

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
MEMORANDUM

TO: John Sosso, Director-General
FROM: Sean Harvey, Assistant Director-General, Youth Justice
SUBJECT: Letter to the Queensland Ombudsman regarding staff absenteeism and overcrowding in detention centres
DATE: 30 September 2014

PURPOSE

That you **approve**:

- the attached letter to the Queensland Ombudsman (**Attachment 4**); and
- the provision of the Youth Detention Inspectorate's June 2014 inspection reports for the Brisbane Youth Detention Centre (BYDC) and the Cleveland Youth Detention Centre (CYDC) (**Attachments 2 and 3**).

BACKGROUND

The Queensland Ombudsman wrote to the Department of Justice and Attorney-General (DJAG), on 9 September 2014 to advise that in accordance with sub-section 107(2) and 18(1)(b) of the *Ombudsman Act 2001*, it has decided to investigate the impacts of staff absenteeism and overcrowding on youth detention service delivery.

These issues were previously investigated by the former Commission for Children and Young People and Child Guardian (CCYPCG). Due to the cessation of the CCYPCG on 30 June 2014, the investigation file was transferred to the Queensland Ombudsman.

As such, the Queensland Ombudsman has requested:

- a copy of DJAG's letter to the CCYPCG dated 26 June 2014 about staff absenteeism and overcrowding (**Attachment 1**); and
- copies of the Youth Detention Inspectorate's June inspection reports for BYDC and CYDC (**Attachments 2 and 3**).

ISSUES

Advice was provided to the CCYPCG on 26 June 2014 (**Attachment 1**) in response to the issues of staff absenteeism and overcrowding and its impacts on service delivery. The letter provided detailed advice recruitment strategies, local initiatives to manage absenteeism and how room sharing (due to overcrowding) between young people is risk managed.

Briefing Officer	David Herbert A/Director, Youth Detention Operations and Outlook Services	Approved by	Sean Harvey Assistant Director-General, Youth Justice
Telephone	3033 0891	Date	23 September 2014

This correspondence also noted that DJAG is currently undertaking work to identify sustainable solutions to cater for the forecasted growth in the youth detention population.

This correspondence was not with the transferred file and a copy is requested to assist the office in the investigation.

RECOMMENDATION

That you:

- **sign** the attached letter (**Attachment 4**) to the Queensland Ombudsman; and
- **approve** the forwarding of the attached Youth Justice Inspectorate's June 2014 inspection reports and the letter provided to the CCYPCG dated 26 June 2014 (**Attachments 2 and 3**).

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Signed:		
John Sosso Director-General		
Date:		

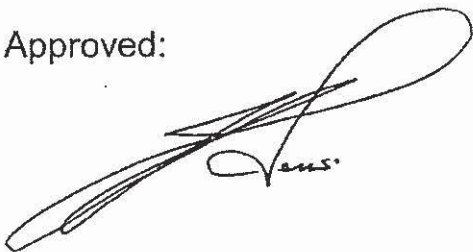
Briefing Officer	David Herbert A/Director, Youth Detention Operations and Outlook Services	Approved by	Sean Harvey Assistant Director-General, Youth Justice
Telephone	3033 0891	Date	23 September 2014

Youth Detention Inspectorate
Ethical Standards Unit

Inspection of Brisbane Youth Detention Centre

June quarter 2014

Approved:



John Sosso
Director-General
18/8/2014

Great state. Great opportunity.



Snapshot of Brisbane Youth Detention Centre during inspection

Dates of inspection	5–10 May 2014
Name of Centre Executive Director at time of inspection	Mr Glen Knights
Name of Centre Executive Director providing feedback	Mr Glen Knights
Built capacity (i.e. the number of beds in general accommodation units, Independent Living Units and Oak unit).	146
Ordinary funded capacity (with exceeding detainee numbers being subject to 'interim' funding, but only for the daily peaks that occur above the average for that month — as such, the population band numbering between 94 and the monthly average is not covered by extra funding).	130
Highest daily number of young people	125
Highest daily number of young people assessed as 'not to share' rooms with other young people (due to risks associated with alleged offences, institutional behaviour, or medical conditions).	92
Average daily population of young people	122
Average number of males per day	86
Average number of females per day	18
Highest daily number of remanded young people	100
Average number of sentenced young people	24
Average number of Aboriginal and/or Torres Strait Islander young people	69
Young people on Child Protection Orders	36

Executive summary

Under section 263 (1) of the *Youth Justice Act 1992*, the chief executive is responsible for the security and management of each youth detention centre and the safe custody and wellbeing of children detained in these centres. Section 263 (4) states that the chief executive must monitor the operation of the detention centres and inspect each detention centre at least once every 3 months. The inspection function is delegated to Inspectors of the Youth Detention Inspectorate, Ethical Standards Unit.

The statutory inspection of the Brisbane Youth Detention Centre (BYDC) occurred from 5-10 May 2014. The primary focus area was Staff and Young People Relationships. The monitored area was Use of Force on Young People. Inspection criteria were derived from the approved Youth Detention Expectations document, which is informed by relevant legislation and United Nations instruments to which Australia is a signatory.

During the inspection the Inspectors were able to speak openly and frankly to the young people without interference by staff members, which the Inspectors regard as a positive indicator in relation to positive relationships with the young people. Inspectors identified that the vast majority of young people spoken to reported appropriately positive experiences with staff at BYDC. Inspectors also noted that there are a range of process and opportunities in place through which young people can make formal or informal complaints if they do experience inappropriate behaviour or mistreatment by staff members. Positively, the Inspectors also observed first hand numerous healthy interactions on a daily basis between staff and young people. Following concerns raised by a group of female detainees about the then-proximate accommodation to their unit of several young males convicted of rape offences, a suggestion was made to ensure such arrangements are avoided in future where possible.

In relation to the use of physical force on a young people, operational staff have now been trained in the Protective Actions Continuum (PAC). The training primarily teaches staff self defence and control and restraint techniques, along with legislative requirements for using force in the youth detention centres and some de-escalation skills. Following some preliminary data analysis in this report, but as a general *desideratum* regardless, the Inspectorate has suggested that the more physical techniques contained in PAC training could be usefully complemented by more verbal non-escalation training in an effort to minimise the use of force and associated injuries and costs.

Introduction

The Inspection of the Brisbane Youth Detention Centre occurred from 5–10 May 2014. The primary inspection focus area was Staff and Young People Relationships. The monitored area was the Use of Force on Young People.

The criteria guiding inspection of these areas are contained in the Youth Detention Expectations document, which is informed by:

- Relevant Queensland legislation i.e. *Youth Justice Act 1992* and the *Youth Justice Regulation 2003*
- United Nations standards and rules to which Australia is a signatory
- Relevant recommendation from previous inquiries, such as the *Commission of Inquiry into Abuse of Children in Queensland Institutions* and the *Royal Commission into Aboriginal Deaths in Custody* reports
- Previous Director-General-approved recommendations.

Background

The Brisbane Youth Detention Centre is located at Wacol in the western suburbs of Brisbane. It accommodates both male and female ¹young people who are either on remand or sentenced to a detention order.

The Centre was commissioned in 2001 with an initial bed capacity of 102. In 2010 an additional accommodation unit was built which increased the bed capacity to 118. Since 2010 bunks (including three beds in several bedrooms) have been installed in accommodation units across the Centre, which has increased the bed capacity to 146. These numbers also include the two Independent Living Units, which consist of a total of eight beds and are at times used for overflow accommodation due to current and sustained population levels.

Methodology

The methodology for this inspection consisted of a mixed method approach involving qualitative and quantitative data collection. On site observations were conducted of interactions between staff and young people in the accommodation units as well as the school precinct.

Inspectors also conducted individual interviews and focus groups with approximately 40 young people (30% of the average bedstate), including male and females. Young people on remand were interviewed as well as detainees sentenced to detention orders.

A similar number of staff were spoken to through focus groups and individual structured interviews held with key positions such as the Centre Executive Director and Managers of Monitoring and Compliance. Inspectors also had discussions with other employees and stakeholders, such as Education Queensland staff and staff from the Mental Health Alcohol, Tobacco and Other Drugs Service (MHATODS).

¹ Independent Living Units were designed for young people serving sentences in detention who had reached their reintegration phase of custody, and met criteria to be accommodated in a unit without permanent staffing in order to enhance their self-sufficiency on return to the community.

Summary of findings

It is well cited in the literature that within youth detention facilities, relationships between staff and the detainees can substantially influence the rehabilitative experience of detention (Marsh, Shawn, Evans and Williams, 2008, 60)². Positive relationships are therefore directly linked, both theoretically and practically, to increases in community safety and offending reduction upon the release of all detained young people.

Marsh and Evans *et al* claim that young people are known to benefit from relationships marked by perceived empathy, acceptance, warmth, trust and self-expression, and well-designed programs that create a safe, consistent, respectful, and supportive environment³.

Morgan states that *"...prisons and detention centres are profoundly human environments where success and failure depend on people and relationships, not on bricks, concrete and bars. It goes without saying that having the right built environment is important but history shows that well designed and well-maintained facilities will fail if human relationships fail, and that poor physical facilities can sometimes be successful. This is why performance, safety and security can fluctuate at individual prisons depending on personnel and morale"*. (Morgan 2013, 77).⁴

Apart from the rehabilitative benefits of positive relationships between staff and young people, there can be other benefits such as reductions in incidents, assaults, and injuries, which can in turn contribute to cost reductions for the department. It is with these understandings that the Inspectorate focuses on the staff and young people relationships within the relevant Expectation, which is:

It is recognised that one of the most important aspects of a detention centre is the human interaction between staff and young people. Positive relationships are maintained between staff and young people throughout the duration of the young person's period of detention. Staff balance the need for healthy relationships with young people against the need for a secure controlled environment where all young people are treated fairly and kept safe from physical or psychological harm.

Relations between staff and young people

Overall, young people spoken with provided positive responses to questions posed to them by the Inspectors in relation to their treatment and wellbeing. The majority of young people stated that they felt comfortable with staff and that they believe that the staff are there to assist them during their time in detention.


Although there are times where individual personalities might clash between some staff and certain young people, the general response from the young people was positive. When adverse relations do occur there are a range of processes and opportunities for young people to raise their concerns, formally and informally.

It is also relevant to acknowledge that in addition to Detention Youth Workers and Section Supervisors, young people have access to a diverse range of other positions within the Centre, such as caseworkers, psychologists, unit managers, nurses, doctors, teachers, teacher aides and program officers with which to raise any concerns. The relevance of this

² Gordon, 1999; Roush, 1996.

³ Roush 1993; Roush and McMillan, 2000; Zeegers 2004.

⁴ *Directed Review into an Incident at Banksia Hill Detention Centre 2013*. Office of Inspector Custodial Services, 2013.



should not be undervalued as it provides the young people with a range of avenues to raise any concerns that they might have in relation to behaviours of staff towards them.

Young people stated that they are aware that they can raise any issues in reference to staff with these positions internally, or alternatively they advised Inspectors that they can raise issues with the Community Visitor or their legal representatives.

It was evident during the interviews with staff, particularly during the focus groups, that the majority of staff had a positive attitude towards working with the young people.

This was noticeably apparent during such discussions as staff spoke positively about their role and their responsibilities when working with the detainees. Inspectors note that the staff spoken to did not negatively focus on, or mention the young people's crimes or alleged crimes; rather they predominantly focused on young people's needs and discussed better ways to manage the young people while they are in detention.

It was also positive to observe staff proactively encouraging young people to speak to Inspectors either in groups or privately. The young people did not appear to be apprehensive or concerned about speaking openly with the Inspectors, either privately or with staff nearby.

Inspectors were also impressed with the professional courtesy that staff demonstrated towards each other, this was particularly noticeable in one focus group consisting of a mixture of ten Detention Youth Workers and Section Supervisors. The group contained a diverse range of experience and cultural backgrounds. All staff spoke positively about a team approach and had a clear understanding what their role is when managing the young people in custody, as well as the importance of developing and maintaining appropriate and healthy relationships with detained young people.

For more details on each criterion for this focus area please refer to the table on page 11.

Monitored Area — Use of Force

The authority for youth detention staff to use physical force on detained young people is prescribed under ss17-18 of the *Youth Justice Regulation 2003*, which state in part:

A detention centre employee may use reasonable force to protect a child, or other persons or property in the centre, from the consequences of a child's misbehaviour. However, a detention centre employee may use the force only if the employee reasonably believes the child, person or property can not be protected in another way. If a detention centre employee uses force under subsection (5)(a) the detention centre employee must not use more force than is reasonably necessary; and the chief executive must ensure details about the use of the force are recorded in a document kept at the detention centre.

Approved use of force techniques in youth detention

The approved use of force techniques in youth detention are referred to as the Protective Actions Continuum (PAC). PAC has been in use at both Queensland youth detention centres since training rollout from November 2013. Operational staff are required to initially pass a three-day training program which primarily involves self defence and physical restraint techniques, and some verbal de-escalation techniques. The assessment also involves a written exam and practical assessment by instructors. The training is refreshed annually, and some staff have already participated in the first round of PAC refresher training.

At the time of the inspection the majority of the Centre's management team participated in a one day workshop. The Centre Executive Director advised the Inspectors that the purpose of the workshop was for managers to familiarise themselves with the PAC techniques, and to better improve their understanding of what holds and techniques can be applied to young people during an incident involving physical force.

Feedback from some of the management team and the PAC instructors was that the workshop was a valuable exercise, as it provided them with a better understanding of PAC as well as opportunities to discuss in detail with the trainers any queries or concerns about the techniques.

Data analysis of rates of force at BYDC per 100 young people since DCOIS began

As a preliminary look at the extent of force usage over the entire life of DCOIS, and the extent to which PAC training might be correlated with more recent rates, the Inspectorate analysed data from DCOIS from the first full month of data (May 2011) to the most recent to the time of writing (June 2014 — see graph on following page). As well as all cancelled incidents, data from May and June 2011 were excluded due to having conspicuously low rates of force, suggesting these months could have been particularly beset by data quality issues associated with initially lower levels of user proficiency.

Data trendlines indicated there had been modest rises in rates of force per 100 young people over the entire range, in both the percentage of 'force used' incidents and 'level 4 techniques applied'. The Inspectorate considers the latter rate to be more relevant because it refers to the highest-level uses of force, which also means it serves as a control to 'force used' incident rates — because some of the rises seen on this measure would have been driven by several lower-level protective actions techniques that were new to the PAC.

What seems apparent from the present data is that use of force rates, when controlled for population, as yet do not exhibit any obvious downward trend that could be associated with the provision of initial and refresher PAC training. However, the Inspectorate is of the

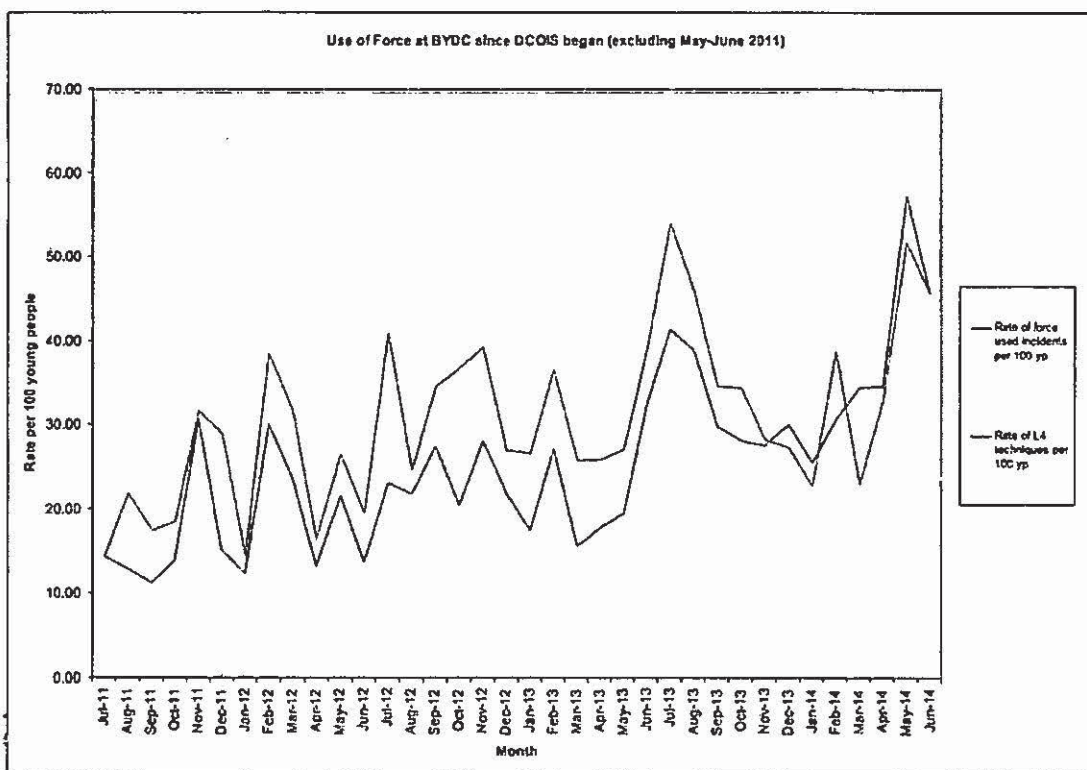
opinion that a longer data series needs to be analysed into the future in order to ascertain any relationship of PAC training and other variables to force rates and the continued efforts of YJS to see them minimised to the extent possible.

Despite and perhaps even because of limitations in the data concerning force, the Inspectorate suggests that YJS consider engaging training providers that could equip staff with more advanced de-escalation and especially non-escalation techniques to complement the necessarily more physical weighting of current PAC training, given this is mainly what is possible during the current three-day course timeframe. One such provider is Verbal Judo Australia, from whose website the following is extracted:

Verbal Judo teaches the genuine art of persuasion that redirects others behaviour with words and generates voluntary compliance. By using skilled tactics it shows how to treat people with respect, how to stay calm and professionally handle verbal resistance and abuse, and therefore reduce conflict and dramatically increase the safety and professionalism of every encounter. ⁵

Verbal Judo Australia's client list is diverse and includes organisations such as all Australian State and Territory police services, the New South Wales Corrective Services and youth justice service, QANTAS, schools and TAFE's. [NB - this service provider is used as an example only. Any engagement of such services would require a rigorous tender process conducted by the relevant business unit. During consultation the A/Director, Youth Justice Learning and Capability advised the Inspectorate that she had referred for consideration the information on Verbal Judo to the private consultant that developed PAC].

The Inspectorate suggests that additional training to provide staff with a specific 'library' of verbal and body stance techniques, in the same way staff are provided with a specific 'library' of physical techniques during PAC, would be of benefit to the department and potentially bring about reductions in the use of force, the risk of injury to young people and staff and WorkCover and liability costs associated with such injuries. This preliminary data is therefore simply presented for initial consideration by Youth Justice Services, in conjunction with its own more comprehensive review of incident and force data (finalisation pending), and may help to inform the formal evaluation of PAC training that the Inspectorate has been advised will be conducted in future.



Inspection of Court Cells

New location

The inspection of the court cells occurred on the 21 May 2014. As a result of recent amendments to the *Youth Justice Act 1992* functions of the Brisbane Childrens Court (BCC) were transferred from its location in North Quay to the Brisbane Magistrates Courts building, 363 George Street, Brisbane.

The change of location has required that young people appearing before the courts now be held in custody at the Brisbane Magistrates Court Cells, which is operationally managed by Queensland Corrective Services, a division within DJAG.

At the time of the Inspection the Brisbane Magistrates Court Cells (BMCC) had been managing young people for approximately two weeks. Inspectors were advised that during that time there had been no issues with security or behaviour from the young people.

The benefits of the transfer are that the BMCC is a significantly more modern facility than the previous BCC, and provides a higher standard of security systems and practices. Additionally the BCC provides more accountability, such as CCTV monitoring of the hallways and cells in real time by a designated CCTV operator.

Additional benefits include the proximity of the Operations Manager, who is situated at the Queensland Supreme Court, and is available to attend the BMCC to provide management and supervision of staff when required. Previously, the Operations Manager was located at BYDC which in practice meant that visits to the BCC were not often or regular.

