehaviour (71%) and is discussed later in the chapter under ‘confinement’.

Figure 9: Punishment type and number, Frank Baxter YJC 1 November 2020 to 31 October 2021²³⁹



Use of force and restraints

During the 12 months 1 November 2020 to 31 October 2021 force was used on young people on 252 occasions. Almost a third of use of force occurred in the HRU (n=70).²⁴⁰ Force was used primarily to protect from harm (n=192; 76%). The second most common purpose was to move a young person (n=36; 14%). Further detail appears in the table below.

²³⁸ Information provided by YJNSW 24 May 2023.

²³⁹ Information provided by YJNSW 24 May 2023.

²⁴⁰ Information provided by Frank Baxter YJC 28 January 2022.

Table 30: Number of times and reasons for use of force at Frank Baxter YJC 1 November 2020 to 31 October 2021²⁴¹

UOF Reason	Number
Protect from harm	192
Move Young Person	36
Prevent Self Injury	11
Prevent Riot	10
Seize Dangerous Item	2
Prevent Prop. Damage	1
Total	252

All young people are assessed by JH&FMHN after use of force (planned and unplanned). The centre recorded two incidents of injury in the data period for superficial injuries of scratches/ abrasions.²⁴²

Restraints may or may not accompany a use of force. The centre recorded 187 occasions during the 12 months 1 November 2020 to 31 October 2021 where restraints were used. Handcuffs were used on young people on 147 occasions, primarily to protect from harm (n=106) or when moving a young person (n=26). Youth officers wore protective helmets and shields were worn by youth officers on 40 occasions.²⁴³

The centre refers all use of force to the Use of Force Review Panel. The inspector heard that while the process is good, it involves a lot of time collating footage and associated reports for review by the panel. Recommendations from the panel can include referral to professional standards and further staff training. We viewed footage of use of force. It was difficult to observe what was occurring due to poor CCTV footage angles. Body worn cameras enable a clear and unobstructed view of use of force that will considerably help the review process.

It is pleasing to see a substantial reduction in use of force and use of restraints on young people in Frank Baxter YJC, details of which appear in following Table. Data provided by Frank Baxter YJC for the period 1 November 2020 to 31 October 2021 was compared with data last reported in the *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres* report.²⁴⁴ At the time of the last inspection Frank Baxter YJC recorded in the 12-months 1 July 2017 to 30 June 2018, 406 incidents of UOF and 269 occasions where restraints were used on young people.

²⁴¹ Information provided by Frank Baxter YJC 28 January 2022.

²⁴² Information provided by Frank Baxter YJC 28 January 2022.

²⁴³ Information provided by Frank Baxter YJC 28 January 2022.

²⁴⁴ Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018), 80.

Table 31: Use of force and restraint numbers in Frank Baxter YJC

Centre	UOF numbers		Restraints numbers	
	2017/18 ²⁴⁵	2021/22 ²⁴⁶	2017/18 ²⁴⁷	2021/ 22 ²⁴⁸
Frank Baxter	406	252	269	187

Confinement

The last inspection found there to be an overreliance on confinement as a consequence for all types of misbehaviour at Frank Baxter YJC. The *Children's (Detention Centres) Regulation 2015* categorises misbehaviours as general or serious.²⁴⁹ Misbehaviours are met with a range of consequences from receiving a caution to serving a period in confinement.²⁵⁰ For the current inspection we reviewed data from 1 November 2020 to 31 October 2021 which recorded 633 episodes of confinement three of which were served by girls (two girls were Aboriginal).²⁵¹ Over half of the confinements (n=366, 58%) were served by Aboriginal young people. Young people at Frank Baxter YJC were equally likely to receive confinement of either 3-6 hours (n=202) or 6-12 hours (n=200). The next likely confinement time to be served by young people was 12-24 hours (n=155) Further detail appears in the following table.

Table 32: Confinement of young people at Frank Baxter YJC 1 November 2020 to 31 October 2021²⁵²

Aboriginal status	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Aboriginal	1	40 (1 girl)	122	113 (1 girl)	84	0	360 (2 girls)
Non-Aboriginal	0	35	76 (1 girl)	85	69	0	265 (1 girl)
Unknown	0	0	4	2	2	0	8
Total	1	75	202	200	155	0	633

Whilst confinement numbers appear to have moved only slightly (n=11) since our last inspection it should be noted that those numbers had reduced markedly over the three years prior to almost half.²⁵³

On inspection we requested misbehaviour records from January to April 2022. The number of girls serving confinement in a male centre was concerning. For safety reasons girls are generally housed in rooms attached to the health centre. They are already subject to a restrictive regime with little opportunity to leave their room for exercise and should not have been confined.

245 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017–18.

246 Data for the 12 month period 1 November 2020 to 31 October provided by Frank Baxter 28 January 2022.

247 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017–18.

248 Data for the 12 month period 1 November 2020 to 31 October provided by Frank Baxter 28 January 2022.

249 Children (Detention Centres) Regulation 2015, Schedule 1.

250 Children's (Detention Centres) Act 1987, 21(1).

251 Information provided by YJNSW 24 May 2023.

252 Information provided by YJNSW 24 May 2023.

253 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres in NSW*, (Report, December 2020) 37.

While there was evidence of confinement being appropriately assigned to serious misbehaviours such as assault, there were also several occurrences when confinement was used in response to general misbehaviours such as disobedience and bad language. We raised concern in our last report around issuing confinement for bad language.²⁵⁴ 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.²⁵⁵ Youth officers would benefit from recurring training on what are general and serious misbehaviours and the correct allocation of punishment as prescribed by the legislation.

We were disappointed to find confinement periods being applied in a way that extended confinement without triggering oversight mechanisms. For example, a young person had served 13 hours on confinement and was moved from a confinement cell to their room at 8.00pm when unit bedtimes had commenced. The young person was released from their room at 8.00am the following day which means they had spent 25 hours of continuous confinement. As the time locked in a cell is split over two places it avoids the 24-hour statutory notification to the NSW Ombudsman.²⁵⁶ This was also found in other YJCs (Reiby YJC, Acmena YJC).

Conversations with young people and staff revealed that punishment for an episode of misbehaviour can be multi-layered. Young people on confinement are considered a cutlery risk and will receive a different meal to everyone else of a meat pie or sausage roll. They will not meet weekly incentives, and in many cases will be refused access to the gym for several days. Misbehaviour and punishment practices require review across YJCs.

Frank Baxter YJC has five holding rooms where young people may serve confinement; two of these are in the operational control area and three are in the admissions area. The Act allows for young people to be confined for acts of misbehaviour but requires that the place where they are confined is to be no less favourable than the physical environment of other places occupied by young people in detention.²⁵⁷

Although we were told that the rooms in the operational control area were not being used, a review of the record of checks books showed entries of young people on confinement being in the holding rooms.

Confinement cells



254 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres in NSW*, (Report, December 2020) 50.

255 *Children (Detention Centres) Act 1987*, 21; *Children (Detention Centres) Regulation 2015*, schedule 1 Misbehaviour Part 1 cl.6.

256 Where a young person is in confinement for 24 or more hours the Ombudsman must be informed. *Children's (Detention Centre) Regulations 2015*, 10.

257 *Children (Detention Centres) Act 1987* No.57, 2(b).

Separation and segregation

Frank Baxter YJC recorded 405 episodes of segregation from 1 November 2020 to 31 October 2021. Most young people were in segregation for less than 1 hour (n=210) and 50 young people spent more than 24 hours in segregation.²⁵⁸ Segregation over 24 hours must be notified to the NSW Ombudsman.²⁵⁹ More than half of the young people on segregation orders were Aboriginal. See table below for further detail.

Table 33: Segregation orders of young people at Frank Baxter YJC from 1 November 2020 to 31 October 2021²⁶⁰

Segregation	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	0	0	0	0	0	0	0
Male	210	111	17	10	7	50	405
Aboriginal	94	64	11	8	5	36	218
Total	210	111	17	10	7	50	405

Separation orders issued in the centre from 1 November 2020 to 31 October 2021 are mostly attributable to the need for new receptions of young people to be placed in quarantine.²⁶¹ Frank Baxter YJC recorded 613 occurrences of separation from 1 November 2020 to 31 October 2021. Most young people spent over 24 hours in separation (n=286).²⁶² See table below for further detail.

Table 34: Separation orders of young people at Frank Baxter YJC from 1 November 2020 to 31 October 2021²⁶³

Separation	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	0	1	5	14	42	37	99
Aboriginal	0	0	3	9	29	22	63
Male	38	24	53	26	124	249	514
Aboriginal	17	13	15	17	63	124	249
Total	38	25	58	40	166	286	613

Incident Response Team (IRT)

Frank Baxter YJC has a dedicated Incident Response Team (IRT). At the time of inspection IRT officer numbers had increased to address overtime and fatigue issues and several female officers had been appointed. IRT officers are trained in negotiation and de-escalation, and in building rapport and relationships to prevent an incident. We observed the IRT interacting with YP during recreation time which was friendly and respectful. However, some young people reported occasions where IRT officers had spoken poorly to them. A review of misbehaviour reports revealed that the IRT is called to respond to almost all incidents, many involving assaults and fighting among young people.

258 Information provided by YJNSW 24 May 2023.

259 Children's (Detention Centres) Regulations 2015, 10(2)(a).

260 Information provided by YJNSW 24 May 2023.

261 Children's (Detention Centres) Act 1987, 16.

262 Information provided by YJNSW 24 May 2023.

263 Information provided by YJNSW 24 May 2023.

Health and well-being

Health services

JH&FMHN is responsible for health service delivery at Frank Baxter YJC. Health services are provided through a multi-disciplinary team with nursing staff on site from 0700hrs to 2200hrs 7 days per week. JH&FMHN advised that the health centre provides the following services:

Health Services	Hours of Operation
Nurse Unit Manager	Five days per week
Registered Nurse x 4	Seven days a week
Dual Diagnosis Clinical Nurse Consultant (CNC)	Five days a week
General Practitioner	Visits one day a week
Psychiatrist	Visits one day a week
Dentist	Visits one day bi-monthly

Health promotion activities are provided by JH&FMHN through the Senior Aboriginal Adolescent Sexual Health and Harm Reduction Officer. A midwife provides parenting classes and nursing staff provide some health promotion advice to young people.

Young people requiring specialist appointments are taken for appointments at local health service providers, usually Gosford Hospital, which staff reported as generally being a well facilitated process.

Staff reported that there had been limited dental clinics due to COVID-19 restrictions in line with restrictions in the community. Urgent dental appointments are coordinated centrally through JH&FMHN who arrange for a dentist to attend the centre or for the young person to be transferred to another centre. There is no arrangement for a local provider to provide urgent services. JH&FMHN has informed ICS that oral health services have resumed normal operations, with no ongoing impacts of COVID-19 on oral health service delivery or wait times.²⁶⁴

Nursing staff reported good relationships between themselves and the young people and felt that they were able to deliver good care to the young people.

Nursing staff also reported good working relationships with YJNSW staff however the lack of a dedicated escort officer to bring young people to the health centre or to escort nursing staff to accommodation units impacted on access to young people at times.

Psychology services

A clinical manager position has been introduced at Frank Baxter YJC. The clinical manager provides clinical and administrative supervision of psychologists and counsellors and has a therapeutic voice on the centre executive. Having a senior oversight role is essential in Frank Baxter YJC where the cohort of young people is varied and with specialist units (HRU and ESU) managing young people with multi-layered complexities.

Psychology services at Frank Baxter YJC are delivered by seven psychologists (which equate to four full-time positions) and one AOD counsellor. At the time of inspection two psychologists were on long term

²⁶⁴ Information provided by JH&FMHN 29 September 2023.

leave. With reduced numbers of young people during COVID-19 service delivery was unaffected. However, there was concern that if more young people entered custody this could create challenges for meeting service demand.

Psychology services include ongoing psychological intervention, assessments, NDIS reports, parole and HYRORP reports, group programs, CSM, case conferences and discharge planning. Frank Baxter is one of the largest YJCs and accommodates high numbers of young people with varying levels of complexity and needs. It is essential that psychology services at Frank Baxter YJC are adequately resourced for affective service delivery to all young people.

A unit-based psychologist is assigned to the ESU and the HRU and available daily to all young people in the unit. The psychologist contributes to weekly DRMP reviews and prepares reports for HRYORP. Psychologists also conduct weekly mindfulness and skills based DBT programs in the HRU and ESU. Having psychologists permanently assigned to the ESU and HRU is good practice as it provides regular contact with and monitoring of the young people. We were informed that discussions had commenced around the Reiby YJC rotational DBT model being adopted in Frank Baxter YJC. It is essential in servicing the dominant remand population at Frank Baxter YJC that this be pursued.

A new intervention centre (IC) is operational at the centre. The centre accommodates psychologists, caseworkers, an occupational therapist (OT) and a speech therapist (SP). The recent addition of a full-time OT and SP has been invaluable to the essential services available to young people. Unfortunately, the continuation of those services is reliant on allied health funding which at the time of the post inspection visit had not been extended. OT and SP services are crucial in a YJC, and their work is essential to education, therapeutic intervention and pre-release planning. We support the continuation of OT and SP services at Frank Baxter YJC.

Despite having an IC with a sensory room and purposefully designed consultation and group spaces, access to young people remained an issue. The reliance on custodial escorts creates issues when there is limited staff in the centre. Centre procedures require two youth officers to escort a young person to the IC, when previously only one escort was necessary. With one youth officer stationed in the control room of the IC, it is considered that one escort, who can be a psychologist, is adequate when security is covered by IRT officers stationed around the compound.

Psychologists reported sound professional engagement with custodial staff and that their professional contributions are generally welcomed and valued. However, some custodial staff refer to the new intervention centre as the 'Ivory Tower' and 'Princess Palace'. There is a sub-culture among youth officers which needs to be addressed. Respectful and supportive relationships among all staff cohorts in a YJC is essential in delivering a safe environment for young people and staff.

Communications and support

Visits and telephone calls

Regular contact with family and friends is facilitated at Frank Baxter YJC through centre visits and telephone calls. AVL visits are available to young people where their family live remotely and are unable to visit the centre.

The pandemic necessitated changes to how young people communicated with their families and friends. Tablets were introduced in the visits area and AVL facilities continued to be used to ensure young people remained connected with family and friends. The young people commented that the tablet visits are good.

A review of centre data showed that 1698 virtual visits were performed via tablets and AVL from 1 November 2020 to 31 October 2021.²⁶⁵

Telephones are available to young people in their accommodation unit. Units had only one phone when all other YJCs have two phones available for young people to contact family, friends and relevant agencies. Frank Baxter YJC is one of the largest centres in NSW and having one phone in each unit is inadequate. We have been informed that additional phones have been allocated and are pending installation for Nurrunga, Katandra and Elliott units.²⁶⁶

Access to lawyers and legal support services

Young people can access lawyers and legal support services via phone on their unit, via tablet and AVL. The centre has one court and two professional AVL suites which are primarily used for legal visits. There is also an AVL facility in an interview room in the visits area used primarily for family visits, but it can also be used for legal visits or case conferences, when needed.

Young people reported having no issues accessing legal visits. A cordless phone is made available on each unit for legal calls when needed. However, it was unclear whether it was being utilised. The centre is now providing Aboriginal Legal Service (ALS) with a list of all young people that identify as Aboriginal, which ensures no young person is missed.

We were told the centre needs more court suites to meet increased court appearances and legal professional visits occurring via technology. The courtroom was installed in the 1990s and is outdated. Funds had been made available for an AVL suite to be installed on three of the units, and the court and legal suites in the admissions area are to be refurbished and an additional suite created.²⁶⁷

There was some confusion around whether young people were using tablets for court appearances. Admissions staff are not supportive of using tablets in this way and prefer young people to appear in the courtrooms in the admissions area. This is because they will be told the court result immediately and can prepare for a young person's release.

Chaplaincy services

In addition to mainstream chaplaincy offerings of pastoral care and faith support, the chaplain offered many recreational programs for young people to participate in, including art, music and song writing. There were also several Aboriginal programs around poetry, culture and stories, bushcraft and art which involved Aboriginal community members and visiting Elders. A Muslim pastoral assistant was visiting one day per week, however due to low numbers of Muslim young people in Frank Baxter YJC Friday prayers were performed with young people in Cobham YJC via Zoom. A young person was also moved to Cobham YJC to allow them to participate in Eid al-Fitr. The Ayzer Ministry visits fortnightly to provide pastoral and faith support to Pasifika young people and teach culture and heritage. Days of religious significance are acknowledged and celebrated. (Eid, Ramadan, Christmas etc).

The chaplain is well liked by the young people. The Inspector was told that during the pandemic he would visit the young people daily and if necessary, access them via tablets.

The centre relies heavily on the substantial program agenda delivered by the chaplain. We are concerned the recent resignation of the chaplain will affect program delivery and immediate attention is required to ensure continuity in the delivery of programs to the young people at Frank Baxter YJC.

²⁶⁵ Information provided by Frank Baxter YJC 28 January 2022.

²⁶⁶ Information provided by Frank Baxter YJC staff.

²⁶⁷ Information provided by Frank Baxter YJC staff.

Complaints and grievances

Young people can address their concerns several ways. They can make a confidential written complaint to the centre manager via the locked box, seek assistance from the Official Visitor or telephone the NSW Ombudsman. Concerns around centre issues can also be raised and managed at Detainee Representative Committee (DRC) meetings.

Young people told us that the complaint box is not used due to its conspicuous placement in the communal dining space. Aboriginal young people were reluctant to address their concerns internally with youth officers due to concerns around racism. This requires immediate attention so that young people can feel safe and supported in the centre.

DRC meetings were identified in the previous inspection as not functioning as intended and were not used as a meaningful forum for young people to raise and resolve issues. Issues with DRC meetings continue. We heard from young people that meetings were irregular and that there was no reporting back on issues raised at the meeting. This is not good practice. DRCs are not only a forum to communicate issues, but they play an important role in teaching young people how to effectively raise, discuss and resolve issues.

Behaviour management

Case management

The centre has seven caseworkers with one identified position. At the time of inspection several new caseworkers had commenced at Frank Baxter YJC, their appointments coinciding with the start of the new YJNSW caseworker model which is detailed in chapter 2. With the model having just commenced, logistics around supervision and training of caseworkers was still being worked out. This left caseworkers a little confused around the specifics of their role. It was thought necessary to conduct a follow up visit several months later, allowing caseworkers time to settle.

Caseworkers reported that they meet weekly with young people and more regularly depending on the young person's needs. It was explained that at times it was difficult to schedule meetings and programs with the young people due to limited time in the structured day and competing demands with the school and other support services. Changing Habits and Reaching Targets (CHART) is the primary intervention program at Frank Baxter YJC, which is generally delivered in a group setting however, time constraints can result in the program not being delivered.

Increasing numbers of young people with disabilities are also affecting the workload of caseworkers at Frank Baxter YJC. Many young people need NDIS referrals which involve the preparation of several reports and documentation.

A caseworker is assigned to the ESU and HRU. Managing case plans for that cohort of young people can be challenging with the need for a plan that helps them transition out of those units.

The Aboriginal case worker is an important addition and is responsible for developing case plans for Aboriginal young people at Frank Baxter YJC. Case plans are developed with the young person and are responsive to their individual needs and includes family, community, and cultural supports so the young person is better prepared for their return to the community. In addition to case plans the Aboriginal caseworker convenes twice weekly cultural groups that involve all Aboriginal young people in cultural learning, discussions and development.

Caseworkers are pleased with the new Intervention Centre. The placing of caseworkers, psychology

services, the OT and SP in a common workspace has allowed them to become a cohesive team, sharing information about young people and delivering comprehensive intervention services. This is an important addition to the centre that benefits staff and young people. Access to young people, however, was an issue which was raised by the psychologists (see earlier discussion 'psychology services'). This requires attention.

Client assessment meeting (CAM)

Client assessment meetings (CAMs) occur weekly with young people.²⁶⁸ We heard from many staff that CAMs does not work. The previous inspection identified stockpiling and gambling of incentive items among the young people. Since then, the centre has reduced the list of incentive offerings as a means of deterring the behaviour. Young people expressed their frustration with having gym access listed as an incentive. This results in many young people not having access to the gym and fitness programs. It is disappointing to learn that the gym is a place of occasional use by some and not fully enjoyed by all young people in the centre.

It was explained to us by staff that the inconsistency of incentive offerings among centres is not helpful and feeds the frustration among the young people. There was support from management for the incentive scheme to be centralised. Despite these shortcomings we heard that CAMs are done well in the HRU and ESU where the caseworker supports the young person in their CAM. This is good practice and would benefit all young people in the centre; however, it is appreciated that it would be an additional duty on an already full workload for caseworkers.

The EPIC program has been trialled in Acmena and Reiby YJCs and is doing well, with support from young people and staff. EPIC must be centrally managed by YJNSW, and YJNSW needs to develop an implementation strategy to successfully roll out EPIC in all YJCs.

Client services meeting (CSM)

Executive staff, unit managers, psychologists, case workers, the NUM, the school Principal and several key operational staff gather at the weekly CSM at Frank Baxter YJC to share information about young people and make necessary decisions around their management. The forum also performs a monitoring role around new admissions, court, risk, alerts, behaviour concerns, programs and services, stages and classifications, case conferences and release from custody. We observed a weekly CSM at Frank Baxter YJC. The meeting involved little, if any, discussion around providing services to young people. There was no discussion around new admissions and bail, and no action items. The CSM format is outdated and needs review.²⁶⁹

Detainee risk management plan (DRMP)

A detainee risk management plan (DRMP) is a risk management tool used to address the high-risk behaviour of a young person. It must not be used as a form of punishment and should incorporate the least restrictive strategies possible to address and reduce identified risks.²⁷⁰ DRMPs may or may not include segregation from other young people.²⁷¹ Minimum standards must be met around welfare and include minimum hours of recreation, provision of items, opportunities to mix on other units or with other young people, educational opportunities, and activities. A DRMP must include a minimum 6 hours out of room, where possible.²⁷²

268 See chapter 2 for further discussion on client assessment meetings.

269 See chapter 2 for further discussion on client services meetings.

270 YJNSW, *Detainee Risk Management Plan (DRMP) Policy*, (30 September 2020).

271 A young person may be placed in segregation to protect the personal safety of that or any other young person, or of any other person *Children (Detention Centres) Act 1987* (Act) 19. The *Children (Detention Centres) Regulations 2015*, cl 10(2)(b) directs that segregation of 24 hours or more is 'carried out in accordance with a plan'. A DRMP would be that plan.

272 YJNSW, *Detainee Risk Management Plan (DRMP) Policy*, (30 September 2020).

At Frank Baxter YJC most young people on a DRMP are placed in the HRU (Bouddi unit) and the ESU (Peat Unit). The centre records that during the 12-month data period 282 DRMPs were initiated at the centre. The average duration of a DRMP was 21 days and the longest time was 309 days.

As required by YJNSW policy, DRMPs are reviewed weekly within the centre.²⁷³ As part of the inspection process we observed a DRMP meeting. The meeting is attended by unit managers of the HRU and the ESU, psychologists, case workers, the NUM, the school Principal and other key staff. All young people on DRMPs at Frank Baxter YJC were discussed at the meeting. The DRMP policy details matters for consideration at the review which involves reviewing strategies and behaviour, the young person's access to programs, education and activities (including culturally relevant programs), and what are the goals going forward.²⁷⁴ Whilst the purpose of the meeting is to review the DRMPs, it was more a general update on each young person with no reference to the actual DRMP. We are informed by YJNSW that the newly developed 'Behaviour Assistance Pathway' model will replace DRMPs.²⁷⁵ We will closely monitor its implementation to ensure it addresses our concern about the use of DRMPs.

High Risk Unit (HRU) and Enhanced Services Unit (ESU)

Following the Shearer Review in 2019, Frank Baxter YJC created the HRU (Bouddi unit) and the ESU (Peat unit).²⁷⁶ The HRU accommodates young people deemed to be a high risk and the ESU accommodates young people who have challenging behavioural issues and require intense therapeutic interventions. Young people who meet the entry criteria to either the HRU or ESU are referred to the High-Risk Young Offenders Review Panel (HRYORP) for consideration of placement and recommendation by the Director Custodial Operations, who is the final decision maker.²⁷⁷ The HRYORP oversees the case management of the young person and will make recommendations around the young person's removal from the unit. Young people in the HRU and ESU must have a current and individual DRMP. Having an oversight arrangement for young people who are challenging and in need of significant intervention is important. The ICS supports the role of the HRYORP.

High Risk Unit

At the time of inspection, the HRU was staffed with a newly appointed unit manager and new youth officers. Youth officers are carefully chosen to work on the unit to ensure they understand the complexities of the young people and the importance of positive engagement with them. Having assigned staff provides consistency and allows the officers and young people to build respectful and supportive relationships. We observed youth officers on the HRU engaging with young people through recreational activity and conversations.

It was pleasing to see that a psychologist and caseworker are assigned to the HRU and engage regularly with the young people. Both deliver programs to the young people which include mindfulness, life skills and CHART. On inspection moves were underway for recreational staff to deliver weekly programs on the unit, which is good and necessary. The caseworker supports the young people at their weekly CAM which is also important as it would hopefully help them feel safe and supported in the meeting.

At the time of inspection, the school delivered education packs to the unit as there was no secure space for them to deliver school on the unit. We were told that YJNSW was hoping this could be addressed but unfortunately was unable to progress matters with Education NSW. Education via webinar process, similar

273 YJNSW, Detainee Risk Management Plan (DRMP) Policy, (30 September 2020).

274 YJNSW, *Detainee Risk Management Plan Policy*, (30 September 2020), clause 8.

275 Information provided by YJNSW 29 September 2023. 'Behaviour Assistance Pathway' model is scheduled to commence in October 2023.

276 Lee Shearer APM, Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019, (Report, August 2019).

277 YJNSW, *Custodial Operating Manual*, (version 2 July 2022).

to that provided in Austinmer Adolescent Unit (Forensic Hospital) should be given consideration.

The centre had introduced a detainee mentoring program where young people who have spent time within the HRU, are carefully selected and risk assessed to mentor and coach current young people in the HRU. Their role is to encourage the young person to adjust their behaviour so they can safely transition off the HRU and have connections to young people outside of the HRU. Young people are transitioned out of HRU to Tasman, the induction unit. Whilst a step down process is good, mixing new admissions to Frank Baxter YJC with young people whose behaviour was recently categorised as high risk is problematic and should be reconsidered.

High Risk Unit



Enhanced Support Unit

The Enhanced Support Unit provides individualised treatment and support services for a maximum of six young people and generally has a waitlist. ESU eligibility does not allow for girls and young boys to undertake the program. However, as the ESU model is about services and does not demand high risk environments the program could be adapted for Reiby YJC and potentially regional centres.

Daily routine for young people in the ESU involves attending school in the morning and groupwork, individual programs and clinical sessions in the unit in the afternoon. The occupational therapist and speech pathologist play important roles and help prepare young people for release to the community.

We heard from many staff that DRMPs are unnecessary in the ESU as risk is not an accurate reflection of, nor is it central to, the management of the young people in the program. The preferred model is a positive behaviour support plan which details continuity of care for either the young person's placement in a mainstream unit or for release.

Like the HRU, youth officers are carefully chosen to work on the ESU to ensure they are aligned with the core principles of the program and able to have respectful and supportive relationships with the young people. We observed youth officers on the ESU engaging with young people through recreational activity and conversations.

The ESU is a six-month program. The program's framework and goals are good and should be adapted to enable the program or elements of the program to be offered to as many young people as possible, including those on remand (where possible). There is support for the ESU model to be available in other

centres. YJNSW should consider adapting the model for delivery across centres to address the demand for the treatment and services it provides.

Transition from detention

In the past Frank Baxter YJC ran a formal pre-release program from the Penang Unit. Young people who were nearing release would reside in the unit whilst participating in a community day release program that enabled them to attend work, vocational education and perform prescribed tasks. The unit taught independent living skills and involved the young people in meal preparation, cooking, laundry and other daily duties to prepare them for transition to the community.