Holding cells

Each holding cell also has the option of privacy blinds. These blinds are used to provide a degree of privacy when young people and adult prisoners use the toilets. Alternatively the blinds can be adjusted in the adult prisoner's cells when young people are being escorted past adult prisoners, to reduce any intimidation or threatening behaviour towards the young people.

Controlled movements

Inspectors observed strict and controlled movements of prisoners by the team of Custodial Officers. Inspectors were also advised that there is a strict rule in relation to allowing only one prisoner out of their cell for movements at any time, which further reduces any potential risk towards other prisoners, staff or young people at the court cells. This process is well controlled and disciplined. The Manager of the Court Cells advised Inspectors that they have not had an incident involving physical force on a prisoner for approximately ten years that the current Magistrates Court building has been open.

Unlike the BCC, the lift used to take prisoners to and from court has a security section included. This reduces the potential risk of staff assaults, prisoners attempting to escape or allegations of abuse by staff of the prisoners or young people during these types of escorts. Additionally, all adult prisoners are handcuffed during escorted movements. This controlled type of security was not available at the Brisbane Childrens Courts.

Food for young people

Inspectors had no concerns in relation to food provision for the young people at the courts as the young people are provided two sandwiches each, a drink of fruit juice and a piece of fruit when in custody in the cells.



Staffing of Detention Youth Workers at the Court Cells

To assist the Correctional Officers managing young people in the custody of the Court, a staff member from BYDC is rostered on daily and additional staff may be supplied upon request by the Courts Manager. At the time of the Inspection there were no young people in custody in the BMCC to interview.

Access to young people's information

At the time of the inspection the Courts Manager raised concerns in relation to Detention Youth Workers not being able to access the records of the young people as there was no access to DCOIS.

The Inspectors raised the matter with the relevant manager at BYDC and have been advised that the appropriate equipment has been purchased so that the Detention Youth Workers will have the capability to access the required information in relation to the young people once Information Technology make the required changes.

<p>All young people in detention are treated with respect and dignity by all staff members promoting healthy relationships and encouraging young people to treat others with the same courtesy.</p>	<p>Charter of Youth Justice Principles</p>	<p>3</p> <p>Examples of some of the questions that were presented to the 40 young people were:</p> <ul style="list-style-type: none"> • Please tell us about your experience in detention. • Do you feel safe in detention (if not, why not)? • Please tell us how staff treat you when you are in here. • How are you able to raise any concerns that you might have? • What are some of the positives of being in BYDC? • What things would you improve at BYDC if you could? • Do you think that staff talk to you with dignity, can you provide some examples? • Are you able to provide positive feedback to staff, and if so how would you do this? <p>Young people indicated that in the vast majority of times their relationships with staff are very positive. Young people stated that they felt confident in raising issues with a range of adults within the centre or through representatives from external agencies.</p> <p>Inspectors were also shown two 'Thank you' letters that separate young people had provided to different staff. The contents of the letters acknowledged the high quality of treatment received while in detention. Inspectors were advised by staff that it is not uncommon for them to receive such letters.</p> <p>In relation to safety in detention, the majority of young people stated that they do feel safe and provided examples such as:</p> <ul style="list-style-type: none"> • 'staff are here to help us' • 'If we have problems with staff we can talk to another staff member or a supervisor' • 'Caseworkers help us' • 'Staff treat us fair in here' • 'If we think that we are being treated unfairly we can speak to caseworkers, unit managers, shift supervisors'. <p>However, it is worth noting that when asking this question of one focus group of young females the response was initially 'no, we do not feel safe in here'.</p>
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The young females advised the Inspectors that they had concerns for their safety. The young people stated that there had been a decision by management to move four male young people to the Independent Living Unit (Wattle) which is located within close proximity to the Grevillea female accommodation unit (approximately ten metres away).

The young females stated that they had concerns as some of the young males had charges and convictions for rape [Inspectors confirmed on DCOIS that this was true for the three of the four in the Wattle unit at that time — two had been sentenced for rapes, with another remanded on multiple rape charges].

Inspectors passed on the young females' concerns to the Centre Executive Director, and DCOIS records indicate that the male detainees were transferred away from the female's unit the same afternoon.

Although the centre's philosophy encourages a co-educational schooling environment where young males and females can participate in programs together, the perception of the young females was that the young males were too close to their units. Although the threat that the convicted and alleged rapists posed to them might only have been a perceived one, at the very least it presents an understandable source of discomfort — particularly as young females are more likely to have been victims of sexual abuse prior to being detained and as such, some have significant and traumatic sexual abuse histories.

It is suggested that the Centre Executive Director ensure that, as far as operationally possible, male detainees charged with sexual and other relevant offences are not accommodated in close proximity to female detainees.

<p>All young people in detention are treated with respect and dignity by all staff members promoting healthy relationships and encouraging young people to treat others with the same courtesy.</p>	<p>Charter of Youth Justice Principles</p>	<p>3</p>	<p>The majority of young people spoken to stated that they felt safe at BYDC. Inspectors observed many examples of staff treating young people with respect and dignity during the inspection week.</p> <p>One young person stated that he thought that the staff were unfair. When Inspectors questioned him further he stated that staff had not allowed him to watch television on one particular night. However, the other young people in the group challenged the young person's statement and reminded the young person that he had been abusive to staff earlier in the day and that his behaviour did not justify receiving a daily reward. It appeared to the Inspectors that the young person accepted the reason that his peers reminded him of.</p>
<p>The use of racist or offensive language towards young people never occurs.</p>	<p>RCIADIC</p>	<p>60 (b)</p>	<p>None of the young people spoken to raised concerns in relation to racist abuse towards them while they were in detention. The Inspectors are also aware that there are a range of complaint mechanisms in place that the young people can access.</p> <p>The Inspectors also acknowledge the multicultural diversity amongst staff that are employed at BYDC. In one focus group involving 12 staff, there were six separate nationalities represented, including Indigenous Australians, Polynesian, African, European, and non Indigenous Australians. All staff showed a mature level of respect and courtesy towards each other as well as their discussions about the young people. The benefits and importance of this mutual respect cannot be undervalued, as the behaviours that staff demonstrate amongst their peers is witnessed by the young people. If a clear team approach is not being displayed the young people can use these gaps to cause further division or disruption amongst the staff.</p>

Registers or case notes never contain racist or derogatory comments.	RCIADIC	60 (b)	This criterion was not specifically inspected against due to operational difficulties with DCOIS at the time. However, the Inspectorate's frequent monitoring of DCOIS since its inception in March 2011 has not elicited any concerns of this nature.
At all times staff interact with young people in a manner that is both humane and courteous.	RCIADIC	182	<p>At the time of the inspection none of the 30 young people spoken to made any complaints or raised concerns with Inspectors in relation to being treated inhumanely.</p> <p>The Inspectors monitored numerous interactions between staff and young people during movements to school and in the accommodation units. There were no issues identified or raised at the time of the inspection.</p> <p>As a general observation during the inspection week the Inspectors observed an environment of mutual respect from the young people towards the staff.</p>

<p>Centre management considers it a serious breach for a staff member to speak or act in a manner towards a young person that is hurtful, disrespectful or provocative.</p>	<p>RCIADIC</p>	<p>182</p>	<p>During the inspection the Inspectors observed good interactions and the use of appropriate verbal commands and directions from staff towards young people.</p> <p>At times these directions were appropriately firm but fair and courteous and did not involve staff swearing or making derogatory comments towards the young people.</p> <p>Inspectors also acknowledge that at the time of the inspection there were processes in place that assist the young person to raise any concerns that they might have in relation to staff abuse.</p> <p>These processes involve access to staff supervisors, unit managers, caseworkers, community visitors, legal representatives, and in some cases the young people can raise concerns with their family members.</p> <p>Any serious complaints of staff misconduct towards young people are either managed at a local level or with assistance from the Department's Ethical Standards Unit.</p>
<p>The human interaction between staff and young people is recognised as important and beneficial to the wellbeing of young people.</p>	<p>UN Rules for the Protection of Juveniles Deprived of their Liberty</p>	<p>82</p>	<p>The Inspectors noted a high level of interaction between young people and staff. Inspectors observed on numerous occasions young people walking up to staff from other units and positively engaging with them.</p> <p>This type of interaction was also observed of staff often approaching young people from other units and engaging with them in an appropriate and positive manner.</p>



ATTACHMENT THREE

Department of Justice and Attorney-General

Youth Detention Inspectorate
Ethical Standards Unit

Cleveland Youth Detention Centre Inspection report

June quarter 2014

Approved:

John Sosso
Director-General
4/9/2014

Great state. Great opportunity.



Snapshot of CYDC during the inspection week¹	
Dates of inspection	24–28 May 2014
Name of Centre Executive Director at time of inspection	Mr Peter Owens
Name of A/Centre Executive Director providing feedback	Mr Peter Owens
Number of operational secure beds	64 (due to current refurbishments)
Total average population	67
Average Aboriginal and/or Torres Strait Islander population	61 (91%)
Average remanded population	47 (70%)
Average sentenced population	20 (30%)
Female population	No females are currently accommodated at the Cleveland Youth Detention Centre (scheduled for late 2014).

¹ Based on figures extracted from DCOIS 3 June 2014.



Executive Summary

Inspections of Queensland's youth detention centres are required by s263 of the Youth Justice Act 1992 to be conducted quarterly. These are carried out by delegated Principal Inspectors within the Youth Detention Inspectorate, Ethical Standards Unit. The June quarter 2014 inspection of the Cleveland Youth Detention Centre (CYDC) occurred from 24–28 June 2014.

The focus of this inspection was on relations between staff and young people at CYDC. The monitored area was the operation of the centre's Behaviour Support Unit (designed for the most challenging and/or high-needs young people). The methodology was guided by relevant criteria within the Director-General's Expectations for Youth Detention Centres. Findings were based on interviews with the Executive Director CYDC; Deputy Director; Manager, Monitoring and Compliance; Programs Coordinator; Programs Officers; Caseworkers; Team Leader; conversations with a variety of shift supervisors, section supervisors, youth workers and young people throughout the centre, and examination of the Detention Centre Operational Information System (DCOIS).

The summarised findings of this inspection are that:

- the treatment of young people at CYDC is humane and courteous;
- there are whole-of centre initiatives to enhance positive relationships;
- most staff recognise and demonstrate the importance of human interaction;
- there is a variety of avenues for young people to raise complaints about alleged staff misconduct; and
- there are multiple structural, staffing and practice issues and opportunities (discussed in the body of the report) that if addressed, have the potential to result in more optimal management of young people.

The report makes two recommendations; essentially, that:

- exit interviews be conducted with departing staff with a view to improving retention rates at CYDC; and
- a permanent crew be assigned to the Behaviour Support Unit so that suitably experienced staff can work with the centre's most challenging and high-needs young people.

Focus area: Relations between Staff and Young People

Expectation: It is recognised that one of the most important aspects of a detention centre is the human interaction between staff and young people. Positive relationships are maintained between staff and young people throughout the duration of the young person's period of detention. Staff balance the need for healthy relationships with young people against the need for a secure controlled environment where all young people are treated fairly and kept safe from physical or psychological harm.

Criteria used to test this Expectation, on which the findings below are based, were:

- young people in detention are treated with respect and dignity;
- staff members promote healthy, humane and courteous relationships with young people and encourage such qualities in them;
- human interaction between staff and young people is recognised as important and beneficial to the young people (i.e. there is close and meaningful work on the floor, for both social and dynamic security benefits); and
- racist and otherwise offensive language towards or about young people is not tolerated.

Findings

Indications from the wide variety of staff and young people spoken to during the inspection indicates that the treatment of young people is largely consistent with test criteria. Discussions with staff and young people, and Inspectors' observations throughout the inspection week, indicated that most staff recognise and demonstrate the importance of human interaction. Inspectors' discussions with, and observations of, a wide variety of staff and young people indicate that the treatment of young people by staff is humane and courteous.

There are a variety of avenues for young people and indeed, other staff, to raise complaints about alleged staff misconduct. These include community visitors (from the former CCYPCG and now Office of the Public Guardian); internal complaints (for example, when force is used on young people, or when they raise a specific issue — which if indicative of misconduct is then referred to the Ethical Standards Unit for assessment and possible investigation). CCYPCG advised that from 1 July 2013 to 31 June 2014 there were only nine alleged occasions on which staff had sworn at or used racist comments towards young people, all of which were either dealt with at centre level or referred to the appropriate bodies. Inspectors' own frequent monitoring of the DCOIS and ICMS databases have not elicited any concerns that such language is being used in departmental records.

Following an earlier inspection recommendation, it was encouraging for Inspectors to hear that managerial staff had recently attended training to provide them a better appreciation of harm that can potentially be caused to young people in detention by other individuals and as an unintended consequence of certain institutional practices, as well as an appreciation of trauma informed care². A 2014 training schedule for managers and other relevant staff had also been developed to provide information about mental health issues in the context of detention.

There was, however, other evidence that some (but certainly by no means most) youth workers should be more frequently engaging with young people in positive activities inside units, and that when they do engage with young people, not simply watch television together as a sort of proxy social interaction. Young people themselves stated to inspectors that they would like more positive activities available within accommodation units. More frequent positive engagement with young people on the floor would enhance dynamic security as well as provide opportunities for stronger role modelling and a greater humanising influence.

² Trauma informed care is mental health treatment that is directed by a thorough understanding of the profound neurological, biological, psychological and social effects of trauma and violence on the individual and an appreciation for the high prevalence of traumatic experiences in persons who receive mental health services. (Jennings, 2004, cited in National Executive Training Institute (NETI) (2005).

Despite this, at a whole-of-centre level, however, inspectors noted the following initiatives relevant to the test criteria. CYDC runs a variety of developmental programs for young people in addition to the two offence-focused programs discussed in the March 2014 inspection, and wider initiatives are underway in the Programs area (pending finalisation of a review by the Deputy Director, with a view to increased development and delivery of a wider array of offence-focused programs — see discussion below on the Behaviour Support Unit). Inspectors were advised that the Motor Vehicle Offending program, mentioned during the March 2014 inspection, has been completed and is awaiting rollout. A list of current developmental programs, which pertain more to young people's personal and health needs underlying their offending, can be seen at Appendix A.

A major positive highlighted by staff and young people throughout the inspection week was the staging of a Kap Mari [traditional earth oven cooking with associated large-scale community festivities] on the day before the inspection. Young people were taught cooking skills interspersed with themes of cultural heritage and pride, and the event created a substantial and palpable level of goodwill for the staff and young people across the centre. Inspectors were advised that the Kap Mari, at least on this occasion, was linked with the Healthy Relationships module of the offence-focused program Changing Habits and Reaching Targets (CHART), so that completion of that module could occur, as it were, by stealth, and in an innovative and culturally-appropriate way. There were no reports of any adverse behaviour during the event, and this is noteworthy because CYDC has previously had to limit the numbers of units out and about together at one time due to its history of roof incidents and major disturbances.

Activities for Reconciliation Week and NAIDOC were also highlighted by staff, as was an apparently greater recent push to drive reintegration activities for young people to combat post-release offending: two young men had been escorted out to an Army careers expo, with more to follow [during the time of writing, inspectors have become aware that a not-insignificant number of young people have begun to be provided with concreting and turfing experience in the internal worksite].

One of the inspectors observed a Sunday church service run by a youth pastor from a local church. The pastor's mode of address, the relevance of his personal testimony to the boys' own lives, and the respect with which they listened to him, were all impressive. These are all the sorts of things that help to form the fabric of positive socialising influences on the young people, and yet there was other evidence elicited during this inspection and others in recent years that manifold cultural and structural factors at CYDC continue to impact on relations within and between staff and young people groups. These include:


- staff absenteeism levels (marked on the roster as 'did not work' or 'fail to appear');
- resulting high overtime usage;

- staff shortages resulting from a struggle to recruit and retain adequate numbers of youth workers;
- resulting inexperience of a significant cohort of accommodation staff;
- practice inconsistency between some staff;
- reported fear and reluctance of some staff to address misbehaviour (resulting in a knock-on effect and some disillusionment in their colleagues that might ordinarily be more inclined to enforce boundaries, but whom are understandably less inclined to want to become lone targets if they do under such circumstances);
- the current eight-hour shift roster (conspicuously called for by a significant number of staff during this inspection to be replaced with a twelve-hour roster due to the fatigue the current roster was said to be causing, and also to reduce inconsistency and 'playing off' by young people between each morning and afternoon shift);
- ongoing difficulties with movement control during the structured day (resulting in late arrivals and opportunities for mischief during sometimes long waiting times between classes); and
- higher numbers of incidents and levels of graffiti that were of concern to Inspectors — especially within the new accommodation units.

While some of the above factors are interrelated, overall they appear to have combined to create a situation where the CYDC workforce has become increasingly fatigued and dejected (in comparison with what Inspectors have observed on the ground in earlier years). As a result, the basic management of young people, not to mention the more in-depth development of prosocial behaviours, is currently not optimal.

In relation to driving staffing stability and practice consistency, members of staff and management told inspectors that in their opinion, the more stringent recruitment process introduced in youth detention centres over the last eighteen months had unfortunately also seen decreases in new recruits. In that regard, the approximately \$300 medical assessment that applicants are required to pay upfront has been raised with inspectors by a variety of staff as a potential barrier.

Notwithstanding a higher calibre of recruit that may have been obtained from the new process, dwindling intakes will only compound the staffing factors discussed above. In an effort to address the other side of staff recruitment — retention — inspectors have raised with relevant managers the possibility of undertaking exit interviews with departing staff to ascertain their grounds for departure, so that CYDC can effect appropriate attrition prevention measures.



The recruitment and retention of staff has a direct relationship on the effective management of young people through the positive relationships stable crews of staffing can have with young people in their units, and the consistent work practices that entail. The compounding effects of workforce fatigue, absenteeism and overtime — which often then sees consistent staffing broken down further by having to redeploy someone to fill a gap — ought to be addressed by all possible measures at this time to turn around current staffing and practice issues. The Inspectorate has been advised by CYDC of a number of measures it is undertaking in that regard, and therefore makes only one targeted recommendation on the previously-suggested measure of conducting meaningful exit interviews.

Recommendation CYDC 2014-06-01

The CYDC Human Resources Manager attempt to conduct and document exit interviews with casual and permanent staff that resign or have not worked at CYDC for some time, to ascertain the reasons for their departure, and demonstrably use this information to improve staff retention at CYDC.

Centre Executive Director's response: Accepted.

Responsible Officer: Human Resources Manager

Completion date: Immediate and on-going

Monitored area – Behaviour Support Unit

The Behaviour Support Unit (BSU) is a four-bed unit purpose-built as part of the Expansion project. Along with other new accommodation units, the BSU became operational in late 2013. The BSU is a key feature of the Positive Behaviour Support philosophy that CYDC has been attempting to embed for several years. Inspectors were advised that not all staff are yet trained in PBS, and some exhibit resistance to the philosophy. As originally explained to Inspectors by the responsible officer for this unit (Team Leader 2, currently on maternity leave), the BSU was to be intended to support and modify the behaviour of detainees with the highest needs. These would not necessarily have been only the most challenging and poorly-behaved young people but also those with intellectual issues and other vulnerabilities.

Individuals are referred to the Behaviour Support Team (headed by Team Leader 2) and a decision made to accept or decline their accommodation in the BSU. Accepted candidates were to be provided with intensive interventions by caseworkers and psychologists, of course with the assistance and reinforcement of unit staff. As explained by the Acting Team Leader, the remit of the Behaviour Support Team extends beyond the BSU to other higher-needs young people better housed in ordinary accommodation units.

In-depth functional assessments are to be the driver for subsequent interventions and reviews contained within Behaviour Support Plans. These differ from Behaviour Development Plans by being more comprehensive and less reactive to acute issues like aggressive misbehaviour or involvement in major disturbances). The Acting Team Leader explained that ideally, BDPs would become less necessary in future if BSPs were in place to prevent and proactively deal with challenging behaviour.