The pre-release program was not operating at the time of inspection and had not been for some time. Whilst it is acknowledged that the pandemic may be attributable, continued closure of the pre-release unit might be a natural consequence of the reduction in the number of young people on control orders in the centre, which sits generally around 25 percent. Control order numbers are low across the state. YJNSW operates the purpose built Waratah pre-release unit at Reiby YJC with dormitory style accommodation that has a communal kitchen, lounge, outdoor exercise space and garden. 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. For further detail see chapter 5 Reiby YJC.

Entry to the Waratah pre-release program is by referral from other YJCs and is available to young people on a control order. It became known on the inspection of Reiby YJC that centres were failing to identify and refer appropriate applicants to the Waratah program which results in the program being underutilised. If the criteria and method for identifying suitable placements was centralised with YJNSW, referrals could be made from Frank Baxter YJC to the Waratah program which would cover the gap left by the closure of the Penang pre-release program at Frank Baxter YJC.

A promising initiative was underway with Service NSW for a mobile bus to come into Frank Baxter YJC. The bus will enable young people nearing release to receive assistance for all matters covered by Service NSW including an ID card, registration for a learner's permit, financial support, and TAFE courses. This is a positive initiative of YJNSW and Service NSW and, if successful, should be replicated in other centres.

Chapter 5 Reiby Youth Justice Centre

Overview of Reiby Youth Justice Centre ²⁷⁸	
Analyses of centre data is for the 12 month period 1 May 2021 to 30 April 2022	
Dates of inspection	5 – 8 September 2022
Pre and post inspection visits	21 July 2022, 8 March 2023, 12 May 2023, 13 July 2023 (NAIDOC)
Bed capacity	45 (Centre) 10 (Waratah Pre-release Unit)
Average number of young people at the centre	23
Percentage (average) of Aboriginal young people	42% (combined) 21% (male) 21% (female)
Average length of stay	11 days (combined) 12 days (female) 10 days (male)
Percentage of young people on remand	89%
Average length of time on remand	9 days (combined) 11 days (female) 7 days (male)

Yarning circle



Centre grounds



²⁷⁸ Information provided by YJNSW, 24 May 2023.

Background

Reiby Youth Justice Centre (YJC) is located southwest of Sydney at Airds, Campbelltown; land of the Dharawal, Dharug and Gundungurra nations. It is the only facility with a dedicated area for holding young women and girls in NSW. It accommodates young women and girls from across NSW aged between 10 and 21 years and boys up to the age of 15 years. Reiby YJC can accommodate up to 55 young people who are either on remand or serving a control order. It is also home to the Waratah pre-release program which accommodates up to 10 young men and women.

A demographic snapshot (as at 1 May 2022) of the young people at Reiby YJC appears in the following table.²⁷⁹ The data shows 45% of the young people at Reiby YJC were Aboriginal (60% girls; 40% boys). Those numbers may be higher as the data relies on young people reporting that they are Aboriginal.²⁸⁰

Table 35: Demographic snapshot of young people at Reiby YJC as of 1 May 2022²⁸¹

Age	Female (n=11) 10 - 21 years (average age is 16 years) Male (n=11) 10-15 years
Aboriginal young people	Female (n=6; 60%) Male (n=4; 40%) Total = 10 (45%) *
Religion	15 recorded no religion. 6 Christian and 1 not recorded.
Language primarily spoken	English
Education level	Young people regularly recorded as having an educational level below Year 10.
Disability	7 young people with a confirmed disability (4 have more than one disability). 3 have a specific learning/ attention deficit disorder (other than intellectual).

Note: At the time of the snapshot the centre recorded a total population of 22 young people.

Reiby YJC was last inspected by the Inspector of Custodial Services (ICS) in 2019 as part of the three year inspection cycle and was reported in the *Inspection of Six Youth Justice Centres in NSW* report.²⁸² The report made recommendations around the following:

- The need for regular cleaning and maintenance of the segregation unit.
- The centre to meet NSW Government record keeping requirements around CCTV footage of use of force incidents.
- The provision of an adequate counselling space for psychology services.
- Structural and security changes to the Waratah Unit to allow for the separate accommodation of girls.

²⁷⁹ Information provided by Reiby YJC, 28 July 2022.

²⁸⁰ Engaging with young people on inspections of YJCs commonly revealed underreporting of Aboriginality.

²⁸¹ Information provided by Reiby YJC 28 July 2022.

²⁸² Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020).

Accommodation

The centre has three accommodation units; Slattery, Whitten and Warby. At the time of inspection Slattery was the quarantine unit and the other two were general accommodation units, one for girls and the other for boys. Outside the secure perimeter of the centre is the Waratah Unit which accommodates up to 10 young people participating in the Waratah pre-release program.

Table 36: Capacity and facilities of accommodation units at Reiby YJC

Unit	Capacity	Purpose	Unit design
Slattery	15	Quarantine unit; accommodates all new admissions to the centre (male and female young people).	<ul style="list-style-type: none"> • one interview room • four camera rooms • no dedicated confinement rooms
Whitten	15	accommodates girls and young women.	<ul style="list-style-type: none"> • one interview room • four camera rooms • no dedicated confinement rooms
Warby	15	accommodates boys.	<ul style="list-style-type: none"> • one interview room • four camera rooms • no dedicated confinement rooms
Waratah	10	Pre-release unit; Accommodates young men and women.	<ul style="list-style-type: none"> • one interview room • no camera rooms • No dedicated confinement rooms
MacArthur	-	Decommissioned.	-

The centre has two holding rooms in the admissions area and a dedicated segregation unit referred to as 'Main Unit'. Both the holding rooms and Main Unit were clean and fit for purpose. This was pleasing considering previous recommendations requiring the spaces to be regularly cleaned and maintained.²⁸³ The holding rooms in admissions are primarily used for the reception and admissions process. Young people spend little time in these rooms and are moved as soon as possible to accommodation units in the centre.

Main Unit is used to accommodate young people on segregation or at risk of harm.²⁸⁴ Main Unit has two rooms, a shower room, an office, and an outdoor area with seating and artificial grass. Young people can have supervised access in the outdoor area. It provides a space for individual programs and a place for the young person to meet with their caseworker and psychologist. There is no phone in Main 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. There were no young people in Main Unit during the inspection. However, the records book showed that two young people with complex mental health needs had recently spent considerable time in the unit. The area would benefit from access to the newly created sensory garden that is adjacent to Main Unit. This would help in creating a therapeutic environment for those young people who are at times placed in Main Unit and need

²⁸³ Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), recommendation 32.

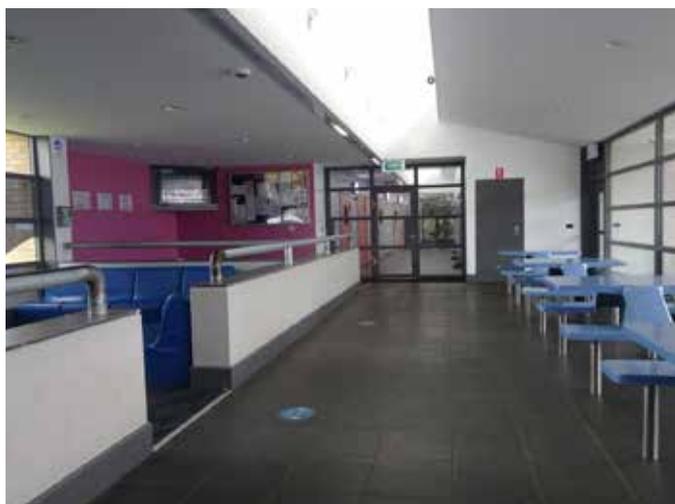
²⁸⁴ See *Children's Detention Centres Act 1987*, section 19, segregation of detainees for protection.

individualised support for their complex behaviour and medical concerns.

The centre presented well with grounds and accommodation units clean and well maintained. Each unit has a communal dining and seating area, two telephones, an outside recreational space with fixed gym equipment and a basketball hoop, and a programs room. The boy's unit has school rooms.

We were told that maintenance is an ongoing issue for Reiby YJC and can impact on daily centre operations. Maintenance services are provided by a government authorised contractor and their response times are not immediate. Though some infrastructure upgrades have happened in the centre other areas need attention.

Unit common area



Reception and admission

From 1 May 2021 to 30 April 2022, Reiby YJC recorded 831 admissions of which 359 were female, 472 were male and the overwhelming majority on remand (89%).²⁸⁵ See table below for further detail.

Table 37: Detainee status and number of young people at Reiby YJC 1 May 2021 to 30 April 2022²⁸⁶

Detainees Status	Number	%
Remand	811	97.6
Female	348	42.9
Male	463	57.1
Control order	18	2.2
Female	11	61.1
Male	7	38.9
Control order s19	2	0.2
Female	0	0
Male	2	100

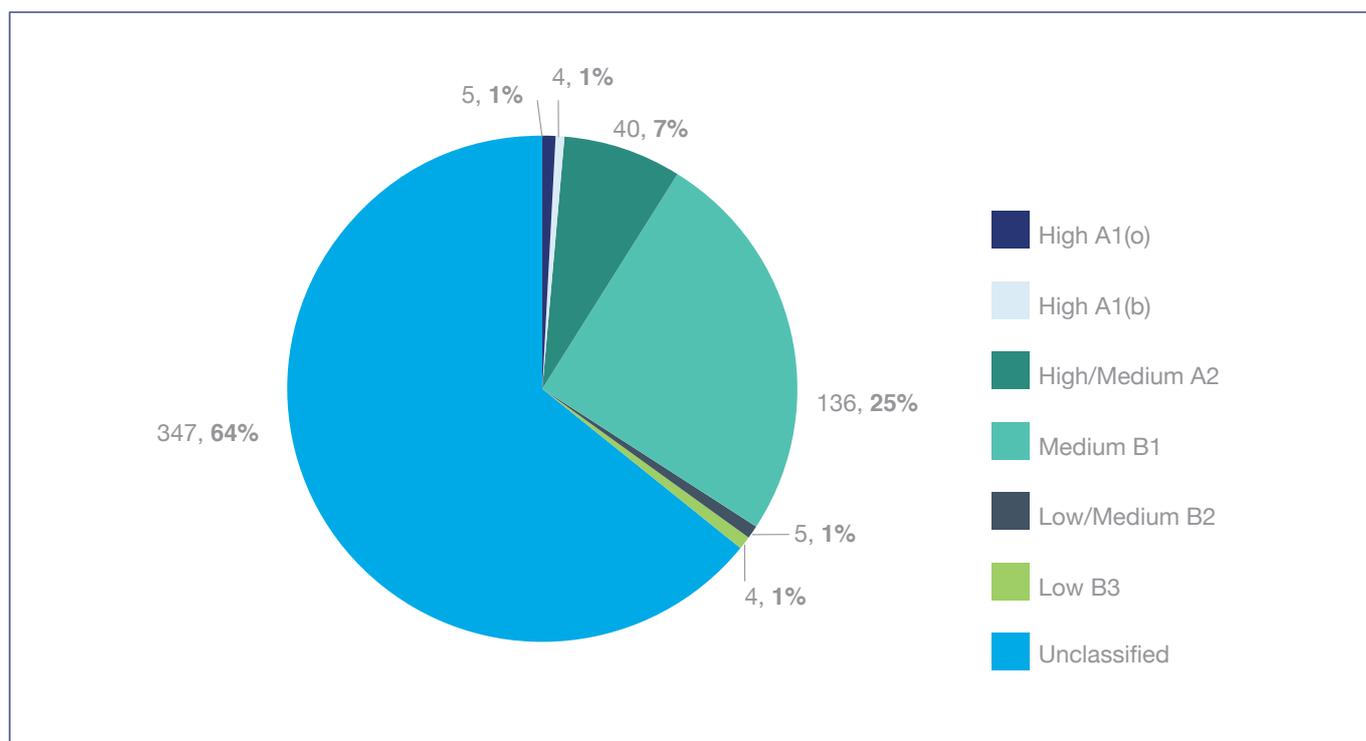
285 Information provided by YJNSW, 24 May 2023.

286 Information provided by YJNSW, 24 May 2023.

Between 1 May 2021 to 30 April 2022 girls spent on average 12 days and boys spent on average 10 days at Reiby YJC. Those on remand were residing in the centre on average 11 days for girls and 7 days for boys.²⁸⁷

The custodial system requires young people to be assigned a classification level that is determined according to their risk.²⁸⁸ Reiby YJC accommodates young people of all classifications. From 1 May 2021 to 30 April 2022, most young people were classified as medium B1 (n=136). The large number of young people who were unclassified (n=347) reflects the turnover of short-term remand numbers through the centre. Classification status and numbers of young people in Reiby YJC over the 12 months 1 May 2021 to 30 April 2022 is detailed below.

Figure 10: Classification status of young people detained at Reiby YJC, 1 May 2021 to 30 April 2022²⁸⁹



Reception process

Reception is staffed 24 hours per day, seven days a week to receive and process young people at any time of day. At the time of inspection, on arrival at the centre the young person was placed in a holding room and a rapid antigen test was performed by reception staff. Admissions and health staff wore PPE whilst engaging with the young person. The young person was searched, interviewed, and welfare and risk assessments conducted. All young people were taken as soon as practicable to Slattery Unit to complete a quarantine period. A centre induction occurred for all new admissions during quarantine. This involved the young person watching a video and being given a pamphlet containing essential centre information.

A body scanner had been installed at Reiby YJC two months prior to the inspection. The machine removes the need for staff to perform a partially clothed body search (PCBS) on young people, which was welcomed

²⁸⁷ Information provided by YJNSW, 24 May 2023.

²⁸⁸ *Children (Detention Centres) Regulation 2015*, 7. YJNSW, YJNSW *Objective Classification System Policy*, (Version 2,16 September 2020), cl 8 classification system categories.

²⁸⁹ Information provided by Reiby YJC, 28 July 2022.

by admissions staff. All new admissions are body scanned and young people returning from unsupervised day or overnight leave are also searched. Body scans may also be required if a young person is suspected of having an unsafe item or contraband.²⁹⁰

Bail and remand

We were told on inspection that high admission numbers at Reiby YJC are a consequence of active policing strategies, with most young people being refused bail by police. It was further explained that almost all young people receive court bail and that delays in releasing a young person occur when the grant of bail is conditional upon suitable accommodation arrangements.²⁹¹ Delays are commonplace for young people who are in residential out of home care (OOHC) (n=256, 31%).²⁹² We were also told by staff that in many cases young people are unable to return to their residential facility and an alternative arrangement must be found. Difficulties arise where the young person has an AVO or a history of violence or aggression or is withdrawing from substances and the OOHC facility will not accept the young person.

Within 24 hours of arrival at Reiby YJC the community caseworker conducts assessments around support and bail options for the young person; and liaises with the bail intake officer. The casework team at Reiby YJC connects daily with the bail intake officer and community caseworkers to ensure they are aware of all issues and potential movements around new admissions and are ready to assist where needed. Where assessments or custodial reports are required by the court, Reiby caseworkers help with providing information and the preparation of reports. That can be time consuming and generally involves input from Justice Health, community YJNSW, parents and other relevant parties. The proactive nature of the custodial case work team at Reiby YJC is applauded and demonstrates the professional commitment necessary to ensure young people have the best chance of being released on bail, as quickly as possible.

We were told of a young girl who was on remand at Reiby YJC and had waited four months before being granted Supreme Court bail. The Supreme Court adjourned her bail hearing twice waiting for a bail plan with adequate conditions and placement options. Although the situation was complicated due to the young girl's complex mental health needs, we were advised that the delay was due to an oversight in the bail referral system. This young girl is an example of how systems can fail to support some of our most vulnerable young people.

The limited placement offerings in the community for young people to be safely accommodated is driving remand numbers and length of stay at Reiby YJC. It is important that this is addressed.

Clothing and bedding

A weekly stocktake of clothing and bedding supplies is conducted at Reiby YJC. Young people presented well wearing appropriate centre issued clothing, and bedroom linen appeared adequate. Some young women reported having to ask for sanitary items and bras. Another issue raised with ICS and the Official Visitor is the provision of used underwear in the accommodation units. It is accepted that the high turnover of young people through Reiby YJC can result in underwear being used on only a few occasions. However, hygiene requirements do not allow the reuse of underwear. The centre manager has acknowledged this practice must cease.²⁹³

Recommendation: YJNSW ensure young people are provided with new underwear and girls have access to sanitary items.

290 Children (Detention Centres) Regulation 2015, 11A.

291 *Bail Act* 2013, s 28.

292 Information provided by YJNSW 24 May 2023.

293 Centre Manager response to Official Visitor dated 13 October 2023.

Managing the pandemic

Early days of the pandemic

At the onset of the COVID-19 pandemic all girls and boys who tested positive to COVID-19 remained in the centre. Reiby YJC converted Slattery Unit to operate as a quarantine and medical isolation unit with girls placed in the east wing and boys placed in the west wing. Any young person who tested positive for COVID-19 was kept in their room and a medical isolation notice placed on the door with instructions for PPE and management of the young person. In 2021 YJNSW designated Cobham YJC as the centralised location for managing young people in custody with COVID-19. Cobham YJC became the isolation hub for the state and managed all young people with COVID-19. This took some pressure off the other centres leaving them with managing only a quarantine unit.

In 2020 the ICS conducted routine COVID-19 monitoring visits to centres. Our visit to Reiby YJC found that the centre demonstrated good COVID-19 compliance with mask wearing, temperature checks, social distancing and regular use of hand sanitizer. A dedicated team of youth officers were assigned to Slattery Unit to minimise the likelihood of transmission and length of shifts increased. This was sound practice.

During this visit we heard that managing time out of room around intake groups of young people was challenging and, in many cases, impossible, as young people do not generally arrive at Reiby YJC in groups. A system was necessary to ensure that young people were out of their room for at least six hours per day. Reiby identified additional areas which helped to maximise the time out of room for young people, including the movie room and outdoor exercise area in the decommissioned MacArthur Unit. This allowed five areas to be utilised for young people to spend time out of their room. The games room, outdoor area, and indoor area on the unit and the movie room and outdoor exercise area off the unit.

Despite having several breakout spaces Reiby YJC was at its very best, achieving three hours of time out of room per day for young people. Additional considerations for Reiby YJC included being mindful of mixing boys and girls, young boys and older boys and ensuring compliance with court orders that prohibited the mixing of co-accused.

The pandemic three years in

There were few positive COVID-19 cases among young people at Reiby YJC. In the early days of the pandemic accommodation units at Reiby YJC were locked down on four to five occasions due to concern around close contacts among staff. While at times staff numbers have been low, the centre managed to remain operational and deliver as best as possible a purposeful day for the young people at Reiby YJC.

At the time of inspection YJCs had reverted to managing COVID-19 positive young people in their centres. It was no longer a requirement of centres to transfer COVID-19 positive young people to Cobham YJC. Slattery Unit returned to managing both young people in quarantine and in medical isolation. Daily health checks were performed on young people and psychologists and caseworkers regularly visited young people to conduct any necessary assessments. It was disappointing to learn that school assessments were not happening during the quarantine period.

At the time of inspection young people in quarantine were spending as little as 90 minutes out of their room per day. It is important that young people spend a minimum of six hours out of their room whilst in quarantine. Reiby YJC had the capacity to use several areas to provide young people with time out of their room, and it was unfortunate that this was not occurring. It was concerning to learn on inspection that young people were being given confinement for misbehaviour whilst in quarantine. Confinement should not be a consequence for young people in quarantine when they are already locked in their rooms (for most

of the day) for an extended period (7 days at the time of the inspection). There were also delays in young people being moved out of quarantine conditions and spending more time than necessary in quarantine.

Staff reported that the main challenges for them throughout the pandemic has been around wearing PPE and meeting time out of room requirements for young people in quarantine. PPE requirements have changed over the course of the pandemic thereby requiring staff to always be aware of current protocols. There was evidence of compliance fatigue which was thought to be a consequence of both the duration of the pandemic and frequency with which PPE requirements changed over the course of the pandemic.²⁹⁴

COVID-19 caused the cessation of visits to YJCs for a lengthy period. The introduction of tablets enabled young people to have in-person visits with their family. Tablets also helped with legal and court processes. It is positive that tablets will remain as an additional means of communication in YJCs.²⁹⁵

Despite the challenges of the quarantine unit, there was overwhelming support for maintaining an intake unit post pandemic. The unit would enable young people to become familiar with centre rules and daily routines. We appreciate the merits of an intake or induction unit. However, time in the unit should not be wasted and a clear purpose and structure is essential. This should include time out of room and time with other young people.

Structured day

Young people at Reiby YJC participate in a structured day that is prescribed in weekday and weekend schedules. Young people either attend school, work party or reside in the Waratah Unit and participate in the pre-release program.

Time out of room

The centre operates a weekday and weekend schedule for young people. Weekday routine is from 7.15am to 9.00pm and weekend routine is 8.30am to 9.00pm. The Waratah Unit operates its own schedule with 14 hours out of room every day for all young people. Further detail is in the following table.

Table 38: Time out of room for young people at Reiby YJC²⁹⁶

Timetable	Scheduled daily routine	Time out of room per day*
Weekday (school attendees)	7.15am to 9.00pm	11.55 hrs time out of room (maximum) 9.25 hrs time out of room (standard)
Weekday (work party/ non-school attendees)	7.15am to 9.00pm	9.05 hrs time out of room (maximum) 7.05 hrs time out of room (standard)
Weekend	8.30am to 9.00pm	8.45 hrs time out of room (maximum) 6.45 hrs time out of room (standard)
Waratah Unit	7.00am to 9.00pm	14 hour time out of room

*Note: total time out of room excludes scheduled times per day when young people are locked in their room.

294 For further discussion and findings around the use of personal protective equipment in YJCs see Inspector of Custodial Services NSW, *Review of response to COVID-19 in NSW custody*, (Report, December 2023) Part 3.4.

295 For further discussion and findings around contact with family and friends see Inspector of Custodial Services NSW, *Review of response to COVID-19 in NSW custody*, (Report, December 2023) Part 5.3.1.

296 Information provided by Reiby YJC, 28 July 2022.

The schedules indicate that young people who attend school enjoy the most time out of room (11.55 hrs maximum; 9.55 hrs standard). Young people who do not attend school have two hours less time out of their room. Their day involves completing chores and participating in a 'work party' that is responsible for grounds maintenance. Work party numbers are generally small as only young people with low and low/medium classification can participate.²⁹⁷ Reiby YJC operates a reduced timetable on weekends where young people spend three hours less time out of their room (8.45 hrs maximum: 6.45 hrs standard). The accepted standard is for young people to have a minimum of 10 hours out of their room per day.²⁹⁸ Centre schedules show that times fall short of the standard for those young people on work party and for all young people on the weekend. Reiby YJC should review daily schedules and centre practices to ensure all young people are receiving the minimum 10 hours out of room per day.

Education and Training Unit (ETU)

The Dorchester Education and Training Unit (ETU) provides a primary and secondary school program to all eligible young people at Reiby YJC. It also assists young people undertake university and vocational education and training studies, where appropriate. The school operates a standard school calendar and hours are 8.30am to 3.00pm.

All students are assessed before commencing school. At the time of inspection, this was occurring after the young person was released from quarantine. It takes three half days for assessments and an education plan to be developed. With average stays at Reiby YJC being 12 days for girls and 10 days for boys, education assessments are a priority.

Dorchester school delivers formal classes to boys in designated classrooms on Warby Unit. Girls attend school in the prescribed classrooms in the centre. Boys and girls participate (albeit separately) in the school's hospitality, art and woodwork programs which occur in designated learning areas in the centre.

School continued throughout the pandemic and during lockdowns. At the height of the pandemic half of the school staff continued to work in the centre whilst others worked from home. Where possible the school schedule was maintained. To assist the ongoing education of young people, online learning was explored, and the centre's IT capacity upgraded to deliver programs. The school now has secure Wi-Fi and adequate net support enabling the use of iPads and laptops by young people in the classroom and for on-line learning.

To meet the needs of the remand population in Reiby YJC, the school has three teachers qualified to teach young people and issue VET competency certificates. The VET courses are designed so that a young person can earn a competency (for example hygiene or barista) in two weeks and thereafter can build on their qualification competencies in the community. The school is also directing attention to support plans for young people and how information is best shared with external schools to facilitate successful transitions to the community. It is pleasing to see attention being given to an increasing remand population in YJCs. We commend the Dorchester school for its efforts in addressing the needs of all young people.

At the time of inspection several projects were underway by the school to provide more learning and recreational spaces for young people at Reiby YJC. These involved a horticultural and outdoor cooking space. Fixed furniture in the classroom was also being explored by the centre to comply with recommendations from the Shearer Review. In the absence of any history of incidents in the classroom, fixed furniture may be too restrictive for education purposes. We support flexible learning environments for young people in YJCs.

²⁹⁷ YJNSW *Objective Classification System Policy*, (Version 2,16 September 2020), cl 8 classification system categories.

²⁹⁸ Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards*, (June 2020), 9.8.

Intervention programs

Programs delivered at Reiby YJC include Changing habits and reaching targets (CHART), My Journey My Life (MJML), My Journey My Life (Yinnar), X Roads and Love Bites. The newly developed My Journey My Life (Yinnar) program for Aboriginal girls has been well received by young people and staff at Reiby YJC. Yinnar is a modified My Journey My Life program developed by Aboriginal women for Aboriginal young women and girls. The program aims to address anti-social and aggressive behaviours in a culturally sensitive way and challenges young people's attitudes and beliefs with offending behaviours. Yinnar is regarded by management and staff as having helped reduce self-harm numbers in the centre. With the shifting cohort in youth justice centres to a predominantly remand population, program content where possible has been modified to enable participation from young people on remand. This has been achieved with MJML and Yinnar which has allowed Aboriginal young people to join in programs whilst they are in Reiby YJC.

Cultural programs

Until recently few cultural programs were available for young people at Reiby YJC. This was largely attributable to COVID-19 and the temporary restrictions on visitors and community groups visiting the centre. At the time of inspection, the restrictions had lifted, and community groups were being welcomed back into Reiby YJC. Cultural programs had recommenced, and new initiatives were underway.

A newly recruited programs team at Reiby YJC includes Aboriginal and Pasifika youth officers. They deliver cultural programs and provide cultural support for young people. We observed Aboriginal young people participating in dance, weaving and art. The young people were engaged with the activities and reported enjoying them.

At the time of inspection, the newly established roles of Aboriginal practice officer (APO) and Aboriginal mentor were operational at Reiby YJC. The APO is responsible for community engagement and building local partnerships with Elders and external organisations. It is intended that the APO will increase cultural knowledge and provide better informed Aboriginal practices at Reiby YJC. The Aboriginal mentor helps with the delivery of cultural programs, provides feedback to management and assists in staff cultural training at Reiby YJC.

Management at Reiby YJC has made considerable effort to address the cultural shortcomings at the centre. The roles of APO and Aboriginal mentor are an essential asset to Reiby YJC and for all youth justice centres. Cobham YJC has similar roles and it was evident on inspection the impact they have at Cobham YJC around the delivery of cultural programs and support for young people (see discussion in chapter 3 Cobham YJC).

Recreational programs and activities

Prior to the inspection there were minimal recreational programs and activities occurring after school, on weekends and during school holidays at Reiby YJC. Whilst the pandemic affected the delivery of community led programs, internal recreational activities (including those conducted in the unit) were also not happening. It was explained that youth officers who preferred the afternoon shift sometimes lacked motivation to engage with young people and lead programs or activities. It was pleasing to hear that this had been addressed and that afternoon shifts are now led by youth officers who are ready to engage with young people and inject much needed enthusiasm into recreational time.

Since the last inspection, a new multicultural programs team is operating at Reiby YJC which is led by an identified (Aboriginal) shift supervisor position. The team has three Aboriginal programs officers and one Pasifika programs officer of which two are male and two are female. The new programs team is welcomed

by young people and staff.

At the time of inspection community groups and Elders were starting to come back into the centre. Prior to the pandemic several community groups visited the centre and engaged with young people, including the Kari Aboriginal Group, Wolkara Elders, Karitane and Shine for Kids. Karitane delivers a relationship and parenting program. Shine for Kids offers a program designed to help with self-worth and resilience. It was pleasing to see Reiby returning to a 'business as usual' format.

Scheduled weekly activities have been improved by the new programs team which include table tennis, football, volleyball, painting, PlayStation, board games and baking.²⁹⁹ As it was early days young people were unable to provide any feedback. At the time of the inspection the programs team were developing a timetable for school holidays that involved a variety of activities. The inspector applauds the efforts of the new programs team at Reiby YJC.