In the March 2014 inspection report it was flagged that the Behaviour Support Unit would be monitored during future inspections to ascertain the extent to which it was operating in accordance with CYDC's original intention and subsequently-developed BSU philosophy.

Inspectors learned that as of the inspection week, all positions within the Behaviour Support Team had been recruited to for the first time. The team consists of three FTE psychologists and a Team Leader - with both the incumbent and her replacement also being psychologists. This complement of four fulltime psychologists at CYDC places the centre in a strong position to conduct intensive and high-quality interventions across the centre to improve both on-centre and post-release behaviour. Inspectors were advised by the Deputy Director in the March 2014 inspection that the Behaviour Support Team would also be charged with developing and delivering new offence-focused programs.

At the time of inspection the potential had naturally not yet gained traction, given that recruitment had only just occurred. The Inspectorate understands that the Deputy Director's review of the function and structure of CYDC programs is still ongoing, and this will be the major driver of the new

interventions and programs. While these initiatives are still pending, the BSU is being used for normal accommodation space - although Inspectors found that the young people housed there during the inspection week were of the sort that would reasonably be expected to be housed there in future.

The major issue identified with the BSU is that it did not have an assigned team of permanent staff, unlike other accommodation units. Current BSU staff were therefore casuals or permanents on overtime. The Inspectorate concurs with the views of relevant managerial and other staff that this is a critical issue that ought to be addressed as soon as possible. This would ensure that the most stable and suitable staffing arrangements can be provided to this high-needs cohort of young people in order to drive gainful, intensive anti-offending interventions in the BSU.

Recommendation CYDC2014-06-02

The Centre Executive Director arrange the selection of suitably experienced and interested permanent staff to work in the BSU as soon as possible, and that:

- close working relationships and processes be established between these staff and the Behaviour Support Team, and also between the BYDC and CYDC Behaviour Support Teams to promote two-way sharing of good practice; and
- assigned staff be provided with supplementary behavioural and mental health training (for cost efficiency, by the four psychologists of the Behaviour Support Team in conjunction with the Mental Health, Alcohol, Tobacco and Other Drugs Service).

Centre Executive Director Response: Accepted

Responsible Officer: Centre Executive Director

Completion date: 31 December 2014.

Appendix A: Developmental programs at CYDC

Program name	Description	Pilot / Established	Commencement and contracted end date (if applicable)	Duration, frequency and deliverer	What anti-offending outcomes will be evident	Other comments to highlight the anti-offending worth of the program
RAGE/ Anger Management	RAGE is an anger management program for young people aged between 11 and 17. Strength based focused program that is hands on, and explores the cycle of anger - triggers, thoughts and troubles. Program consists of 6 sessions and delivered by Centacare.	Pilot	Still to be negotiated	2 sessions per/week	Individual assessments completed each session, with overall assessment upon completion. Negotiating with James Cook University, to conduct research project in assessing/evaluating therapeutic/developmental programs.	Program explores: <ul style="list-style-type: none"> Awareness of anger as a normal emotion that can be expressed in healthy ways which are appropriate cannot hurt anyone. Understanding that guilt is an important part of the cycle of anger and will learn healthy ways to deal with it. Participants will understand the importance of relaxation, exercise, and diet on their state of mind and emotions.
On Track	A 4 week program allowing young people to progress through a group process that will enable them to openly discuss unresolved issues relating to victims of crime and the effects of crime in community, on individuals and themselves. The on track Program is designed to address attitudes and patterns of behaviour that contribute to reoffending.	Established	Ongoing, delivered by Program Team	2 sessions per/week	Individual assessments completed each session, with overall assessment upon completion. Negotiating with James Cook University, to conduct research project in assessing/evaluating therapeutic/developmental programs.	Participants are coached to: <ul style="list-style-type: none"> Accept responsibility for their actions. Thinking rationally about the situations they face in their everyday life. Learning new ways of coping and responding without offending.

Program name	Description	Pilot / Established	Commencement and contracted end date (if applicable)	Duration, frequency and deliverer	What anti-offending outcomes will be evident	Other comments to highlight the anti-offending worth of the program
Drug & Alcohol	Provide young people with important information on impacts and consequences of drug and alcohol misuse, including inhalants (VSM), marijuana, tobacco and hallucinogens; and the impact they have on everyday life and functioning.	Established / exploring possibility of VSM Unit from the community supporting program	Ongoing, delivered by Program Team	2 sessions per/week	Individual assessments completed each session, with overall assessment upon completion. Negotiating with James Cook University, to conduct research project in assessing/evaluating therapeutic/developmental programs.	Engaging in interactive group discussions and displaying a range of audio visual material and games that reinforce and support the program outcomes, which include: <ul style="list-style-type: none"> • Help young people understand the dangers of underage drinking including legal implications of driving under the influence of alcohol/drugs • Comprehend why making informed choices are important and how decisions about use of controlled and non-controlled substances impacts decisions. • Assist young people to explore strategies for harm and risk minimisation, enhancing self-efficacy and motivation to change. • Empower young people to make healthy and proactive decisions.

Program name	Description	Pilot / Established	Commencement and contracted end date (if applicable)	Duration, frequency and deliverer	What anti-offending outcomes will be evident	Other comments to highlight the anti-offending worth of the program
Deadly Felias	A 4 week program delivered by Centacare. The program explores the concept of Self Esteem and to promote and build self-esteem.	Established	Currently negotiated Service Level Agreement with Centacare	1 session per/week	Individual assessments completed each session, with overall assessment upon completion. Negotiating with James Cook University, to conduct research project in assessing/evaluating therapeutic/developmental programs.	The program focuses on self-management, interpersonal skills, cultural identity and building positive social networks.
Beat It	A therapeutic, high quality program designed to improve affect regulation. And self-esteem for young people in a supportive environment. The program is delivered through an interactive music activity, similar to the 'Drum Beat' program. Program is delivered over 5 weeks.	Established	Ongoing A joint initiative developed and delivered by Nth Qld Youth Forensic Health and CYDC	1 session per/week	Individual assessments completed each session, with overall assessment upon completion. An evaluation tool has been developed to gauge effectiveness of program. However, this program would also be included in the research project by JCU.	Program content includes: <ul style="list-style-type: none"> • Peer pressure • Bullying • Dealing with emotions • Tolerance and diversity • Identity • Social responsibility

Program name	Description	Pilot / Established	Commencement and contracted end date (if applicable)	Duration, frequency and deliverer	What anti-offending outcomes will be evident	Other comments to highlight the anti-offending worth of the program
Throughcare	The goal of the Throughcare program is to support youth Detainees (both pre and post release from detention) in addressing their offending behaviour. The aim is to reduce the prospects of returning to prison/detention after release. The goal is to assist both clients as well as communities through reducing re-offending).	Established	Ongoing Program is delivered by Aboriginal & Torres Strait Islander Legal Service.	1 session per/fortnight	Participation certificate is provided upon completion	The focus is on Throughcare Facilitator providing intensive case-management support for Young People at risk of reoffending. A holistic approach of support is provided through collaboration with Youth Detention Staff, client and client family, other relevant stakeholders and community.
Young Bucks	The Young Bucks program has been developed to provide young people a basic understanding of sexual health and build their knowledge about safe sex principles.	Established	Ongoing Program is delivered by Sexual Health Unit with Queensland Health	2 sessions per/week	Participation certificate is provided upon completion	Emphasis is placed on explaining how STIs and BBVs are contracted and the signs and symptoms specific to each condition.

Program name	Description	Pilot / Established	Commencement and contracted end date (if applicable)	Duration, frequency and deliverer	What anti-offending outcomes will be evident	Other comments to highlight the anti-offending worth of the program
CrossRoads	The Crossroads program has been developed to support Young people in Detention that are from remote or rural communities. Many of who are from disadvantaged backgrounds and more often than not are marginalised within their community, peers and family.	Established	Ongoing The program is delivered by Mornington Islander Elder who is the Community Liaison Officer with the Stragpote Street Drug & Alcohol Rehabilitation Unit.	1 session per/fortnight	Session evaluations conducted to gauge learning, engagement and attitude towards subject matter and facilitators.	Content includes: <ul style="list-style-type: none"> Underlying factors that impact on young adolescent individuals from remote and rural communities e.g. dysfunctional cultural/ social norms Understanding and identifying decision making process, peer influences versus family and community kinship connections Identifying positive role models and 'Bungies' from family, community and peers and how to engage with these individuals Analysing community values and respect for country, community and self

Program name	Description	Pilot / Established	Commencement and contracted end date (if applicable)	Duration, frequency and deliverer	What anti-offending outcomes will be evident	Other comments to highlight the anti-offending worth of the program
Young Men's Learning Circle	The purpose of the program is to provide a safe and open environment to encourage the Young People to talk about issues that might be impacting them, and to work on addressing appropriate methods and strategies to cope with these issues.	Pilot	Ongoing A joint initiative between The Townsville Community Justice Group and CYDC. The Program has a similar approach to the Men's shed and Men's groups that operate within the community.	1 session per/week	Session evaluations conducted to gauge learning, engagement and attitude towards subject matter and facilitators.	The program has a cultural focus and is delivered in a 'yarning circle' environment. Discussions are guided by the Community Elders on topics which include: <ul style="list-style-type: none"> • Behaviour/attitudes • Values /beliefs • Self-identity/awareness • Community responsibility/expectation • Exit pathways/ reintegration
Common Ground	Delivered in a 'yarning circle' environment, the aim of the program is to reach 'common ground' with the young people. Sharing their experiences, strengths and hope through telling their own story and challenges they have faced both personally and professionally.	Established	Ongoing The program is delivered by Sgt Rob and other army personnel from the Australian Defence Force	1 session per/week	Session evaluations conducted to gauge learning, engagement and attitude towards subject matter and facilitators.	Learn sports skills, Increase fitness exposure to learn work concepts and increase confidence in nominated sport, which will support integration into a community sporting organisation.

Program name	Description	Pilot / Established	Commencement and contracted end date (if applicable)	Duration, frequency and deliverer	What anti-offending outcomes will be evident	Other comments to highlight the anti-offending worth of the program
Youth, Health & Developmental Program	Holistic program that offers health and personal development mentoring and education for Young People on the impact illicit drug and substance abuse/ addiction on the body.	Pilot	Ongoing The program has been developed and delivered by Dr Gandhi from the Aboriginal Medical Centre and Dr Shashi from James Cook University	1 session per/fortnight	No measurable in place. Session evaluations conducted to gauge learning, engagement and attitude towards subject matter and facilitators.	Program also includes motivation and coaching Young People towards healthy eating and healthy living <ul style="list-style-type: none"> Motivate Young People to change their lives to become a productive part of community Access relevant health services outside of CYDC
Mentor Program	To provide appropriate support that will contribute to a Young Person's rehabilitation and reintegration from Cleveland Youth Detention Centre into their respective community.	Established	Ongoing The program is coordinated by the Programs Team (Indigenous Program Support Officer)	1-2 sessions per/week	Feedback and evaluation forms completed at the end of each session; information casenoted for Casework use.	The Mentor will develop a relationship of friendship and trust and provide support based on the following needs of a Young Person: <ul style="list-style-type: none"> Social and emotional well-being Cultural Spiritual Education / employment / training Identity

Program name	Description	Pilot / Established	Commencement and contracted end date (if applicable)	Duration, frequency and deliverer	What anti-offending outcomes will be evident	Other comments to highlight the anti-offending worth of the program
Chapel Service	A weekend program that focuses on a holistic approach to supporting the wellbeing of young people in detention at CYDC which includes: Spiritual, developmental, physical and social. The Program aligns to community spiritual education and fellowship that is available in the community.	Established	Ongoing Program is delivered every Sunday by the CYDC Chaplain and a group of 12 volunteers from the Calvary Christian Church.	2 sessions per/week	No measurable in place. Follow up program is currently being developed for Young People that regularly attend this program	An additional objective of this program is to build relationships between the young people and community volunteers outside of Cleveland. This may support transition pathways through connecting with the local churches and/or young people outside of their current circles of influence.



In reply please quote: 555157/3, 2670985

Mr Phil Clarke
Queensland Ombudsman
GPO Box 3314
BRISBANE, QLD 4001

Dear Mr Clarke

Thank you for your letter dated 9 September 2014 about your decision to investigate the impacts of staff absenteeism and overcrowding to youth detention service delivery.

As you have advised, these issues were previously investigated by the former Commission for Children and Young People and Child Guardian (CCYPCG). Due to the cessation of the CCYPCG on 30 June 2014, this investigation file was transferred to your office.

Correspondence from the Department of Justice and Attorney-General (DJAG), to the CCYPCG in response to these issues (dated 26 June 2014) and the Youth Detention Inspectorate's June 2014 inspection reports for the Brisbane Youth Detention Centre and the Cleveland Youth Detention Centre have been enclosed as per your request to assist with the investigation.

Since the provision of the advice to the CCYPCG on 26 June 2014, work has continued on all of the highlighted initiatives, in particular:

- long term infrastructure planning for the youth detention estate;
- incident trend analysis; and
- the PAC Plus Strategy.

I attach considerable importance to this work as it supports my statutory responsibilities to the safety, welfare and rehabilitation of children in custody.

Should your officers have any enquiries in relation to this matter, my nominated contact officer, Mr David Herbert, Acting Director of Youth Detention Operations and Outlook Services, DJAG would be pleased to meet with your officers to discuss these projects. Mr Herbert, can be contacted on (07) 3033 0891.

I trust this information is of assistance.

Yours sincerely

John Sosso
Director-General

Enc.

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
MEMORANDUM

TO: John Sosso, Director-General
FROM: Glen Knights, A/Assistant Director-General, Youth Justice
SUBJECT: Youth detention incident analysis
DATE: 31 October 2014

PURPOSE

To **inform** you of the outcome of the youth detention incident analysis and for you to **note** the corresponding action plan to reduce incidents.

BACKGROUND

Under section 263 of the *Youth Justice Act 1992*, you are responsible for the security and management of detention centres and the safe custody and wellbeing of children in detention. While violence cannot be eradicated given the youth detention environment, its level can be kept at acceptable levels through prevention, de-escalation and debriefing strategies.

To inform the development of these strategies, over 10,000 youth detention incidents over three years were analysed to identify the number, frequency, where, when, how and why incidents occur.

The incident analysis investigated a range of incident, centre and child characteristics, including the correlation between offence history, mental health issues and conduct disorders with incident involvement. A summary report of the incident analysis is at (**Attachment 1**). A full 80 page report is also available to interested stakeholders.

The analysis has informed an action plan which will reduce incidents and put further downward pressure on Workcover premiums (**Attachment 2**).

ISSUES

There were 10,000 incidents at both detention centres in the period analysed. There has been an increase in the number and rate of incidents at both centres over the last three years. This is correlated with the pressure of rising numbers and a rise in the number of children on more serious violent offences.

Briefing Officer	David Herbert A/Director, Youth Detention Operations and Outlook Services	Approved by	Glen Knights A/Assistant Director-General, Youth Justice
Telephone	3033 0891	Date	29 October 2014

The incident analysis found five main detainee characteristics that predicted greater incident involvement (consistent across both centres):

- non-Indigenous children were involved in more violent incidents compared to their Indigenous peers;
- being charged with a sexual offence;
- being an early onset violent offender (i.e. being charged with a violent offence between the ages of 10 to 13 years); and
- being a young person in detention aged 10 to 13 years.

Cleveland Youth Detention Centre (CYDC) has a higher incident rate than Brisbane Youth Detention Centre (BYDC): the average daily rate of incidents per 100 children in 2013-14¹ was:

- 5.3 at BYDC; and
- 8.4 at CYDC.

The reasons for the differences were found to be:

- CYDC staffing profile is younger and less experienced;
- factors associated with construction at CYDC and the transition to its new facilities in late 2013 consistent with evidence concerning construction and transition in detention;
- building design features;
- procedures concerning the movement of children;
- differences in the implementation of the protective actions continuum (PAC);
- cultural and interracial dynamics;
- management of different cohorts;
- CYDC generally has more serious sex offenders who tend to be involved in the greatest average number of incidents; and
- one individual child was responsible for 90 incidents in one year (suggesting different management practices were needed but not implemented).

A significant driver of incidents at both centres was numbers in excess of optimum operating capacity and built bed capacity. Although no objective evidence was found for cultural or individual performance issues at CYDC, a comprehensive strategy will also focus on these elements.

The analysis also shows that the use of force at CYDC decreased more significantly after PAC training than at BYDC suggesting that the level of incidents at the centre can be reduced by further management action.

¹ For the first six months of the financial year.

Briefing Officer	David Herbert A/Director, Youth Detention Operations and Outlook Services	Approved by	Glen Knights A/Assistant Director-General, Youth Justice
Telephone	3033 0891	Date	29 October 2014



The findings of the analysis will now be used to inform improved management practices across individual and systemic domains. This includes establishing enhanced staff and case management responses to incident causing behaviour.

An action plan 'PAC Plus Strategy – Reducing incidents of violence in Queensland youth detention centres' (the PAC Plus Strategy) has been developed. The PAC Plus Strategy builds upon the introduction of the PAC which contributed to a reduction in workplace injuries by 93% over the last year.

The PAC Plus Strategy contains five action areas to systematically reduce, as far as possible, incidents of violence in youth detention centres:

- leadership and culture;
- learning and development;
- tailored young person management;
- monitoring and governance; and
- safe by design.

Specific actions have been identified for each of the five areas in consultation with the Centre Directors and the Director, Youth Justice Capability and Learning.

Progress against each of the actions will be monitored through the Quarterly Performance Reviews, performance reports and Board of Management team updates.

The attached information (**Attachments 1 and 2**) also highlights the need to develop and design solutions to prevent incidents. This is specifically highlighted in the PAC Plus Strategy under 'Safe by design'. Design solutions currently being implemented are built in components to prevent property damage and rolled roof design to prevent roof incidents. Design solutions being considered include more flexible configuration of existing accommodation options responsive to risk and the population profile of young people. This may include creating precincts within a detention centre and disaggregating the population.

Further information about these concepts will be presented to you in the Youth Detention Infrastructure Plan 2013-2035.

RECOMMENDATION

That you **note** the attached documents and the performance monitoring mechanisms that will be put in place to measure progress against the PAC Plus Strategy.

<input type="checkbox"/> Noted <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved
Signed: John Sosso Director-General
Date:

Briefing Officer	David Herbert A/Director, Youth Detention Operations and Outlook Services	Approved by	Glen Knights A/Assistant Director-General, Youth Justice
Telephone	3033 0891	Date	29 October 2014



Youth Justice

Summary report

An analysis of incidents at Brisbane and Cleveland Youth Detention Centres 2011 to 2014

Summary of findings

Youth Justice analysed over 10,000 incidents at the Brisbane and Cleveland Youth Detention Centres between 1 July 2011 and 31 March 2014. The purpose of the analysis was to look at the number and types of incidents that occur, and trends, correlations and causal factors which can inform action to keep the incident numbers low.

1. Key findings for Queensland youth detention centres

1.1 *Similarities across youth detention centres*

Since 2011, incident trends across both youth detention centres have shown some consistent features. The population of young people in custody has grown over this period, coinciding with an increase in the average daily rate of incidents at both BYDC and CYDC. Examination of the types of incidents shows that the proportions of reportable and non-reportable incidents are very similar across both centres, with assaults being the most common type of reportable incident category.

While the data indicates that the proportion of force used in incidents has increased over the past 18 months, the rate of force has remained relatively constant. Early findings examining the impact of the Protective Actions Continuum (PAC) suggest that since its implementation there have been improved outcomes for both detention centres, with decreases evident in the use of Level 4 force in incidents where force was used.

PAC ensures that incidents are resolved safely using an intervention response that is proportionate to the level of risk present. PAC provides youth detention operational staff four intervention levels:

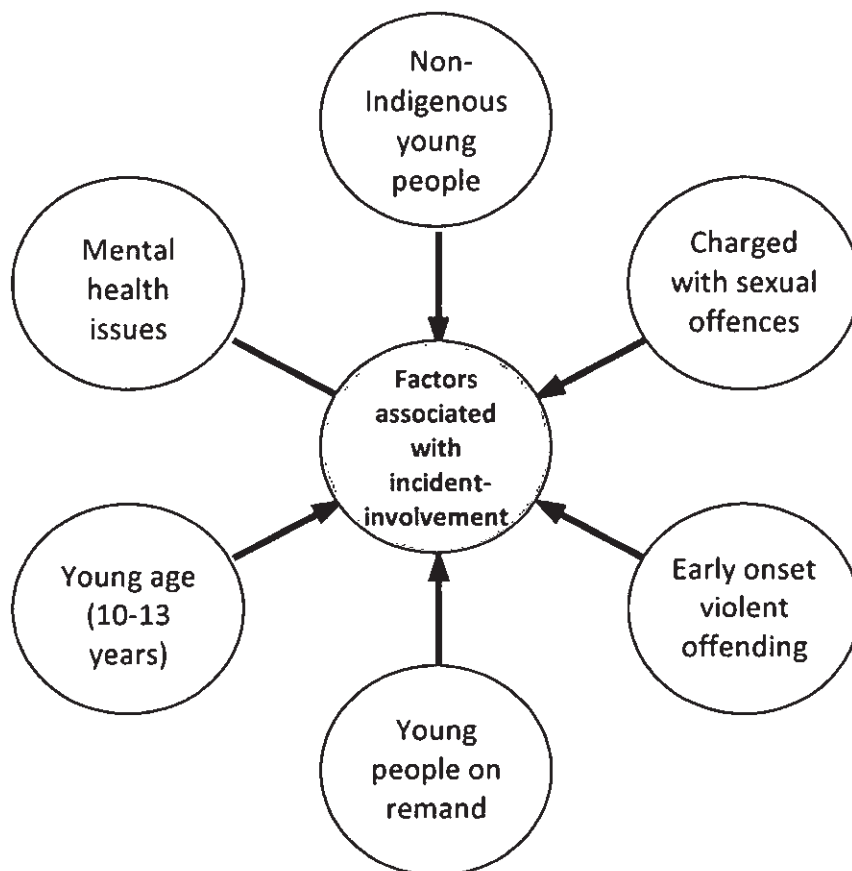
- Level 1 - verbal and non-physical de-escalation (no physical force)
- Level 2 – disengagement and assault avoidance
- Level 3 – defensive and physical interventions, and
- Level 4 – assertive physical interventions (highest level of force).

Six common features found to be associated with a child's greater incident involvement. These include:

- the Indigenous status of a young person was consistently associated with increased incident frequency, with non-Indigenous young people involved in greater rates of incidents, and more violent incidents, compared to their Indigenous counterparts
- young people charged with a sexual offence were responsible for the highest average numbers of incidents at both detention centres
- young people first charged with a violent offence between 10 to 13 years had greater incident involvement. The relationship between early onset violent offending and incident causation remained constant for all combinations of gender and Indigenous status
- young people aged 10 to 13 years were responsible for the greatest daily rate of incidents, and violent incidents, compared to all other age categories
- the greatest proportions of serious incidents occurred amongst remanded young people who had been in detention for between 3 months and 1 year, and
- young people exhibiting behavioural characteristics consistent with conduct disorder and oppositional defiance disorder are involved in significantly high proportions of incidents.



Figure 1.1: Six common characteristics of incident-involved young people detained in Queensland



The characteristics of children involved in incidences was common across both centres and suggests different or tailored management practices may assist. A range of other specific findings were also found to be consistent across both Queensland youth detention centres. These similarities are listed in Table 5.1.1 below.

Table 1.1: Consistent findings for Queensland youth detention centres

Type of incident-related characteristic
Young person factor
<i>Most serious charged offence.</i> Not a good indicator for predicting which boys will be involved in incidents.
<i>Proven violent offences.</i> The proportion of young people with proven violent offending histories has decreased over time at both detention centres, indicating a change in the type of young people being detained.
Centre factors
<i>Physical response threshold.</i> Young people who spent time at both detention centres, and were involved in incidents involving force, were equally as likely to have had force used against them.
<i>Indigenous status and use of force.</i> Indigenous and non-Indigenous young people were subject to similar proportions of incident-related force. This finding remained consistent when broken down by gender.
<i>Overpopulation</i> has an impact on the occurrence of incidents and critical incidents at both detention centres.
Staffing factors
<i>Staff gender.</i> Male and female staffing ratios are similar across both detention centres.
<i>Indigenous staff.</i> It was noted at both centres that this cohort were more likely than non-Indigenous staff to

have more than ten years' experience working in the Queensland public service.

Absenteeism. The highest rates of absenteeism were seen amongst youth workers.

Structural factors

Policies and procedures. Centre practices are guided by a comprehensive and up to date suite of policies and procedures.

Training. Training for operational and professional staff is consistent and curriculums are reviewed on an annual basis.

Mandatory skills. Core skills for operational staff including incident management, emergency management and suicide risk management are mandatory and all staff are competency assessed on an annual basis. Those who are assessed as not competent are removed from operational duties.

Governance. A range of mechanisms are in place to ensure a consistent approach to centre operations and young person management across both centres. This includes the Service Level Agreements in place with both Centre Directors, quarterly performance meetings, consistent performance framework and fortnightly governance meetings with the Centre Directors, Director of Youth Detention Operations and the Director of Youth Justice Capability and Learning.

2. Key findings for Cleveland Youth Detention Centre

Analysis of incident trends has shown a greater propensity for incidents to occur at CYDC, with findings highlighting higher rates of violent incidents and force used in incidents, a greater density of incident-involved young people, less predictability in incident occurrence and more assaults on staff.

Even when controlling for a range of variables, CYDC young people were involved in much higher numbers of incidents, and more violent incidents per young person, compared to those at BYDC. In exploring the range of factors that may be contributing to these higher incident trends, a number of key characteristics of young people have emerged in these findings, detailed below.

2.1 Key characteristics of incident-involved young people at CYDC

Non-Indigenous young people

Non-Indigenous young people detained at CYDC are involved in 2.5 more incidents per young person per 100 days compared to Indigenous young people.

The Indigenous status of a young person has a significant impact on incident involvement at CYDC. Specifically, non-Indigenous young people were involved in much higher rates of incidents, and violent incidents, compared to their Indigenous counterparts. Non-Indigenous young people at CYDC are in a small minority within the centre but in a majority in the community. The reverse is true for indigenous children. Culture and race relations is likely to be a significant contributing factor to the pattern of incidents at CYDC.

Key characteristics of incident-involved young people at CYDC

- Non-Indigenous
- Young age, 10 to 13 years
- Early age onset of violent offending
- Proven sexual offences
- Six months or more in detention

The high populations of Indigenous youth at CYDC (representing approximately 90% of detained young people) differ significantly to the general population numbers, with Indigenous young people only making up 6% of the total population of youth in Queensland. The impact of having high populations of Indigenous young people, combined with an environment which has a very different racial dynamic than that ordinarily found in the community, likely plays a role in the problematic behaviours exhibited by non-Indigenous young people.



Young age - 10 to 13 years

Young people aged 10 to 13 years are responsible for the highest rates of both violent and all other incidents compared to young people from all other age categories.

While 10 to 13 year-olds make up less than 10% of the total population, they are responsible for the greatest rates of incidents at CYDC. Analysis of findings over the past 18 months has shown the rate of 10 to 13 year olds involved in incidents at CYDC has been double that compared to their same-aged counterparts at BYDC.

It was also found that the highest rates of force were used in incidents involving the youngest detainees at CYDC (with the rate of the highest and most physical force used being almost three times that which BYDC used in incidents involving young people aged 10 to 13 years).

Early age onset of violent offending

Early onset violent offending is a reliable predictor of incident involvement for detained youth at CYDC, with young people charged with their first violent offence before 14 years involved in an average of 2.5 more incidents per 100 days compared to those who had not been charged with a violent offence at an early age.

Young people who were first charged with a violent offence before the age of 14 years are much more likely to be involved in more incidents at CYDC than those charged with non-violent offences or were charged with violent offences at a later age. Early onset violent offending was found to be linked to an increased rate of incident involvement for both Indigenous and non-Indigenous young people.

Proven sexual offences

Young people charged with sexual offences represent a more challenging cohort at CYDC.

Sexual offenders were responsible for the highest average numbers of incidents when compared to youth with proven offences in other offence categories. Within this population, a small group of late-onset sexual offenders were found to be overrepresented in violent incidents at CYDC. In particular, Indigenous boys charged with a sexual offence were responsible for far more incidents than those who had not been charged with a sexual offence. Together with the finding that CYDC has a larger proportion of young people with proven sexual offending histories, this data showed that even when controlling for similar sexual offences amongst boys at BYDC, CYDC sexual offenders were twice as likely to be involved in incidents.

Six months or more in detention

At CYDC, incident causation increases with increased time in detention.

Young people who have been in detention for more than six months were found to be involved in the most serious types of incidents at CYDC. While at BYDC the frequency of incident involvement flattens out after one month in detention, at CYDC the incident rate continues to rise gradually and peaks with those who have spent six to twelve months in detention (and represents double the rate seen at BYDC).

Examination of legal status indicated that incident numbers fluctuate considerably with no real predictability for sentenced young people, who were involved in high numbers of incidents both after a relatively short duration (one week to one month) but also after longer durations (six months to one year). These findings also differed significantly to those seen at BYDC where incident rates are much lower amongst their sentenced population.



For remanded young people, the numbers of incidents showed a clear upwards trend, with those young people who spent more than six months in detention on remand involved in the highest daily numbers of violent incidents.

2.2 Centre factors associated with incidents at CYDC

Detention centre effect

Findings suggest that young people detained at CYDC were involved in 3.1 more incidents per 100 days in detention, and 1.3 more violent incidents.

Even after controlling for a range of young person factors, including length of time in detention, gender and early age-onset of violent and sexual offending, CYDC young people are presenting as the most problematic young people across the state. These findings indicate there are a number of other centre-specific factors (in addition to the specific young person characteristics examined above) that are contributing to the greater likelihood for CYDC young people to become involved in incidents.

- Centre factors associated with incidents at CYDC**
- Detention centre effect
 - Higher density of incident-involved young people
 - Overpopulation
 - Transition effect

Higher density of incident-involved young people

Young people who are involved in incidents at CYDC are substantially more likely to go on to be involved in a larger number of incidents.

CYDC has a higher density of incident-involved young people, with a greater proportion of all young people involved in incidents at CYDC involved in more than 10 incidents per year compared to those at BYDC.

The average numbers of incidents per young person was higher at CYDC, peaking at 90 incidents for a single young person (compared to 64 at BYDC). This finding was replicated for incidents involving force, with a single young person at CYDC involved in 33 incidents across the period examined, compared to a maximum of 15 for a single young person at BYDC.

Overpopulation

A relationship exists between CYDC being over capacity and the occurrence of critical incidents at CYDC.

Examination of periods of overpopulation at CYDC has shown a relationship between overpopulation and the occurrence of critical incidents at CYDC. While general population fluctuations do not appear to impact incident rates at CYDC, there does appear to be a correlation between being over capacity and an increased likelihood for critical incidents and higher incident rates.

Transition effect

A transitional effect occurred following the transition from the old to new detention facility, resulting in a number of serious and critical incidents occurring in a relatively short timeframe following transition.

In late 2013, CYDC not only increased its bed capacity but also moved into the newly expanded facilities and the ongoing presence of an active construction site. This transition involved the closing down of previously inhabited accommodation units for refurbishment and moving all young people into new units within the new centre. In the week following CYDC's transition into the new facility, two major disturbances (roof ascents) occurred, with six major disturbances recorded in the months following the transition. This represents the largest time-space density of critical incidents experienced for both detention centres over the period examined, indicating the likelihood of a 'transitions effect' having occurred following the change.



2.3 Other key findings

Overall reduction in use of Level 4 force

Use of Level 4 force has decreased by 20% in the nine month period from 1 July 2013, indicating that PAC has had a significant impact on reducing force at CYDC.

The incident analysis identified that while young people detained at CYDC were twice as likely to have force used against them; the proportions of lower levels of force used were much higher than those at BYDC. Specifically, in incidents involving force more than a quarter involved use of the lowest levels of force (Level 2), with CYDC using much higher proportions of Level 2 and Level 3 force compared to BYDC. Use of Level 4 force in incidents has also reduced by 20% at CYDC (compared to 12% at BYDC) in the most recent period, indicating that the introduction of PAC has had a positive impact on the reduction of the amount and types of force being used. Findings from this analysis also show that the numbers of staff assaults and injuries has reduced since the implementation of PAC.

More CYDC young people are involved in incidents

Young people at CYDC are exhibiting more problematic and violent behaviours

The analysis indicates that CYDC young people are involved in far more incidents and are exhibiting more problematic and violent behaviours, even when controlling for the type of offence. However the YLS/CMI risk assessments do not show any objective evidence that one population is more challenging than the other. This means that the cause of the higher number of incidents is more likely to be extrinsic than intrinsic to the children.

Serious sexual offenders are involved in the greatest average numbers of incidents at both centres. CYDC generally holds a higher number of serious sexual offenders than BYDC. This factor will account for some of the increased number and rate of incidents at CYDC.

Staffing profile

In general, the CYDC staffing profile reflects a younger and less experienced workforce, with twice the proportions of staff separations compared to BYDC.

Examination of the CYDC staffing profile has shown a higher proportion of staff aged 25 years and under with significantly less years of public service experience, compared to staff at BYDC. Further, less than a fifth of staff at CYDC have more than five years public service experience (compared to more than half of BYDC staff). These findings indicate that CYDC staff are not only younger than BYDC staff, but they are considerably less experienced. CYDC also report almost double the proportions of staff separations.

3. Key findings for Brisbane Youth Detention Centre

Population increases over the past few years have resulted in corresponding increases in the numbers and rates of incidents occurring at BYDC, as well as a change in the types of young people being detained. The population of girls has more than doubled since 2011 and, in particular, the numbers of Indigenous girls have increased significantly since early 2013. This has coincided with a decrease in the proportion of detained young people with proven violent offending histories despite increases in the rate of violent incidents.



3.1 Characteristics of incident-involved young people

Charged with sexual offences

Boys and girls charged with sexual offences were involved in the highest average numbers of incidents.

BYDC young people charged with a sexual offence were responsible for the greatest numbers of incidents compared to all other offence types. Boys charged with any of the three categories of sexual offences were responsible for the highest average numbers of incidents, and violent incidents. Young people charged with rape and/or attempted rape were involved in the greatest incident numbers, followed by those charged with non-violent sexual offences.

Key characteristics of incident-involved young people at BYDC

- Charged with sexual offences
- Remanded
- Young age, 10 to 13 years
- Early age onset of violent offending
- Girls with most serious charges
- Mental health issues

Boys charged with carnal knowledge and other sexual offences were also responsible for a high average of incidents. These findings were similar for girls, with the most significant average incident numbers involving girls charged with rape and/or attempted rape, followed by carnal knowledge and other sexual assault charges. Despite the fact that young people with a sexual offending charge make up less than 15% of the total BYDC population, this analysis demonstrates that this group of young people charged with sexual offences are a challenging cohort that require targeted intervention in order to reduce incidents at BYDC.

Remanded young people

The majority of incidents at BYDC involve young people on remand, and in particular long term remand.

Young people on remand are involved in double the rate of incidents involving force compared to sentenced detainees. Examination of the duration of a young person's detention showed that those who had been remanded for between one and six months were involved in most incidents involving force.

Conversely, sentenced detainees at BYDC were involved in relatively small numbers of incidents involving force, regardless of their length of time in detention. Gender differences were identified with boys at BYDC having a slightly different incident causation patterns over time compared to girls. While girls are involved in progressively more frequent incidents the longer they are in detention (particularly Indigenous girls), incident rates for boys peaked between one and six months, declining slightly after six months duration in detention. Regardless, for both genders those on remand were responsible for the greatest incident rates at BYDC.

Young age – 10 to 13 years

The youngest in detention are responsible for the highest daily rates of incidents at BYDC compared to all other age categories.

Young people aged between 10 and 13 years have the highest incident rates, and violent incident rates, followed by those aged 14 to 15 years. This same trend was also evident for violent incidents, with the youngest responsible for more than double the rate of incidents involving young people in the 17 year, and 18 years and over, age categories.

Early age onset of violent offending

Young people first charged with a violent offence between the ages of 10 and 13 years were involved in more incidents across all combinations of gender and Indigenous status.

Early age onset violent offending is a reliable predictor of incident involvement at BYDC, with young people charged with their first violent offence before the age of 14 years accounting for the greatest incident involvement. Early onset violent offending was found to have a greater impact on girls, and particularly non-Indigenous girls; though, was also associated with greater incident involvement for both Indigenous and non-Indigenous boys at BYDC.

Girls with most serious charges

Girls charged with the most serious offences are involved in a significant proportion of incidents.

Despite making up only a very small proportion of young people at BYDC, girls charged with one of the three most serious offence categories are involved in the highest average numbers of incidents compared to all boys and girls with less serious charges.

In direct contrast to the findings for boys, most serious offence for girls was found to be a predictor for increased incident involvement indicating the need for different programs and practices for the girls. Anecdotal reports are that recent admissions have nearly all experienced significant recent trauma such as sexual assault.

Findings reinforce the importance of developing and maintaining gender-specific strategies, in recognition that girls can often have quite different offending profiles, with differing needs and challenges compared to those of boys.

Mental health issues

BYDC young people who demonstrate behaviours consistent clinical mental health conditions are responsible for most of the incidents.

Young people who demonstrate characteristics consistent with attention deficit hyperactivity disorder, oppositional defiance disorder and conduct disorder are involved in large proportions of incidents at BYDC.

The majority of young people in detention were found to demonstrate behaviour consistent with conduct disorder and these young people were responsible for more than 90% of incidents. This was followed by those young people displaying characteristics of oppositional defiance disorder and attention deficit hyperactivity disorder who were involved in more than two-thirds of incidents.

3.2 Centre factors associated with incidents

Population fluctuations and overpopulation

Growth in population numbers at BYDC result in corresponding incident increases, with periods of overpopulation also linked to the occurrence of more serious incidents and major disturbances.

Population fluctuations at BYDC were found to have a predictable impact on incident rates at BYDC, with increasing populations increasing the rate of incidents and decreasing populations decreasing the rate of incidents.

Centre factors associated with incidents at BYDC

- Population fluctuations and overpopulation
- Use of force

This analysis found a link between BYDC operating over optimum capacity and the occurrence of critical incidents.

Use of force



Overall, BYDC is much less likely to use force in an incident compared to CYDC; however use higher proportions of Level 4 force in incidents.

When compared to CYDC, the analysis has shown that BYDC staff are much less likely to use force in incidents. However, if BYDC do use force, it is more likely to be Level 4 force.

3.3 *Other key findings*

Staffing profile

In general, the BYDC staffing profile reflects an older and more experienced workforce, however BYDC also has the highest absenteeism rates compared to CYDC.

Examination of the BYDC staffing profile has shown that more than half of BYDC staff are aged over 35 years, with more than half having more than five years public service experience. The staffing profile also highlighted slightly higher absenteeism at BYDC.



PAC Plus Strategy

Reducing incidents of violence in
Queensland youth detention
centres
2014 -15



1. Strategy vision

Youth detention centres are established under the *Youth Justice Act 1992* to protect the safety of the community, provide consequences for offending and prepare detained young people to live productively in the community.

The department is committed to protecting and promoting the safety of young people and staff in youth detention centres.

Delivering on this responsibility presents a unique challenge. The department recognises that youth detention staff will be confronted with violent and potentially violent incidents involving young people in their care.

Whilst violence cannot be eradicated given the nature of the youth detention environment, it can be significantly reduced through strengthened incident prevention, de-escalation and intervention options, mandatory staff training and effective management practices.

In 2013, the department made significant progress in delivering on its commitment to the safety of young people and staff with the introduction of the Protective Actions Continuum (PAC). PAC provides youth detention operational staff with the most effective prevention and management intervention options, tools and techniques to respond to incidents. Staff are trained and assessed on an annual basis on all aspects of PAC to ensure incidents are resolved as safely as possible.