It was explained to us that several factors must be addressed for the new programs model to be successful and sustainable. There was support for having clear procedures and protocols around delivering programs. There was also a need for a well-defined program risk assessment tool to determine the eligibility criteria for young people to participate in a program. It was also thought that the programs team would benefit from a regular forum to share information with programs staff at other YJCs.

Food

All meals are prepared in the centre kitchen and delivered to the accommodation units for serving to young people. The kitchen manager prepares meals as prescribed by YJNSW summer and winter menus. Meals are varied and were reported by young people as generally liked. Young people on a DRMP or who are accommodated in main unit are given meals that do not require cutlery and consist of either a pie, sausage roll or a vegetarian option of ricotta and spinach quiche.

Although a vegetarian meal was offered to young people on a DRMP or in Main Unit, the mainstream centre menus lacked vegetarian meal options. Young people who are vegetarian are given the allocated meal minus the meat, which has them eating vegetables and rice. This does not equate to a nutritional vegetarian meal. Menus must be reviewed to meet Australian dietary guidelines, with particular attention to at risk, DRMP and vegetarian meal options.³⁰⁰

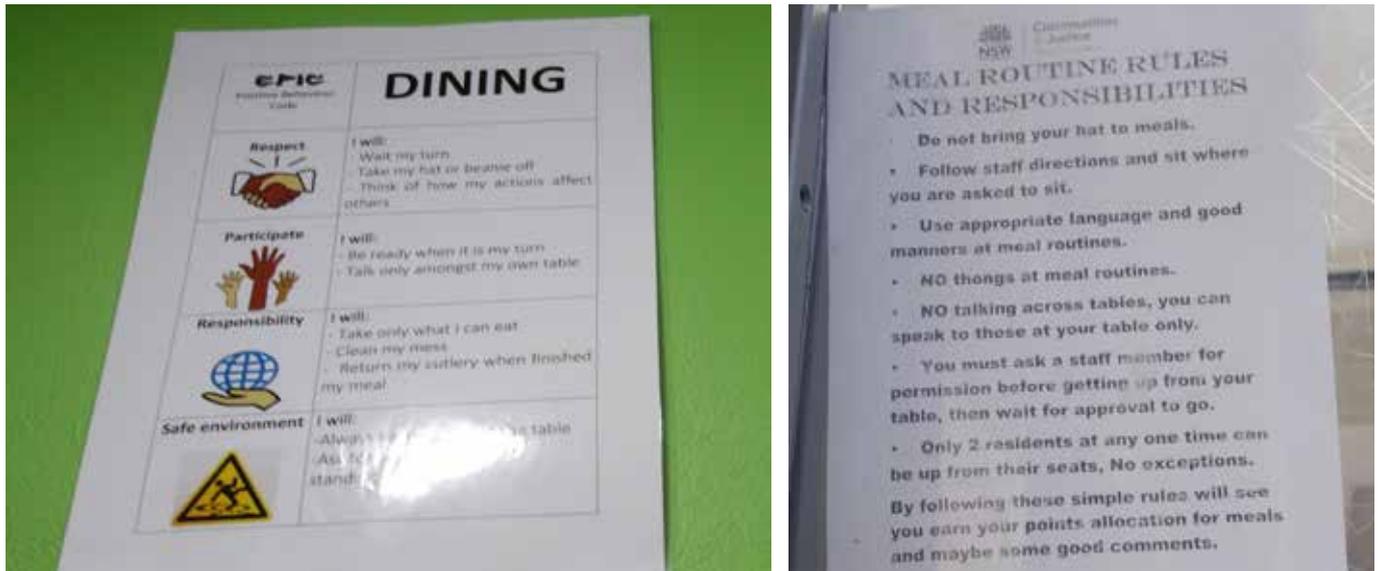
We observed breakfast and dinner service for young people in the units. The centre kitchen also provides lunch and dinner to unit staff. The staff eat first while the young people remain in their rooms, which was explained as a COVID-19 initiative required by YJNSW. Staff reported that a unit had recently run out of the evening meal (schnitzels) when, after staff had eaten, there was not enough food for the young people. This is not acceptable. Young people do not have another dinner option and should be served their meal first.

Meal routine rules and responsibilities are generally displayed in the meals area of accommodation units in YJCs. On inspection we observed notices that allowed talking only with those seated at the same table. No talking is allowed between tables which is monitored by staff and can be treated as misbehaviour.

299 Information provided by Reiby YJC, 28 July 2022.

300 National Health and Medical Research Council (NHMRC), *Australian Dietary Guidelines*, 2013.

Examples of meal routine notices displayed in dining areas of YJCs.



Meal routines for girls were isolating for some. Staff explained that girls are seated at the dining table assigned to their room number. When the number of girls in the centre is low the practice can result in girls sitting alone. The inspection team observed breakfast and dinner routines in the girls and boys units. At both mealtimes there were two girls seated alone and one table with a few girls. The boy's unit had higher numbers so no child was left to eat in silence.

Prior to the pandemic young people and youth officers sat together and shared meals, which normalised meal routines as a time for conversation and sharing food. Mealtime practices need revisiting and changes made to enable conversation at the dining table.

Safety, security and restrictive practices

Staff and Young People

Relationships between staff and young people were generally good. It was reported that only small numbers of youth officers demonstrate poor attitudes that affect young people. Staff were observed to interact well with young people and addressed them by their name.

Staff recruitment and training

At the time of inspection staffing levels at Reiby YJC were down and this was attributed to high rates of sick leave and low retention of new youth officers. It was further explained to us that youth officers were feeling burnt out from managing COVID-19 and having to work overtime.

There has been considerable effort by management at Reiby YJC to support staff during the pandemic and ensure a healthy work culture. We were told that the emphasis is on confirming staff are committed to working with young people and providing them with appropriate support and services. Staff reported being generally happy and have welcomed the support and regular communications with the management team at Reiby YJC.

Retention rates of new recruits is a continual challenge for management at Reiby YJC with resignations occurring shortly after commencement of duties. This was a recurring theme from all centres throughout the ICS inspections. Attrition rates in YJCs is discussed in Chapter 2.

The number of Aboriginal identified positions at Reiby had increased from the last inspection. The centre has five identified youth officer roles and one identified shift supervisor role. The inspector welcomes the efforts of YJNSW to employ youth officers at Reiby YJC that reflects cultural diversity.

At Reiby YJC training is regarded as playing an integral role in the retention of new recruits with the aim being to ensure workplace safety and support for youth officers. Training occurs regularly in the centre and is scheduled to have minimal impact on the time out of room of young people. This is good practice. The formally decommissioned MacArthur Unit at Reiby YJC has been repurposed as a staff training facility. The management team at Reiby YJC is hopeful that the new training facility will help address the recruitment and retention of youth officers at the centre. The recruitment, training and support of new youth officers is a state-wide concern and requires attention from YJNSW.

Partially clothed body searches

From 1 May 2021 to 30 April 2022, 909 partially clothed body searches (PCBSs) were performed on young people at the centre which resulted in 10 items being found. Details appear in the following table.

Table 39: Contraband found on young people at Reiby YJC 1 May 2021 to 30 April 2022³⁰¹

Item found	Item surrendered
Brush	\$50.00 note
Deodorant	Rocks
Vape	Torn material
Pen	\$1.00 coin
Plastic knife	Rock
iPhone	metal
Velcro	
Hair ties	
Rock x 2	

A newly installed body scanner was operating at the time of inspection. The machine is welcomed by staff and associated training on its operation and reading of scans had occurred. Young people also prefer body scans. A PCBS should only occur when a young person refuses to be scanned.

Incidents

From 1 May 2021 to 30 April 2022, Reiby YJC recorded 295 incidents which are detailed in the following table. The data records assaults occurring on 93 occasions with physical assault most likely (N=50) and in most cases involved young person on young person (n=29).³⁰² Reiby YJC recorded 114 occasions of self-harm which were primarily girls (n=97; 85%). Of these 78 were recorded as actual self-harm, 6 attempted and 13 threatened by a young person. Among boys, 17 incidents of self-harm were recorded 11 of which were recorded as actual self-harm, 2 as attempted and 4 threatened.³⁰³ Trends and issues around assault rates and incidents of self-harm in YJCs are discussed in Chapter 2.

³⁰¹ Information provided by Reiby YJC 28 July 2022.

³⁰² Information provided by Reiby YJC 28 July 2022.

³⁰³ Information provided by Reiby YJC 28 July 2022.

Table 40: Type and number of incidents at Reiby YJC from 1 May 2021 to 30 April 2022³⁰⁴

Incident type	Female	Male	Number of incidents
Assault - physical	28	22	50
Assault – sexual	3	0	3
Assault - verbal	16	19	35
Assault with weapon	1	4	5
Contraband	8	19	27
Threat to worker	2	12	14
Property damage/loss	1	4	5
Inappropriate behaviour	0	3	3
Self-harm	97	17	114
Injury/ accident	1	0	1
Medical/ hospital treatment	11	7	18
Security breach	1	15	16
Unauthorised discharge	1	0	1
Other	2	1	3
Total	172	123	295

Misbehaviours

Misbehaviours by young people are met with a range of consequences ranging from a caution to confinement. From 1 May 2021 to 30 April 2022 Reiby YJC recorded 867 episodes of misbehaviours of young people.³⁰⁵ The most favoured punishment given to young people was confinement (n=675; 78%). Further detail on punishments for misbehaviour appears in the table below. Confinement is overwhelmingly the most preferred consequence for misbehaviour at Reiby YJC and is discussed later in the chapter under 'confinement'.

Table 41: Punishment for misbehaviour at Reiby YJC 1 May 2021 to 30 April 2022³⁰⁶

Punishment	Number	Percentage %
Confinement	675	78
Caution	107	12.3
Additional duties	55	6.3
Restriction from leisure	29	3.3
Restriction from sport	1	0.1
Total	867	100%

304 Information provided by Reiby YJC 28 July 2022.

305 Information provided by YJC 24 May 2023.

306 Information provided by YJC 24 May 2023.

Use of force and restraints

In the 12 months 1 May 2021 to 30 April 2022 force is recorded as being used on young people at Reiby YJC on 204 occasions.³⁰⁷ Force was used primarily to move a young person (n=94; 46%) or protect from harm (n=76; 37%).³⁰⁸ Further detail appears in the table below.

Table 42: Number of times and reason for use of force; 1 May 2021 to 30 April 2022³⁰⁹

UOF Reason	Number	%
Move Young Person	94	46
Protect from harm	76	37
Prevent self-injury	21	10
Prevent property damage	5	3
Prevent riot	4	2
Protect drug dog	2	1
Seize dangerous item	1	0.5
Other	1	0.5
Total	204	100%

All young people are assessed by JH&FMHN after a use of force (planned and unplanned). The centre recorded one incident of injury to the young person where a medical response was necessary.³¹⁰

Restraints may or may not accompany a use of force. Reiby YJC records 153 occasions from 1 May 2021 to 30 April 2022 where restraints were used. Restraints were used more frequently on boys (65%, n=100) than girls (35%, n=53). Handcuffs were the favoured restraint for girls (n=44; 83%) and boys (n=45; 45%) and were primarily used to move a young person or to protect from harm. Ankle cuffs were used on two occasions to move a female detainee.³¹¹ See the following table for further detail.

Table 43: Type and number of restraints used on young people 1 May 2021 to 30 April 2022³¹²

Gender	Ankle Cuffs	Flexi-cuffs	Hand cuffs	Protective Helmets	Protective Shields	Total
Female	2	1	44	2	4	53
Move Young Person	2	0	19	1	2	24
Prevent Prop. Damage	0	0	2	0	0	2
Prevent Self-Injury	0	0	4	0	0	4
Protect from harm	0	1	19	1	2	23
Male	0	12	45	19	24	100
Move Young Person	0	10	22	15	18	65
Prevent Prop. Damage	0	1	2	2	3	8

307 Information provided by Reiby YJC 28 July 2022.

308 Information provided by Reiby YJC 28 July 2022.

309 Information provided by Reiby YJC 28 July 2022.

310 Information provided by Reiby YJC 28 July 2022.

311 Information provided by Reiby YJC 28 July 2022.

312 Information provided by Reiby YJC 28 July 2022.

Prevent Riot	0	0	2	0	0	2
Prevent Self Injury	0	1	3	1	1	6
Protect Drug Dog	0	0	1	1	1	3
Protect from harm	0	0	14	0	1	15
Seize dangerous item	0	0	1	0	0	1
Total	2	13	89	21	28	153

Use of force and restraints data provided by Reiby YJC for the period 1 May 2021 to 30 April 2022 was compared with data last reported for Reiby YJC in the *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres* report.³¹³ It is pleasing to see a reduction in both use of force and restraints in the centre with use of force almost halved. Details appear in Table 44. Of note, restraint use is more common at Reiby YJC than Cobham YJC, the state's primary remand facility with three times more young people and many who are high risk and high needs. This requires ongoing monitoring and attention from YJNSW.

Table 44: A comparison of use of force and restraint numbers in Reiby YJC between 2017/18 and 2021/22

Centre	UOF numbers		Restraints numbers	
	2017/ 18 ³¹⁴	2021/ 22 ³¹⁵	2017/ 18 ³¹⁶	2021/ 22 ³¹⁷
Reiby	465	204	169	153

The YJNSW Use of Force Review Panel identified report writing as needing attention at Reiby YJC which at the time of inspection was acknowledged by management and was being addressed. We viewed randomly selected CCTV footage of two incidents of UOF at Reiby YJC. On both occasions children were compliant, however, we observed a young Aboriginal boy being handcuffed and another boy being pushed into his room by an officer. We acknowledge the efforts of YJNSW to reduce the use of restraints and all restrictive practices, and the significant reduction that has occurred across the state. YJNSW advise that they will strive to continue to reduce all restrictive practices, including at Reiby YJC.³¹⁸

Recommendation: YJNSW continue to reduce the use of restraints on young people in Reiby YJC.

Confinement

Young people can be placed in confinement for less than 12 hours if under the age of 16 years and no more than 24 hours if over 16 years.³¹⁹ Where a young person is in confinement for 24 or more hours the NSW

313 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018), figure 15(c) page 80.

314 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017–18.

315 Information provided by YJNSW 24 May 2023.

316 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017–18.

317 Information provided by YJNSW 24 May 2023.

318 Information provided by YJNSW 29 September 2023.

319 Children's (Detention Centre) Act 1987, 21(1)(d).

Ombudsman must be informed.³²⁰

Reiby YJC recorded 675 orders of confinement from 1 May 2021 to 30 April 2022 of which more than half (59%) were attributed to Aboriginal young people. Most young people were placed in confinement for 1-3 hours (n=334). Two Aboriginal girls spent more than 24 hours in confinement. See the following table for further detail.

Table 45: Confinement periods of young people at Reiby YJC 1 May 2021 to 30 April 2022³²¹

Confinement	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	16	118	68	29	0	2	233
Aboriginal female	13	79	49	18	0	2	161
Male	28	216	155	43	0	0	442
Aboriginal male	21	108	85	25	0	0	239
Total	44	334	223	72	0	2	675

Confinement numbers last reported for Reiby YJC was 906 orders of confinement for the 2019-2020 financial year.³²² Centre data for 1 May 2021 to 30 April 2022 shows a considerable reduction in confinement (675 orders).

We were informed that confinements are generally a short sharp response of 1-2 hours in the young person’s room, to address unwanted behaviour. It was pleasing to hear that confinement was occurring in the young person’s room and not in a confinement cell. While the data suggests a preference for short confinement periods of 1-3 hours, centre record check books revealed that young people were in fact spending longer periods in their room. Record book entries regularly recorded confinement ending at the beginning of a lock-in period for all young people in the unit. This means the young person who has served a period of confinement is not released from their room until all young people on the unit are let out of their rooms. Where the period of confinement ends at evening lock-in, the total time spent in their room can be 16 to 19 hours. This practice has been defended by YJNSW despite their own Misbehaviour Policy providing that “confinement must not be ‘scheduled’ so as to intentionally increase the period of time a young person continuously spends in their room (i.e. sleep routine > confinement > sleep routine)”.³²³ In the circumstances we believe it is prudent to refer the practice to the NSW Ombudsman for further investigation.

Segregation and separation

Reiby is the only youth justice centre with a segregation unit, commonly referred to as Main Unit. Young people are placed in segregation for their personal safety or that of any other detainee.³²⁴ On occasion the centre has placed young people with complex mental health needs in Main Unit whilst waiting assessment for transfer to Austinmer Adolescent Unit at the Forensic Hospital (Austinmer). JH&FMHN informs the ICS that most adolescent mental health referrals from custodial centres are accepted by Austinmer. The main reason young people are not admitted is that they are released from custody prior to transfer or diverted to community-based inpatient mental health units under section 19 of the Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW).³²⁵

320 Children’s (Detention Centre) Regulations 2015, 10.

321 Information provided by YJNSW 24 May 2023.

322 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020) 38.

323 YJNSW *Misbehaviour Policy* (1 July 2019), Clause 7.

324 Section 19, Children’s (Detention centres) Act 1987, 19.

325 Information provided by JH&FMHN 29 September 2023.

Reiby YJC recorded 588 episodes of segregation from 1 May 2021 to 30 April 2022. A little less than half of the young people on segregation orders were Aboriginal (n=274). Most young people were in segregation for 1-3 hours (n=285) or less than 1 hour (n=202).³²⁶ Fifteen young people spent more than 24 hours in segregation totalling 3988 hours.³²⁷ Centre records revealed three young people with complex mental health needs having spent considerable time in segregation (87, 95 and 3 segregation orders) and whose periods of segregation were notified (as required by legislation) to the NSW Ombudsman.³²⁸ See table below for further detail.

Table 46: Segregation orders of young people at Reiby YJC 1 May 2021 to 30 April 2022³²⁹

Segregation	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	118	135	8	3	0	4	268
Aboriginal female	75	67	5	3	0	3	153
Male	84	150	53	22	0	11	320
Aboriginal male	31	49	26	11	0	4	121
Total	202	285	61	25	0	15	588

Separation orders issued in the centre are mostly attributable to the need for new receptions of young people to be placed in quarantine.³³⁰ Reiby YJC recorded 996 occurrences of separation from 1 May 2021 to 30 April 2022. Forty percent of the young people on separation orders were Aboriginal which closely resembles admission numbers during that 12 month period (42%).³³¹ Most young people spent more than 24 hours in separation for (n=402).³³² See table below for further detail.

Table 47: Separation orders of young people at Reiby YJC 1 May 2021 to 30 April 2022³³³

Separation	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	20	33	29	54	138	169	443
Aboriginal female	9	23	15	20	53	88	208
Male	10	35	35	68	172	233	553
Aboriginal male	3	14	15	24	52	80	188
Total	30	68	64	122	310	402	996

³²⁶ Information provided by YJNSW 24 May 2023.

³²⁷ Information provided by YJNSW 28 July 2022.

³²⁸ *Children's (Detention Centre) Regulations 2015*, cl10.

³²⁹ Information provided by YJNSW 24 May 2023.

³³⁰ *Children's (Detention Centre) Act 1987*, s16.

³³¹ See admission numbers reported earlier in Reiby YJC overview table. Information provided by YJNSW 24 May 2023.

³³² Information provided by YJNSW 24 May 2023.

³³³ Information provided by YJNSW 24 May 2023.

Health and well-being

Health services

JH&FMHN is responsible for health service delivery at Reiby YJC. Health services are provided through a multi-disciplinary team with nursing staff on site from 0700hrs to 2000hrs seven days per week. JH&FMHN provides the following services:

Health Services	Hours of Operation
Nurse Unit Manager	Five days per week
Registered Nurse x 3	Seven days a week
Dual Diagnosis Clinic Nurse Consultant (CNC)	Twenty-four hours per week*
General Practitioner	Four hours per week
Psychiatrist	Eight hours per week
Dentist	Six-eight hours per month

Health promotion activities are provided by JH&FMHN through the Senior Aboriginal Adolescent Sexual Health and Harm Reduction Officer. A midwife provides parenting classes and care to young women who are pregnant. Nursing staff also provide some health promotion advice to young people.

Young people requiring specialist appointments are taken for appointments at local health service providers, usually Campbelltown Hospital or Westmead Children's Hospital, which staff reported as generally being a well facilitated process. Some of these appointments were facilitated through telehealth which was a positive development.

At the time of the on-site inspection in September 2022 the dual diagnosis clinical nurse consultant role had been vacant since March 2022. We are informed by JH&FMHN that the position was filled in February 2023.³³⁴ In the intervening period telehealth services were being used.

Nursing staff reported good relationships between themselves and the young people. Nursing staff also reported good working relationships with YJNSW staff however the lack of a dedicated escort officer to bring young people to the health centre or to escort nursing staff to accommodation units impacted on access to young people at times. No negative comments were reported by the young people.

Psychology services

There are four full-time psychologists at Reiby YJC (3 female and 1 male). One of the psychologists is an Aboriginal person. Psychologists are responsible for performing individual risk assessments, counselling and group interventions. Young people can access psychological services through self-referral or referrals from staff. From 1 May 2021 to 30 April 2022, 475 referrals were made to psychology services. The overwhelming majority were AOD related (93%). Further detail appears in the table below.

³³⁴ Information provided by JH&FMHN 29 September 2023.

Table 48: Referral type and number of referrals to psychology services at Reiby YJC 1 May 2021 to 30 April 2022³³⁵

Referral Type	Number of Referrals
AOD	441
Forensic	20
SOP	12
VOP	2
Total	475

Despite being in quarantine, young people were seen by a psychologist within 24 hours of arriving at Reiby YJC and further assessed within seven days.

Inadequate counselling and group therapeutic space was an issue for psychologists during the previous inspection. Reiby YJC has created a group room and an adjacent sensory garden which is a valuable addition. At the time of inspection both spaces were not operational and psychologists were meeting with young people in the dining/ lounge area or courtyard of accommodation units, which would limit their scope of interaction with the young person. The group room is now operational and was observed on a post inspection visit being used by the psychologists for group sessions and individual consults with young people. We were also informed that the sensory garden is used often as a space to meet with young people. This is a pleasing development.

In addition to individual counselling, psychologists at Reiby YJC deliver group sessions of Dialectical Behaviour Therapy (DBT). Four DBT sessions as well as a modified DBT (WAVES) are offered with rolling entry to the programs. Rolling entry enables young people, and more importantly those on remand, to participate and join a group at any time and learn skills they can practice and revisit. As remand numbers are high at Reiby YJC, psychologists prioritise DBT as it teaches young people skills that will immediately transfer to everyday life such as how to regulate behaviour and learn in the classroom. Young people on remand are on average in a YJC for 15.6 days.³³⁶ The DBT is a short, sharp injection of skills based learning and the Reiby model should be replicated in all youth justice centres.

A clinical services manager has been appointed to Reiby YJC. They provide clinical and administrative supervision of psychologists and have a therapeutic voice on the centre executive. This is particularly important for centres with varied and complex populations such as Reiby YJC. Reiby YJC regularly manages complex young people with Foetal Alcohol Syndrome Disorder (FASD) and autism presentations and would benefit from services similar to the Enhanced Support Unit (ESU) at Frank Baxter YJC to address the gap in services to girls and young boys who are ineligible for admission to the ESU.³³⁷

There was overwhelming support from psychologists, caseworkers, staff and management at Reiby YJC for an occupational therapist and speech pathologist to be employed in the centre. Their professional services would complement the work of psychologists and address the gaps in services for young people at Reiby YJC.

³³⁵ Information provided by Reiby YJC, 28 July 2022.

³³⁶ Information provided by YJNSW, 30 January 2023.

³³⁷ The ESU provides support to young people with complex needs. The ESU delivers a trauma informed care approach and provides additional clinical supports with onsite access to psychology, occupational therapy and speech pathology.

Sensory garden



Communications and support

Visits and telephone calls

At the time of inspection in-person visits had been reinstated in youth justice centres with tablet visits continuing alongside. At Reiby YJC young people can receive in-person visits on weekends and on one day during the week. Girls and boys are allowed one hour visits on a weekday (Tuesday – girls; Wednesday – boys) and two one hour visits on weekends (Saturday – girls pm, boys am, Sunday – girls am, boys pm). Tablet calls can be booked for 30-minute sessions, three days per week. Young people in quarantine and those resident in the Waratah pre-release unit had unlimited tablet visits.

Despite in person visits having resumed at Reiby YJC, tablet visits remained popular. This may have been attributable to the vaccination restrictions that were in place at the time. Visitors who were 15+ years were required to be triple vaccinated, and children aged 5-15 years were required to be double vaccinated. Under 5's could be unvaccinated, as at this time vaccination was not available to this age group. The vaccination requirement made it difficult for many young people to visit with their families. It was also inconsistent with the vaccination requirements for staff, who only needed to be double vaccinated.

Young people are required to change out of their clothes and wear visit overalls for in person visits. Overalls however should not be necessary when the centre has a body scanning machine and young people should be allowed to wear their everyday clothing to visits. The problem is the body scanning machine is in the admissions area, away from where visits occur. This should be addressed.

Slattery, Whitten and Warby Units each have three telephones with one in the dining/common area, external courtyard and a mobile handset for legal calls. There is also a phone in the movie room on MacArthur Unit. Waratah pre-release unit has one phone.

Recommendation: YJNSW provide access to a body scanning machine for visits.

Access to lawyers and legal support services

Young people at Reiby YJC have ready access to lawyers and legal support services via telephone, tablets and AVL facilities. At the time of inspection, the AVL suites were being upgraded to meet requirements of the Shearer Review.³³⁸ The young people at Reiby YJC reported no issues accessing lawyers and legal support services.

Chaplaincy services

Reiby YJC has two part-time Christian chaplains, one male and one female. Chaplaincy services include ongoing pastoral support and the delivery of programs to young people. It was unclear as to whether chaplaincy services involve the inclusion of other faith denominations.

The centre has a designated space for young people to come together and partake in chaplaincy programs. All young people are welcomed, regardless of their classification or sentencing status. It was reported that COVID-19 led to more individual chaplaincy sessions occurring with young people rather than group sessions. An 8 week 'Seasons for Growth' program for young people which is based on grief and change is the primary focus with young people. The program provides young people with a safe space to come together and share their experiences of change and loss. Activities involve drawing, role-play, stories, discussion, playdough, music, and journal activities.

We previously reported on the exceptional chaplaincy services at Reiby YJC and its popularity with young people, and in particular the homework club.³³⁹ Hopefully, with eased COVID-19 restrictions those services can be restored.

Complaints and grievances

There are many ways in which young people can deal with any complaints or concerns they may have at Reiby YJC. Internal complaints from young people are dealt with through the locked box on each unit where complaints are deposited for action by the unit manager. Young people can also meet with the centre manager, the Official Visitor or telephone the NSW Ombudsman, Aboriginal Legal Service and Children's Legal Service.

Detainee representative committee (DRC) meetings are held regularly on each unit as a forum for young people to raise and discuss issues with management. Minutes provided by Reiby YJC prior to inspection indicate that DRC meetings for Whitten Unit (girls) are held bimonthly and monthly for Warby Unit (boys). Warby minutes are clear, comprehensive and reflect the issues raised by the boys. Whitten Unit would benefit from running a similar process and for meetings to be held monthly. The Whitten Unit DRC minutes reflect reminders to the girls and young women on procedures and compliance. There is minimal content around issues raised by the girls. Food preferences, recreational activities and incentive items dominate the topics raised by young people at Reiby YJC.

338 Lee Shearer APM, Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019, (Report, August 2019).

339 During the previous inspection homework club, run by the chaplains, was extremely successful and very much enjoyed by the young people at Reiby YJC. Unfortunately, it was stopped during COVID-19 and has not resumed. See Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, March 2021, 71.

Behaviour management

Case management

Reiby YJC has a culturally diverse casework team of four caseworkers, with one Aboriginal and one Pasifika caseworker. All caseworkers have custodial and community YJ experience which is useful in their role. Case workers are responsible for delivering agency endorsed programs to the young people. See discussion earlier in 'intervention programs'. At the time of inspection, programs were not occurring due to issues accessing young people. We were told that discussions were underway to resolve the issues and restore support services for young people.

The new YJNSW casework model commenced in April 2022 (details chapter 2) across all centres. It was therefore surprising to learn that at the time of inspection a clear framework for community supervision of caseworkers at Reiby YJC had not yet been established. Caseworkers were temporarily operating under a shared management arrangement between community YJNSW and Reiby YJC. The split model was affecting training and onboarding of new caseworkers at the centre. The model needs to be resolved to allow clear direction and stability in casework delivery at Reiby YJC.

Caseworkers were visiting young people in quarantine and conducting assessments. We were told they take 30-40 minutes and was included in their time out of room allocation. As a result, young people were refusing to meet with case workers.

Encouraging positive improvement and change (EPIC)

Client assessment meetings (CAMs) are no longer occurring at Reiby YJC. They have been replaced with the encouraging positive improvement and change (EPIC) framework which has been well received by management, staff and young people at Reiby YJC.

EPIC was piloted in Acmena YJC in early 2020 and continues to operate in the centre (see chapter 6 Acmena YJC for further discussion of the EPIC pilot). EPIC is considered by YJNSW to be a simple and easy model for young people to understand. The EPIC scheme allows young people to earn cards by demonstrating respect, participation, responsibility and keeping safe.³⁴⁰ Young people have three sessions throughout the day to earn a card during morning shift, at school/ work party and afternoon/ evening shift. Where a young person displays behaviour that meets three of the four areas, during a session, they will receive a card. The three sessions do not overlap, and the young person's behaviour is reviewed for each session. The policy provides that "a young person may still be awarded a card if they have made efforts on the unit even if an incident has occurred at school as these behaviours are being responded to separately".³⁴¹ Up to three cards can be earned per day. However, to be considered for late beds ('the daily reward'), the young person must have displayed good behaviour in the afternoon/evening shift (which includes dinner routine) and have received a minimum of two cards for the whole day. A total of 21 cards can be earned per week which is currency for spending twice per week on Monday and Thursday. Young people can spend as many cards as they have, or they can bank them and save for more expensive items. All items on the purchase list are available to all young people which includes a variety of items such as food, hygiene products, clothing, gift cards and magazines.

EPIC had just commenced at Reiby YJC when the centre was inspected. YJNSW appointed a project officer to oversee the implementation of EPIC at Reiby YJC and provide post implementation operational support to staff. It was reported that educating and aligning staff with the new program had challenges.

³⁴⁰ YJNSW, *EPIC Manual*, September 2021, Clause 7.4.

³⁴¹ YJNSW, *EPIC Manual*, September 2021, Clause 7.4.

However, the lengthy lead in and post implementation support helped and enabled a timely response to any questions and issues raised by staff and young people. It was evident on inspection that the lead in and post implementation support provided to staff at Reiby YJC was effective and the model should be adopted in the rollout of EPIC in all YJCs.

EPIC involves a weekly reflection session where the Unit Manager and unit officer meet with the young person to reflect on their week, their behaviour and what might occur moving forward. With permission of the young people, we observed reflection sessions with girls and boys. The reflection sessions were performed very well, and conversation focussed on positive behaviour. One behaviour was identified for the young person to work on and the conversation then moved to talk about the young person's positive behaviours and using them to address the behaviour needing improvement. Young people were engaged and appeared to understand the process.

Client services meeting

Reiby YJC holds weekly client services meetings (CSM) which we observed as part of the inspection. The meeting appeared to work through the CIMS led agenda. Young people relevant to each agenda item were discussed with staff attendees providing updates. There was no discussion around follow up or action items nor was there any decision made in relation to each young person discussed. This is a state-wide issue and the format of the CSM needs review.

Detainee risk management plan (DRMP)

A detainee risk management plan (DRMP) is a risk management tool designed to help the young person and encourage positive behaviour, thereby reducing the risk of incidents and harm to the young person and others. A DRMP is designed individually for the young person as it relates to them.³⁴² From 1 May 2021 to 30 April 2022 Reiby YJC recorded a total of 18 DRMPs (10 male; 8 female) with the average time spent being 15 days for female detainees and 22 days for male detainees.³⁴³ These numbers equate to at least one young person per month needing to be placed on a DRMP. While the numbers are not high, regular reflection on the need for a DRMP is important. At the time of inspection there were no young people on a DRMP. We have been informed by YJNSW that DRMPs will be replaced by the new Behaviour Assistance Pathway model.³⁴⁴

Transition from detention

Waratah Pre-Release Program

The Waratah program is a 12-week course that helps young people's transition to community through education and job readiness. Young people reside in the Waratah Unit which sits outside the secure perimeter of Reiby YJC. The unit has a communal kitchen, lounge, outdoor exercise space and garden. The program 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 can 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.

³⁴² YJNSW, Detainee Risk Management Plan Policy, (30 September 2020).

³⁴³ Information provided by Reiby YJC 28 July 2022.

³⁴⁴ Information provided by YNSW 24 May 2023.

Since the last inspection adjustments to the Waratah Unit have been made with a separate and secure accommodation wing for young women. It was pleasing to see the recommendation from our last inspection implemented.³⁴⁵

The Waratah pre-release program was unable to operate for a period during the pandemic. The program ceased in late August 2021 and recommenced in June 2022. At the time of inspection three young people resided in the unit, two boys and one girl. This is a significant step for young people as the Waratah Unit provides a valuable opportunity for them to deinstitutionalise before re-entering the community. The 12 week program requirement had recently been waived to accommodate a young woman at Reiby YJC who would benefit from time in a pre-release setting. This is commendable.

Entry to the Waratah pre-release program is by referral from other YJCs and is generally available to young people with six months (sometimes less) remaining on their control order. Unfortunately, this process has been problematic with centres failing to identify appropriate applicants. To better utilise the program, the criteria and method for identifying suitable placements needs to be centralised with YJNSW, and no longer rely on referrals from YJCs.

Waratah pre-release unit



345 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), recommendation 35.

Chapter 6 Acmena Youth Justice Centre

Overview of Acmena Youth Justice Centre³⁴⁶

Analyses of centre data is for the period 1 September 2020 to 31 August 2021

Dates of inspection	27 – 29 April, 2022
Pre and post inspection visits	1 November 2021, 21 February 2023, 7 July 2023 (NAIDOC)
Bed capacity	45
Average number of young people at the centre	22
Percentage (average) of Aboriginal young people	79%
Average length of stay	26 days
Percentage (average) of young people on remand	91%
Average length of time on remand	18 days

Centre grounds



Yarning circle



Background

Acmena YJC is located on the land of the Gumbayngirr people at Grafton in northern NSW. The centre accommodates young males aged between 10 and 21. Young women and girls may also be accommodated for short periods. The centre has the capacity to accommodate up to 45 young people. The number of Aboriginal young people is high, at around 80 percent.³⁴⁷ Those numbers were found to be even higher on inspection with almost all young people being Aboriginal.³⁴⁸ We found the data to be inaccurate as it relies on young people reporting that they are Aboriginal. A demographic snapshot of the young people at Riverina YJC appears in the following table.

³⁴⁶ Information provided by YJNSW 24 May 2023.

³⁴⁷ Information provided by YJNSW 24 May 2023.

³⁴⁸ Engaging with young people on inspections of YJCs commonly revealed underreporting of Aboriginality.

Table 49: Demographic snapshot of young people at Riverina YJC³⁴⁹

Age	Male 10-21 years
Aboriginal young people	13 (76%)
Religion	1 Christian, 1 Muslim and 15 recorded no religion or unknown
Language primarily spoken	English
Education level	2 young people enrolled in Year 10 4 young people enrolled in Year 12
Disability	15 young people with a confirmed disability

Note: At the time of the data the centre recorded a total population of 17 young people.

Acmena YJC was last inspected by the Inspector of Custodial Services (ICS) in 2019 as part of the three year inspection cycle and was reported in the *Inspection of Six Youth Justice Centres in NSW* report.³⁵⁰ The report made recommendations around the following:

- regular cleaning of holding rooms and lack of privacy screens
- lack of outdoor recreational space on Jacaranda and Clarence accommodation units. Exercise yards have since been constructed.
- time out of room and access to outdoor recreation for young people was minimal.
- more telephones were needed on accommodation units.
- a complaints process was not readily available nor understood by young people and staff.
- greater access to the Aboriginal legal service was needed.
- the weekly reviews of young people and their behaviour, known as client assessment meetings (CAMS) were unfair and inconsistent in its processes and decisions.
- caseworkers needed a confidential space to enable them to meet regularly with young people.

Accommodation

Acmena YJC has three accommodation units with capacity to hold 45 young people. Their capacity, purpose and room design are detailed below:

Table 50: Capacity and facilities of accommodation units at Acmena YJC³⁵¹

Unit	Capacity	Purpose	Room design
Clarence	15	induction and quarantine unit for COVID-19 quarantine/ medical isolation(if required)	<ul style="list-style-type: none"> • 7 single rooms • 4 double rooms • 1 therapeutic room with camera • 3 camera rooms • no confinement room

349 Snapshot data on 15 October 2021. Information provided by Acmena YJC, 26 November 2021.

350 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020).

351 Information provided by Acmena YJC, 26 November 2021.

Jacaranda	15	accommodates younger detainees	<ul style="list-style-type: none"> • 7 single rooms • 4 double rooms • 1 therapeutic room with camera • 3 camera rooms • no confinement room
Orara	15	the newest unit built in 2010.	<ul style="list-style-type: none"> • 15 single rooms • 0 double rooms • 2 camera rooms • 1 confinement room with camera

At the time of inspection Jacaranda Unit was offline for maintenance. Having two units open is limiting for the centre and creates issues when young people are unable to mix. This has at times resulted in young people, who are predominantly Aboriginal, being transferred to other centres when they should remain on Country and close to their family.

The challenge at Acmena YJC is the infrastructure. Clarence and Jacaranda units are very old and presented poorly on inspection. The condition of Clarence Unit was poor with filthy rooms, peeling paint and excessive scratching on windows and observation panels that obstructed views and presented a security issue. Orara is the newest unit, built in 2010. It presented well and was clean and well maintained. The old accommodation units at Acmena YJC need attention and upgrading. We performed a post inspection visit of Acmena in February 2023 and it was pleasing to see that Clarence Unit had been carpeted and painted and was clean. We were also told that Jacaranda unit was soon to be refurbished.

Quarantine accommodation (Clarence Unit)



It was a recommendation of the previous inspection that YJNSW consider constructing outside yards adjoining Jacaranda and Clarence units to enable young people to participate in outdoor activities in a safe and secure location.³⁵² It was pleasing to see the newly constructed outdoor yards for Jacaranda and Clarence units; however, we did not observe any young people using the space.

³⁵² Inspector of Custodial Services, *Inspection of six Youth Justice Centres*, (Report, December 2020), recommendation 38.

Reception and admission

Data provided by YJNSW shows that from 1 September 2020 to 31 August 2021, Acmena YJC recorded 296 admissions of which 79% were Aboriginal young people.³⁵³ The average daily number of young people in the centre is 22 with the overwhelming majority being on remand (91%).³⁵⁴ See table below for detainee status and number of young people at Acmena YJC during the 12 months 1 September 2020 to 31 August 2021.

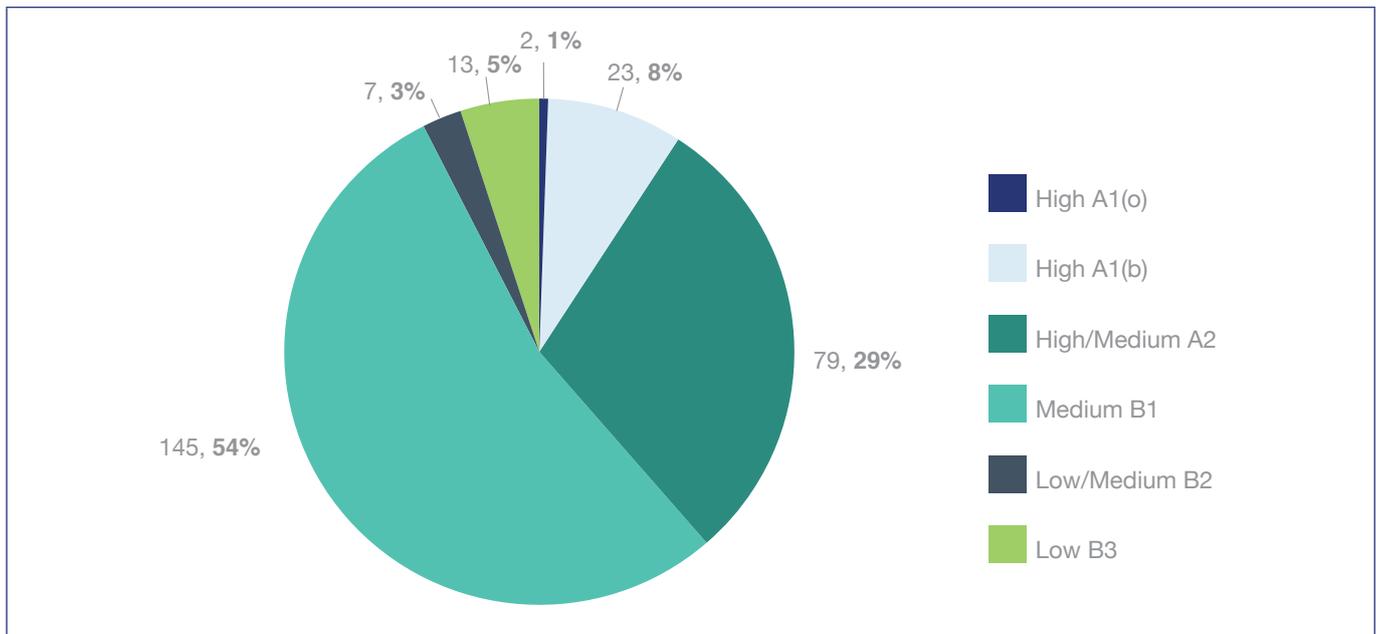
Table 51: Detainee status and number of young people at Acmena YJC 1 September 2020 to 31 August 2021³⁵⁵

Detainees Status	Number	%
Remand	270	91
Control order	25	8.5
Control order s19	1	0.5
Total	296	100%

During the twelve months 1 September 2020 to 31 August 2021 young people spent an average of 26 days at Acmena YJC. The time spent by young people on remand at Acmena YJC averaged around 18 days.³⁵⁶

Whilst Acmena YJC accommodates young people of all classifications most young people are of medium classification (54%; n=145). Classification status and numbers of young people in Acmena YJC for the twelve-months 1 September 2020 to 31 August 2021 appears below.

Figure 11: Classification status of young people detained at Acmena YJC 1 September 2020 to 31 August 2021³⁵⁷



353 Information provided by YJNSW, 24 May 2023.

354 Information provided by YJNSW, 24 May 2023.

355 Information provided by YJNSW, 24 May 2023.

356 Information provided by YJNSW, 24 May 2023.

357 Information provided by Acmena YJC 26 November 2021.

Young women and girls are sometimes accommodated at the centre whilst transiting to court or Reiby YJC (female facility). We were told that due to infrastructure limitations girls are no longer able to be accommodated in the admissions area and are placed with young men and boys in Clarence unit. This is not appropriate and should be reviewed by YJNSW. From 1 September 2020 to 31 August 2021, 47 girls were received at Acmena YJC with the average length of stay being 4.6 days.³⁵⁸ While the number of young women and girls is less than the previous inspection (n=85), length of stay remains stable.³⁵⁹ The number may be attributable to the COVID-19 pandemic and reduced numbers of young people in detention state-wide.

Reception process

The inspection found that standard admission and reception processes around COVID-19 screening, wearing of PPE apparel, risk questionnaires, outstanding warrants and property storage were followed by staff. At the time of inspection Acmena YJC did not have a body scanner and was conducting a partially clothed body search (PCBS) on all admissions to the centre. When a girl arrives at the centre a female officer will carry out the search. A body scanner has since been installed replacing the need for PCBS, unless a young person refuses a body scan. The search room appeared clean; however, it was disappointing to find that holding rooms continue to have no privacy screen for the toilet when it was a recommendation of the previous inspection report.³⁶⁰ Only one holding room has a shower.

It is evident that the admissions space at Acmena YJC does not work well. It has several blind spots and is very noisy. Interviews with young people are conducted in the AVL suite to address privacy. However, it was observed that the AVL room, due to proximity to other admission areas, can be noisy and lacks privacy. The admissions area would benefit from remodelling and Acmena YJC requires support and capital investment from YJNSW. We were informed by YJNSW in September 2023 that refurbishment of Acmena's reception and admission areas has commenced and should be completed by the end of 2023.³⁶¹ These works will address the concerns raised by the ICS, staff and young people.

Young people were moved to the quarantine unit (Clarence Unit) as soon as possible after admission.

Recommendation: YJNSW remodel the reception and admissions area of Acmena YJC.

Bail and remand

A review of centre data for 12 months from 1 September 2020 to 31 August 2021 shows young people on remand spending (on average) 18 days in Acmena YJC. In many cases the young person is granted bail conditional on finding appropriate community accommodation for them. With many young people having come from out of home care (33%) and with limited options in the region, it makes finding accommodation difficult.³⁶² Acmena YJC then becomes the community housing alternative for young people. The region needs more housing options and requires immediate attention.

Clothing and Bedding

On admission, the young person is given a change of clothes and underwear. Their personal clothes are washed and stored (with any valuables) in a secure bag and the contents recorded on CIMS. All personal items are given back to the young person on release. Clothing and linen stocks were good and clothing

358 Information provided by Acmena YJC 26 November 2021.

359 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), 75.

360 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), recommendation 37.

361 Information provided by YJNSW 29 September 2023.

362 Information provided by YJNSW 24 May 2023.

looked new. Additional clothing and shoe allocations are managed on the units. The young people appeared to have adequate clothing in their rooms. There were no complaints from young people around either the quality or quantity of clothing they receive at the centre.

Managing the Pandemic

COVID-19 brought many challenges for management and staff at Acmena YJC. At the outset of the pandemic Acmena YJC repurposed a wing of the Orara Unit to serve as a quarantine and medical isolation area. The wing provided single room accommodation for six young people. All young people received at Acmena YJC spent the required quarantine period in the Orara quarantine wing before moving to the induction unit (Jacaranda unit). In the beginning of the pandemic staff were reluctant to work with young people who tested positive to COVID-19. In 2021 Cobham YJC became the COVID-19 hub for all YJCs and any young person who tested positive for COVID-19 was transferred to the centre.

A review of quarantine records for the 12 months 1 September 2020 to 31 August 2021 reveals that young people were being rotated out of their rooms for 30-minute sessions and placed in the games area, inside lounge or outside yard. Young people were receiving five to six sessions out of their room and sometimes less when numbers were very high.

Staff were required to be double vaccinated and wear full PPE around young people in the quarantine area. The vaccination requirement led to some staff being unavailable for work which consequently affected staffing levels and daily operations in the centre. Young people in quarantine were visited daily by the nurse and were also seen by the psychologist.

At the onset of COVID-19 in-person visits ceased across all YJCs and were replaced with tablet visits. Like most centres Acmena YJC had connectivity issues that required the installation of several boosters which had occurred a short time prior to the inspection. The introduction of tablet visits was welcomed at Acmena YJC and are offered to young people seven days a week for 30 minutes duration.

We visited Acmena YJC in May 2020 as part of a series of COVID-19 monitoring visits to YJCs. Hand sanitiser and signage regarding COVID-19 symptoms and transmission prevention were observed throughout the centre. The quarantine unit was almost full with five young people, each at different stages of quarantine. The young people could not mix and were being given 20 minute rotational cycles for recreation.

During the inspection it was reported that staff mental health had been concerning with staff burnt out from working extra shifts to keep operational coverage of the centre when impacted by COVID-19. This was exacerbated by extensive regional flooding in 2021 and 2022, which impacted many staff at Acmena YJC.

COVID outbreak

The inspection coincided with the confirmation of a COVID-19 positive case of a young person in the centre. It was Acmena's first transmission from a staff member who attended work while unsuspectingly infected with COVID-19 (after a negative RAT test). One young person tested positive for COVID-19 and five young people were placed in medical isolation as close contacts. Acmena YJC was instructed by YJNSW to keep all the young people at Acmena YJC. This direction was unexpected as the COVID-19 isolation hub at Cobham YJC was operating. The challenge for Acmena YJC was managing a COVID-19 outbreak with reduced capacity to move young people to other units. Jacaranda unit was closed for maintenance which left two accommodation units. Acmena YJC transformed Clarence Unit which was operating as a quarantine (right wing) and induction (left wing) unit to a quarantine and medical isolation unit. The induction area was moved to a wing of the Orara Unit. Jacaranda Unit was reopened to accommodate the five young people who had been identified as close contacts. We confirmed the young people were seeing the

nurse and psychologist daily. This was a major operational challenge for Acmena YJC and we commend management and staff for their response efforts.

Structured day

Time out of room

Young people at Acmena YJC participate in a structured and purposeful day that is prescribed in weekday, weekend and school holiday schedules. During the week young people at Acmena YJC either attend school or participate in work party. This determines the amount of time they are allowed out of their room. Weekday routine varies for each unit but generally wake up is 6.45 am and standard bedtime (lock-in) is either 6.30 or 6.45pm. A later bedtime is dependent on the young person's behaviour during the day which is reflected in the number of EPIC cards they have acquired. See discussion on EPIC later in the chapter. Weekend and holiday wakeup call is later however bedtimes remain the same. While Acmena's daily routines appear generous, an examination of the centre's Standard Operating Process (SOP) for Young People's Routines show that young people are locked in their room several times during the day to accommodate meal shifts which occur in two sittings on each unit, shower routines, morning tea, lunch time, and staff duties. This reduces the total time out of room by almost three hours each day up to early beds.³⁶³ In addition, time out of room hours are less again on Wednesday when all young people are locked in their rooms while weekly EPIC reflection meetings with young people take place. Weekends and school/ public holiday schedules also give young people less time out of room. We also heard from young people that late bed on Friday nights has stopped to enable staff training. Details of operational routines appear in the following table.

Table 52: Operational routines for young people at Acmena YJC³⁶⁴

Unit	Schedule	Wake up	Early bed	Lock in
Jacaranda	Weekday	6.45am	6.45pm	9:00pm
	Weekday (Work)	6.45am	6.45pm	9.00pm
	Weekend + Holiday	7:40am	6.45pm	9.00pm
Orara	Weekday	6.45am	6.45pm	9.00pm
	Weekday (Work)	6.45am	6.45pm	9.00pm
	Weekend + Holiday	7:40am	6.45pm	9.00pm
Clarence	Weekday	6.45am	6.45pm	8.00pm
	Weekday (Work)	6.45am	6.45pm	8.00pm
	Weekend + Holiday	7:40am	6.45pm	8.00pm

**Note: total time out of room excludes scheduled times per day when young people are locked in their room.*

As stated in previous ICS reports, the accepted standard is for young people to have a minimum of 10 hours out of their room per day.³⁶⁵ Taking into account the several lock-ins time out of room for young people at Acmena YJC is not meeting the standard. The centre explains the discrepancies between work party participants and school attendees as attributable to operational needs around the management and movement of young people in the centre. Young people attending school need to be escorted by unit staff which means young people on work party must be secured in their rooms to free staff to facilitate

³⁶³ Information provided by Acmena YJC 26 November 2021.

³⁶⁴ Information provided by Acmena YJC, 26 November 2021.

³⁶⁵ Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards*, June 2020, 9.8.

those movements. It was a recommendation of the previous inspection report that 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.³⁶⁶ It seems little has changed and young people on work party continue to be locked in their room several times a day. Time out of room at Acmena YJC must be addressed.

Education and Training Unit (ETU)

The Injuna Education Training Unit (ETU) delivers a primary and secondary school program, five days per week during school term, to school aged young people. The school operates a hospitality training facility and horticulture program as well as offering TAFE courses and distance education. Links to local businesses have also been established, which can provide work experience opportunities for young people.

Schools in YJCs are regarded as an exceptional resource for education and learning and are enjoyed by young people. The Injuna ETU struggled during COVID-19 as the school lost several staff due to vaccination requirements and it has been difficult filling the positions. The full-time staff complement is seven teachers and at the time of inspection there were four vacancies. Low staffing was impacting on the ability to conduct school inductions and connect with young people in the quarantine unit.

In several centres we were told of schools performing education assessments while young people were in the quarantine unit. This allows the young person to be immediately placed at school on release from quarantine. This is good practice and an effective use of time.

Despite setbacks staff of Injuna ETU informed us that they continue to deliver vocational training in hospitality and horticulture. It is hoped that Injuna ETU returns to its previous staffing levels and high standard of educational support for young people at Acmena YJC.

Intervention programs

High numbers of young people on remand in the centre and average stays of 26 days have challenged caseworkers in their delivery of behavioural intervention programs. For young people on remand, programs cannot focus on the alleged crime as the young person is not convicted of an offence. This limits the ability to deliver most programs, however My Journey My Life (MJML) and Love Bites can be modified for a remand population and is being delivered to young people at Acmena YJC. We were told that youth officers have been trained to assist with the delivery of those programs, which will assist caseworkers.

Cultural programs

Acmena YJC generally has very high numbers of Aboriginal young people and at times can be almost 100 percent. Acmena YJC offers several programs which address culture and community connection. They include My Journey My Life (MJML), Dthina Yuwali a follow-on program to MJML that focuses on the relationship between drugs and alcohol, Us Mob Dance Group and the Banyarral Men's Group and didgeridoo program, which are local initiatives that address various aspects of culture and leadership. During the pandemic, access to the centre by Elders and community groups ceased as did the programs they delivered. At the time of inspection Elders and community groups had not returned to the centre and consequently there were minimal cultural offerings at Acmena YJC for Aboriginal young people. Aboriginal staffing numbers at Acmena YJC are low which limits the centre's ability to cover those gaps. Acmena would benefit from more Aboriginal staff and identified positions to assist with the cultural support of Aboriginal young people and help provide a culturally safe environment.

³⁶⁶ Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), recommendation 43.

A regional Aboriginal practice officer (APO) is assigned to Acmena YJC. The position is based in Sydney which, at times, can affect visits to the centre and the ability to connect with young people in the centre. Acmena would benefit from having a cultural framework like Cobham YJC and Reiby YJC. Both centres have an APO and Aboriginal mentor and several identified positions. The APO is responsible for community engagement and building local partnerships with Elders and external organisations. Their role is to also increase cultural knowledge and provide better informed Aboriginal practices in the centre. The Aboriginal mentor helps with the delivery of cultural programs, provides feedback to management and assists in staff cultural training. It was evident on inspection the impact those roles have in Cobham and Reiby YJC around the delivery of cultural programs and support for young people. With almost all young people in Acmena YJC being Aboriginal the centre should have an APO and Aboriginal mentor.

Recreational programs and activities

Young people are encouraged to engage in recreational programs and activities at Acmena YJC. Time is spent after school and on the weekends engaging in both passive recreation (eg board games, art, video games) and active time on the oval, in the gymnasium, at the pool and recreational programs (when available).

There was little evidence on inspection of recreational programs occurring at Acmena YJC. The centre has five programs' staff. We heard that with reduced staffing levels in the centre programs staff were regularly reassigned to custodial duties, transport escorts and incident response (if needed). Regular assignment to other duties interferes with the delivery of programs to young people in Acmena.

On a post inspection visit of Acmena YJC in February 2023 the Inspector was shown the new programs room and a monthly schedule of recreational programs and activities. The schedule of activities was comprehensive and included some Aboriginal programs. The programs room is a large, carpeted space with a driver training machine for young people to use. The new space is good but there was little evidence of it being used. Considerable funds and time have been invested into the new programs area in Acmena YJC and it should be enjoyed by all young people in the centre.

Food

Meals are prepared for both young people and staff in the centre kitchen and delivered to the accommodation units for serving to the young people. Meals are generally eaten in the common dining area on each unit, however young people in quarantine ate meals in their rooms. The kitchen was clean and adequately resourced.

The kitchen prepares meals as prescribed by YJNSW seasonal menus and dietary and religious requirements are met. Birthdays and special days are acknowledged. If a young person is on a DRMP they receive the standard allocated meal. This is good practice and meals should only be modified when the young person is risk assessed for no cutlery.

Staff meals are also prepared by the kitchen staff who are happy to meet individual staff dietary requests with no medical certificate. Young people with dietary requirements must present supporting evidence or a direction from JH&FMHN.