While PAC has made a significant difference to the way in which incidents are responded to, there is still more that can be done to make the centres safer.

In establishing the PAC Plus Strategy, it is the department's intention to create a more strategic, comprehensive approach to reducing incidents of violence in youth detention centres.

Accordingly, this Strategy establishes five action areas that will focus our efforts to systematically reduce, as far as possible, incidents of violence in youth detention centres:

- leadership and culture
- learning and development
- tailored young person management
- monitoring and governance, and
- safe by design

A range of possible strategies have been identified for each action area. These strategies will require careful consideration by the Youth Detention Governance Committee, with a view to identifying and prioritising those that will be of most benefit. Once these are agreed to, this document will be updated and finalised.

To achieve the Strategy's objectives, the Youth Detention Governance Committee members (and their respective teams) will need to work in partnership at a strategic, operational and resource level to ensure the action areas receive the necessary direction and support required for success.

2. Principles

Underpinning the vision are the following core principles:

- the safety and security of youth detention centres is paramount
- all staff play a role in keeping youth detention centres safe
- clear and widely understood policies and procedures specific to reducing violence in youth detention centres are essential to creating a safe environment
- consultation, information sharing and engagement with staff about the Strategy are critical to its success
- the monitoring, review and improvement of youth detention performance, practices and capabilities are critical, and
- the proactive management of risk(s) known to increase incidents and or their severity, must be prioritised by each centre's management team.

3. Key strategy drivers

Overarching

- PAC has made significant improvements to the safety of youth detention centres, but there is still more that can be done to optimise safety outcomes for staff and young people.
- Incident/s causes are often hypothesized, but rarely evaluated from a systemic perspective. By increasing our understanding about what causes or exacerbates an incident, we will increase our capacity to take an evidence-based approach to preventing and reducing incidents of violence.
- Given that the department's resources are limited, responses to reduce incidents need to be targeted at areas where they can have the most impact.

Issue specific

- A detention centre effect exists with young people at CYDC causing:
 - 3.2 more incidents per 100 days in detention than those at BYDC
 - 1.3 more violent incidents per 100 days in detention than those at BYDC.
- The research has identified a range of young person factors that increase the likelihood of incident involvement, specifically:
 - being a violent offender aged 10 to 13 years
 - being on remand
 - any young person charged with a sexual offence
 - young people exhibiting characteristics consistent with conduct disorder are responsible for and/or involved in approximately 90% of all incidents.
- Structural and operational change at the centres has the potential to increase serious incident rates. For CYDC, a 'transitional effect' occurred following the transition from the old facility to the new facility in late 2013, with a number of serious and critical incidents occurring within a relatively short timeframe of the transition.

4. Developing the strategy

This strategy has been developed through a process of consultation and the examination of incident trends across both youth detention centres since 1 July 2011.

The purpose of this analysis was to determine not only why incidents occur but also the where, when and how many incidents occur. This analysis in turn, has informed the development of this Strategy to assist the Youth Detention Governance Committee to identify and prioritise solutions.

Research was also conducted to determine the strategies applied in other jurisdictions in order to reduce incidents of violence in juvenile and adult custodial settings.

5. Research findings (problem definition)

5.1 Analysis of incidents at Brisbane and Cleveland Youth Detention Centres

YDO analysed approximately 10, 000 incidents that occurred from 1 June 2011 to 31 March 2014 to identify trends and issues related to incident causation, management and outcome.

The findings of this analysis are available in both summary version and in full. These reports are available on request from Youth Detention Operations. Key findings of the incident analysis are summarised below.

Cautionary notes

It is critical that this data is interpreted within its proper context. Further interrogation of the data may be required to identify additional causal and contributing factors to trends. This is currently being considered by Youth Detention Operations and Youth Justice Performance and Reporting.

Comparing the performance of each of the centres to one another is not ideal. Just because one centre has a higher rate than the other, does not necessarily mean that the rate is too high/too low. Establishing performance benchmarks for the centres will assist in addressing this issue. This is likely to be completed by the Youth Justice Performance and Reporting Team by July 2015.

General overview

Assaults are the most common type of reportable incident for both BYDC and CYDC. The rate for incidents of this nature has increased at both centres over time; however, this increase has been more significant at CYDC when compared to BYDC.

For BYDC, a clear link was found between increases in population to increases in incidents. However, this was not found for CYDC; with incident trends fluctuating independently to population trends.

Detention centre differences

A detention centre effect exists with young people at CYDC causing:

- 3.2 more incidents per 100 days in detention than those at BYDC
- 1.3 more violent incidents per 100 days in detention than those at BYDC.

Age

Young people aged 10 to 13 years at both centres were responsible for the greatest daily rate of incidents per 100 young people compared to all other age categories. This age group caused the highest rate of violence related incidents.

A detention centre effect was present with CYDC having twice the rate of 10 to 13 year olds involved in incidents, compared to 10 to 13 year olds at BYDC.

Early onset violent offending

Young violent offenders cause more incidents, with the earlier the age of onset of violent offending having the most pronounced effect (those aged 10-13 years). These findings were similar across both detention centres.

Incident causing density

Young people who cause more than 10 incidents a year (across single and multiple admission episodes) represent some of the most challenging young people in youth detention. This appears to be more of an issue at CYDC compared to BYDC. For example, the maximum number of incidents caused by a single young person from 1 July 2013 to 31 December 2013 was 41 at BYDC, but was 76 at CYDC.

Indigenous status

Indigenous status was also found to have some impact on incident involvement. Across both centres, non-Indigenous young people were found to cause more incidents than Indigenous young people. The effect was more pronounced at CYDC, with non-Indigenous young people at CYDC causing a higher rate of incidents than non-Indigenous young people at BYDC.

Sexual offenders

In general, young offenders charged with a sexual offence account for the highest mean averages of incidents compared to all other incident classifications. This suggests that young offenders charged with sexual offences represent a more challenging cohort of young offenders in detention.

Conduct disorders

The majority of young people in detention exhibit characteristics consistent with conduct disorder. These young people are responsible for and/or involved in approximately 90% of all incidents. BYDC accommodates more young people with conduct disorders than CYDC.

Episode duration

The majority of incidents resolved using the application of force, involve young people who have spent more than six months in detention.

Two-thirds of young people at CYDC who have spent more than six months in detention have been involved in incidents using force compared to less than half at BYDC. This finding indicates that it is the young people who have been in detention for the longest periods of time who are causing the most serious types of incidents at CYDC.

At BYDC the frequency of incident involvement flattens out after one month in detention; whereas at CYDC it continues to rise gradually and peaks with those who spend 6 to 12 months in detention.

Long term remand

PAC Plus Strategy - Reducing incidents of violence in Queensland youth detention centres

The greatest proportion of incidents at both detention centres involving the use of force by staff to resolve the incident occurred amongst remanded young people who had been in detention for between 3 months and 1 year.

Staff

Male and female staffing ratios are similar across both detention centres. CYDC has a higher proportion of Indigenous staff.

CYDC employs a higher proportion of staff aged 25 years and under, compared to BYDC. Almost two-thirds of the staff at CYDC have less than three years' public service experience, compared to only a quarter of the staff at BYDC.

While more than half of BYDC have more than five years' experience in the public service, less than 20% of staff at CYDC has this level of experience. However, it must be noted that CYDC have completed 7 rounds of recruitment since 2011, compared to only 3 at BYDC.

Absenteeism rates are higher at BYDC; while CYDC has a higher rate of staff separations¹.

5.2 General findings about causes and prevention of violence in custodial facilities

The action areas and proposed strategies were also informed by a literature review of prison safety plans and general research about causes and prevention of violence in custodial facilities.

In summary², research indicates that violence in (juvenile/adult) custodial facilities is attributed to by the following factors:

- detainee characteristics
- structural factors related to the design and security of the facility
- situational factors that may prompt/encourage detainees to behave antisocially, and
- management practices (e.g. staffing models, staff skills and training, culture and management style)

Overcrowding is often found to be a contributing factor and not a causal factor of violence.

Research has also found that the most effective way to prevent/reduce violence is to implement strategies that target situational factors, such as:

- improved supervision and movement control
- staff capacity to identify early warning signs of potential violence and their ability to effectively apply de-escalation skills and techniques
- increasing autonomy and providing opportunities for detainees to have a say about daily routine and program participation, and
- effective use of reward and consequence systems (with the use of rewards that increase autonomy).

More evaluation is required to determine the extent to which these findings apply to young people in detention. This will be explored further by YDO in the coming months. This will include the

¹ CYDC undertook an administrative clean-up for separation data which has contributed to the recent increase.

² Causes and prevention of violence in prisons – Ross Homel & Carleen Thompson, Griffith University and Philipp Walkenhorst, Strategies of violence prevention in juvenile custodial practice in Germany.

establishment of an Advisory Committee to inform on innovative approaches to managing young people’s behaviour whilst in custody.

This group will also explore new detention service delivery models and how behaviour can be managed to maximise rehabilitation outcomes (i.e. whether low/medium security facilities are appropriate for young people, what types of young people would benefit from such a facility etc.). Further details of this work are noted in the actions table below.

6. Strategy objectives

The Strategy objectives will be monitored by the following incident statistics:

Measure	BYDC	CYDC	Total
Violent incident types <i>By: young person on young person and young person on staff</i>			
Alleged minor assaults			
Alleged serious assaults			
Alleged sexual assaults			
Riots			
Roof incidents			
Property damage			
Damage to an accommodation section			
Damage to property or buildings			
Incidents as a proportion of the total			
Incidents where no force was used			
Incidents where force was used			
Incidents where separation was used			
Incidents where restraints were used			
EAS debrief following an incident			

The above measures are currently being incorporated into a formal Youth Detention Quarterly Report (based on the outcomes and performance indicators established in the Youth Detention Performance Framework).

Once developed, findings and issues identified in the quarterly report will be discussed at the Quarterly Performance Review meetings.

7. Action areas

The PAC Plus Strategy establishes five action areas to achieve the vision and objectives. The action areas are:

1. Leadership and culture
2. Learning and development
3. Tailored young person management



4. Monitoring and governance, and
5. Safe by design

The action areas aim to focus our attention and coordinate our efforts through the delivery of efficient programs of activity with clearly understood goals and milestones.

Action required	Why	Who will deliver	By when	How will it be monitored	
LEADERSHIP AND CULTURE					
1.	Managers and supervisors demonstrate a commitment to promoting a culture of safety for young people and staff. This will include clear communication with staff about the Strategy and its objectives and actively supporting staff to develop localised strategies to reduce incidents of violence.	For a safety culture to be successful it needs to be led from the top. By encouraging open and informed conversations about safety, managers and supervisors can create an environment where youth detention staff have a heightened awareness about risk/s and feel that they are empowered to be part of the solution.	BYDC and CYDC management team	Implemented and ongoing	Quarterly Performance Reviews – Centre Directors to discuss implementation.
2.	Supervisors encourage and actively lead debriefing sessions with staff after serious incidents. Supervisors actively promote programs designed to provide professional assistance to staff in dealing with psychological wellbeing issues, e.g. Employee Assistance Service (EAS).	Given the stressful and complex nature of the work performed by youth detention staff, access to regular debriefing and professional support services is essential. Responding to incidents day after day can be draining and diminish the resilience of staff. Some staff may also have a tendency to avoid self-care. Conducting debriefing sessions as part of a team allows the group to share and process why the incident occurred and how they responded to it. The process of group debriefing also allows supervisors to identify staff who require additional support or access to EAS.	Relevant managers at BYDC and CYDC	Implemented and ongoing	Quarterly Performance Reviews – Centre Directors to discuss implementation Data will be provided from DCOIS to support this discussion.
3.	Staff hosting between the centres. This will aim to: <ul style="list-style-type: none"> gather information about shared and divergent practices transfer of skills in specific areas of expertise unique to one centre (e.g. in instances where one centre does something really well, this can be shared with the other centre) differences between the centres to inform further work in this area improve collaboration between the centres. 	Sharing incident management insights between the centres will assist in the identification of actions for this Strategy.	Relevant officers	BYDC Director visited CYDC week beginning 25 August. CYDC Director visited BYDC week beginning 15 September. Report will be	Quarterly Performance Reviews – Centre Directors to discuss outcomes of visit.

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				drafted identifying learnings from visit.	
4.	<p>Monthly Liaison Meeting between BYDC and CYDC to review, discuss and action practice consistency issues.</p> <p>This group will also determine future staff to participate in the 'staff hosting' item.</p> <p>Staff attending Monthly Liaison Meeting will include the Executive Director, Deputy Director, Manager, Monitoring and Compliance and Manager, Business Support.</p>	The Monthly Liaison Meetings will build on the learnings gained through the 'staff hosting' action and provide a forum to drive practice innovation and problem resolution.	CYDC and BYDC Executive Director and relevant Managers.	To commence in October 2014	Quarterly Performance Reviews – Centre Directors to discuss.
LEARNING AND DEVELOPMENT					
5.	Leadership and Development Program for Managers and Supervisors - ensure officers in supervisory positions attend leadership development opportunities.	Linked to Action no. 1 and 2. Training and development ensures that supervisors are aware of all of their management responsibilities and have the confidence to lead debriefing sessions, identify unsafe work practices and understand their role in developing solutions to improve safety.	YJCL has developed the program. HR Managers at each centre to ensure attendance.	As scheduled throughout 2014-15.	Action to be considered in the development of an expanded HR Management Plan for each centre. Attendance data can be reported through Quarterly Performance Review process.
6.	Mentoring program for CYDC staff who are new to supervision	CYDC have greater numbers of younger and less experienced staff than BYDC. This may be a contributing factor to the higher incident rate and the way that complex behaviours and incidents are being managed at CYDC.	CYDC Management Team	Currently being developed	Action to be considered in the development of an expanded HR Management Plan for each centre. Quarterly Performance Reviews – CYDC Centre Director to discuss implementation
7.	Consideration of the 2014 ROGS finding that the rate of assaults on Indigenous staff is considerably	Understanding this finding more may provide some critical insight into ways to further	CYDC and BYDC Executive Director	To be discussed at November or	Quarterly Performance Reviews – Centre Directors to

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	less than the rate of assaults on non-Indigenous staff. Consideration of why this might be the case. YDO and P&R to provide relevant data to Centre Directors	reduce staff assaults.	and relevant Managers – via the Monthly Liaison Meetings	December 2014 meeting	discuss. Incident statistics
8.	Consideration of the 2014 ROGS finding that the number of non-Indigenous staff and young people injured as a result of an assault is more than double the number of same measure for Indigenous staff and young people. YDO and P&R to provide relevant data to Centre Directors	Understanding this finding more may provide some critical insight into ways to further reduce staff assaults.	CYDC and BYDC Executive Director and relevant Managers – via the Monthly Liaison Meetings	To be discussed at November or December 2014 meeting	Quarterly Performance Reviews – Centre Directors to discuss. Incident statistics
TAILORED YOUNG PERSON MANAGEMENT					
9.	Establishment of a Behaviour Support Team (BST) at each youth detention centre.	Analysis shows that tailored management of young people with high risk behaviour is required. The BST's at each centre will lead this work.	BYDC CYDC	Completed	Completed – teams established
10.	BST's to develop targeted strategies to manage young people identified at high risk of incident causing behaviour. This may include targeted strategies to manage: <ul style="list-style-type: none"> • non-Indigenous boys at CYDC • sex offenders • 10 to 13 year olds. Strategies may include variations to daily routine, program participation, behaviour intervention plans, behaviour panels and restorative justice approaches.	As noted for Action No. 8	BST's at each centre	Ongoing	Quarterly Performance Reviews – Centre Directors to discuss specific strategies developed by their BST's. Incident statistics
11.	Policy project to embed trauma-informed care principles into youth detention service delivery.	Traumatic childhood experiences are extremely common amongst young people in	YDO in consultation with BST from each	To commence in October 2014	Updates to BoM

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	<p>This will include exploring ways to improve/create:</p> <ul style="list-style-type: none"> • a risk screening/management system (see Action no. 10), • effective interventions (linked to Action No. 12) • accommodation and management support options (linked to Action No. 13), and • appropriate and motivating incentives for young people in youth detention. <p>Once this is established, staff training needs will also be considered by YJCL.</p> <p>The project will be informed by an Advisory Group (comprised of external mental health and behavioural experts) who will assist in the development of policy and practice changes.</p>	<p>youth detention. Trauma informed care acknowledges that these experiences have had a profound impact on their functioning and behaviour.</p> <p>The finding that 90% of young people involved in incidents have a conduct disorder of some kind indicates how prevalent the issue of trauma may be for young people in youth detention.</p>	centre		
12.	<p>Development of an individual risk management tool (to replace SIYP process)</p> <p>Will be informed by the incident analysis and the characteristics that may make a young person more predisposed to incident-causing behaviour.</p> <p>The new tool must also consider the YLS/CMI risk assessment tool and how the two risk assessment tools might work together to inform a complete care plan for the young person.</p>	<p>The incident analysis highlighted a number of variables which may be used to predict whether certain types of young people are more likely cause an incident.</p> <p>This evidence can now be used to inform the development of risk management tool that will enable better identification of young people that may pose a high risk to the safety and security of the centres. As part of the process to develop the tool, regression analysis will be used to identify causation versus correlation.</p>	YDO in consultation with BST from each centre	To commence in September 2014	Updates to BoM
13.	Development of tailored programs to meet young people's behavioural needs	Programmatic responses will help young people to better manage their behaviours.	BYDC and CYDC program and casework teams	Ongoing	Quarterly Performance Reviews Proactive monitoring reviews
14.	Unit configuration at CYDC	CYDC has a higher density of incident-causing	Girls Transition	To commence in	Quarterly Performance

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	<p>CYDC to explore whether configuring the units in a different manner will assist in reducing incidents. Unit configuration may also need to be considered in the context of girls transitioning to CYDC in 2015.</p> <p>Further analysis to occur as part of this process to identify unit specific issues at CYDC.</p>	<p>young people.</p> <p>Further exploration of unit configuration and dynamics (including learnings from BYDC) may assist to reduce incidents.</p>	<p>Working Group (YDO, BYDC, CYDC and YJCL)</p> <p>Local level actions to be led by the CYDC BST and Unit Managers</p>	<p>September 2014</p>	<p>Reviews</p> <p>Incident statistics</p>
15.	<p>Exploration of the use of the 'Independent Living Unit' as a reward for positive behaviour. This will include:</p> <ul style="list-style-type: none"> policy development (YDO) consultation with centres to determine how to operationalise and how the use of the ILU will work within the greater context of the rewards/consequences system. <p>This project is linked to Action Nos. 9, 10 and 11.</p>	<p>Research shows that autonomy is a highly motivating reward for young people in custody.</p> <p>Ensuring the centres have this option as part of its rewards/consequences model should motivate more young people to behave in a positive manner.</p>	<p>YDO – policy</p> <p>Centres - implementation</p>	<p>To commence in September 2014</p>	<p>Updates to BoM</p> <p>Quarterly Performance Reviews</p>
16.	<p>Movement control</p> <p>CYDC to undertake a review of structured day/movement control in conjunction with DETE.</p>	<p>Preliminary analysis shows that movements at CYDC are a high risk time for incident occurrence. Improving the ways movements are managed is likely to reduce the number of incidents.</p>	<p>CYDC – Shift Supervisor</p>	<p>To commence in September 2014</p> <p>To finalise by December 2014</p>	<p>Quarterly Performance Reviews – CYDC to discuss review and outcomes</p>
17.	<p>Managing future transitions/ unit expansions at CYDC</p> <p>Specific strategies to be devised by CYDC staff to identify risks associated with these transitions and mitigating these as much as possible.</p>	<p>Following completion of the stage one expansion in October 2013, a number of serious and critical incidents occurred within a relatively short timeframe of the transition.</p> <p>Two more expansions are planned for CYDC in late 2014 and July 2015.</p>	<p>Girls Transition Working Group to be established (as referenced above)</p>	<p>In time for when new units open (late 2014 and July 2015)</p>	<p>At upcoming Quarterly Performance Reviews following each transition.</p> <p>BoM updates</p>
MONITORING AND GOVERNANCE					
18.	<p>Incident trends are measured on a monthly basis and outcomes are discussed locally and during Quarterly Performance Reviews.</p>	<p>Need to monitor incident trends to determine emerging issues and determine whether management strategies are effective.</p>	<p>YDO to report on incident trends monthly. Report to be provided to YD Gov Committee.</p>	<p>Immediately – deliver July to Sept quarter report in October.</p>	<p>Quarterly Performance Reviews</p> <p>YD Governance Meetings</p>