A COVID-19 directive from YJNSW required staff to eat their meals separate from young people. We heard from young people that they receive cold food after the officers had eaten and that there have been times when insufficient food was available for them. This is unacceptable practice which was reported by young people in several YJCs. Staff must resume eating meals with the young people.

We were told that more sustainable initiatives would be welcomed by the kitchen eg water tanks, a

vegetable garden and chickens. It was envisaged that young people could be involved with the garden, caring for the chickens and collecting eggs. We support sustainable initiatives in YJCs.³⁶⁷

Safety, security and restrictive practices

Staff, culture and training

At the time of inspection Acmena YJC had welcomed a recently appointed centre manager who had the support of staff and was well liked by the young people. We observed the centre manager actively engaging with young people and addressing them by their names. Engagement with the centre manager is reported by young people across YJCs, as being very important to them.

Morale among staff was low. This was explained as being attributable to staff turnover, low staffing levels, and burn out from extra shifts to keep operational coverage of the centre. Managing the pandemic and regional floods (which had significant local consequences) were contributing to low staff morale. It was acknowledged to us that young people bear the consequences of unrest among staff.

Despite this, staff believed their relationships with young people were getting better. However, this was not the message received from young people who regarded their relationship with staff as not good. There were reports of some youth officers displaying racist, bullying and intimidating behaviour towards young people. We heard that management changes have helped, and that racism and sexism are no longer tolerated and are being addressed.

It is important to mention that we observed many youth officers interacting well with young people and some youth officers playing games and basketball with them. Newly recruited youth officers are generally good for a centre. However, culture is still an issue at Acmena YJC, and recent staff turnover has created a divide between longer serving and new youth officers with feelings that the centre has replaced experienced staff with those who do not know what they are doing. Until this is addressed it will continue to affect all operational aspects of the centre and limit capacity to deliver a high level of service delivery for young people.

Staff training occurs weekly on Friday nights. Young people report that bingo is scheduled for Friday night but no longer occurs as staff training happens while the young people are locked in their rooms early. Staff receive regular use of force (UOF) and negotiation training, which was viewed as helping reduce UOF in the centre (see discussion following in 'Use of force and restraints' which reports increased UOF). While it is pleasing to hear of regular training occurring in the centre, it is important that training has minimal impact on the time young people are out of their room. Acmena YJC is encouraged to revisit its training schedules.

Partially clothed body search

PCBSs are employed throughout YJCs to control contraband. During the 12 months 1 September 2020 to 31 August 2021, 553 PCBSs were conducted at Acmena YJC of which 418 were performed on admission, 34 on Jacaranda unit, 47 on Clarence unit and 54 on Orara unit. Contraband was found on 26 occasions. Items included excess clothing, screws, metal objects, knife, cigarettes, lighter, needle and syringe and small quantities of illicit drugs.

At the time of inspection Acmena YJC was waiting the arrival of a body scanner. A body scanner was installed at Acmena YJC in early 2023 and staff trained in the use and reading of scans.

³⁶⁷ Inspector of Custodial Services NSW, *Youth Justice Inspection Standards* (June 2020), 6.4.

Incidents

From 1 September 2020 to 31 August 2021 Acmena YJC recorded 186 incidents which are detailed in the following table. The data records assault occurring on 9 occasions. They occurred mainly on staff (n=7) with one assault on another young person and another on a non-YJ staff member.³⁶⁸ Acmena YJC recorded 41 occasions of self-harm of which 19 were actual, 11 were threatened and 11 were attempted.³⁶⁹ Trends and issues around assault rates and self-harm in YJCs are discussed in Chapter 2.

Table 53: Type and number of incidents at Acmena YJC 1 September 2020 to 31 August 2021³⁷⁰

Category	Number of Incidents
Assault with a weapon	9
Assault – verbal	0
Threat to Worker	34
Alleged criminal activity	0
Escape	1
Inappropriate behaviour	7
Contraband	29
Property Damage/Loss	16
Self-harm	41
Medical/ hospital treatment	22
Security breach	19
Injury/Accident	1
Other	7
Total	186

We were informed on inspection that there had been a 63% decrease in incidents in the centre. It was unclear where the reduction in numbers had occurred.

Misbehaviours

Misbehaviours by young people are met with a range of consequences from a caution to confinement. Centre data for the period 1 September 2020 to 31 August 2021 recorded 1257 punishments for misbehaviours of young people.³⁷¹ Confinement is the most assigned consequence for misbehaviour (56%) followed by leisure and sport (37.5%). Conversations with staff confirmed that restriction from leisure was effectively confinement as young people are locked in their room (which can be taken as an early bed) over several days. See discussion under ‘Confinement’.

368 Information provided by Acmena YJC 26 November 2021.

369 Information provided by Acmena YJC 26 November 2021.

370 Information provided by Acmena YJC 26 November 2021.

371 Information provided by YJNSW, 24 May 2023.

Table 54: Punishment type and number, Acmena YJC 1 September 2020 to 31 August 2021³⁷²

Punishment	TOTAL	%
Confinement	703	56
Restriction from leisure and sport	472	37.5
Caution	76	6
Additional Duties	6	0.5
Total	1257	100

Use of force and restraints

Force may be employed by staff when attending to an incident. Data was requested from the centre for the 12 months 1 September 2020 to 31 August 2021. Information provided by Acmena YJC recorded 141 occasions where force was used on young people at the centre. On each occasion there were 1-6 young people involved and 1-12 staff involved. The majority (n=84) were unplanned use of force. The data also shows 13 young people having sustained injuries in incidents where force was used.³⁷³

The following table details the number and reasons for use of force at Acmena YJC from 1 September 2020 to 31 August 2021. Force was used largely to facilitate the movement of a young person (n=80) and to protect an officer or other person from attack or harm (n=64).

Table 55: Number of times and reasons for use of force at Acmena YJC 1 September 2020 to 31 August 2021³⁷⁴

UOF Reason	Number (unique count per recorded use of force)
Move Young Person	80
Protect from harm	64
Prevent Riot	20
Prevent Self Injury	18
Prevent an escape	6
Prevent Prop. Damage	6

Restraints may or may not accompany a use of force. Acmena YJC recorded 86 occasions where restraints were used on young people from 1 September 2020 to 31 August 2021.³⁷⁵ The most common reason for restraint was to move a young person (n=70) and for a medical appointment (n=54).³⁷⁶ Types of restraint involved mainly handcuffs (n=176), protective shields (n=58) and protective helmets (n=27). Ankle cuffs were used on 3 occasions.³⁷⁷

Data provided by Acmena YJC on use of force and restraints for the period 1 September 2020 to 31 August 2021 was compared with data last reported in the *Use of Force, Separation, Segregation and Confinement*

³⁷² Information provided by YJNSW, 24 May 2023.

³⁷³ Information provided by Acmena YJC 26 November 2021.

³⁷⁴ Information provided by Acmena YJC 26 November 2022.

³⁷⁵ Information provided by Acmena YJC 26 November 2022. An occasion can involve more than one young person.

³⁷⁶ Information provided by Acmena YJC 26 November 2022.

³⁷⁷ Information provided by Acmena YJC 26 November January 2022.

in NSW Juvenile Justice Centres report (Use of Force report).³⁷⁸ The data reflects that both use of force and use of restraints on young people have increased. See table below. While restraints have increased marginally, the use of handcuffs at Acmena YJC seems high, when making comparison with data provided from centres of similar size and cohort (see discussion in Chapter 2). We suggest YJNSW gives this attention to ensure the use of handcuffs is in accordance with YJNSW policy and that they are not being used as part of centre routine nor on young people on a DRMP when moving within a centre or attending court.³⁷⁹ Restraints were addressed at length by the ICS in the Use of Force report.³⁸⁰

Table 56: A comparison of use of force and restraint numbers in YJCs between 2017/18 and 2021/22

Centre	UOF numbers		Restraints numbers	
	2017/ 18 ³⁸¹	2021/ 22 ³⁸²	2017/ 18 ³⁸³	2021/ 22 ³⁸⁴
Acmena	106	141	74	86

Acmena YJC is the only centre where use of force and restraints has increased. See discussion in chapter 2. It is important for YJNSW to regularly monitor and analyse data about use force to ensure concerns about practice, reporting and reviews are identified. This was a recommendation (rec 48) of our Use of Force report which YJNSW claims to have achieved.³⁸⁵ We are told that YJNSW has recently been working with staff at Acmena YJC which has reduced restrictive practices and a behaviour support team established to prevent incidents.³⁸⁶

YJNSW requires all use of force to be referred to their internal Use of Force Review Panel (UOFRP). In addition to referring to the panel, Acmena YJC performs its own internal review of every use of force that involves PSA/ WHS representatives, unit manager and professional tactics intervention officers, which enables immediate feedback to all staff involved. Acmena YJC has received feedback from the UOFRP around the need for staff training. Two referrals have been made by the centre manager to the Ethics and Professional Standards Unit.

We viewed CCTV footage of three unplanned use of force at Acmena YJC. Whilst there was no evidence of excessive use of force there was concern around the lack of ability/willingness of staff to negotiate and manage the young person. We understand that most officers have completed negotiation training, however there is room for improvement in their skills. While reviews of the UOFRP are seen as a good thing, active monitoring by YJNSW of use of force and restraints is necessary and the support of management and staff at Acmena YJC to reduce those numbers is essential. Since the inspection YJNSW have developed and are piloting a program “On Track Support” in Acmena YJC. The program commenced in mid-August 2023 and involves the allocation of additional staff, including Aboriginal staff, from 10am to 6pm each day who are available for targeted and early intervention with young people demonstrating behaviour that might

378 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, 2018), 80.

379 YJNSW *Use of Force, Protective Equipment & Instruments of Restraint Policy* (April 2023), clause 7.

380 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, 2018), 76.

381 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017–18.

382 Information provided by Acmena YJC 26 November 2021.

383 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017–18.

384 Information provided by Acmena YJC 26 November 2021.

385 Inspector of Custodial Services (NSW), *Annual Report 2022-2023*, 50.

386 Information provided by YJNSW 29 September 2023.

otherwise result in use of force and restraints. Staff facilitating the program have received targeted skills training.

Recommendation: YJNSW reduce high levels of use of force and restraints in Acmena YJC.

Confinement

The use of confinement at Acmena YJC has historically been an issue and a matter of concern for the ICS. The previous inspection found that young people were being placed in confinement rooms that were filthy, had no mattress and bedding, and in some cases the water was turned off. Recent visits to the centre have found the confinement rooms to be clean and a review of centre data shows the use of confinement has reduced, however there is still need for improvement.

The last inspection recorded 585 orders of confinement at Acmena YJC over the 12 months 2019 – 2020.³⁸⁷ YJNSW data shows confinement orders have increased with Acmena YJC having recorded for the 12 months 1 September 2020 to 31 August 2021, 703 episodes of confinement. See the following table for further detail.³⁸⁸ Of the young people placed in confinement 85 percent (n=598) were Aboriginal. Young people at Acmena YJC were equally likely to serve confinement for 3-6 hours (n=270) or 6-12 hours (n=262). All 27 girls placed on confinement were Aboriginal and, in most cases, served 3-6 hours of confinement. Further detail appears in the following table. As reported earlier, centre data records that from 1 September 2020 to 31 August 2021, 47 girls were received at Acmena YJC with the average length of stay being 4.6 days.³⁸⁹ This means that more than half of those girls, who were in quarantine and on a restricted regime, received confinement.

Table 57: Confinement of young people at Acmena YJC 1 September 2020 to 31 August 2021³⁹⁰

	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	0	6	12	9	0	0	27
Aboriginal female	0	6	12	9	0	0	27
Male	2	113	258	253	50	0	676
Aboriginal male	2	102	221	208	38	0	571
Total	2	119	270	262	50	0	703

YJNSW misbehaviour policy refers to confinement as the highest tariff punishment for misbehaviour and that other punishment options must be considered before resorting to confinement.³⁹¹ The legislation details the progression of punishment for misbehaviour from a caution to loss of leisure activities, additional duties and confinement.³⁹²

We heard from staff that the system for misbehaviour and confinements is working well. However, we are not convinced that the young people feel the same way. It was explained to us that punishments for misbehaviour are generally either confinements or loss of leisure. The latter involves an early bed for four nights with a review after two nights. The young person is locked in at 6.30pm and is let out of their room 13–14 hours later. This occurs four nights in a row and is considered by staff to be a better consequence for

³⁸⁷ Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres in NSW*, (Report, December 2020), 37.

³⁸⁸ Information provided by YJNSW 24 May 2023.

³⁸⁹ Information provided by Acmena YJC 26 November 2021.

³⁹⁰ Information provided by YJNSW 24 May 2023.

³⁹¹ YJNSW *Misbehaviour Policy* (1 July 2019), Part 7.

³⁹² Children (Detention Centres) Act 1989, 21(1).

misbehaviour than confinement. It was explained that confinement generally occurs in the young person's room but that the therapeutic rooms on each unit can also be used. We note that whilst the rooms are referred to as therapeutic, they do not reflect the therapeutic spaces in other YJCs and present more like a safe cell. The therapeutic room observed in Clarence Unit has an airlock and double entry doors and is separate to other rooms and communal spaces on the unit.

During an unannounced post inspection visit to Acmena YJC in February 2023 we found a young boy who was serving a 10-hour confinement in the therapeutic room in Clarence Unit. He had also been injured when officers used force. The YJNSW UOFRP reviewed the CCTV footage and associated reports and provided feedback to the centre around the responses of youth officers. We also reviewed CCTV footage and referred the matter to the Executive Director of YJNSW for referral to the Ethics and Professional Standards Unit. This incident highlighted the shortcomings in the professional conduct of officers at Acmena YJC and how more work is needed with training and culture of staff in the centre. Although the newly implemented "On Track Support" program is a positive initiative in the management of misbehaviour, punishment, use of force and restraints at Acmena YJC, more training in professional conduct and the duty of officers and staff to report misconduct is required.³⁹³

Recommendation: YJNSW provide more training to staff at Acmena YJC in professional conduct and the duty of officers and staff to report misconduct.

Segregation and separation

Acmena YJC recorded 500 episodes of segregation from 1 September 2020 to 31 August 2021. Most young people were in segregation for less than 1 hour (n=383).³⁹⁴ 23 young people spent more than 24 hours in segregation. Segregation over 24 hours must be notified to the NSW Ombudsman.³⁹⁵ 84 percent (n=421) of young people on segregation orders were Aboriginal. See table below for further detail.

Table 58: Segregation orders of young people at Acmena YJC from 1 September 2020 to 31 August 2021³⁹⁶

Segregation	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	1	2	0	0	0	0	3
Aboriginal female	1	2	0	0	0	0	3
Male	382	86	6	0	0	23	497
Aboriginal male	320	72	6	0	0	20	418
Total	383	88	6	0	0	23	500

Most separation orders issued in the centre are attributable to the need for new receptions of young people to be placed in quarantine.³⁹⁷ Acmena YJC recorded 869 occurrences of separation from 1 September 2020 to 31 August 2021. Most young people spent 1-3 hours in separation (n=373). See table below for further detail.

393 Information provided by YJNSW 29 September 2023.

394 Information provided by YJNSW 24 May 2023.

395 Children (Detention Centres) Regulation 2015, 10(2)(a).

396 Information provided by YJNSW 24 May 2023.

397 Children's (Detention Centres) Act 1987, s16.

Table 59: Separation orders of young people at Acmena YJC months 1 September 2020 to 31 August 2021³⁹⁸

Separation	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	0	8	2	4	21	24	59
Aboriginal female	0	7	0	4	15	20	46
Male	118	365	31	11	61	224	810
Aboriginal male	98	306	22	8	40	163	637
Total	118	373	33	15	82	248	869

Health and well-being

Health services

Justice Health & Forensic Mental Health Network (JH&FMHN) is responsible for health service delivery at Acmena YJC. Health services are provided through a multi-disciplinary team with nursing staff on site from 0700hrs to 1530hrs 7 days per week. JH&FMHN provide the following services.

Health Services	Hours of Operation
Nurse Unit Manager	Five days per week
Registered Nurse x 1	Seven days per week
Dual Diagnosis Clinic Nurse Consultant (CNC)	Five days per fortnight
General Practitioner	One day per fortnight
Psychiatrist	One day per month
Dentist	Monthly visits to external provider

Young people requiring specialist appointments are taken for appointments at local health service providers. Emergency dental services are obtained at whichever local dentist has an available appointment and are funded by JH&FMHN. There is no dental chair provided within the health centre resulting in young people needing to be transferred to the local Aboriginal Medical Service to receive routine dental services.

The health centre is old and too small to service the population of the centre. The NUM's office also doubles as a storeroom for clinical supplies as there is insufficient storage elsewhere in the health centre. JH&FMHN has advised ICS that a new health centre (including a dental suite) is planned to be built and operational at Acmena YJC in approximately two years. It was further explained that they are liaising with Northern NSW Local Health District on provision of dental services to young people at Acmena YJC. In the meantime, interim changes have occurred to free up additional treatment space in the health centre.³⁹⁹ This is a positive development, and the new health centre will enable the provision of comprehensive health services to young people at Acmena YJC.

³⁹⁸ Information provided by YJNSW 24 May 2023.

³⁹⁹ Information provided by JH&FMHN 29 September 2023.

Nursing staff reported good relationships between themselves and the young people and felt that they were able to deliver good care to the young people. The young people reported it takes some time to see the health team and that by the time they see them, the need no longer exists. Nursing staff also reported good working relationships with YJNSW staff however the lack of a dedicated escort officer to bring young people to the health centre or to escort nursing staff to accommodation units impacted on access to young people at times.

Health promotion activities are provided by JH&FMHN through the Senior Aboriginal Adolescent Sexual Health and Harm Reduction Officer. A midwife provides parenting classes and nursing staff also provide some health promotion advice to young people.

Recommendation: JH&FMHN review health service space at Acmena YJC, the number of treatment rooms and the feasibility of including a dental suite.

Psychology services

Acmena YJC has three psychologist positions which at the time of inspection were being met by a 2.5 staff allocation. Young people are assessed and screened on admission to Acmena YJC by a psychologist. The assessment allows the centre to identify issues relating to mental health, self-harm, drug and alcohol, disabilities and areas for therapeutic intervention. The only exception are young people on remand who generally spend less than 24 hours in the centre. Young people who reside in the centre for longer than 24 hours are seen by a psychologist within 48 hours of their arrival.

Young people can access psychology services through either self-referral or referral from a staff member. A psychologist sees young people at least weekly for approximately one hour. However, contact with the psychologist can be affected by lockdowns, limited interview space of only one room, difficulty with operational support and other work demands eg meetings, report writing, administrative duties and training.

During the pandemic psychologists visited the quarantine unit daily. It allowed them to observe, assess and address mental health issues, identify autism and if there were problems, to make any necessary adjustments to help the young person.

We were informed that 90% of young people are believed to have a disability, e.g. language disorder, and 30% have an extreme disability and need NDIS support. High remand numbers and the limited time a young person has in the centre affects what psychologists can do and how much of the NDIS referral process can be completed. Caseworkers are primarily responsible for the NDIS application, and psychologists perform assessments and prepare associated reports. Like most YJCs there was strong support from psychologists for speech pathology and occupational therapy services to be accessible to Acmena YJC, for young people with complex needs. The YJC inspections have identified a resounding need for those services in all YJCs.

All young people on detainee risk management plans (DRMPs) are seen weekly by a psychologist. The psychologist helps the young person with managing their behaviour and meeting their goals. If the DRMP does not provide for the young person to leave the unit or if the young person is in confinement psychologists are only able to perform 'check in' consultations and emergency interventions through the cuff port which is unsuitable for therapeutic intervention. Psychologists told us that they would support replacing DRMPs. Further discussion on DRMPs appears later in the chapter.

Communications and support

Visits and telephone calls

With COVID-19 restrictions removed, young people at Acmena YJC can receive visits from family and friends every Thursday and on weekends. During the pandemic in-person visits were stopped and young people were able to talk with their family over the phone, via AVL and via a tablet. Unfortunately, connectivity issues and problems securing equipment meant Acmena YJC was unable to provide tablet visits until early 2022, which was considerably later than implementation in other YJCs. Almost all young people at Acmena YJC are Aboriginal and in many cases off Country. YJNSW failed to ensure that those Aboriginal young people were not disadvantaged.⁴⁰⁰ At the time of the inspection all restrictions were lifted and in person visits had been reinstated.

The previous inspection reported the visits area as small with no soft play space for small children.⁴⁰¹ It was a recommendation of the first ICS inspection of youth justice centres that the visits environment promote family interaction.⁴⁰² It was pleasing to see the visits area at Acmena YJC had been renovated and the area extended. We were told that capital funds had been sought to renovate the outdoor area for a children's space and a place for families to gather, enjoy birthdays and (like Riverina YJC) enable visits with the family pet. The ICS supports the additions which are important for maintaining positive family connections. Engaging the Aboriginal community and young people to help with the project is important, as occurred with the renovation and design of the outdoor visits area at Riverina YJC (see Riverina chapter for more discussion).

Young people can make telephone calls after school and after dinner each day. Additional times are available during weekends. Access to telephones was an issue on the previous inspection. It was a recommendation of our previous report that Acmena YJC install additional phones on each unit which has been met.⁴⁰³

Access to lawyers and legal support services

Young people have access to lawyers in person, via phone or via AVL. It was identified on the last inspection that greater access to Aboriginal Legal Service (ALS) was needed and we recommended that a regular schedule of visits with ALS be established.⁴⁰⁴ It was explained that due to the pandemic ALS was communicating with young people primarily via the phone.

Chaplaincy services

At the time of inspection Acmena YJC had recently engaged a new Chaplain. Early reports from young people were favourable. Spiritual support for Muslim detainees is provided via tablet calls with the Muslim chaplain assigned to Frank Baxter YJC. While in-person visits are best, the Inspector commends the centre for employing alternative arrangements to meet young people's spiritual needs.

Complaints and grievances

Young people can have their complaints and concerns addressed in several ways. All accommodation

400 Inspector of Custodial Services (NSW), Draft Inspection Standards for Aboriginal people in custody in New South Wales, 5.1.

401 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), 78.

402 Inspector of Custodial Services (NSW), *Making connections: Providing family and community support to young people in custody*, (Report, June 2015).

403 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), recommendation 39.

404 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), recommendation 41.

units have a secure locked box that enables young people to direct their confidential concerns to the centre manager. Their confidential concerns can also be addressed with the Official Visitor and the NSW Ombudsman who, with their permission, can address matters with management. Young people can also raise centre specific issues through the monthly Detainee Representative Committee (DRC) meetings. From 1 September 2020 to 31 August 2021 the centre received 10 complaints from young people via the secured box system.⁴⁰⁵

Behaviour management

Case management

The centre employs three caseworkers. At the time of inspection caseworkers at Acmena YJC had recently moved to the new community model and were receiving supervision from the Assistant Manager (Community) Tweed Heads. As it was early days little reflection could be had around its impact in the centre.

The caseworkers at Acmena YJC, like their counterparts in other YJCs, were struggling with the additional workload brought upon them with remand and NDIS numbers. Their time is constrained by the need to help with bail demands and complete NDIS applications as well as performing the essential responsibilities of Youth Level of Service/Case Management Inventory (YLS/CMI) assessments and delivering intervention programs. We were told that the number of young people requiring assistance under the NDIS is increasing and the application process is lengthy, which is impacting on the workload of caseworkers.

Caseworkers are responsible for preparing a young person's return to the community. Careful preparation and planning are important for a young person who has completed their control order. Caseworkers prepare an exit plan and convene an exit conference that involves key custodial and community stakeholders, the young person and their parents/ support person. We observed an exit planning conference on inspection and were impressed by the planning process and outcomes achieved for the young person. The efforts of all involved is commended. Further comment on transition planning appears later in the chapter in 'transition from detention'.

Although almost all young people at Acmena YJC are Aboriginal there was no identified caseworker position.⁴⁰⁶ Targeted recruitment of Aboriginal people to the position had meant that an Aboriginal person was recruited into the role. We are of the view consideration should be given to making at least one of the caseworker positions an 'identified' position that must be filled by an Aboriginal person. We are informed by YJNSW that since the inspection Acmena YJC now has two identified caseworker roles. These roles are substantively occupied, and routinely backfilled by Aboriginal staff when any short term vacancy occurs.⁴⁰⁷ This is welcome news and acknowledges the significant numbers of Aboriginal young people in the centre.

Recommendation: YJNSW create an identified Aboriginal caseworker position at Acmena YJC.

Encouraging positive improvement and change (EPIC)

The weekly Client assessment meetings (CAMs) and the incentives scheme are no longer operating at Acmena YJC. For further information on CAMS see chapter 2 'Client assessment meeting'. CAMs has been the subject of ongoing complaints from young people in many YJCs and has attracted criticism from staff. CAMs has been replaced at Acmena YJC with the encouraging positive improvement and change scheme (EPIC). EPIC was piloted in Acmena YJC in early 2020. The aim of the pilot was to "trial a meaningful and user-friendly positive behaviour scheme that maintains integrity, encourages positive behaviour and reduces

405 Information provided by Acmena YJC 26 November 2021.

406 Staff establishment information provided by Acmena YJC 26 November 2021 does not show the caseworker position as an identified role.

407 Information provided by YJC 29 September 2023.

the incidents of problematic behaviour in young people".⁴⁰⁸ At the time of inspection, EPIC had transitioned from a pilot program and had been operating in the centre for two years.

EPIC involves a weekly reflection session where the unit manager and a senior youth officer meet with the young person to review the week, their behaviour and what might occur moving forward. We were granted permission from young people to observe their weekly reflection session. During reflection sessions the unit is locked down while the meetings occur. Young people are brought out one at a time to meet with the unit manager and senior youth officer in the unit common area. It is not understood why the unit is locked down when there is adequate space in the units for the reflection to occur in a private room. Being locked in reduces the time out of room for young people. That time could be used with young people accessing psychologists, caseworkers, or engaged in programs/ activities. This needs to be addressed.

The young person's behaviour around demonstrating respect, participation, responsibility and keeping safe is discussed with each young person. Staff addressed improvements in the young person's behaviour as well as occasions where the young person's behaviour was not good. Young people mainly listened and provided minimal (if any) comment. In many cases the youth officer led the young person on responses and completed the reflection summary on the young person's behalf. The process appeared to be no different from the weekly CAMs occurring in other YJCs and looked very different to how EPIC was operating at Reiby YJC.⁴⁰⁹ It is acknowledged that YJNSW had the benefit of learning from the EPIC pilot at Acmena and appointed a project officer to oversee the implementation of EPIC at Reiby YJC and provide post operational support to staff. The model employed at Reiby YJC is effective and should be adopted in the rollout of EPIC in all YJCs. See Chapter 5 for further information on the EPIC scheme at Reiby YJC.

It was evident on inspection that training of staff in EPIC needed attention and the centre would benefit from post implementation support from YJNSW to ensure EPIC is operating effectively and as required by policy.⁴¹⁰ YJNSW has informed the ICS that throughout 2023 refresher training and ongoing support on the EPIC scheme has been facilitated at Acmena YJC as well as training on the Positive Behaviour Framework which underpins EPIC.⁴¹¹ This will greatly benefit the staff and young people at Acmena YJC.

Recommendation: YJNSW provide training and support to staff at Acmena YJC in the EPIC model.

Client services meeting

As required by YJNSW Acmena YJC holds a weekly client services meeting (CSM) which we observed as part of the inspection. The process was cumbersome with no real decisions made, no follow-up or action items discussed. There was no conversation around the services provided, or what is needed, for young people. There was however considerable time allocated to discussing the classification and stage placement (1-4) of young people and whether they can participate in recreational and co-curricular programs.

Decisions were made for a few young people to have access to programs. All programs are assigned a risk level eg hospitality and horticulture are high risk programs as they involve using instruments or tools and therefore only young people who have a low classification can participate in those programs. In fact, we noted that most programs are labelled high risk. The Programs Manager is responsible for determining the risk ratings and assessment criteria of all programs, excluding school run programs which are determined

408 YJNSW, *EPIC Positive Behaviour Scheme Pilot*, (version 1, February 2020), page 5.

409 Riverina YJC implemented EPIC in September 2022.

410 YJNSW, *EPIC Manual*, (September 2021).

411 Information provided by YJNSW 29 September 2023.

by the school. While most young people at Acmena YJC on remand are classified medium security, few young people are accessing programs, which reflects our observations during the inspection. Young people told us they were bored and were unable to participate in programs such as the gymnasium. The process is not working and needs review. Programs should be centrally managed by YJNSW to ensure consistent risk ratings and assessment criteria. There must also be a clear procedure around determining who is eligible to participate in a program.

Detainee risk management plan (DRMP)

DRMPs are generally triggered by an incident and are historically aligned with punishment at Acmena YJC. In the 12 months 1 September 2020 to 31 August 2021 Acmena YJC initiated 34 DRMPs. The average time spent on a DRMP was 14.85 days with the longest time being 77 days.⁴¹² The DRMP numbers appear high for a centre with an average daily population of 22 young people, calculating at almost three per month. The numbers need review by management at Acmena YJC to explore how they can be reduced.

We learned on inspection that young people on DRMP's are regularly handcuffed on escort through the centre. This would seem to be in contravention of YJNSW policy which states that 'an instrument of restraint must not be used as part of a centre routine. This includes handcuffing a young person subject to a DRMP when moving within a centre or attending court.'⁴¹³ The policy requires an individual risk assessment that supports the need to use restraints on the young person. The practice of handcuffing young people at Acmena YJC needs attention (see 'use of force and restraints').

Transition from detention

Transitioning from detention to community supervision is a significant change for a young person and must be captured in the young person's exit plan. An exit planning case conference is held with young people serving a control order and generally occurs four weeks before release. We observed an exit planning case conference for a young person at Acmena YJC which involved arranging permission for the young person to leave NSW and travel to the Northern Territory to engage in men's business. This was regarded by all involved in the case planning to be an important undertaking for the young person and a positive transition to community. It was a good example of effective case planning where key stakeholders from YJNSW, JH&FMHN, the Aboriginal community and government came together to deliver valuable outcomes for the young person.

⁴¹² Information provided by Acmena YJC 26 November 2021.

⁴¹³ YJNSW, *Use of Force, Protective Equipment & Instruments of Restraint Policy*, (April 2023), Clause 7.

Chapter 7 Orana Youth Justice Centre

Overview of Orana Youth Justice Centre⁴¹⁴

Analyses of centre data is for the 12 month period 1 March 2021 to 28 February 2022

Dates of inspection	26 – 28 July 2022
Pre and post inspection visits	15 June 2021, 18 November 2022, 11 July 2023 (NAIDOC)
Bed capacity	30
Average number of young people at the centre	9
Percentage (average) of Aboriginal young people	85%
Average length of stay	12 days
Percentage (average) of young people on remand	93%
Average length of time on remand	8 days

Centre grounds



Yarning circle



Background

Orana YJC is in Dubbo, land of the Wiradjuri Nation, and is located approximately 380 kilometres northwest of Sydney. It is a centre for young males aged from 10 – 21 years, who are on remand or serving a control order. It accommodates up to 30 young people and can accommodate young women and girls overnight or for short periods. Approximately 85 percent of young people are Aboriginal.⁴¹⁵ However, the number may be higher as the data relies on young people reporting that they are Aboriginal. On inspection we found almost all young people at Orana YJC were Aboriginal. A demographic snapshot of the young people at Orana YJC appears in the following table.

⁴¹⁴ Information provided by YJNSW 24 May 2023.

⁴¹⁵ Information provided by YJNSW 24 May 2023.

Table 61: Demographic snapshot of young people at Orana YJC⁴¹⁶

Age	Male 10-21 years (average age is 16 years)
Aboriginal young people	11 (85%)
Religion	3 recorded no religion, 5 unknown and 5 not recorded.
Language primarily spoken	English
Education level	Young people recorded as having an educational level at Year 10 or below with one enrolled in the high school certificate.
Disability	5 young people with a confirmed disability (3 have one or more disability).

Note: At the time of the data the centre recorded a total population of 13 young people.

Orana YJC was last inspected by the ICS in 2019 as part of the three-year inspection cycle and was reported in the *Inspection of Six Youth Justice Centres in NSW* report.⁴¹⁷ The report identified improvements at Orana YJC with reductions in DRMPs, culturally appropriate DRMP reviews and the proactive partnership between the community YJ Bail Intake Officer and the centre.

The report also made recommendations around the following areas that needed attention:

- structural and design weaknesses within the centre and its buildings to be fixed to reduce the risk of property damage.
- better use of the indoor and outdoor visits area.
- young people having access to psychology services.

Accommodation

The centre has three units. Castlereagh Unit was the quarantine unit and the first accommodation placement for young people. Macquarie Unit is closed but available if needed to accommodate young people on medical isolation. Talbragar unit accommodates the general population of young people. Details of unit accommodation and layout is as follows:

⁴¹⁶ Information provided by Orana YJC, 30 May 2022.

⁴¹⁷ Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020).

Table 61: Capacity and facilities of accommodation units at Orana YJC⁴¹⁸

Unit	Capacity	Purpose	Unit design
Castlereagh	15	Quarantine unit; accommodates all new admissions to the centre.	<ul style="list-style-type: none"> • 11 rooms • 7 single accommodations • 4 shared rooms (2 person) • 2 x camera room • No dedicated confinement room
Macquarie	15	Closed, available for medical isolation.	<ul style="list-style-type: none"> • 11 rooms • 7 single accommodations • 4 shared rooms (2 person) • 2 x camera room • No dedicated confinement room
Talbragar	15	Accommodates general population.	<ul style="list-style-type: none"> • 15 rooms • all single bed accommodation • 1 x camera room • No dedicated confinement room

Having two units open is limiting for the centre and creates issues when young people are unable to mix. However low staff levels restrict the centre's capacity to open another unit. This has at times resulted in young people, who are predominantly Aboriginal, being transferred to other centres when they should remain on Country and close to their family.

There are two rooms in the admissions area which are used for holding and assessing young people. Both rooms have camera surveillance and have only a mattress and no bed base. On inspection the rooms were clean but in need of painting. We were told the rooms are sometimes used for the placement of young people on confinement. The rooms have no natural light and are unsuitable for this purpose.⁴¹⁹ Confinement should occur in the young person's room.

The overall condition and presentation of the accommodation units was poor. Whilst the young people's rooms were generally good, window areas were heavily scratched, and vision was obstructed. This was particularly evident in the common areas and the officer's space. Whilst the scratching is unsightly, more importantly it impacts on safety and security as it does not allow clear vision into communal spaces and young people's rooms.⁴²⁰ The scratched windows need to be repaired. Maintenance was an ongoing issue for Orana YJC.

418 Information provided by Orana YJC, 30 May 2022.

419 Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards*, (June 2020), 6.1.

420 Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards*, (June 2020), 6.2.

Obstructed view from officers' area into unit common area



Recommendation: YJNSW replace scratched windows at Orana YJC and ensure unobstructed vision is maintained.

Reception and admission

From 1 March 2021 to 28 February 2022, Orana YJC recorded 310 admissions of which 85 percent were Aboriginal young people. On average nine young people were accommodated at the centre per month with the overwhelming majority being on remand (93%). See table below for further detail:

Table 62: Detainee status and number of young people at Orana YJC 1 March 2021 to 28 February 2022⁴²¹

Detainee status	Percentage	Number
Remand	93	288
Control order	7	22
Total	100 %	310

During the 12 months 1 March 2021 to 28 February 2022, young people spent an average of 12 days at Orana YJC. Those on remand spent on average 8 days at Orana YJC.⁴²²

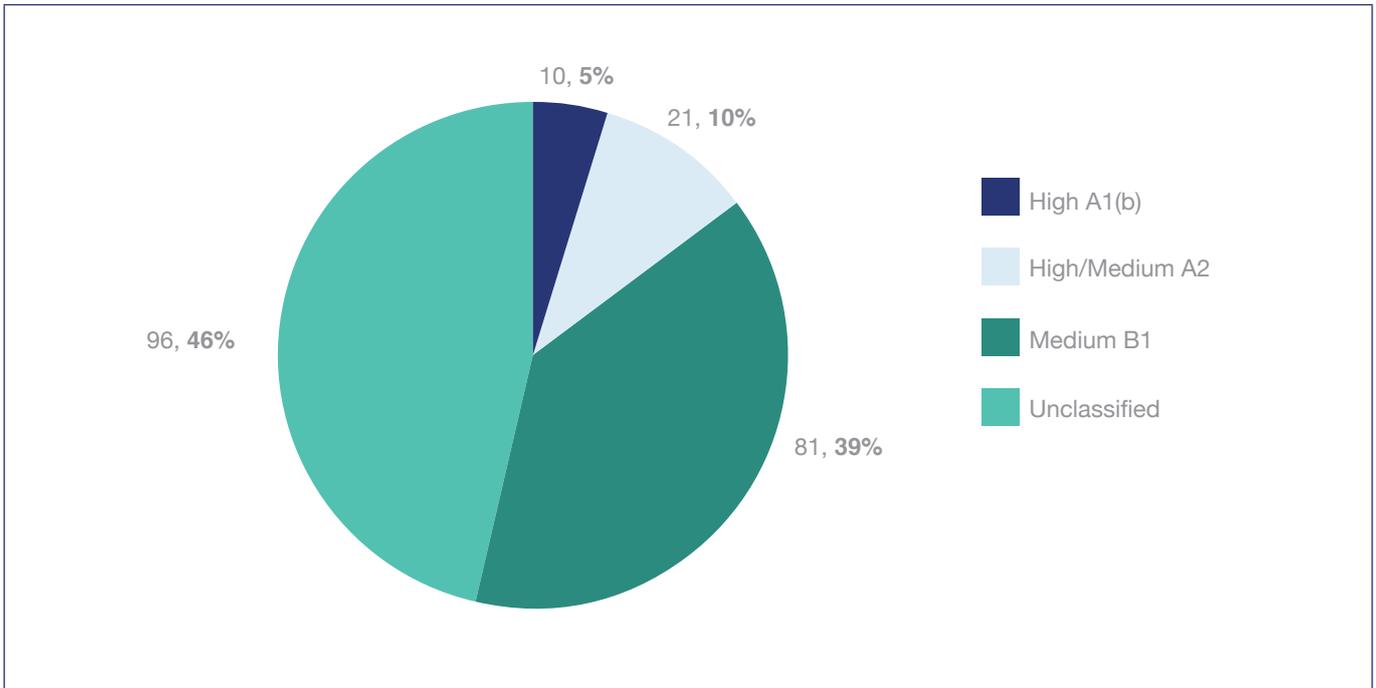
Young people at Orana YJC are predominantly classified medium.⁴²³ Almost half of the young people were unclassified which may reflect the short stays and continual turnover of young people in the centre. Further detail appears in the following table.

421 Information provided by YJNSW 24 May 2023.

422 Information provided by YJNSW, 24 May 2023.

423 YJNSW *Objective Classification System Policy*, (Version 2,16 September 2020), cl 8 classification system categories.

Figure 12: Classification status of young people detained at Orana YJC 1 March 2021 to 28 February 2022⁴²⁴



Young women and girls can be accommodated for overnight or short stays at the centre whilst transiting to court or Reiby YJC (female facility). From 1 March 2021 to 28 February 2022 the centre received 26 female admissions. The average length of stay was 2.4 days with 1 day being the minimum stay and 16 days the maximum time spent in the centre.⁴²⁵ The number of young women and girls admitted to Orana YJC had doubled since the last inspection (n=14).⁴²⁶ During inspection we spoke with an Aboriginal girl who had stayed overnight in the holding rooms of the centre. With the young girl’s permission, we observed her bail hearing that was conducted by audio visual link (AVL) with the court. She was issued section 28 bail and remained in the centre until suitable accommodation was found in the community.⁴²⁷

Reception process

General admission practices are followed at Orana YJC which include COVID-19 screening and testing, a partially clothed body search (PCBS), an interview and health assessment of the young person. At the time of inspection Orana YJC did not have a body scanner and a PCBS was conducted on all young people received at the centre. Young people receive a complete medical assessment within 24 hours of arriving in the centre. On completion of the admissions process young people were moved to the quarantine unit.

At the time of inspection young people were required to reside in the quarantine unit for 7 days. Whilst in quarantine a centre induction was conducted where the rules and routines of Orana YJC were explained. Education assessments were also conducted by school staff so young people could participate in the school program on release from quarantine. This is good practice.

On release from quarantine the young people were transferred to Talbragar Unit where a second induction

⁴²⁴ Information provided by Orana YJC, 30 May 2022.

⁴²⁵ Information provided by Orana YJC, 30 May 2022.

⁴²⁶ Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres in NSW*, (Report, December 2020) 57.

⁴²⁷ Section 28 bail is a grant of bail by the court that is conditional upon adequate accommodation being found for a young person in the community.

occurred. It also addressed daily routines, centre procedures and required behaviour and standards. The centre provided ICS with a copy of both sets of induction material.

Bail and remand

Orana YJC is supported by an effective and committed bail intervention team from community YJ who work with the young people to secure them bail shortly after their admission to the centre. The success of the service has helped to keep centre numbers low, averaging a daily number of 9 young people.⁴²⁸ The community YJ bail support officer communicates daily with the admissions staff at Orana YJC to keep abreast of new arrivals and ensure they are aware of the individual circumstances of each child. The bail support officer participates in Orana's weekly Client Services Meeting (CSM) to provide bail updates and identify what further information/ reports may be necessary from the centre. We observed the CSM on inspection and were impressed with the discussions around young people's needs. Having early conversations and connection with the centre is paramount to enabling the best chance at bail for a young person. The ICS has previously recommended that YJNSW replicate the Orana bail model in all YJCs. The CSM is the rightful forum for oversight of young people on remand and bail matters and community bail officers should be part of those meetings. YJCs can virtually connect people into meetings so locality of community bail officers should not be a barrier to attending CSM meetings.

During the inspection, a 10-year-old Aboriginal child arrived at Orana YJC from a remote part of the state. The bail support officer was familiar with the child and his community and acted immediately to arrange adequate support for a bail application. The ICS observed admissions and centre staff working together in a timely manner to prepare for a bail application. With permission of the young boy, we observed his AVL court appearance for bail. An officer sat with the young person during the hearing. The Magistrate granted bail and the child was returned to his family and community the day after his arrival at Orana YJC. In the event the Magistrate did not grant bail a Supreme Court bail application was ready to proceed.

We also observed the discharge of the 10-year-old Aboriginal boy. A youth officer explained clearly to the young person their bail conditions. YJNSW organised transportation for the child to his family and community.

Clothing and bedding

Clothing is issued to young people on admission, and we heard from young people that second-hand underwear was being provided. Centres should conduct regular audits of clothing supplies in admissions and in accommodation units to ensure this is not occurring.

Recommendation: YJNSW ensure young people are provided with new underwear.

Managing the pandemic

At the time of inspection there had been no positive cases or incidents of transmission at Orana YJC. Orana is a small centre with an average daily population of nine young people. Despite low numbers, we heard from management and staff that managing young people through the COVID-19 pandemic has been difficult. Overseeing quarantine regimes was regarded by staff as being particularly challenging and even more so in the early days of the pandemic when young people were required to spend 14 days in quarantine. Staff explained that it was hard keeping young people locked in their rooms for lengthy periods and having to deal with the emotional consequences of those restrictions. There were high levels of burn out and turnover of staff.

428 Information provided by YJNSW 24 May 2023.

The centre has three accommodation units of which two are operational. Castlereagh Unit was established as the quarantine unit and Talbragar unit continued to accommodate the general population of young people. Macquarie Unit which has been off-line for several years was available, if needed, to accommodate young people who tested positive to COVID-19.

Like all quarantine regimes in YJCs, young people were able to telephone their family, however no tablets were available in Castlereagh unit for face-to-face visits. The psychologist and caseworker visited the young people in quarantine and education assessments were performed by the school.

Structured day

Time out of room

The centre operates separate timetables for weekday, work party, weekend and school holidays. Weekday and school/ public holiday routine is 7.00am to 8.45pm and weekend routine is 9.00am to 8.45pm. School participation provides young people with the most time out of room. Young people who are unable to attend school must participate in work party activity and, as indicated by centre schedules, have less time out of room. Weekends and school/ public holiday schedules also indicate less time out of room. Further detail appears in the following table.

Table 63: Operational timetable for young people at Orana YJC⁴²⁹

Weekday	7.00am to 8.45pm	11.25 hrs time out of room (maximum) 9.25 hrs time out of room (standard)
Work Party	7.00am to 8.45pm	9.50 hrs time out of room (maximum) 7.50 hrs time out of room (standard)
Weekend	9.00am to 8.45pm	8.75 hrs time out of room (maximum) 6.75 hrs time out of room (standard)
School/ public holiday	7.00am to 8.45pm	10.75 hrs time out of room (maximum) 8.75 hrs time out of room (standard)

**Note: total time out of room excludes scheduled times per day when young people are locked in their room.*

Orana YJC does not appear to be meeting the 10 hour minimum time out of room per day for young people.⁴³⁰ Despite the operational timeframes above, actual weekday and weekend routines require several periods where young people are locked in their room to accommodate shower routines, morning tea, lunch time, and staff handovers. This reduces the total time out of room by over two hours.⁴³¹ Lock ins during the day should be minimal. It was explained that the lock-ins at morning tea and lunch time were a direction of YJNSW. It was explained to us on inspection that time out of room is dependent on staff levels which regularly means that young people are not allowed out of their room for the evening session after 7.00pm. This would mean that no child is meeting the minimum time out of room standard of 10 hours. Management accepts that time out of room needs to be addressed and monitored.

429 Information provided by Orana YJC, 30 May 2022.

430 Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards*, (June 2020), cl 9.8.

431 Information provided by Orana YJC 30 May 2022.

Education Training Unit (ETU)

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 and hours are 8.45am to 2.45pm.

The school assesses each young person prior to commencing school. The school facilitates vocational learning for young people through TAFE including white card, responsible service of alcohol (RSA) and a barista course. Whilst these initiatives are good the data indicates very few young people have completed the courses.⁴³² This may be attributable to young people spending on average 12 days in Orana YJC and time spent in quarantine. Identifying and delivering TAFE competences has been the focus of many ETUs (Reiby, Cobham, Riverina) allowing young people to learn a skill and receive a certified competency which they can build upon in the community to a full qualification. It was pleasing to hear the school, where it can, endeavours to work closely with parents and carers to support a young person's return to the community and the continuance of their education. This involves contacting the local school and liaising with speech pathologists and counsellors. This is a very good model.

Intervention programs

Almost all young people at Orana YJC are Aboriginal and My Journey My Life (MJML) is the only program being delivered to young people. The program is designed for Aboriginal young people and challenges their attitudes and beliefs around offending behaviours. The program is also able to be modified to address general behaviour and, where appropriate, possible associations to past offending. This enables the participation of young people on remand.

Cultural programs

On arrival at Orana YJC the inspection team was escorted to the Yarning Circle and a welcoming ceremony was performed by the Aboriginal young people. YJNSW Aboriginal practice officers (APOs) based in community YJ were present who had recently delivered a five-day Way-Out Warrior (WOW) program in the school holidays.

At the time of inspection, the school was the primary driver of cultural programs for Aboriginal young people. Cultural engagement with young people occurs through 'Bro Speak', an Aboriginal art and connection program. The school also involves Aboriginal young people in planning the annual NAIDOC week celebrations. There needs to be greater investment in cultural support and engagement for Aboriginal young people at Orana YJC. With high numbers of Aboriginal young people at Orana YJC it was disappointing to learn that there were no Aboriginal programs staff at the centre and at the time of inspection there was no involvement of the Aboriginal community and Elders with the young people. It is acknowledged that COVID-19 restrictions had impacted programs and community engagement with the centre. We have observed a concerted effort by YJNSW to strengthen cultural support in other YJCs (Cobham YJC, Reiby YJC) and encourage YJNSW to do the same in Orana YJC.

Since our inspection, considerable effort has been made by YJNSW to provide Aboriginal cultural programs to young people and to support Aboriginal staff. YJNSW have informed the ICS that external program providers such as "Blackfit", local Aboriginal artists, and other community members have all delivered and continue to deliver Aboriginal cultural programs to young people at Orana YJC. Aboriginal staff at the centre, with the young people, have developed and delivered NAIDOC celebrations featuring local Elders, cooking, art displays, emu egg blowing and carving, and sporting competitions. The Centre Manager meets monthly with all Aboriginal staff at Orana and these meetings have empowered Aboriginal staff to meet the cultural

⁴³² Information provided by Orana YJC 30 May 2022,

needs of young people and have led to the implementation of weekly “Men’s Group” afternoons, monthly cultural cook up days, dancing, Sorry Business, and cultural learning.⁴³³ The Inspector commends YJNSW and the Orana YJC leadership team and staff for its commitment to delivering culturally connected services to Aboriginal young people.

Recommendation: YJNSW support Orana YJC to develop cultural connections with Elders and the local Aboriginal community and enable meaningful connections with Aboriginal young people in the centre.

Recreational programs and activities

Orana’s program officer is responsible for the delivery of recreational programs and activities in the centre with youth officers generally required to facilitate unit activities. Most programs and activities occur in the gym, on the oval or in the game’s room. Daily activities include touch football, basketball, table tennis, indoor cricket and soccer, badminton, painting and games room. School holiday programs have included fitness programs, mentoring, screen printing and painting.

The previous inspection found very few programs and activities operating at the centre. Although the centre had taken steps to improve program offerings to young people, the onset of Covid-19 restricted community providers from delivering programs at the centre. At the time of inspection restrictions had lifted, but limited recreational programs and activities were occurring at Orana YJC.

At the time of inspection the gym was rarely (if ever) used by young people and was only available to young people who reached stage 4.⁴³⁴ There was only one young person at stage 4 as it takes a minimum of 4 weeks to reach that stage and the average length of stay of young people at Orana YJC is 12 days. Recreational programs and activities are important to young people and must be prioritised. Despite YJNSW’s assurances that gym access has been addressed, we have been advised by the Official Visitor that this is not the case.⁴³⁵ We have also been told by YJNSW that the delivery of recreational activities has been improved through fortnightly consultations with young people.⁴³⁶ This requires ongoing monitoring by YJNSW.

Recommendation: YJNSW prioritise the delivery of recreational programs and activities at Orana YJC and ensure young people have access to the gymnasium.

Food

The centre provides meals in compliance with YJNSW endorsed menus. The menus offer variety and young people can make suggestions through the Detainee Representative Committee (DRC). Birthdays are celebrated and allergies and special dietary requests are catered for.

The kitchen prepares meals to be eaten by staff and young people. Staff outnumber young people, and we became aware of young people at times missing out on food that is popular with staff. Staff eat first while young people remain in their room which at times results in less food for young people.⁴³⁷ Prior to the pandemic staff and young people would eat meals together and this needs to be reinstated.

Around the time of inspection Dubbo was experiencing issues with clean town water supplies and the

433 Information provided by YJNSW 29 September 2023.

434 YJNSW, *Incentive Scheme Policy* (Version 2, 29 October 2023), 12.

435 Official Visitor six monthly report, December 27 2023.

436 Information provided by YJNSW 29 September 2023.

437 A COVID-19 initiative of YJNSW.

local council had issued an alert to boil all tap water before drinking. Bottles of water in plastic containers were deemed a risk so young people were required to ask youth officers for a cup of water. The NUM expressed concern at the weekly client services meeting (CSM) about increasing tiredness of young people and believed it to be from them not receiving enough water. Clean drinking water should be freely available to young people to drink as needed and it should not be incumbent on the young person to request something as essential as clean drinking water. We immediately raised the issue with centre management and although their initial response was unsatisfactory and evidenced a failure to understand the duty of care owed to children and young people in their care, water was made readily available to young people.

Safety, security and restrictive practices

Staff, culture and training

Staff morale at Orana YJC was low and impacting the care and treatment of the children and young people.

Staff recruitment and retention is a major issue (as with all YJCs). The centre was struggling to fill vacancies and staff shortages was contributing to fatigue and burn out. This affects relationships with young people and the delivery of services to young people. Young people told the ICS that they were unhappy and did not want to be at Orana YJC. This was also reflected in the high number of requests for transfer from young people and their families, reported at the weekly Client Services Meeting (CSM).

Staff needed training across several areas, but training was often cancelled due to staff shortages. When training occurs, it focuses on use of force, de-escalation, first aid and emergency procedures and cultural awareness.

The inspection observed many committed staff at Orana YJC who value their work with young people. It was disappointing to hear stories of a deflated staff culture that was affecting everyday operations of the centre and impacting negatively on young people. The staffing culture at Orana YJC was immediately raised with the Executive Director of YJNSW following the inspection.

Since that time changes to rostering practices, renewal of senior leadership roles, staff recognition and training have all contributed to positive changes at the centre.⁴³⁸ The ICS commends the work of YJNSW to address the many issues affecting staff culture and morale at Orana YJC. Continued support of the management team and staff at the centre is important and we look forward to seeing the results of an improved culture at Orana YJC.

Recommendation: YJNSW address staff culture at Orana YJC and provide support to the centre to effect necessary change.

Partially clothed body searches

At the time of inspection, a body scanner was expected but had not been installed at Orana YJC. Partially clothed body searches (PCBSs) were performed in the centre on all new admissions and young people who returned from day and overnight leave.⁴³⁹ A review of data shows that over a 12-month period 1 March 2021 to 28 February 2022 Orana YJC performed 306 PCBSs of which 279 involved new admissions to the centre. No contraband was found. 27 PCBSs were completed on young people who were suspected of having contraband. On 15 occasions items of contraband were found and included metal, plastic, rocks, pencils, screws, and biscuits.⁴⁴⁰

438 Information provided by YJC 29 September 2023.

439 Children (Detention Centres) Regulation 2015, clause 11A (9).

440 Information provided by Orana YJC 30 May 2022.

Incidents

From 1 March 2021 to 28 February 2022 Orana YJC recorded 260 incidents which are detailed in the following table. The data records 108 occasions of assault. Most assaults are physical (N=59, 23%) with an almost equal occurrence of young person on staff (n=30) and young person on young person (n=29).⁴⁴¹

Orana YJC recorded 18 incidents of self-harm. Of those 12 are recorded as actual incidents of self-harm, 3 attempted and 3 threatened by a young person.⁴⁴² Trends and issues around assault rates and incidents of self-harm in YJCs are discussed in Chapter 2.

Table 64: Type and number of incidents at Orana YJC 1 March 2021 to 28 February 2022⁴⁴³

Incident recorded	Percentage (%)	Number of Incidents
Assault - physical	23	59
Assault – verbal	16	41
Assault with a weapon	3	8
Threat to Worker	4	11
Inappropriate behaviour	3	7
Contraband	8	21
Property Damage/Loss	15	40
Self-harm	7	18
Medical/ hospital treatment	2	6
Security breach	18	48
Fire	1	1
Total	100%	260

Misbehaviour

Misbehaviour by young people is met with a range of consequences.⁴⁴⁴ Centre data recorded that during the 12 months 1 March 2021 to 28 February 2022 confinement (n=419, 64%) was the most common punishment given to young people at Orana YJC followed by restriction from leisure (n=102). Further detail on punishments for misbehaviour appears in the table below. Confinement is overwhelmingly the most preferred consequence for misbehaviour at Orana YJC and is discussed later in the chapter under 'confinement'.

441 Information provided by Orana YJC, 30 May 2022.

442 Information provided by Orana YJC, 30 May 2022.

443 Information provided by Orana YJC 30 May 2022.

444 Children (Detention Centres) Act 1987, s21.

Table 65: Punishments given to young people at Orana YJC 1 March 2021 to 28 February 2022⁴⁴⁵

Punishment	Percentage %	Number
Confinement	64	419
Restriction from leisure	15	102
Caution	12	77
Additional duties	9	60
Total	100%	658

Use of force and restraints

In the 12 months 1 March 2021 to 28 February 2022 force was used on young people at Orana YJC on 108 occasions.⁴⁴⁶ Force was used primarily to either protect from harm (n=50; 46%) or to move a young person (n=47; 43%).⁴⁴⁷ Further detail appears in the table below.