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19.	Development of 'threat level' system for youth detention centres which will allow centre management to better identify systemic risks and mitigate these. System will be informed by incident analysis and the variables identified as leading to more serious incidents.	Youth detention is a high risk service delivery environment. Centre management require more robust and sophisticated tools to identify and manage this risk (and the interaction of many risks that can lead to very serious incidents).	YDO and YJPR	To commence in November 2014	BoM updates
20.	Rostering review and further incident trend analysis	BYDC currently operates on a 12 hour roster and CYDC operates on an 8 hour roster. Further analysis needs to occur to determine whether shift handover potentially contributes to incidents (and CYDC's higher rate of incidents due to the higher number of shift handovers each day).	Contestability Team – Rostering Review Findings and further analysis will then need to be considered by the YD Governance Committee.	Rostering Review to be completed by November. Further incident analysis to occur by October.	Renewal project updates Further discussion at the Quarterly Performance Reviews and YD Governance Committee
SAFE BY DESIGN					
21.	Implementation of roof access barriers at BYDC and CYDC	Roof incidents pose a very high safety risk to young people and staff. All efforts must be made to prevent these incidents as far as possible.	Facilities	To be implemented by March 2015	Quarterly Performance Reviews Data about reduced numbers of roof incidents.
22.	Use of guard dogs patrolling the construction site at CYDC during times when there is a higher risk of incidents	Incidents in and around the construction site pose a very high safety risk to young people and staff. All efforts must be made to prevent these incidents as far as possible.	CYDC Facilities	Completed – Dogs will stay at the centre until all construction is completed.	Incident statistics
23.	Reconfiguration of the centres Procure the services of an architect to determine whether/how the current centres can be reconfigured to improve safety, security and rehabilitation outcomes. This may lead to the creation of mini-centres	Both BYDC and CYDC operate almost permanently over safety capacity levels and have done so for the past two years. To keep young people and staff safe, it is necessary to have capacity to keep certain young people separately accommodated (girls from boys, competing gang members etc). Young people can be transferred into different	Contestability Team YDO Facilities	Currently underway	BoM updates Renewal project updates

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	within the one precinct.	accommodation units in response to security requirements only when the centres operate at less than full capacity. The inability to control behaviour through the flexible use of accommodation escalates the safety and security of the centres. It also significantly impairs the rehabilitative outcomes possible through detention.			
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DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
MEMORANDUM

TO: John Sosso, Director-General
FROM: Sean Harvey, Assistant Director-General Youth Justice
SUBJECT: Youth Detention Centres – Oversight and Inspection
DATE: 20 October 2014

PURPOSE

To provide you with an **update** on the outcome of the preliminary business case into the Youth Detention Centre (YDC) oversight and inspection process.

BACKGROUND

The youth detention contestability and renewal project was established in January 2014 to examine contestability options for youth detention centres.

The project team conducted a review of the oversight and inspection model and identified duplication and a lack of alignment between Youth Justice, Youth Detention and Youth Detention Inspectorate performance frameworks and inspection processes.

ISSUES*Preliminary Business Case*

A number of improvements to the YDC oversight arrangements have been introduced since January 2014, these include:

- the YDC Performance framework;
- YDC operation within Service Level Agreements;
- Pro-active monitoring reviews of YDCs; and
- Quarterly Performance Reviews of each YDC commencing in November 2014.

Following the introduction of these enhanced oversight arrangements it was necessary to review the current YDC inspection process to ensure alignment with these improvements.

The preliminary business case recommends the transfer of responsibility for the YDC inspection function to Youth Detention Operations to introduce a pro-active, data driven, scheduled inspection process that is integrated into the overall oversight framework.

A copy of the preliminary business case is at **Attachment 1**.

Briefing Officer Gary Wilson
Senior Business Analyst
Youth Detention Contestability

Approved by Julie Kinross
Executive Director, Youth Justice

Telephone 01 303 30822
R17100212: File 1 Page 65

Date 13 October 2014

RECOMMENDATION

That you note the findings of the preliminary business case into the YDC oversight and inspection process and **approve** the development of a full business case to transfer the responsibility for the YDC inspection function to Youth Detention Operations.

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Signed:		
John Sosso Director-General		
Date:		

Briefing Officer Gary Wilson
Senior Business Analyst
Youth Detention Contestability

Approved by Julie Kinross
Executive Director, Youth Justice

Date 13 October 2014

Youth Justice

Youth Detention Centres Oversight and Inspection

Preliminary Business Case
October 2014

Version Control

Authority	Assistant Director-General, Youth Justice		
Author	Gary Wilson, Senior Business Analyst		
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Introduction

The Director-General is required under section 263 of the *Youth Justice Act 1992 Qld* (the Act) to monitor and inspect each detention centre at least every three months. This requirement was promulgated following the recommendation of the Commission of Inquiry into Abuse of Children in Queensland Institutions (the Forde Inquiry) in 1999. The former Department of Families established two full time Inspector positions (the Inspectorate) to undertake observation based inspections of Queensland Youth Detention Centres.

The Inspectorate has remained in place for over 15 years without review despite significant developments in the operation and monitoring of detention centres. In light of the substantial overhaul of oversight arrangements after the Callinan-Aroney review and the Queensland Child Protection Commission of Inquiry (the Carmody Inquiry) in 2013, a review of the current method of detention centre inspections is warranted to ensure;

- the original objectives remain valid;
- it is acting to safeguard the wellbeing of children detained;
- they adequately fulfil the legislative requirement of the Chief Executive; and
- they are aligned with and do not duplicate other new comprehensive performance management and monitoring frameworks.

This paper outlines the holistic monitoring, inspection and oversight functions and focuses on the inspection aspect of the process, identifying issues in current inspection processes and providing a potential enhanced alternative. This paper's recommendation aims to ensure the Chief Executive Officer fulfils his responsibility to provide for the safety and security of young people held in detention centres in a more effective and efficient manner.



Executive Summary

The continuation of a supported model of oversight and inspection for Youth Detention Centres (YDC) remains essential to ensuring youth justice goals and outcomes are met while preventing or minimising the risk of institutional failures.

The history of youth detention in Queensland and recommendations from several formal reviews highlight the importance of ensuring different levels of oversight. This report explores methods of making the oversight process more efficient and effective, not reduce the level of oversight of the YDCs.

Detention centre operations are being revitalised in line with the Government's contestability framework which requires that opportunities and alternatives for improving service delivery methods are assessed. It is therefore appropriate that the current Youth Detention Inspection process is considered within the scope of renewal initiatives within the department. A review of the oversight and inspection model has identified duplication and lack of alignment between Youth Justice, Youth Detention and Youth Detention Inspectorate performance frameworks.

The recommended transition to an enhanced inspection process will introduce a pro-active, data driven, scheduled approach that is integrated with other governance structures, able to identify existing and forecast emerging issues.

The introduction of a more efficient and effective YDC oversight framework which is responsive to the new external oversight environment will ensure DJAG is fulfilling its legislative requirement to responsibly provide for the security and management of detention centres and the safe custody and wellbeing of children detained within them. The key benefits of the enhanced inspection process, includes the potential to improve value for money to the community, reallocate resources to frontline service delivery and revitalise detention services.

This business case recommends the transfer of responsibility for the YDC Inspection function to Youth Detention Operations (YDO) with a direct reporting relationship to the Assistant Director-General Youth Justice. The introduction of this recommendation will require the disestablishment of the two current youth detention inspector positions and the creation of a new position of Principal Operational Inspector within YDO for a fixed term not exceeding 3 years. In addition to this, the allocation of a 0.5 fte position at each of the two YDCs as a Senior Adviser Monitoring and Compliance will enable a more pro-active approach to the review of these centres and assist in minimising the risk of issues developing at these centres. This proposal is cost neutral.

1. Part 1: Problem

1.1 Definition of the problem

Oversight of Queensland's youth detention centres (YDCs) is a vital function to prevent and minimise institutional failures in the youth justice system. The different levels of oversight have grown and adapted since the introduction of the *Youth Justice Act 1992* (YJ Act), however this has occurred in an uncoordinated manner. This has resulted in inefficiencies and duplication in the oversight process that need to be addressed.

Problem 1: Oversight burden

There are currently 7 bodies with some oversight role of youth detention centres in Queensland. (see Table 1 for an overview of each agency's functions). The current process involves a complicated and inefficient series of reporting arrangements which lead to multiple investigations and duplication in reporting about issues which may have been resolved at a local level in the first instance.

A 2014 recommendation of the Children's Commissioner to make the detention centre role of Manager, Monitoring and Compliance more proactive was made in circumstances where 90% of the role is currently taken up with external reporting to the afore mentioned oversight bodies. This role was originally established following recommendations made by the Forde Inquiry to better monitor internal detention centre processes and ensure both legislative and policy compliance.

Problem 2: Lack of alignment

The department, through Youth Detention Operations (YDO) ensures its policies, guidelines and standards in youth detention centres are in accordance with Australian Juvenile Justice Administrators Association (AJJA) standards.

A comprehensive Performance Framework has been developed by Youth Justice to better monitor detention centre services and outcomes. This framework incorporates 6 objectives, 32 outcomes and 62 key performance indicators.

The department's inspection process is not integrated with this performance framework and could also be better aligned with the AJJA standards to better reflect the adequacy of supervision of the area. Standards that apply to other Australian youth detention inspection bodies have not been implemented in Queensland, such as timeframes for inspections and time limits on inspection staff.

Problem 3: Inspection focus

There is a lack of transparency in how the current detention centre inspectorate targets its work and the reasons for this. The guidelines, parameters and processes for the inspection and reporting process could be clearer. For example, the lack of clarity has led to issues resolved satisfactorily at the local level being raised by the inspectors and referred to external bodies. Another example involves recent reports to the Director-General being based on data collated by the inspectorate which were reported without adequate context and based on personal observations, subjectively interpreted and reported.

This method of inspection does not accurately represent the situation at the YDCs and lacks rigour, objectivity and contemporary data driven methodology. For example data driven risk profiling could better target resources. The inspector's reports are provided to the Director-General without the Assistant Director-General being provided with an opportunity to comment on the findings and recommendations. This differs from the process for Queensland Corrective Services where the inspectorate reports directly to the Deputy Director General QCS. This results in the Inspectorate covering topics as broad as general maintenance,

workplace health and safety and human resource issues which are beyond the scope of expertise and beyond the original child welfare objectives.

The current arrangement exposes the department to risks:

- involvement of inspectors in day to day management as well as external complaint handling processes;
- duplication of performance monitoring occurring by inspectors and YDO (as discussed above in problem 1); and
- No clear authority or reference point regarding oversight. The duplication of roles and lack of clear hierarchy has resulted in conflicting advice and reports to the Director-General.

1.2 Evidence of the problem

1.2.1 Oversight burden

The current oversight process involves several different oversight bodies. Ethical Standards provides staff disciplinary oversight, the CCC provides corruption oversight, the Department’s inspectorate has frequent and regular access to the centres, the Community Visitors have frequent and regular access to children, the Ombudsman provides general oversight and Youth Detention Operations monitors the centres service delivery and performance. Centre based management oversight is led locally by the Manager, Monitoring and Compliance, while serious incidents are investigated by the centre with oversight by the serious incident panel with outside participants. In addition, DJAG internal audit also undertake audits of all finance, accounting and IT systems within detention centres to ensure compliance with legislation and policy. Despite the Callinan-Aroney review the number of oversight bodies continues to burden detention centres with inefficiencies that add little value.

Youth Detention Centres – Oversight Arrangements

Authority	Oversight Objective
Crime & Corruption Commission	<ul style="list-style-type: none"> • Assessment and investigation of individual and systemic misconduct and official misconduct.
Qld Ombudsman	<ul style="list-style-type: none"> • Complaints resolution
Public Guardian	<ul style="list-style-type: none"> • High level oversight • Community Visitor program – approx. 4 hours per week in YDCs <ul style="list-style-type: none"> ○ Try to deal with issues on site • Act as advocate for young people in more serious issues • Conduct investigations and publish reports <ul style="list-style-type: none"> ○ 2014 report into use of separation ○ 2011 Views of young people in detention • Monitoring role • Audits and reviews systems, policy and practices in child protection system.
Ethical Standards Unit	<p>Youth Detention Inspectorate (within ESU)</p> <ul style="list-style-type: none"> • Quarterly inspections <ul style="list-style-type: none"> ○ Identify and assess issues raised by staff ○ Reporting of findings and recommendations <p>Ethical Standards Unit</p> <ul style="list-style-type: none"> • Investigate official misconduct
DJAG Internal Audit	<ul style="list-style-type: none"> • Charter of full systems and operational audit

High level and holistic oversight

Youth Detention Operations	<ul style="list-style-type: none"> • Reporting for statutory obligations • SLAs to include performance measures re: <ul style="list-style-type: none"> ○ Safety and security of YDCs ○ Incident management ○ Use of force, separation, restraint; • Critical incidents & emergency response
YDC Monitoring and Compliance	<ul style="list-style-type: none"> • On site management of monitoring and compliance <ul style="list-style-type: none"> ○ Part of YDC Management team • Focus on YDC policies and centre rules • Deal with both complaints management and staff issues <ul style="list-style-type: none"> ○ Can resolve issues locally – work closely with Community Visitors to address issues locally

The oversight arrangements in Australian jurisdictions are detailed in Appendix A. Queensland has the highest inspection frequency requirement (every quarter) than any other jurisdiction where the frequency of inspection is between once a year in New South Wales and once every three years in Western Australia. Whether or not this frequency remains necessary in Queensland should be reviewed.

1.2.2 History of oversight arrangements

A number of changes to youth detention oversight arrangements have been introduced over the past 50 years; significant changes during this time include:

Year	Change
1965	The <i>Children's Services Act 1965</i> when introduced established the Department of Children's Services and included a scheme of 'visiting justices'.
1992	In 1992, following the introduction of the <i>Youth Justice Act 1992</i> , the visiting justices scheme became the official visitors' scheme for detention centres. Two official visitors were appointed to each centre and they were required to visit once a month.
2000	The official visitor scheme first became independent of the department when it was transferred to Children's Commissioner in 2000 under the <i>Commission for Children and Young People and Children's Guardian Act 2000</i> . Official visitors currently spend around four hours a week at each detention centre.
2002	<p>Notwithstanding the presence of official visitors in detention centres, the Commission of Inquiry into Abuse of Children in Queensland Institutions (the Forde Inquiry) found serious shortcomings in the detention centres meeting legislative and acceptable standards in the care and rehabilitation of children. Recommendation 17 of the Forde Inquiry was for a legislative requirement that the department conduct regular inspection and monitoring of residential care facilities and juvenile detention centres. This provision was inserted in Youth Justice Act 1992 in 2002 with a specified requirement that these inspections occur once every three months.</p> <p>In this, Section 263(4) of the YJ Act sets out that "The chief executive must monitor the operation of the detention centres and inspect each detention centre at least once every 3 months."</p> <p>Since that time, the department has had two full time permanent inspectors appointed with the current incumbents holding these roles for a number of years.</p> <p>The community visitor scheme was formerly administered by the CCYPCG and entails appointed visitors attending YDCs, speaking with staff and children in detention to identify and help to resolve issues facing young people in detention.</p>
2014	As of July 1 2014 administration of the community visitor program transferred to the Public Guardian under the Public Guardian Act 2014. The Public Guardian has indicated no change to the implementation of this program.

The history of youth detention in Queensland and recommendations from several formal reviews highlight the importance of ensuring different levels of oversight. This report explores methods of making the oversight process more efficient and effective, not reducing the level of oversight of the YDCs.

1.2.3 Lack of alignment

An issue identified in the oversight process is that the youth detention inspectorate process does not align with the operational practice at the YDCs. That is, inspectorate reporting consistently raises issues or provides recommendations without taking into account changes in YDC policy or work that is already being undertaken to address issues. For example, a recommendation made in a recent inspection report (B0312-4) stated there was no requirement to review serious incidents that occurred at YDCs. This failed to consider the implementation of a serious incident review board and that serious incidents were dealt with in several YDO and centre policies. Inspectorate recommendations made without providing or taking into account the operational or policy context may misrepresent what is actually occurring at YDCs. YDCs do not operate in isolation and are subject to whole-of-government and departmental strategic direction in the delivery of their services. Recommendations that take into account the context of the youth justice system would be more valuable. This suggests a need for much closer alignment of the youth detention inspectorate with YDO procedures and a much closer relationship to ensure the inspection recommendations are informed and practical.

As part of its quarterly reporting function, the youth detention inspectorate does not routinely seek input from YDO before completing reports. This means potentially inaccurate and misleading information is presented to the Director-General and published. This issue is exacerbated as YDO and the inspectorate operate under different performance frameworks. Alignment of frameworks would allow for a more focussed and valuable oversight function from YDI that takes into account YDO policies and actions. It would mean that the detention centres can build on and enhance current practice without having to implement recommendations that are not well adapted to operations.

Further, there is a lack of consistency in YDI recommendations, with greatly varying recommendations between the two YDCs. While operational practice may necessarily differ between BYDC and CYDC, providing recommendations that result in an inconsistent application of policies or actions between centres is not optimal. This may also be indicative of the nature of inspectorate recommendations. The objective of an efficient and streamlined inspection process should always be to drive common and best practice across these businesses.

1.2.4 Inspection focus

The recommendations of the Forde Inquiry focused on the use of lockdowns, isolation and behaviour management in general. The recommendation for an internal departmental inspectorate was aimed at ensuring that systems within the centres did not operate to the neglect or harm of children. It provided an 'independent' internal check in the face of an identified inadequacy of the external oversight.

The focus of current inspections has expanded to cover a wide range of activities, many of which are not directly related to the oversight of YDC functions in managing the safety and security of young people in detention centres. For example, the December 2013 Quarterly Inspection Report included recommendations regarding such wide-ranging topics as:

- Review of staff absenteeism (CY0613-02)
- Cleaning the pool area of duck excrement (B0312-5)

- Toilets at the Children’s Court cells (which are not under YDO jurisdiction) (B0312-9)
- The design of the BYDC control room regarding workplace health and safety (B0312-10)
- Proportion of permanent staff vs temporary staff (B0612-7)

Some of these topics may be related to the health and well-being of children but this does not appear to be a part of a cohesive, articulated performance framework. In previous reports other recommendations on issues considered outside the role of the inspectors were also made, including areas such as nutrition, human resources and workplace health and safety. The expansion of the inspectors’ focus to include the day-to-day running of YDCs and other issues outside their expertise has diluted their effectiveness in providing valuable oversight recommendations.

It is recommended that inspections should focus on the areas of inspection outlined in *Youth Justice Regulation 2003* – in particular separation, restraint and use of force and other areas critical to the safe and humane detention of young people. Reports should be informed by YDO quarterly reporting which will help to direct focus towards where issues may be arising. The YDC Service Level Agreements (SLAs) implemented on 1 July 2014 and the YDC Performance Framework currently being implemented will also help to guide governance of the inspection process.

1.3 Timing considerations

Legislative changes to the role of the Child Guardian, including the merging of its role with the Adult Guardian to form the Public Guardian also came into force on 1 July 2014.

The SLAs between the Youth Detention Centre management teams and the Assistant Director-General, Youth Justice were endorsed and commenced operation on 1 July 2014. Under the SLA, detention centre management teams are required to meet with a panel comprising the ADG Youth Justice and YDO representatives every three months to demonstrate and evidence that they are practically delivering services to the standards prescribed in the agreement. The SLA comprises 39 individual service standards across 7 focus areas which include:

1. Organisational effectiveness and innovation;
2. Safety and Security,
3. Rehabilitation,
4. Finance, budget, assets,
5. Leadership and culture,
6. Human resources, and
7. Facilities management.