Table 66: Number of times and reasons for use of force 1 March 2021 to 28 February 2022⁴⁴⁸

UOF Reason	%	Number
Protect from harm	46	50
Move young person	43	47
Prevent property damage	6	6
Prevent self-injury	3	3
Prevent escape	1	1
Prevent riot	1	1
Total	100%	108

All young people are assessed by JH&FMHN after a use of force (planned and unplanned). The 12-month data reveals the centre recorded two incidents of injury to the young person where a medical response was necessary.

Restraints may or may not accompany a use of force. The centre recorded 38 occasions from 1 March 2021 to 28 February 2022 where restraints were used. Handcuffs were used on young people on 28 occasions, primarily when moving a young person (n=21). Ankle cuffs were used on one occasion to move a young person.⁴⁴⁹

Whilst the data shows a small increase in restraints, it is pleasing to see a reduction in use of force on young people in Orana YJC, details of which appear in Table 67. Data provided by Orana YJC for the period 1 March 2021 to 28 February 2022 was compared with Orana YJC data last reported in the *Use of Force*,

445 Information provided by YJNSW 24 May 2023.

446 Information provided by Orana YJC 30 May 2022.

447 Information provided by Orana YJC 30 May 2022.

448 Information provided by Orana YJC 30 May 2022.

449 Information provided by Orana YJC 30 May 2022.

Table 67: Use of force and restraint numbers in Orana YJC

Centre	UOF numbers		Restraints numbers	
	2017/ 18 ⁴⁵¹	2021/ 22 ⁴⁵²	2017/18 ⁴⁵³	2021/ 22 ⁴⁵⁴
Orana	155	108	32	38

The inspection involved viewing CCTV footage of planned and unplanned UOF. There were no issues around the use of force and officers appeared to perform their duties well. The planned UOF involved youth officers wearing body-worn cameras. This was positive as the ICS has previously recommended to YJNSW that body worn cameras be rolled out to all YJCs.⁴⁵⁵ All UOF is reviewed by the YJNSW UOFRP.

Confinement

Orana YJC recorded 419 episodes of confinement from 1 March 2021 to 28 February 2022 of which four were served by girls. 87 percent (n=364) of young people on confinement were Aboriginal.⁴⁵⁶ Most young people were in confinement for 1-3 hours (n=154) which included four girls. The second most common time on confinement was 3-6 hours (n=123). No young people spent over 24 hours in confinement. Further detail appears in the following table.

Table 68: Confinement of young people at Orana YJC 1 March 2021 to 28 February 2022⁴⁵⁷

	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs
Aboriginal	3	139	106	77	39	0
Non- Aboriginal	0	15 (4 girls)	17	21	2	0
Total	3	154	123	98	41	0

The over-reliance on confinement at Orana YJC has, in the past, been a concern. Confinement numbers last reported for Orana YJC was 689 instances of confinement for the 2019-2020 financial year.⁴⁵⁸ Centre data provided for the 12 months 1 March 2021 to 28 February 2022 record a total of 419 confinements. The decrease in the use of confinement at Orana YJC is considerable and the efforts of staff is commended. We encourage the centre to continue their efforts to seek other forms of punishments for misbehaviour.

Segregation and separation

Orana YJC recorded 337 episodes of segregation from 1 March 2021 to 28 February 2022 which included

450 Inspector of Custodial Services (NSW), Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres, (Report, November 2018),80.

451 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017-18.

452 Data for the 12 month period 1 March 2021 to 28 February 2022 provided by Orana YJC 30 May 2022.

453 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017-18.

454 Data for the 12 month period 1 March 2021 to 28 February 2022 provided by Orana YJC 30 May 2022.

455 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), recommendation 15.

456 Information provided by YJNSW 24 May 2023.

457 Information provided by YJNSW 24 May 2023.

458 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020), 38.

one Aboriginal girl. Most young people were in segregation for less than 1 hour (n=196) and 1-3 hours (n=118).⁴⁵⁹ 5 young people spent more than 24 hours in segregation. Segregations over 24 hours must be notified to the NSW Ombudsman.⁴⁶⁰ See table below for further detail.

Table 69: Segregation orders of young people Orana YJC 1 March 2021 to 28 February 2022⁴⁶¹

	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Aboriginal	183	107 (1 female)	13	3	0	4	310
Non-Aboriginal	13	11	1	1	0	1	27
Total	196	118	14	4	0	5	337

Most separation orders issued in the centre were attributable to the need for young people to be placed in quarantine on reception.⁴⁶² Orana YJC recorded 482 occurrences of separation from 1 March 2021 to 28 February 2022 of which 396 (82%) young people were Aboriginal and 26 were girls. The data shows most young people spent more than 24 hours in separation (n=152) or less than 1 hour in separation (n=150).⁴⁶³ See table below for further detail.

Table 70: Separation orders of young people at Orana YJC 1 March 2021 to 28 February 2022⁴⁶⁴

Separation	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	0	0	0	5	7	14	26
Aboriginal female	0	0	0	2	6	11	19
Male	150	31	9	38	90	138	456
Aboriginal male	120	27	9	36	71	114	377
Total	150	31	9	43	97	152	482

Health and well-being

Health services

Justice Health & Forensic Mental Health Network (JH&FMHN) is responsible for health service delivery at Orana YJC. Health services are provided through a multi-disciplinary team with nursing staff on site from 0700hrs to 1630hrs Monday to Friday and 0800hrs to 1630hrs on Saturday and Sundays.

JH&FMHN advised that the health centre provides the following services:

459 Information provided by YJNSW 24 May 2023.

460 Children's (Detention centres) Regulations 2015, Cl 10(2)(a).

461 Information provided by YJNSW 24 May 2023.

462 Children's (Detention Centres) Act 1987, s16.

463 Information provided by YJNSW 24 May 2023.

464 Information provided by YJNSW 24 May 2023.

Health Services	Hours of Operation
Nurse Unit Manager	Five days per week
Registered Nurse x 1	Seven days per week
Dual Diagnosis Clinic Nurse Consultant (CNC)	Sixteen hours per week
General Practitioner	Two hours per week*
Psychiatrist	Six hours per fortnight via telehealth
Dentist	As required

Sexual Health services are provided by the Dubbo sexual health centre through a formal MOU arrangement between JH&FMHN and the Western NSW Local Health District. A midwife provides parenting classes and nursing staff provide some health promotion advice to young people.

Young people requiring specialist appointments are taken for appointments at local health service providers, usually Dubbo Base Hospital, which staff reported as generally being a well facilitated process.

At the time of the on-site inspection in July 2022 the General Practitioner role had been vacant since October 2021. The General Practitioner role at Orana YJC was recruited to in November 2022.⁴⁶⁵ In the intervening period telehealth services were provided. It is however considered sub-optimal that there had been no onsite doctor for over a year.

Access by health staff to young people was observed to be a significant issue at Orana YJC. During the two-day site visit of the health centre, there were no young people observed to be brought to the health centre for appointments. Nursing staff were required to attend accommodation units for all health-related appointments. This raises significant concerns around privacy for young people accessing health services, considering there are limited spaces in accommodation units designed for the delivery of health services. YJNSW attributes appointments occurring on accommodation units as a constraint of COVID-19 and advise that young people are now attending health consultations in the health centre.⁴⁶⁶

Permission for a sign showing where the health centre was in the centre was refused by local YJNSW managers for “security reasons”. Signage is an important part of the identity of health services, particularly in custodial environments where the independence and separation of health services from custodial authorities promotes trust between clinicians and patients. JH&FMHN operate dozens of health centres across NSW and the inspector is not aware of this issue being raised at any other YJC.

It was observed that youth officers were not making themselves available to check medication as required prior to the nurse finishing their shift, so it was being undertaken by two nurses instead. Failure to comply with the policy undermines important safeguards and staff should be reminded of the importance of this function.

There are challenges in the working relationship between YJNSW and JH&FMHN staff at Orana YJC. Interactions between staff were observed and there is evidence of productive working relationships, however, there appears to be challenges in the integration of health services into the overall operations of the centre.

Recommendation: YJNSW and JHNSW ensure appropriate signage is installed in Orana YJC to identify the location of the health centre to young people.

⁴⁶⁵ Information provided by JH&FMHN 29 September 2023.

⁴⁶⁶ Information provided by YJNSW 29 September 2023.

Psychology services

Orana YJC has two full-time psychologists. One holds a provisional registration which limits their ability to provide therapeutic intervention and requires professional supervision of the other psychologist. At the time of inspection, the supervising psychologist was on leave which was affecting the capacity of the provisional psychologist to perform required assessments and meet the increasing levels of mental health and self-harm concerns among young people.

Young people's access to psychology services at Orana YJC was identified during the last inspection as needing attention, and it remains an issue. It was explained that the psychologist's role has changed at Orana YJC. Young people are, on average, in the centre for two weeks which makes it difficult for any meaningful clinical intervention. Psychologists are primarily performing assessments and attending to necessary NDIS documentation for the increasing number of young people presenting with disabilities. The psychologists would like to teach the young people skills around stress tolerance, cognitive behavioural therapy, anger impulse control and if possible incorporate group programs but all seems impossible at present. Orana YJC may benefit from the rolling entry DBT model performed by psychologists at Reiby YJC. See discussion in 'psychology services, chapter 5 Reiby YJC.

Low staffing levels has meant that psychologists must see young people in the accommodation units. This affects the time and quality of engagement with the young person. A designated counselling room that provides a safe, private and confidential space is needed for psychologists at Orana YJC.

Following the inspection, a Clinical Manager role has been assigned to Orana YJC and a full complement of psychologists have been appointed. It has been arranged with the Clinical Manager that the unit based interview rooms are suitable and available for therapeutic sessions and health centre rooms for psychological assessments.⁴⁶⁷ The ICS is pleased to hear of these changes that address the recommendation.

Recommendation: YJNSW ensure that psychologists have access to a confidential space to facilitate consultations with young people.

Communications and support

Visits and telephone calls

Young people are allowed one in-person visit per week which can be booked for any day. Tablet visit sessions are also available to young people which is the most popular means of connecting with family but can at times be difficult to arrange for families in rural areas where internet connections can be poor. With most young people off Country this can be upsetting. Special visits for birthdays or significant dates are available with the centre manager's approval.⁴⁶⁸

The visits area is a dark and uninviting space. There is no child friendly or outside play area. Providing a children's play space was a recommendation of the ICS 2015 *Making Connections* report.⁴⁶⁹ Improving the visits area was also a recommendation in our last report. It is disappointing that nothing has been done at Orana YJC. Riverina YJC visits area has recently been renovated and was a joint initiative of the centre and local Aboriginal community groups. The project involved the young people and provided a culturally safe forum for them to connect with culture, community and Elders. Orana YJC would benefit from doing the same.

⁴⁶⁷ Information provided by YJNSW 29 September 2023.

⁴⁶⁸ Information provided by YJNSW 30 May 2022.

⁴⁶⁹ Recommendation 5, Inspector of Custodial Services NSW, *Making Connections: Providing Family and Community Support to Young People in Custody*, (Report, June 2015).

Visits area



Young people have unlimited 10 minute telephone calls to family and friends. Each unit has two phones. There is also a phone in the reception area so that young people can call their family on admission to the centre. Portable phones are also available for young people in the quarantine unit.

Recommendation: YJNSW remodel and refurbish the visits area at Orana YJC.

Access to lawyers and legal support services

Young people have access to their legal representatives through telephone calls, AVL, tablets and in person visits. Orana YJC has one AVL suite that is used for court attendance, legal visits, classification and community YJ consultations. It was reported to the ICS that staff shortages have at times impacted the movement of young people to the AVL suite.

Chaplaincy services

A new chaplain had recently commenced at Orana YJC who supports young people of all faiths and denominations. The chaplain delivers weekly services and occasional programs. There is no designated chapel at Orana YJC, however the chaplain can use the program room in Talbragar unit or meet with young people in the accommodation units.

Complaints and grievances

Young people are informed during their induction of their right to make a complaint and may complete a formal complaint form which is given to the centre manager. Young people are also able to meet with Official Visitors or telephone the NSW Ombudsman, Aboriginal Legal Service and Children's Legal Service.

Detainee representative committee (DRC) meetings occur monthly at Orana YJC. They provide a forum for young people to have their ideas and concerns discussed and resolved. The ICS reviewed a sample of the DRC minutes. The minutes recorded a range of matters raised by young people including incentives, food and clothing.

Behaviour management

Case management

There are two caseworker positions at Orana YJC. One caseworker is an Aboriginal woman which is vital for Orana YJC where almost all the young people are Aboriginal.

The caseworker's primary focus is on developing case plans with the young people and delivering meaningful intervention through My Journey My Life (MJML). It was explained that MJML is worked into every part of their engagement with the young person. MJML is also adapted to include young people on remand.

Unlike other YJCs, NDIS applications and associated documentation are not the role of caseworkers at Orana YJC but are managed by the psychologists.

We heard that an ongoing challenge for caseworkers is developing plans that include engaging activities and programs for the young people. It was explained that young people are often risk assessed as ineligible for programs leaving them little to do except kick a football and play cards. See discussion earlier in 'recreational programs and activities'.

Client assessment meeting (CAM)

Client assessment meetings (CAMs) are held weekly.⁴⁷⁰ The inspection team was unable to observe any CAMs but we heard that engagement with the young person at their CAMs could be better and for the discussion with the young person to focus less on what points they made and their incentive stage.

As proposed for all YJCs EPIC should replace CAMs and incentives and be rolled out in centres as soon as possible. See discussion around EPIC in chapter 2.

Client services meeting (CSM)

The client services meeting (CSM) is held weekly and includes the centre management team, the NUM, caseworkers, psychologists, school principal and the regional bail intake officer.

We observed the CSM as part of the inspection. Overall, the CSM was conducted well with each young person discussed and consideration given to what they needed. All attendees were engaged and provided information around behaviour, medical needs, education, programs and activities.

The bail intake officer updated the meeting on all young people on remand and upcoming bail hearings. The bail update was comprehensive, child focused, and with relevant discussion from attendees. The information exchange is helpful and assists with operational planning. This practice should be replicated in all YJCs. See discussion earlier in the chapter around bail and remand.

Discussions around young people and program participation focused primarily on risk. The CSM found most young people to be too high risk to participate in most programs. Orana YJC accommodates young people who are classified by YJNSW as medium or low risk. It would therefore follow that almost all young people at Orana YJC should be able to access programs of art, music, horticulture and hospitality, but this is not happening. Young people are not participating in programs and activities, which leaves them bored and open to engaging in disruptive behaviour. The practice of risk assessing young people out of programs

⁴⁷⁰ See chapter 2 for a description of CAMs and the incentives scheme. See also YJNSW, *Incentive Scheme Policy* (Version 2, 29 October 2023).

and activities was also happening at Acmena YJC (see discussion in Chapter 6 Acmena YJC 'recreational programs and activities' and 'client services meetings'). YJNSW must review this practice and centrally manage risk ratings and program criteria for all programs and activities offered in centres. This will enable consistency and hopefully result in greater program participation and fewer incidents.

Detainee risk management plan (DRMP)

From 1 March 2021 to 28 February 2022 the centre initiated 28 detainee risk management plans (DRMPs). The average duration of a DRMP was 13 days and the longest time was 36 days. The numbers indicate that at least one young person per fortnight is placed on a DRMP. Orana YJC has made efforts to reduce the number of young people on DRMPs and conduct culturally appropriate DRMP reviews, which is an important practice for a centre where almost all young people are Aboriginal. It was unclear whether those practices had continued at Orana YJC but at the time of inspection, no young people were on a DRMP.

Chapter 8 Riverina Youth Justice Centre

Overview of Riverina Youth Justice Centre ⁴⁷¹	
Analyses of centre data is for the 12 month period 1 July 2021 to 30 June 2022	
Dates of inspection	17-19 October 2022
Pre and post inspection visit	4 August 2022, 3 August 2023 (NAIDOC)
Bed capacity	45
Average number of young people at the centre	20
Percentage (average) of Aboriginal young people	41%
Average length of stay	30 days
Percentage (average) of young people on remand	62%
Average length of time on remand	17 days

Centre grounds



Yarning circle



Background

Riverina Youth Justice Centre (YJC) is located approximately 468 km southwest of Sydney in Wagga Wagga, land of the Wiradjuri people. The centre accommodates children and young people aged between 10 and 21 years. Young women and girls may also be accommodated for short periods. The centre has the capacity to accommodate up to 45 young people. On average, less than half of young people at Riverina YJC are Aboriginal (41%).⁴⁷² The numbers may be higher as the data relies on young people reporting that they are Aboriginal.⁴⁷³ A demographic snapshot of the young people at Riverina YJC appears in the following table.

471 Information provided by YJNSW 24 May 2023.

472 Information provided by YJNSW 24 May 2023.

473 Engaging with young people on inspections of YJCs commonly revealed underreporting of Aboriginality.

Table 71: Demographic snapshot of young people at Riverina YJC⁴⁷⁴

Age	Male 10-21 years (average age is 17 years)
Aboriginal young people	10
Religion	10 recorded no religion or unknown., 3 Christian, 1 Muslim and 10 not recorded.
Language primarily spoken	English
Education level	13 young people are below Year 10 4 young people are above year 10 1 young person with an accredited vocational qualification.
Disability	13 young people with a confirmed disability.

Note: At the time of the data the centre recorded a total population of 24 young people.

Riverina YJC was last inspected in 2019 as part of the three-year inspection cycle. The *Inspection of Six Youth Justice Centres in NSW* report made recommendations around the following:⁴⁷⁵

- the need for additional telephones to be installed in the accommodation units.
- monthly detainee representative committee meetings to occur in the centre.
- staff to undertake further training relating to when and how to use force.

Accommodation

The centre has four accommodation units, Murrumbidgee, Murray, Lachlan and Barwon. Detail of numbers and design are as follows:

Table 72: Capacity and facilities of accommodation units at Riverina YJC

Unit	Capacity	Purpose	Unit design
Murrumbidgee	18	Accommodates mainstream population and provided quarantine accommodation for all new admissions to the centre.	<ul style="list-style-type: none"> • 18 single rooms (10 in one wing and 8 in the quarantine wing) • one holding/ assessment room • two camera rooms (one room and in the holding room) • no dedicated confinement room.
Murray	13	Accommodates mainstream population.	<ul style="list-style-type: none"> • 13 single rooms • one camera room • no dedicated confinement room.
Lachlan	8	Accommodated young people in quarantine during the day.	<ul style="list-style-type: none"> • 8 single rooms • one camera room • no dedicated confinement room.

474 Snapshot data on 1 August 2022. Information provided by Riverina YJC 26 September 2022.

475 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres*, (Report, December 2020).

Barwon	9	Currently closed	<ul style="list-style-type: none"> • 9 single rooms • no camera rooms • No dedicated confinement room.
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The centre has five camera holding rooms in the admissions area of which one is an overnight suite.

All functional accommodation units (Murrumbidgee and Murray units) were clean and well maintained. Whilst the Murrumbidgee unit had a dual purpose of a general population unit and a quarantine unit, it was functioning well, and no concerns were raised with ICS from young people or staff. The two units reflect old and new accommodation styles. Murrumbidgee unit is a modern structure with large common areas for dining, gathering, recreation (indoor and outdoor) and programs. The Murray unit is an older design with smaller and more challenging communal spaces. Despite this it works well. At the time of the last inspection the Murray unit was not being used due to damage caused by a serious incident. It has since been repaired and remodelled.

The inspection team were told that maintenance is an ongoing issue for Riverina YJC and can impact on daily centre operations. Maintenance services are provided by a government authorised contractor. At the time of inspection, the centre had been waiting several months for air-conditioning to be fixed and ready for summer, which brings extreme heat to the region. It was suggested that planned maintenance schedules would help to overcome lengthy delays for maintenance. Maintenance was raised as an issue at several centres (Acmena, Reiby, Orana). The issue needs attention.

Reception and admission

Data provided by YJNSW shows that from 1 July 2021 to 30 June 2022, Riverina YJC recorded 244 admissions of which on average 41% were Aboriginal young people.⁴⁷⁶ The average daily number of young people in the centre was 20 with the majority being on remand (62%). See table below for detainee status and number of young people at Riverina YJC during the 12 months 1 May 2021 to 30 April 2022.

Table 73: Detainee status and number of young people at Riverina YJC 1 July 2021 to 30 June 2022⁴⁷⁷

Detainees Status	Number	%
Remand	219	90
Control order	25	10
Total	244	100 %

During the twelve months 1 July 2021 to 30 June 2022 young people spent an average of 30 days at Riverina YJC with those on remand residing in the centre on average 17 days.⁴⁷⁸

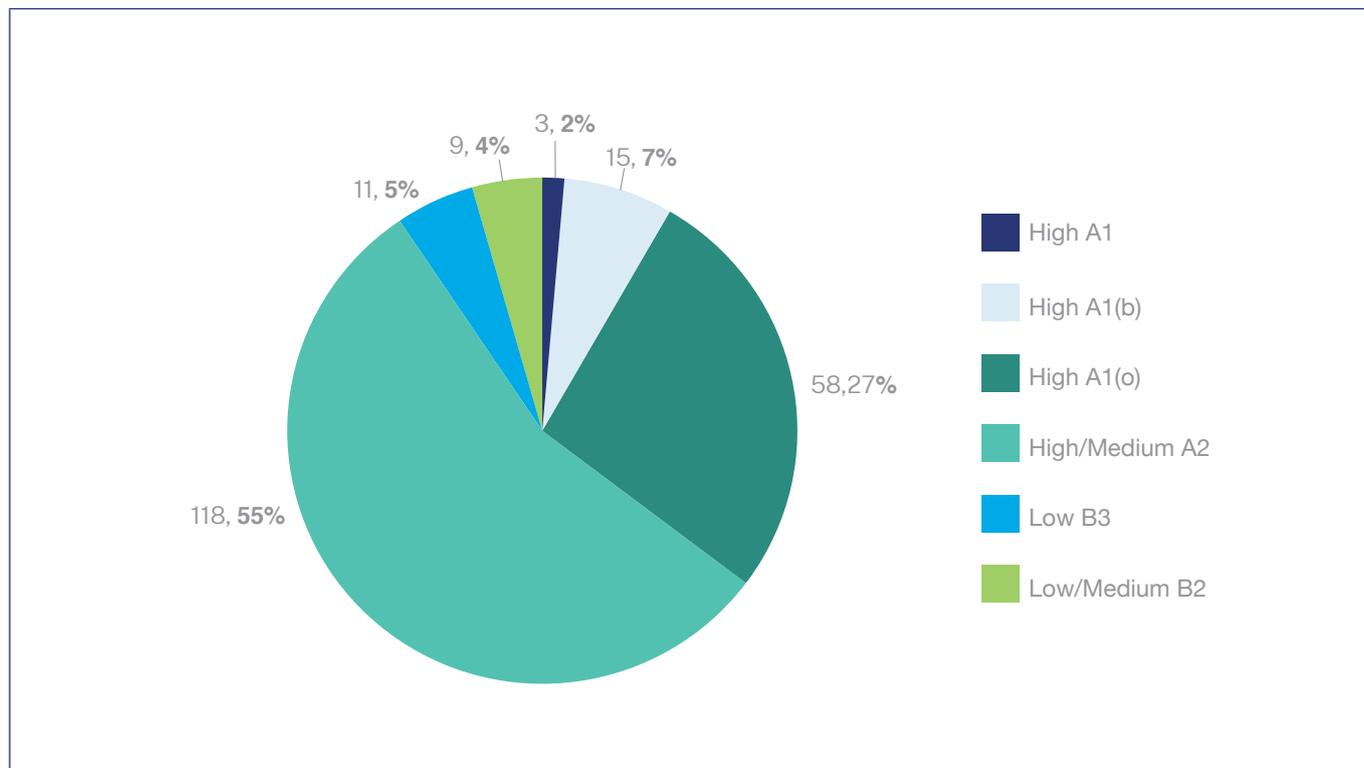
Whilst Riverina YJC accommodates young people of all classifications most young people are of medium classification (55%; n=118). Classification status and numbers of young people in Riverina YJC over the twelve-month data period appears below.

⁴⁷⁶ Information provided by YJNSW, 24 May 2023.

⁴⁷⁷ Information provided by YJNSW, 24 May 2023.

⁴⁷⁸ Information provided by YJNSW, 24 May 2023.

Figure 13: Classification status of young people detained at Riverina YJC 1 July 2021 to 30 June 2022⁴⁷⁹



Reception process

Reception and admissions are staffed 24 hours per day, seven days a week. Three staff are rostered for day shift with an officer assigned to cover overnight admissions.

The reception and admission process were explained to the inspection team and involved COVID-19 testing, medical screening, welfare and risk assessments and general centre information. The young person is seen by a JH&FMHN nurse within 24 hours of admission and a comprehensive medical screening occurs 48 hours after the young person is received in the centre.

Riverina YJC had recently received a body scanner for use in admissions. However, at the time of inspection it was not being used as staff were waiting to complete relevant training. Partially clothed body searches (PCBSs) were still being performed on young people on admission. Young people are given fresh clothes and their personal clothes washed and stored ready for their release. Valuables are placed in a safe and general property is placed in a marked bag in a storage room.

Young people remain overnight in the reception holding rooms until a bail outcome is received from the magistrate. At the time of inspection, if there was no grant of bail the young person is moved to the quarantine unit.

It was pleasing to hear young people speak positively of their treatment on reception to Riverina YJC. We were told by staff that Riverina YJC sometimes receives very young children of 11 years of age. This was not specific to Riverina YJC.

⁴⁷⁹ Information provided by Riverina YJC 26 September 2022.

Young women and girls

Young women and girls are sometimes accommodated at the centre whilst transiting to court or Reiby YJC (female facility). From 1 July 2021 to 30 June 2022 Riverina YJC received 21 female admissions. The average length of stay was 1.71 days with a 1-day minimum stay and 10 days maximum time spent in the centre.⁴⁸⁰ Girls are searched by a female officer and if no female officer is on duty, they will be searched the next day when a female officer is on duty. Girls are generally accommodated in one of two rooms in the reception area. The rooms are a good size and have in-room bathroom facilities, a desk and television.

Bail and remand

From 1 July 2021 to 30 June 2022, 238 young people were discharged from Riverina YJC of which 150 young people (63%) were released on bail.⁴⁸¹ It was explained to the inspection team that many young people stay overnight at Riverina YJC and are released on bail the following day or shortly thereafter. Centre data shows that the average time on remand is 17 days.⁴⁸²

We were told that police are required to contact the Bail Accommodation and Support Service (BASS) before bringing young people to the centre, but that this does not always happen. The failure to contact the BASS can result in young people, and in some cases 11-year-old children, spending the night or days at Riverina YJC before being granted bail by a Magistrate. The BASS is reported as helpful but struggles at times (particularly on weekends) to find accommodation for young people. This needs attention to minimise young people being remanded in custody because there is no suitable accommodation.

It was explained on inspection that the Bail Intake Officer (Wagga Wagga YJ community office) is responsible for the bail matters of all young people in Riverina YJC. The Bail Intake Officer receives the list of young people who are scheduled to appear before the court and prepares all documentation for the young person's appearance. They work with the BASS, community case worker and when information is needed around a young person's custodial environment, the custodial caseworker at Riverina YJC.

The length of stay for young people on remand in Riverina YJC (17 days) is longer than most centres, (excluding Acmena).⁴⁸³ Several reasons were provided and like most centres included limited out of home care placement options for young people. Other factors affecting length of stay at the centre include the preparation of comprehensive bail reports for court which, we were told by staff, can take up to 28 days to complete.

Clothing and bedding

On admission, young people are given a change of clothes and underwear. Their personal clothes are washed and securely stored (with any valuables) and given back to them on release. Additional clothing and shoe allocations are managed in the accommodation unit. An inspection of the rooms in the units revealed adequate supplies of clothes and underwear. There were no concerns from young people around either the quality or quantity of clothing received at the centre.

480 Information provided by Riverina YJC, 26 September 2022.

481 Information provided by Riverina YJC, 26 September 2022.

482 Information provided by YJNSW, 24 May 2023.

483 Average length of stay for young people on remand in Acmena YJC is 18 days. Information provided by YJNSW 24 May 2023.

Managing the pandemic

We heard that despite the associated stresses of the COVID-19 pandemic on daily operations and on the emotional well-being of young people and staff, Riverina YJC provided a purposeful and supportive environment. At one point a large percentage of staff at Riverina YJC contracted COVID-19 and three staff became very unwell. Two staff resigned due to being unvaccinated.