The purpose of the SLA is to establish the detention centres as distinct business entities, at arm’s length from the department and operating on a payment by outcomes basis. The scope of the service standards are comprehensive and rigorous and seek to better ensure the departments required outcomes are met whilst managing risk and protecting the broader interests of the department and government.

A proactive monitoring process to be supported by a fixed range of quality assurance reviews has also been implemented within each detention centre as a support mechanism to the SLA. The objective of this tool is to revitalise internal local monitoring processes and

focus detention centres on proactively managing their critical obligations under legislation and policy. The critical areas constituting each quality assurance review are taken from the YJ Regulations and incorporate focus areas drawn from the previous Inspection charter in a more structured manner.

The performance framework for youth detention centres is endorsed by the Assistant Director-General Youth Justice and is being implemented in 2014-15. The framework comprises 6 objectives, 32 outcomes and 62 individual performance measures which seek to comprehensively and objectively monitor the holistic service of detention centres. The framework relies upon data that is evaluated in real time centrally by Youth Justice to accurately monitor trends, analyse data, drive improvements and undertake comparison of outcomes. The performance framework is intended to be used to inform quarterly reports on trends in key areas as well as an annual operational performance evaluation of each detention centre to drive service delivery improvements.

This enhanced suite of oversight and compliance arrangements acts to better drive improvements in service delivery and safeguard children held in detention centres. In addition to a revitalised physical inspection framework, this suite of initiatives mitigates the need for the continuation of the existing youth detention inspectorate process.

1.4 Consideration of the broader context

The *Family and Child Commission Act 2014* and *Public Guardian Act 2014* came into force on 1 July 2014. The Acts divest powers currently held by the CCYPCG relating to the oversight of the youth justice system. Responsibility for the community visitor program and advocacy functions for young people in the youth justice system has been transferred to the newly formed Public Guardian.

DJAG had an MOU with CCYPCG regarding information sharing, collaboration and communication regarding both bodies' functions, which expired on 30 June 2014. A new MOU is currently being negotiated with the new Public Guardian. It is envisaged that the individual advocacy role previously undertaken by the Community Visitors will continue. This role will continue to play an integral role in the safeguarding of children held in detention centres.

Recent amendments to the Crime and Corruption Commission (CCC) are further likely to devolve low level misconduct within the public services to respective agency ethical standards branches and through them to operational management. The introduction of the Conduct and Performance Excellence (CaPE) criteria for categorising the seriousness of workplace behaviour are being used by the CCC and DJAG Ethical Standards Branch. It has been agreed that CaPE will be used by YDCs, YDO and the OPG to classify the seriousness of workplace conduct issues to ensure consistent referral and handling by the appropriate entity.



2. Part 2: Benefits

Delivering a more efficient and effective YDC oversight framework which is responsive to the new external oversight environment will ensure DJAG is fulfilling its legislative requirement to responsibly provide for the security and management of detention centres and the safe custody and wellbeing of children detained within them. Streamlining the inspection process has the potential to improve value for money to the community, reallocate resources to frontline service delivery and revitalise detention services.

2.1 Benefits to be delivered

- **Cost savings:** The proposed model will provide savings for the department by having one performance framework against which the detention centres are held accountable and by combining the monitoring and inspection functions within the department. Efficiencies will arise from reallocation of staff currently dedicated to responding to Children's Commissioner and inspectorate demands about the same matters to frontline service delivery to enable proactive monitoring processes.
- **Revitalise compliance function:** The proposed model will revitalise detention centre services by eliminating the reactive nature of responding to complex and duplicated oversight processes and bodies. Alternatively, the new oversight framework empowers and requires detention centre management to demonstrate and evidence their performance and compliance with service standards in a continuous and proactive fashion.
- **Red tape reduction:** The proposed model will streamline oversight arrangements of youth detention centres and remove duplicated layers of oversight and align YDCs with YDO oversight.
- **Improved confidence in service delivery:** the new performance framework will combine early warning indicators and consider current and past performance to provide a quantitative and objective assessment of how the centres are operating. The early warning system will enable the department to implement management strategies to prevent potential issues at centres from escalating. This will be an important aspect of the YDC oversight framework to ensure stable centre operations and to minimise the potential for major incidents.
- **Improved outcomes for young people:** The proposed model will increase reliance on evidence based data and performance measures, reducing the reliance on subjective assessments. The performance framework will enable the regular collation and examination of data which can be used to better target physical inspections. The data will systematically capture information from children and employees to reduce the possibility of bias in the targeting of inspections and the collation of data on which recommendations are formed. Comprehensive regular analysis will also include complaints, incidents, WHS incidents, absenteeism, lockdowns, use of force, and separations. The performance framework will enable the monitoring of youth detention outcomes.
- **Integrated Reporting:** The proposed model will reduce the chance of conflicting information reaching the Director-General. Integrating the inspection process with the monitoring process will ensure that compliance and business improvements

recommendations are practical, appropriate and consistent with the service delivery goals of the department.

- **Improved data availability:** The proposed model will enable centre management to objectively validate business processes and practices by using data to focus business improvement efforts and influence better outcomes. This differs from the nature of current inspections which are reactive and based on merely physical observations and subjective interpretation of issues.

2.2 Importance of the benefits to government:

- **Renewal** – The implementation of this proposal will revitalise frontline detention centre services, deliver improved outcomes to children and the community and better utilise government resources.
- **Effective management of YDCs** – effective management is vital, particularly given the increasing number of children being held in in YDCs and the associated pressures on these centres. A more proactive issues management strategy will reduce the risk of serious issues within the YDCs.

2.3 Interdependencies

2.3.1 Youth Detention Centre Performance Framework

The Youth Detention Centre Performance Framework aligns Youth Justice with the Department of Justice and Attorney General's Performance framework and subsequently with the Queensland Government Performance Framework.

The Detention Centre framework is designed to achieve outcomes for six objectives that cover the living environment; health and well-being; rehabilitation; socialisation and educational development of children; the needs of Indigenous children; and the wellbeing and competence of youth detention staff.

The framework comprises 6 objectives, 32 outcomes and 62 individual performance measures which seek to comprehensively and objectively monitor the holistic service of detention centres. The framework relies upon data that is evaluated in real time centrally by Youth Justice to accurately monitor trends, analyse data, drive improvements and undertake comparison of outcomes. The performance framework is intended to be used to inform quarterly reports on trends in key areas as well as an annual operational performance evaluation of each detention centre to drive service delivery improvements.

2.3.2 Youth Detention Centre Service Level Agreements (SLAs)

The Youth Detention Centre (YDC) SLAs establish a Purchaser/Provider arrangement for each YDC to deliver services focussed on the outcomes described in the agencies Performance Framework and Strategic Plan. SLAs provide a schedule of 7 service delivery areas, covered by 39 service standards to be met.

Each SLA is signed by the Assistant Director-General, Youth Justice as a Purchaser and the Centre Executive Directors as the Service Provider.

2.3.3 SLA Governance and Oversight Process

A multi-layered approach to SLA governance and oversight has been developed to ensure service delivery goals are met. Regular monitoring and compliance is provided through a

Pro-active monitoring process. YDC service delivery is reviewed at the local level through monthly YDC management team reviews and at the Youth Justice level through quarterly inspections and performance reviews.

2.3.4 Pro-Active Monitoring

Pro-active Monitoring has been introduced as a Youth Detention Centre process supported by a series of quality assurance (self-assessment) reviews. A range of services are examined through an identified list of 40 reviews to be completed over a 12 month period. Low risk reviews are completed once per year, however, high risk reviews such as - use of force, separations, searches, harm and behaviour management, are conducted each month.

2.3.5 Youth Justice Quarterly Inspection and SLA Performance Review

The Assistant Director-General Youth Justice will chair a review panel which will meet with management teams to discuss service delivery achievements at each YDC on a quarterly basis.

A physical inspection of each YDC will also occur in conjunction with each quarterly review. This inspection will be carried out by senior officers from Youth Detention Operations assisted by officers with expertise in operational service delivery. A report on the findings of each inspection will be prepared and submitted to the SLA review panel as part of the quarterly meeting process.

2.3.6 Data collation systems and data integrity processes.

A data management strategy is to be developed to ensure ongoing support to the achievement of YDC performance framework outcomes and meet the needs of the enhanced YDC Inspection process.

2.3.7 Youth Detention Centre Inspection Framework

A YDC Inspection framework is currently being developed to establish clear inspection guidelines, provide a focussed set of inspection standards and update the Inspection Charter. A copy of the draft YDC operational inspection framework is attached (Attachment 1).

3. Part 3: Strategic response

The strategic response considered in this paper is to:

1. Remove duplication by integrating YDO performance monitoring and Youth Detention Inspectorate inspection processes.

3.1 Strategic options considerations

In analysing the potential strategic responses, considerations to be taken into account when developing strategic options include:

3.1.1 Focus on data

The proposed introduction of YDC performance framework and Service Level Agreement standards indicate the importance of quantitative, measurable outcomes for YDCs. This should include the inspection process; however, an increased focus on data will be used to inform physical inspections. This model proposes using the following data as a core component of the YDC oversight process:

- Surveys
 - Staff and young people in detention surveyed annually to provide a measure of YDC performance.
 - Based on CCYPCG's "Views of young people in detention" survey and Queensland Corrective Services "Prison Culture: Development of a Pilot Questionnaire into Prison Culture Across Queensland" survey.
 - Survey outcomes used to direct physical inspection – issues identified in surveys as potential red-flags can be focus of physical inspection.
- YDC Performance framework measures and Service Level Agreement standards.
- DCOIS data
 - Need to investigate both ability and benefit of expanded DCOIS data capture

Benefits

- Can act as an early warning system to proactively manage YDC issues.
 - Once benchmark data measurements have been undertaken, data trends in certain datasets will give an early indication of potential issues. For example, an increase in use of force reports in DCOIS from a centre may alert YDCs, YDO and the Assistant Director-General of a potential issue.
- Will focus physical inspections.
 - Data driven inspections will be more valuable than the current ad-hoc nature of inspections.
 - Operate continuously by evaluating proactive monitoring audits, testing and analysing evidence and data

3.1.2 Who will undertake inspections?

A Principal Operational Inspector will be appointed and located within YDO reporting directly to the ADG YJ. The following table provides a summary of the benefits and risks of each inspection model:

Inspectors within the Department - External to Youth Justice	Inspectors within Youth Justice	Inspectors external to the Department
<p>Example:</p> <p>Ethical Standards Unit (Inspectors)</p>	<p>Example:</p> <p>Youth Detention Operations</p>	<p>Example:</p> <p>Outsourced Provider</p>
<p>Benefits</p> <ul style="list-style-type: none"> ○ Greater perception of integrity from external groups ○ Greater independence 	<p>Benefits</p> <ul style="list-style-type: none"> ○ Consistent reporting arrangements to adult corrections. ○ Business knowledge – have access to live internal data and other resources including policy development and make ‘ivory tower’ recommendations less likely. ○ Working relationship with centres. Inspections can create an automatic defensive position from centres, this strong relationship encourages more forthright review/discussions. ○ Greater exposure to departmental policy – can more closely align with departmental objectives. ○ Ensure frameworks are refreshed and kept contemporary. ○ Inspections can be outsourced. 	<p>Benefits</p> <ul style="list-style-type: none"> ○ Greater perception of integrity from external groups ○ Greater independence ○ Lack of pre-formed conceptions or bias
<p>Risks</p> <ul style="list-style-type: none"> ○ Potential for “ivory tower” recommendations that are impractical or ignore the context of centre operations. ○ Can ignore actions department already taking (this is evident in CCYPCG reports and requests for action on issues already raised and finalised between centre and ESU or YDO in some cases months previously) ○ May be insufficiently familiar with the operations, departmental context and relationships to make practical and meaningful recommendations. ○ Internal Inspectors can suffer agency and/or interest group capture. 	<p>Risks</p> <ul style="list-style-type: none"> ○ Stakeholders more sceptical perception than if inspections undertaken by external body. This risk exists with the current arrangement and is made less significant by the regular visiting by the Public Guardian. ○ Internal Inspectors can suffer agency capture. 	<p>Risks</p> <ul style="list-style-type: none"> ○ Potential increased cost to engage external provider. ○ Potential delay in meeting any short notice inspection requirements through outsourcing process. ○ Can ignore actions department already taking. ○ May be insufficiently familiar with the operations, departmental context and relationships to make practical and meaningful recommendations. ○ Recommendations may not fully take into account youth justice principles, particular where service provider has been previously engaged by Adult Corrections. ○ Potential for “ivory tower” recommendations. ○ Insufficient understanding of business to make beneficial recommendations.

Current YDI inspectors

The current staffing arrangement for the youth detention inspectorate involves 2 officers at AO7.4 level, carrying out quarterly inspections and reporting directly to the Director-General.

Cost = 1 x AO7.4 = \$119,800 (not including admin costs) per year.

Total cost of existing inspectors therefore equates to \$239,600 per annum.

It is proposed that these positions are reallocated under the new inspection arrangements. 1 FTE to YDO as the Principal Operational Inspector and 0.5 of the remaining FTE to each detention centre Manager, Monitoring and Compliance role respectively to enable ongoing pro-active monitoring reviews. This reallocation of resources will therefore be achieved on a cost neutral basis.

Staffing – Current and Proposed

Current Staffing	Proposed Staffing
Ethical Standards Unit (Inspectors)	Youth Detention Operations
2 x AO7 Inspectors, YDI	1 x AO7 Principal Operational Inspector, YDO
	0.5 x AO6 Advisor, Monitoring and Compliance BYDC
	0.5 x AO6 Advisor, Monitoring and Compliance CYDC

Fixed Term Appointments

A review of current practice both within Australia and Overseas shows that it is common practice to appoint Inspectors to positions such as these for fixed terms. In Western Australia, for example, this is provided for in the *WA Inspector of Custodial Services Act 2003* which requires that “the Inspector holds office for such term of not more than 7 years”. In New South Wales, the Inspector of Custodial Services (including Juveniles) is appointed for a term of 5 years and may be reappointed only once.

This regular process of rotation of individuals through the inspector roles is considered useful in terms of ensuring a productive inspection process, which is not overly influenced by the findings or outcomes of previous inspections. In view of this, it is proposed that the Principal Operational Inspector be appointed for a fixed term of 3 years with no extension of appointment beyond this initial fixed term.

3.1.3 Strategic interventions

Summary of potential strategic interventions

Potential Strategic Interventions	Issue
Option 1 - Maintain current YDI inspection process	Continue with duplicated, inefficient and ineffective model of oversight of YDCs. (Problematic)

Option 2 - Utilise the QCS Inspection framework	Implement the Healthy Prison Inspection system operated by QCS to provide arm's length and objective inspection of YDCs despite the obvious business divergence. (Problematic)
Option 3 - Align current inspection process with current YJ performance framework and broader oversight environment	Reallocate existing Inspection roles to YDO and YDCs respectively. Provide enhanced, responsive, evidence based and streamlined inspection function whilst reinvesting resources in frontline services. (Preferred Solution)

3.1.4 Strategic Options

This section sets out the recommended strategic option (option 3 above) for discussion.

7

3.1.4.1 Integrating YDO performance monitoring and ESU inspection processes

Align Performance Frameworks

Regardless of potential changes to the inspection process, it is important to align the different frameworks currently in place to measure performance of the YDCs. With each YDC, YDO and YDI inspectors currently measuring performance under different frameworks, this produces inconsistencies in both measurement and oversight of YDC performance.

Alignment of the frameworks will be closely linked to the new service level agreements, the associated proactive monitoring audits and the performance framework.

Benefits

- Will reduce confusion, duplication and inconsistencies between agencies
- Will make oversight of YDC performance easier and more transparent
- Operates continuously and in real time rather than as a reactionary response to issues
- Single framework will allow for increased use of and reliance on data to act both as a form of monitoring and to guide physical inspections:

Implications

- May require additional training of staff to ensure new framework is implemented effectively.

Align internal reporting requirements

Need to ensure processes in place to meet strategic and operational reporting requirements. All youth justice and youth detention issues should reach the Director-General, DJAG after going through the office of the Assistant Director-General (Youth Justice).

Benefits

- Integrated reporting within the department
 - The DG will receive consistent information on the same issues
 - Any inconsistencies can be dealt with at the ADG level

- This will ensure confidence in the integrity and accuracy of information regarding youth justice reported to the office of the DG.

Implications

- Potential for perception of decreased transparency.

4. Solution

4.1 Desired outcomes

In practice, the transfer of YDC Inspection function to a YDO based principal operational inspector should deliver:

- A regular focussed series of performance data, based on the revised YDC performance framework and key performance indicators
- Targeted inspections based on an objective analysis of the data
- A one-stop-shop for the Director-General for comparative oversight of performance criteria
 - This will decrease the Director-General's reliance on site inspections, which can be ad hoc and more subjective than proposed data-based system.

The YDO principal operational inspector will also:

- Be proactive
 - Should not just react to issues as they arise but be proactive in issues management
- Be subject to renewal initiatives and continuous practice improvement in their approach
- Be provided with oversight to ensure their analysis is objective and their findings and recommendations are accurate and valid

With the introduction of Service Level Agreements with established service delivery standards, YDCs operate on a quasi-contractual arrangement between the YDC Executive Directors and the Assistant Director General Youth Justice. The performance framework will objectively collect data on issues such as how safe young people and staff feel in YDCs.

The role of the Inspector will be focussed on the monitoring of the performance of each centre against measures and managing the processes and integrity of the data collection. Improved data capture and analysis will guide and complement the physical inspection process.

The role of principal operational inspector will be enhanced by operating within YDO to ensure alignment with organisational policies and procedures and maximise cost efficiencies.

Due to the comprehensive nature of the framework and performance measures, this will allow for a reduced requirement for onsite physical inspections. The community visitor program will continue to complement the formal inspection process.

The enhanced inspection frame work will constitute the focus areas incorporated in the quality assurance reviews which each detention centre has responsibility for undertaking. The approach to the enhanced inspection process should therefore be to monitor and collate each centres responses to the proactive audits and further analyse relevant data to test the veracity of the centres evidence of compliance.

Proposed internal corporate governance arrangements

Mechanism	Objective	Methodology
Youth Detention Centre Performance Framework	Set objectives and measure key performance indicators	Quarterly trend analysis and annual reporting
Youth Detention Centre Service Level Agreements	Prescribe outcomes and service standards sought under quasi contractual basis with ADG YJ	Quarterly Performance Review Meetings
Pro-active Monitoring Reviews	Restore accountability to YDCs, embed an ongoing review process and elicit evidence of compliance	A series of quality assurance reviews of critical areas required monthly and annually

Proposed oversight arrangements

Mechanism	Objective	Methodology
YDO Operational Inspection	To conduct an independent inspection of YDCs as required by Section 263(4) of the YJ Act	Physically inspect each YDC, analyse performance data and assess/test the veracity of quality assurance reviews.

Current External oversight and system safeguards

Mechanism	Objective	Methodology
Office of the Public Guardian – Community Visitor Program	Safeguard the individual and collective rights and well-being of children in detention	Weekly visits to detention centres to speak with and meet children
Office of the Public Guardian – Individual Advocacy	Safeguard the rights and well-being of children in detention	Complaint initiated investigation and advocacy
Ombudsman – Individual and systemic review	Review, investigate and evaluate compliance within YDCs on an individual and systemic level	A Series of quality assurance reviews of critical areas required monthly and annually
Ethical Standards Branch – Staff conduct	Ensure adherence to code of conduct obligations	Undertake devolved and complaint initiated investigations into conduct of detention centre employees
Crime and Corruption Commission review	To investigate potential corruption and criminal conduct within the Public Service	Undertake complaint initiated investigations into conduct of detention centre employees
DJAG Internal Audit	Compliance audit of processes and practice	Undertake regular and comprehensive audits of operational processes, systems and financial recording

4.1.1 Consultation

Initial consultation on the proposed solution has been conducted with the Office of the Ombudsman who provided tentative agreement with the recommended approach.