Despite the challenges of COVID-19, Riverina YJC readily accepted and implemented necessary COVID-19 practices. It was explained that managing quarantine and medical isolation routines was difficult and affected the mental health of young people and staff. Wearing PPE was difficult for staff particularly in extreme heat. Whilst PPE compliance was reported as being very high in the centre, PPE fatigue was an issue.

Early days

Riverina was visited by ICS in October 2020 as part of a series of COVID-19 monitoring visits to YJCs. Riverina YJC had developed a comprehensive COVID-19 action plan and appointed a senior staff member in the full-time role of COVID-19 coordinator to oversee COVID-19 safety practices in the centre. JH&FMHN staff provided daily support and guidance to all centre staff and performed training on COVID-19 hygiene and wearing of PPE. JH&FMHN also educated young people on COVID-19 and hygiene practices and provided regular updates.

Riverina YJC converted the right wing (10 rooms) of the Murrumbidgee unit into a quarantine area which remained closed from the left wing and communal areas of the unit. Access in and out of the quarantine area was from a door at the far end of the right wing. The Lachlan Unit, which had been offline for some time, was made available during the day for young people in quarantine. The design of Lachlan unit allowed several areas to be used by young people at the same time, without them having contact with each other. This allowed for more time out of room for young people in quarantine. Lachlan unit also provided a space for education assessments to occur and for caseworkers and psychologists to meet with young people. Staff reported that having the capacity to move young people to Lachlan unit during the day worked well operationally and helped the mental well-being of the young people. Young people who tested positive to COVID-19 were placed on medical isolation in a room in the admissions area.

At the onset of COVID-19 in-person visits were stopped across all YJCs and were replaced with tablet visits. Like most centres Riverina YJC had early connectivity issues but these were overcome and tablet visits were offered seven days a week for 30-minute duration.

Ongoing services

Despite the early challenges of COVID-19 the school at Riverina YJC continued to operate. The piloting of laptops and zoom conferencing by the school, prior to the pandemic, allowed teachers to work from home (when necessary) and conduct remote lessons with young people. Psychologists, case workers, and school staff were able to regularly engage with young people in quarantine. This was good practice and an effective use of time.

Like most YJCs operational staffing levels at times were affected when staff tested positive to COVID-19 or became a COVID-19 close contact and were unable to attend the centre. Centre operations and the ability to deliver a purposeful day for young people were sometimes disrupted and programs staff were called upon to perform essential operational roles. This affected the delivery of recreational programs and activities for young people. We heard from staff of their willingness to work overtime if needed and to help with programs. The response of staff is commendable and reflects the culture of Riverina YJC and the collective

commitment to provide a safe and supportive environment for young people and uphold a positive work environment.

Structured day

Young people at Riverina YJC participate in a structured and purposeful day that is prescribed in weekday and weekend schedules. During the week young people at Riverina YJC either attend school or participate in work party and vocational training.

Time out of room

The centre operates separate schedules for weekday, weekend and school holidays. Weekday routine is 8.00am to 9.00pm, weekend routine is 9.00am to 9.00pm and holiday routine is 8.30am to 9.00pm. Standard bedtime (lock-in) is 7.00pm. Bedtime, and the right to watch television for 90 minutes in their room, varies depending on the young person's stage. A young person (irrespective of their stage) can revert to standard bedtime and lose their right to watch television if they have not met their daily points allocation for good behaviour. Stage 1 bed call is 7.30pm, stage 2 is 8.00pm, stage 3 is 8.30pm and stage 4 is 9.00pm.⁴⁸⁴

Information provided from Riverina YJC shows that standard routines allow a minimum time out of room of 9.25 hours on weekdays, 8.25 hours on weekends and 8.42 hours on school holidays excluding staged bedtimes. There are two scheduled times per day when young people are locked in their room, thereby reducing total daily time out of room. These occur after lunch for 40 minutes and before dinner for an hour.⁴⁸⁵ The accepted standard is for young people to have a minimum of 10 hours out of their room per day.⁴⁸⁶ It appears Riverina YJC falls short of that time and should review its schedules to ensure all young people are having at least 10 hours out of room per day.

Education and Training Unit (ETU)

Shepherds Park ETU (school) provides a primary and secondary school program to young people at Riverina YJC and helps young people undertake university and vocational training studies, where appropriate. The school operates to the NSW school calendar and hours are 9.00am to 3.00pm. Young people were formally assessed for school with assessments occurring while young people were in quarantine. This allowed the young person to be immediately placed at school on release from quarantine. This is good practice and an effective use of time.

The school had recently completed renovations with several new learning spaces. Classrooms had been upgraded with new equipment including laptops, electronic boards, a laser cutter, 3D image printer, and woodwork equipment. The school kitchen had been converted to a fully equipped commercial kitchen allowing young people to complete competencies towards a hospitality accreditation which they can build upon in the community. This is a good model as it caters to the centres clientele who are young people staying on average 30 days in the centre.⁴⁸⁷

Whilst school continued throughout the pandemic, program delivery from external vocational and educational providers was disrupted. Several teachers upskilled and attained VET qualifications in white card, brick and block, and hospitality certificate 2. This allowed the school to run courses and sign off on

484 Information provided by Riverina YJC 26 September 2022.

485 Information provided by Riverina YJC 26 September 2022.

486 Inspector of Custodial Services (NSW), *NSW Youth Justice Inspection Standards* (June 2020), 9.8.

487 Information provided by YJNSW 24 May 2022.

competencies without having to rely on TAFE. While the courses assist young people develop skills, it is important that they are delivered as accredited components of a complete qualification so young people (if they wish) can continue learning in the community.

The principal understands that most young people in school are on remand and/or in Riverina YJC for a short period. It was explained that most of the young people at Riverina YJC have not had a positive experience with school and have poor learning skills. The school seizes the short time they have with the young people and aims to provide them with a positive learning experience. The school identifies areas where the young person needs developing and creates an education plan that will help them on their return to the community. The ICS commends the school for its initiatives and adapted learning program.

Intervention programs

Intervention programs delivered at Riverina YJC include Changing habits and reaching targets (CHART), My Journey My Life (MJML), and X-Roads.

The ability to deliver programs at Riverina YJC is a challenge for two caseworkers and increasing work demands (see further discussion in 'case management' later in the chapter). A high percentage of young people on remand for short periods require caseworkers to explore other ways in delivering programs, which are suitable for young people on remand.⁴⁸⁸ We were told that MJML is modified and delivered to Aboriginal young people on remand.

The delivery of behaviour intervention programs in Riverina YJC and in all YJCs needs review and changes made to reflect the cohort of children and young people in YJCs.⁴⁸⁹

Cultural programs

The Cultural Programs Officer at Riverina YJC is responsible for cultural engagement and program delivery in the centre. There is a Yarning Circle where young people talk and connect with their culture, learn language and symbols, and participate in art, dance and cooking. My Journey My Life (MJML) is delivered in many ways by Aboriginal staff at Riverina YJC. The program can be conducted one on one or in groups. Cultural celebrations include NAIDOC and other significant events such as National Sorry Day and Indigenous literacy day.

The COVID-19 pandemic stopped local Aboriginal Elders attending the centre and engaging with Aboriginal young people. It was pleasing to learn on inspection that Elders had recommenced visiting the centre.

Staff are mindful of the increasing diversity of cultural backgrounds among young people in Riverina YJC. Where possible all young people are included in programs to develop awareness of other cultures through multi-cultural cooking programs and celebrating different cultural days.

Recreational programs and activities

Our previous inspection found there were limited recreational programs and activities to occupy young people in Riverina YJC. It was pleasing to see this had changed. A programs team consisting of a manager and two program's officers plan and coordinate programs and activities across the centre which include sport and fitness, art, music, games, cooking and cultural activities. The inspection team observed youth officers and young people engaging appropriately. At the time of inspection, the summer holiday program was being developed in consultation with young people. It included a range of activities, competition games,

488 Young people on remand have not been found guilty by a court and therefore not eligible for offence based programs.

489 See discussion of 'Intervention programs' in chapter 2.

events and prizes for participation. It was claimed that not having a defined programs budget makes planning difficult and limits the engagement of external programs, particularly in holiday times when they are most needed to replace the school program.

It is acknowledged that COVID-19 affected the program's team ability to deliver structured recreational activities and programs to young people. Programs officers were regularly needed to perform operational duties when staff levels were low. The programs team connects monthly with programs teams in other YJCs to exchange ideas and this has helped with Riverina's activities and program planning.

Food

The centre's kitchen is staffed with a senior food services officer and assistant cook. The kitchen is well resourced with new ovens recently installed. Meal suggestions from young people come through the Detainee Representative Committee (DRC) and are generally worked into the menu. Birthdays are celebrated and other religious events (eg Christmas, Easter and Ramadan) are recognised. Allergies and special dietary requests are catered for.

Weekly menus appeared to offer a variety of meals that would appeal to young people. All meals are prepared in the centre kitchen and delivered to the accommodation units for serving to the young people. Apart from young people in quarantine or confinement, all meals are eaten in the communal dining area in the accommodation units. All meals are plated up in the kitchen so that portion control is preserved, and the exact number of young people and staff are catered for. This ensures that no-one misses out which unfortunately was occurring in some other centres.

Safety, security and restrictive practices

Staff and young people

Overall, young people spoke positively regarding their relationships with staff. Young people reported feeling safe and supported at the centre. Staff and culture are regarded as the centre's biggest asset with most staff reporting that they enjoyed working at Riverina YJC and feel supported and respected by management. It was pleasing to hear that staff culture and relationships with young people remain strong at Riverina YJC.⁴⁹⁰

Managing staff rosters was an ongoing challenge with COVID-19 associated sick leave. Despite that sick leave was not interfering with time out of room for the young people and all staff, including management and senior staff, cover youth officer vacancies. We found in this series of inspections that sick leave was an issue across all centres and will hopefully correct with time.

Staff recruitment and training

The centre reports having more autonomy over the selection and recruitment of youth officers and that this has helped recruitment numbers, retention rates and preserving the positive culture of Riverina YJC.

Staff report having good access to training that is delivered either face to face or through an online format. Custodial drills are held on the weekend. Use of force training had been completed in response to the recommendation from our previous inspection of Riverina YJC in 2019.⁴⁹¹ There was interest among staff for broader cultural training and Aboriginal cultural safety training.

⁴⁹⁰ The previous inspection found staff were approachable and helpful towards young people and appeared genuinely interested in the welfare of young people.

⁴⁹¹ Inspector of Custodial Services NSW, *Inspection of six Youth Justice Centres*, (Report, December 2020), Recommendation 51.

Partially clothed body searches

From 1 July 2021 to 30 June 2022, 169 partially clothed body searches (PCBSs) were performed on young people in Riverina YJC with no contraband found.⁴⁹² At the time of inspection a body scanner had been recently installed in the admissions area. It had not been used as staff needed training in operating the machine and reading scans. PCBSs were performed on all new admissions, and young people returning from day and overnight leave.⁴⁹³ When girls are received at Riverina YJC a female officer searches them.

Incidents

From 1 July 2021 to 30 June 2022 Riverina YJC recorded 107 incidents which are detailed in the following table. The data records 36 occasions of physical assault which are generally young person on young person (n=29) with seven recorded assaults of young person on staff.⁴⁹⁴

Riverina YJC recorded 22 incidents of self-harm for the 12 months 1 July 2021 to 30 June 2022. During that period there were 17 actual acts of self-harm, 4 attempted acts of self-harm and 1 threatened self-harm.⁴⁹⁵ The following table details type and number of incidents at Riverina YJC from 1 July 2021 to 30 June 2022. Trends and issues around assault rates and incidents of self-harm in YJCs are discussed in Chapter 2.

Table 73: Type and number of incidents at Riverina YJC 1 July 2021 to 30 June 2022⁴⁹⁶

Incident type	Number of incidents
Assault - physical	36
Assault with weapon	2
Self-harm	22
Property damage/loss	11
Threat to worker	8
Contraband	6
Inappropriate behaviour	4
Security breach	8
Medical/ hospital treatment	5
Injury/ accident	4
Other	1
Total	107

Misbehaviours

Misbehaviours of young people at Riverina YJC are met with a range of consequences from no punishment to being placed on confinement. From 1 July 2021 to 30 June 2022 the centre recorded 356 punishments for misbehaviours.⁴⁹⁷ Confinement is the predominant response for misbehaviour (n=263; 74%) and is discussed later in the chapter under 'confinement'. Further detail on punishments for misbehaviour appears in the following table:

⁴⁹² Information provided by Riverina YJC 26 September 2022.

⁴⁹³ Children (Detention Centres) Regulation 2015, 11A (9).

⁴⁹⁴ Information provided by Riverina YJC 26 September 2022.

⁴⁹⁵ Information provided by Riverina YJC 26 September 2022.

⁴⁹⁶ Information provided by Riverina YJC 26 September 2022.

⁴⁹⁷ Information provided by YJNSW 24 May 2023.

Table 74: Punishments given to young people at Riverina YJC 1 July 2021 to 30 June 2022⁴⁹⁸

Punishment	Percentage %	Number
Confinement	74	263
Caution	19	69
Additional duties	7	24
Total	100%	356

Use of force and restraints

In the 12 months 1 July 2021 to 30 June 2022 force was used on young people at Riverina YJC on 105 occasions.⁴⁹⁹ Force was used primarily to protect from harm (n=83; 79%). Further detail appears in the table below.

Table 75: Number of and reason for use of force 1 July 2021 to 30 June 2022⁵⁰⁰

Reason for Use of Force	Number	%
Protect from harm	83	79
Move Young Person	11	10
Prevent self-injury	7	7
Prevent riot	4	4
Total	105	100%

All young people are assessed by JH&FMHN after a use of force (planned and unplanned). The centre recorded no injuries to a young person where a medical response was necessary.

Restraints may or may not accompany a use of force. The centre recorded 29 occasions from 1 July 2021 to 30 June 2022 where restraints were used. Handcuffs were the most used restraint (n=24) and used mostly to protect from harm (n=13) and when moving a young person (n=8). Ankle cuffs were used on one occasion and a restraint belt on two occasions. Further detail appears in the following table.

498 Information provided by YJNSW 24 May 2023.

499 Information provided by Riverina YJC 26 September 2022.

500 Information provided by Riverina YJC 26 September 2022.

Table 76: Reason for Use of force, item of restraint and number of times restraint used 1 July 2021 to 30 June 2022⁵⁰¹

Reason for Use of Force	Item of restraint (IOR)	Number of times IOR used
Move young person	handcuffs	8
Prevent self-injury	Ankle cuffs	1
	Handcuffs	3
	Protective helmets	1
	Protective shields	1
	Restraint belt	2
Protect from harm	handcuffs	13
Total		29

It is pleasing to see a considerable reduction in both use of force and restraints in the centre, details of which appear in Table 77. Data provided by Riverina YJC for the period 1 July 2021 to 30 June 2022 was compared with Riverina data last reported in the *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres* report.⁵⁰²

Table 77: Use of force and restraint numbers in Riverina YJC

Centre	UOF numbers		Restraint numbers	
	2017/ 18 ⁵⁰³	2021/ 22 ⁵⁰⁴	2017/ 18 ⁵⁰⁵	2021/ 22 ⁵⁰⁶
Riverina	206	105	94	29

The UOFRP reviews all use of force footage and reports. The UOFRP review panel was generally regarded by staff at Riverina YJC as helpful in providing feedback on good and poor practice by staff. The panel identified the overuse of handcuffs in the centre, which has been addressed. See table above. The panel also identified the need to train staff in report writing.

Confinement

Riverina YJC recorded 263 orders of confinement from 1 July 2021 to 30 June 2022. Confinement is commonly for a period of 3-6 hours (n=123). Confinement periods of 1-3 hours (n=68) and 6-12 hours (n=61) were equally likely to be a consequence of a young person's misbehaviour. No young person spent more than 24 hours in confinement. Over half of the confinement orders were served by Aboriginal young people. See the following table for further detail.

501 Information provided by Riverina YJC 26 September 2022.

502 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018), page 80.

503 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017-18.

504 Data for the 12 month period 1 July 2021 to 30 June 2022 provided by Riverina YJC 26 September 2022.

505 Inspector of Custodial Services (NSW), *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centres*, (Report, November 2018) 80, Figure 15C: Restraints used during force, 2017-18.

506 Data for the 12 month period 1 July 2021 to 30 June 2022 provided by Riverina YJC 26 September 2022.

Table 78: Confinement of young people at Riverina YJC 1 July 2021 to 30 June 2022⁵⁰⁷

Aboriginal status	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Aboriginal	1	35	73	27	4	0	140
Non-Aboriginal	2	33	50	34	4	0	123
Total	3	68	123	61	8	0	263

At the last inspection the centre recorded 500 confinement orders for the 2019 – 2020 financial year.⁵⁰⁸ There has been a marked reduction in the use of confinement at Riverina YJC, which is commendable. We heard from young people that confinement is spent in their room.

Segregation and separation

Riverina YJC recorded 378 episodes of segregation from 1 July 2021 to 30 June 2022. Most young people were in segregation for less than 1 hour (n=305). One fifth of segregation orders involved Aboriginal young people.⁵⁰⁹ There were no recorded segregations of more than 24 hours. Segregations over 24 hours must be notified to the NSW Ombudsman.⁵¹⁰ See following table for further detail.

Table 79: Segregation orders of young people at Riverina YJC 1 July 2021 to 30 June 2022⁵¹¹

Segregation	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	0	0	0	0	0	0	0
Male	305	72	1	0	0	0	378
Aboriginal	42	36	0	0	0	0	78

Most separation orders issued in the centre were attributable to the need for new receptions to be placed in quarantine.⁵¹² Riverina YJC recorded 455 occurrences of separation from 1 July 2021 to 30 June 2022. Most young people spent 12-24 hours (n=194) and more than 24 hours (n=163) in separation.⁵¹³ See table below for further detail.

Table 80: Separation orders of young people at Riverina YJC 1 July 2021 to 30 June 2022⁵¹⁴

Separation	<1hr	1-3hrs	3-6hrs	6-12 hrs	12-24 hrs	> 24hrs	Total
Female	0	0	0	1	18	10	29
Aboriginal (female)	0		0	0	7	3	10
Male	11	33	16	37	176	153	426
Aboriginal (male)	6	11	9	15	89	77	207
Total	11	33	16	38	194	163	455

507 Information provided by YJNSW 24 May 2023.

508 Inspector of Custodial Services (NSW), *Inspection of six Youth Justice Centres in NSW*, (Report, December 2020) 38.

509 Information provided by YJNSW 24 May 2023.

510 Children's (Detention centres) Regulations 2015, 10(2)(a).

511 Information provided by YJNSW 24 May 2023.

512 Children's (Detention Centre) Act 1987, 16.

513 Information provided by YJNSW 24 May 2023.

514 Information provided by YJNSW 24 May 2023.

Health and well-being

Health services

JH&FMHN is responsible for health service delivery at Riverina YJC. Health services are provided through a multi-disciplinary team with nursing staff on site from 0700hrs to 1630hrs Monday to Friday and 0800hrs to 1630hrs on Saturday and Sunday. JH&FMHN advised that the health centre provides the following services:

Health Services	Hours of Operation
Nurse Unit Manager	Five days per week
Registered Nurse x 1	Seven days per week
Dual Diagnosis Clinic Nurse Consultant (CNC)	Eight hours per week
General Practitioner	Eight hours per fortnight
Psychiatrist	Eight hours per fortnight via telehealth
Dentist	As required

Health promotion activities are provided by JH&FMHN through the Senior Aboriginal Adolescent Sexual Health and Harm Reduction Officer.

Young people requiring specialist appointments are taken for appointments at local health service providers, and the local public hospital. Young people reported that there can be long wait times for external medical appointments. Urgent dental appointments are provided at Wagga Base Hospital for young people under 18 years of age and through a private dental clinic for those over 18 years.

Nursing staff felt that they were able to deliver good care to the young people. Young people said they had easy access to the health centre and that the nursing staff and visiting doctor at Riverina YJC were good.

Nursing staff also reported good working relationships with YJNSW staff however the lack of a dedicated escort officer to bring young people to the health centre or to escort nursing staff to accommodation units impacted on access to young people at times.

Psychology services

There are two full-time psychologist positions at Riverina YJC. Their work involves individual counselling, delivering group programs and report writing. All young people are seen by a psychologist within three business days of arrival or within 24 hours, if there are known mental health concerns or risks.

Over 90 percent of young people in the centre participate in some level of counselling. Treatment plans are comprehensive and will typically address mental health support and education, behaviour modification, custodial support, peer and family relationships, offence focused counselling (for sentenced young people) and anger management. Sentenced young people will participate in offence-focused intervention which includes trauma focused cognitive behaviour therapy (CBT) and Dialectical Behaviour Therapy (DBT).⁵¹⁵

Riverina YJC has shifted attention to programs that will help young people acquire skills they can use in everyday life such as mindfulness, well-being and self-care. With the average stay for young people on remand being 17 days, the aim of psychologists is to provide a positive help seeking experience that

515 Information provided by Riverina YJC 26 September 2022.

destigmatises mental health for the young person. The increasing demand for reports from the Serious Young Offender Review Panel (SYORP) and NDIS has affected the workload of psychologists.

The inspection team was shown a space that has been identified as a sensory room which will help young people to self-regulate behaviours and improve their focus. Sensory furniture had been ordered but it was claimed that no work can commence until adequate funds are provided. Sensory spaces (or at least plans for) are underway in many YJCs. They are important initiatives and YJNSW must ensure Riverina YJC is provided with the necessary support for the centre to create a functional sensory room for young people.

Psychologists also expressed the importance of having the services of an occupational therapist and speech pathologist at Riverina YJC. The call for speech pathology and occupational therapy services resonated from all centres during the inspections. The ICS supports the inclusion of occupational therapy and speech pathology services in all youth justice centres.

Recommendation: YJNSW create a sensory space for young people at Riverina YJC.

Communications and support

Visits and telephone calls

At the time of inspection in-person visits had resumed at Riverina YJC. Young people can receive one in-person visit and two tablet visits per week. Young people are required to wear visit overalls during in-person visits and where there is reasonable suspicion that something had been passed during the visit the young person is searched using the body scanner.⁵¹⁶ Visit overalls continue to be worn in centres that are waiting body scanning machines and/ or training in scans and interpretation.⁵¹⁷ With the roll-out of body scanning machines in YJCs visit overalls should no longer be necessary.

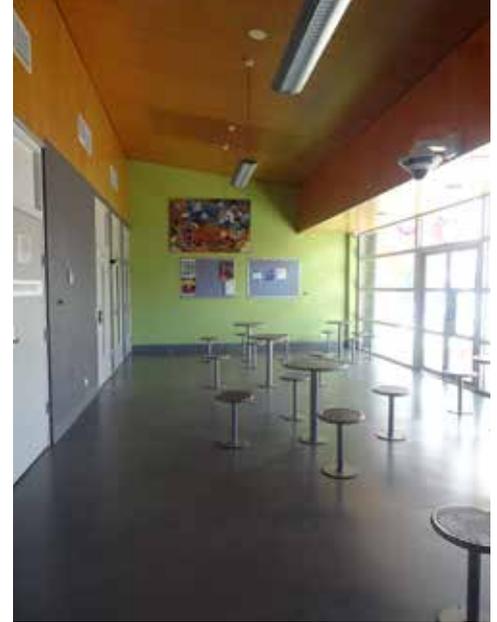
Phone access was an issue during the last inspection with units having only one phone for young people to call their family. All units now have two fixed telephones and access to portable phones.

The visits area had recently been enhanced with Aboriginal murals and soft animal structures for children's play in the outdoor area. The space is colourful and welcoming and provides a safe environment for young people and their families. The project was a joint initiative with the local Aboriginal community and provided a valuable cultural learning opportunity for young people at Riverina YJC. The ICS commends the initiative and encourages more projects involving the local Aboriginal community and young people.

⁵¹⁶ Information provided by Riverina YJC 10 March 2023.

⁵¹⁷ YJNSW, *Visits by Family & Significant Others Procedure*, (19 December 2019).

Visits area



Access to lawyers and legal support services

Young people access lawyers either by phone or via AVL facilities. Riverina YJC has two AVL suites which are used for most court appearances and interviews with Legal Aid and Aboriginal Legal Service (ALS). We were informed that Legal Aid and ALS call admissions every morning to ascertain the names of young people admitted to the centre and to schedule interviews, which is good practice.

Chaplaincy services

At the time of inspection, chaplaincy services had temporarily ceased at Riverina YJC due to the resignation of the chaplain. Recruitment for a replacement chaplain was underway. In the meantime, programs officers were willing to help with regular gatherings and services which reflects the continued willingness of staff at Riverina to ensure ongoing services for young people.

Complaints and grievances

Young people can make complaints or make known their grievances to the centre manager. This is done through either speaking directly with the centre manager or a trusted member of staff or in writing and placed in a secured box on each unit. Two Official Visitors are appointed to the centre and visit regularly to talk with young people and help resolve any complaints or issues they may have. Young people are also able to telephone the NSW Ombudsman.

Detainee representative committee (DRC) meetings are held monthly as a forum for young people to raise and discuss issues with management. It was pleasing to learn that regular meetings were being held and minutes recorded and made available to young people, as this was not occurring on our previous inspection. We reviewed the minutes from several meetings. While the minutes are clear and comprehensive, less time should be spent on operational matters, compliance and behaviour and more attention given to issues raised by young people. The DRC is a forum for young people to talk, share and discuss matters relating to them and the minutes from the meeting should clearly represent this.

Behaviour management

Case management

Riverina YJC has two full time caseworker positions, one of whom is an Aboriginal man.

The workload is at times challenging for caseworkers at Riverina YJC with the need to prepare comprehensive bail reports for the courts, reports for the Serious Young Offenders Review Panel (SYORP) and meeting the requirements of NDIS referrals for young people. These tasks are in addition to their key responsibilities to conduct YLS assessments, develop case plans, convene regular case conferences, and deliver programs (CHART, MJML, XRoads). Managing these additional matters amidst an increasing remand population at the centre has resulted in changed priorities and responsibilities for caseworkers. Riverina YJC would benefit from an additional caseworker position. This would help with the demand for caseworker's time and would reflect staffing allocation in YJCs of similar capacity (Acmena YJC and Reiby YJC).

Recommendation: YJNSW monitor the workload of caseworkers at Riverina Youth Justice Centre with consideration of any need to allocate an additional caseworker position to the centre.

Client assessment meeting

Client assessment meetings (CAMs) are conducted on Monday afternoons. With permission of the young person inspection team members observed several CAMs. CAMs were conducted by the unit manager with the young person in a private space in the unit. The interactions were very positive. Several matters were discussed with the young person including their general behaviour, staff reports, programs and activities and other relevant issues. Strategies to improve behaviour and develop goals for the week ahead were discussed with the young person and they were invited to share any issues and concerns. On completion of the CAM the young person was given the opportunity to select from the weekly incentive's list of which 90% are consumable items. Consideration should be given to including more non- consumable incentive items and consultation should occur with young people around what those items might be.

Whilst CAMs were performed well at Riverina YJC, it should be noted that the ICS supports replacing CAMs with EPIC in all YJCs. For more information around EPIC see discussions in Chapter 2 and the report chapters for Reiby and Acmena YJCs.

Client services meeting

The inspection team observed the weekly client services meeting (CSM). Several matters were discussed including bail updates for young people on remand, which is good. Discussing young people's incentives and stage movement received considerable attention with limited time directed to discussing the individual needs of young people. The meeting was lengthy with no real outcomes around services to young people. It should be noted that the ICS observed similar formats in all YJCs.

The CSM should provide an opportunity for staff to understand all young people in the centre and to ensure adequate support and services are being delivered to those young people. A review of the CSM is necessary to help define its purpose. This is discussed in Chapter 2.

Detainee risk management plan (DRMP)

A review of centre data recorded no DRMP's during the 12 months 1 July 2022 to 30 June 2022. At the time of inspection there were no young people on a DRMP. Historically, the use of DRMPs is low at Riverina YJC. It was explained to us that most young people displaying challenging behaviours are managed without the need for a DRMP. This is good practice and demonstrates the dedication of management and staff at Riverina YJC to work with children with challenging behaviour. The model and practices should be adopted in all YJCs.



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