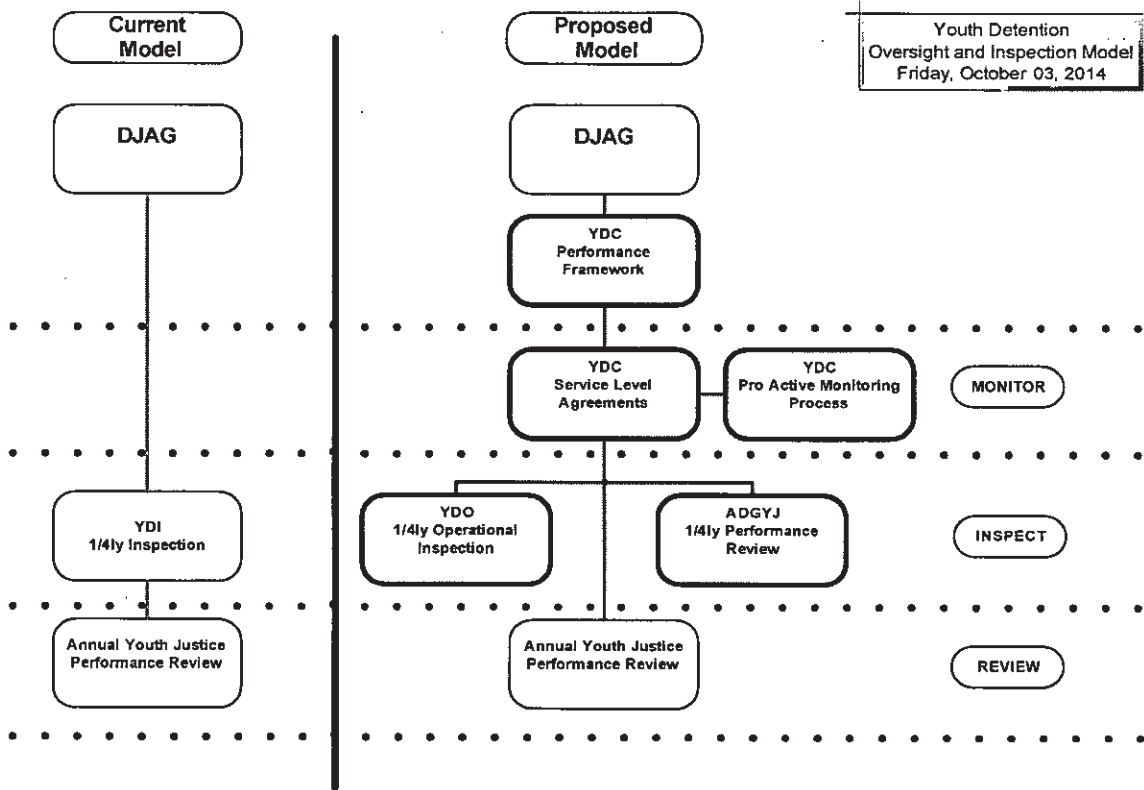
Initial consultation on the YDC monitoring and inspection framework has been conducted with the current Youth Detention Inspectorate who endorsed the introduction of a broader enhanced framework.

The YDC monitoring and inspection framework has been forwarded to the Public Guardian for comment, however, no feedback has been provided.

Initial consultation with the YDC Executive Directors has been completed with support for the transition being made. Each YDC now operates under signed Service Level Agreements and commenced the Pro-Active monitoring process from 1 July 2014.

4.1.2 YDC Monitoring and Inspection Framework

An overview of the current and proposed YDC monitoring and inspection framework is provided in the following diagram. New features of the proposed model are shown in red.



4.2 Stakeholders

Group	Role
YDC - Management and staff	Administration and operational management of YDC
Youth Detention Operations	Oversight, Inspection and policy advice
Public Guardian	Individual advocacy and safeguard of children through CV program

Crime and Corruption Commission	Investigate instances of corruption or illegality by YDC staff
Youth Detention Inspectorate	Current performing quarterly inspection function
Family and Child Commissioner	Safeguard of children held in YDCs
DJAG Ethical Standards	Investigation and discipline of staff misconduct
DJAG Internal Audit	Complete audit and inspection of systems, processes and compliance within YDCs

4.3 Risk management

A risk management plan will be developed for this solution following endorsement.

4.4 Governance arrangements

A communication strategy will be prepared and will form the basis of preliminary governance arrangements for this initiative should it be endorsed.

Implementation will be monitored through existing governance mediums including the YJ Board of Management and YDC/YDO Governance meeting.

4.5 Timelines

The approximate timelines for the achievement of milestones, as measured from the time this proposal is endorsed, is as follows:


Activity	Time
Assess first Quarterly Performance Review at each YDC and report to DG	November 2014
Collate and analyse first quarter of data against KPI's	November 2014
Undertake YDO inspection of QA reviews and test veracity of evidence provided by YDCs	November 2014
Cease current inspection by YDI and transition to new arrangements by reallocating FTE	December 2014

A more thorough analysis of the timing will be provided in an implementation project plan once this proposal is endorsed.

4.6 Next Steps

Following endorsement:

1. Develop a communication strategy and commence implementation of the strategy. An overview of the communication strategy is provided at Appendix B.
2. Evaluate the first quarter implementation of SLA, Proactive Monitoring Review, Quarterly Performance Review and YDO operational inspection. Report the assessment of these mechanisms to DG with recommendations for enhancement, if relevant.

- 
3. Develop an implementation project plan for transition from YDI to YDO inspection framework.
 4. Reallocate FTE to YDO and YDCs respectively.
 5. Manage the transition arrangements and provide training where required.
 6. Report to DG on implementation completion.
 7. In the longer term, review the legislative requirements for quarterly YDC inspections and consider the need for legislative support for the fixed term appointments for YDC Inspectors.

Appendix A.

	Youth Justice In Department	Relevant legislation	Departmental Inspections	Timing of Inspections	Publish reports	Official visitors	Other Inspections	Timing	Publish reports
New South Wales	Attorney-General & Justice	<i>Children (Detention Centres) Act 1987</i> <i>Children (Detention Centres) Regulation 2010</i>	Juvenile Justice Officer appointed by Director-General - reports to DG	At least once every 12 months. Focus on systemic issues rather than individual grievances.	Annual report, but not yearly report by juvenile officer	Yes - overseen by Inspector of Custodial Services.	Ombudsman - deals with individual grievances		
		<i>Inspector of Custodial Services Act 2012</i>	Inspector of Custodial Services (only named in 2013, still in early stages) - responsible for adult and youth centres - reports to Parliament	Each centre at least once/3 years. Annual reporting requirements. Can review centre at any time.					
Victoria	Human Services	<i>Children, Youth and Families Act 2005</i>	No Departmental process. Inspections are covered by the Ombudsman on an as required basis.	As required.		Yes - must report to Commissioner for Children & Young People	Ombudsman - focus on systemic as well as individual issues	Official visitors once per month and on ad hoc basis	CCYP publishes info on visitor program in annual reports - overview of info not case specific. Ombudsman reports online eg. 2010 Review into transfer of children to adult prisons
Queensland (Adults)	Corrective Services	<i>Corrective Services Act 2006</i>	Office of Chief Inspector - reports directly to the Deputy DG QCS	At least once every 3 years - more frequently if issues arise	Yes, full Initial and follow up reports on website.	Yes - managed by Chief Inspector	Ombudsman		
Queensland (Youth)	Justice & Attorney-General	<i>Youth Justice Act 1992</i> <i>Commission for Children and Young People and Child Guardian Act 2000</i>	Ethical Standards Unit - reports to DG	Every 3 months	No	Yes - community visitors, managed by CCYPCG	Ombudsman Commission for Children & Young People & Child Guardian		Yes - CCYPCG annual and investigation reports online. Eg. 2014 investigation into use of separation at YDC

Western Australia	Corrective Services	<i>Inspector of Custodial Services Act 2003</i>	Inspector of Custodial Services - responsible for adult and youth centres - focus on systemic issues - reports to Parliament	Each centre at least once/3 years. May inspect any centre at any other time. Annual reporting requirements.	Yes - both on incidents (Banksia Hill Report) and on each inspection of centres.	Yes - overseen by Inspector	Ombudsman - deals with individual grievances.		
South Australia	Communities and Social Inclusion	<i>Family and Community Services Act 1972</i>	No Departmental process.				Guardian for Children & Young People - written reports provided to Training Centre Manager and Director of Youth Justice	2 Guardian advocates visit AYTC every 2 months.	Mention made in annual report of # of advocate visits, can raise issues (rarely) when specific systemic problem identified
Northern Territory	Correctional Services	<i>Youth Justice Act</i>	Minister or any person authorised by Minister in writing - reports back to Minister	May enter at any time.		Yes - must visit monthly with report to Minister.	Children's Commissioner can undertake inquiry into children in detention (on own initiative or direction of Minister) - reports to Minister, Ombudsman		
Australian Capital Territory	Community Services	<i>Children and Young People Act 2008</i> <i>Official Visitor Act 2012</i> <i>Public Advocate Act 2005</i>	Judge, Magistrate, member of Legislative Assembly, commissioner, public advocate, ombudsman has power to enter and inspect detention centre - reports to Minister			Yes - report to Minister	Public advocate - visits on monthly basis. Must inspect register re searches/use of force at least every 3 months.		Public advocate annual report includes section on actions taken to: Foster the provision of suitable and best practice youth detention and youth shelters in the ACT and advocate for improvements in the standards of service provision regarding youth justice facilities, more generally.
Tasmania	Health and Human Services	<i>Children, Young Persons & Their Families Act 1997</i>	No Departmental process.				Commissioner for Children and Young	2012-13 annual report	Commissioner publishes annual reports



People - on own Initiative or on request of Minister							People - on own Initiative or on request of Minister	Indicated Commissioner visited detention centre on monthly basis.	
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Appendix B.

Implementation of a Performance Framework (PF) and Service Level Agreement (SLA) for the operation of Youth Detention Centres

Stakeholder	Key Messages	Mode of communication	Timing	Person(s) responsible
DJAG Inspectors & Director, ESU	Implementation plan Purpose of PF Purpose of SLA Detail of PF and SLA Operation of quarterly meetings Impact on role of the Inspectorate New Inspection framework Feedback	Meetings Correspondence (email) DG briefing note	Following ADG and DG endorsement Following consultation with CC, PG and CMC (Commenced, September 2014)	Michael Drane Gary Wilson
Family and Child Commission	Implementation plan Purpose of PF Purpose of SLA New Inspection framework Direct actioning of Recommendations Reporting information & frequency	Correspondence (Letters)	Following ADG and DG endorsement (October 2014)	David Herbert
Public Guardian	Implementation plan Purpose of PF Purpose of SLA New Inspection framework Revised MOU between PG and YJ Reporting information & frequency	Meeting Correspondence (Letters)	Following ADG and DG endorsement (Commenced, July 2014)	Sean Harvey David Herbert
Crime and Corruption Commission	Implementation plan Purpose of PF Purpose of SLA New Inspection framework	Correspondence (Letters)	Following ADG and DG endorsement (October 2014)	Sean Harvey David Herbert
DJAG Internal Audit	Implementation plan Purpose of PF Purpose of SLA Detail of PF and SLA Operation of quarterly meetings New Inspection framework Feedback	Correspondence (Letters)	Following ADG and DG endorsement (October 2014)	Sean Harvey David Herbert
Ombudsman	Implementation plan Purpose of PF Purpose of SLA Detail of PF and SLA Operation of quarterly meetings New Inspection framework Feedback	Meeting Correspondence (Letters)	Following ADG and DG endorsement (Commenced, October 2014)	Sean Harvey David Herbert

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL MEMORANDUM

TO: David Mackie, Director-General

THROUGH: Peter Cook, Assistant Director-General, Corporate Services
Sean Harvey, Assistant Director-General, Youth Justice
Allen Harvey, Director, Facilities Services

FROM: Justin Crakanthorp, Program Manager, Facilities Services

SUBJECT: **Completion of roof access prevention measures at BYDC**

DATE: 9 July 2015

PURPOSE

To **inform** you of completion of roof access prevention works at Brisbane Youth Detention Centre (BYDC).

BACKGROUND

Youths at BYDC accessed prohibited roof areas 14 times in 2012 and 2013, vandalising building fabric and plant. BYDC estimated approximate cost of repairs was \$70,000 in 2012 and \$60,000 in 2013. Besides the repair costs, these incidents represented extreme health and safety risks to both staff and young people. In July 2013, Facilities Services engaged the Department of Housing and Public Works (DHPW) to implement temporary anti-climb measures. DHPW completed these works in August 2013. In 2014, Facilities Services followed this work with a project to design and install permanent measures to prevent roof access.

ISSUES

Solution and implementation

The appointed consultant (IPP Australia) recommended manufacture and installation of a 900mm metal duct/roll prevention barrier on all accessible roof edges. Batir Australia implemented the solution (**Attachment 1**).

Cost and completion

The Department of Justice and Attorney-General achieved practical completion on 11 June 2015 at a cost of approximately \$1.9 million.

Effectiveness

The barriers have been effective to date. There have been no roof access incidents where the barriers have been in place. Based on learnings from this project, a similar project is currently being scoped for the Cleveland Youth Detention Centre.

Briefing Officer: Justin Crakanthorp
Program Manager
Facilities Services

Telephone 07 322 44036

Endorsed by Shane Reiche
Program Manager
Facilities Services

Date 25 June 2015

RECOMMENDATION



That you **note** completion of this project.

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Signed:		
David Mackie Director-General		
Date:		

Briefing Officer: Justin Crakanthorp
Program Manager
Facilities Services
Telephone 07 322 44036

Endorsed by Shane Reiche
Program Manager
Facilities Services
Date 25 June 2015

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
MEMORANDUM

TO: John Sosso, Director-General
FROM: Sean Harvey, Assistant Director-General, Youth Justice
SUBJECT: **Motor Vehicle Boot Camp Order Achievements**
DATE: 20 October 2014

PURPOSE

To inform the Director-General as to the achievements experienced so far with respect to Youth Justice initiatives and its positive influence on reducing motor vehicle offending within the Townsville region.

BACKGROUND

The Townsville region has consistently experienced an increasing number of motor vehicle offences over the past three years. During 2011, the Townsville region had 174 proven motor vehicle offences finalised in court. This increased to 430 proven offences in 2012, and further to 552 in 2013 (**Attachment 1**). This is an average of 46 finalised offences a month throughout 2013.

On 11 February 2014, the Youth Justice and Other Legislation Amendment Bill 2014 was introduced to Parliament to amend youth justice legislation. These amendments were part of major youth justice reforms in Queensland that included the targeting of recidivist vehicle offenders within the Townsville region. The amendments defined a 'recidivist vehicle offender' as an offender who has been found guilty of committing two or more Unlawful Use of Motor Vehicle offences in the previous 12 month period.

A young person would be sentenced to a mandatory Motor Vehicle Boot Camp Order where the court found them eligible and suitable to attend the Boot Camp. Eligibility is defined on the following factors, the young person:

- lives in the prescribed area (currently Townsville);
- is a recidivist vehicle offender;
- attains the age of 13 years at the time of sentencing;
- satisfactorily passes a physical and mental health assessment; and
- does not have a previous disqualifying offence (as per schedule 5 of the *Youth Justice Act 1992*).

The suitability is determined by an assessment of a collaborative panel to ensure that the young person does not pose a significant risk of harm to other young people or staff at the

Briefing Officer David Goodinson, Regional Director
 Far North and North Queensland

Approved by Sean Harvey
 Assistant Director-General
 Date 17 October 2014



Boot Camp residential. There is no requirement that the young offender consent to the Motor Vehicle Boot Camp Order.

This Bill was passed and came into effect on 18 March 2014.

Townsville Youth Justice Services has also implemented a number of individual programs that specifically seek to target motor vehicle offenders, such as the Motor Vehicle Offender Program. This program runs at the end of Boot Camp residential phase and is contained within the Motor Vehicle Boot Camp Order and uses cognitive behavioural therapy and driver simulator technology. The simulator technology allows participants to experience the consequences of inappropriate and potentially lethal road incidents in a safe and controlled environment.

ISSUES

Current status

The first young person sentenced to a Motor Vehicle Boot Camp Order occurred on 19 May 2014. Since this time, there have been 11 distinct young people with 12 Motor Vehicle Boot Camp Orders granted.

From 1 May 2014 to 17 October 2014, there have been 59 proven motor vehicle offences finalised in court. This is a monthly average of just under 11 motor vehicle offences. In comparison to the 2013 monthly average of 46, this represents an average decline of approximately 35 motor vehicle offences each month since the Motor Vehicle Boot Camp Order has been in effect. There has been a significant decrease in motor vehicle offending from May 2014 (**Attachment 2**).

Of the 11 distinct young people that were granted Motor Vehicle Boot Camp Orders only three young people have reoffended with only two having subsequent motor vehicle offences. This is exceptional given the previous levels of motor vehicle offending by these young people.

At this point in time 10 of the distinct 11 young people on Motor Vehicle Boot Camp Orders have commenced the Motor Vehicle Offender Program. The eleventh young person will commence the program when they complete their current residential phase of the Boot Camp Order.

It is also suspected that the successes experienced so far with Motor Vehicle Boot Camp Order is also having a positive effect on the culture of youth offending within the region. Motor Vehicle Boot Camp Orders specifically targets older offenders (must be 13 years or older) who are generally seen as leaders that introduce young offenders into committing vehicle offences. By addressing and limiting the influence of older offenders it is suspected to have a positive influence in reducing younger offenders committing these types of offences.

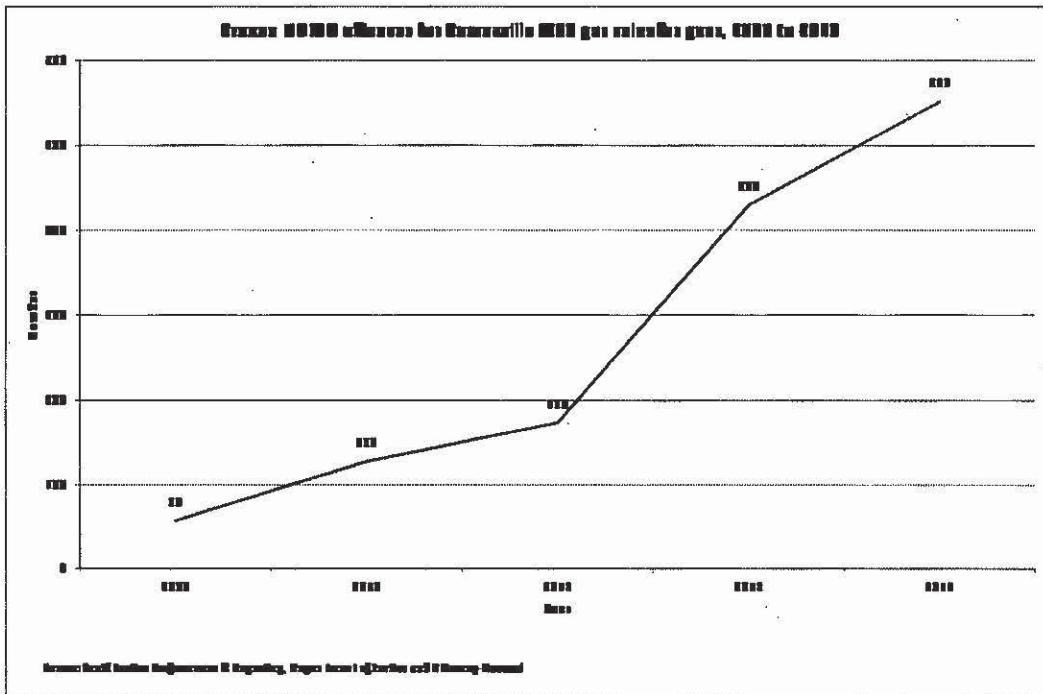
The region that the Motor Vehicle Boot Camp Order encompasses is expected to be expanded to incorporate both the Cairns and Tablelands regions from around 23 November 2014. This is expected to create a further positive influence in reduced motor vehicle offending within these regions.

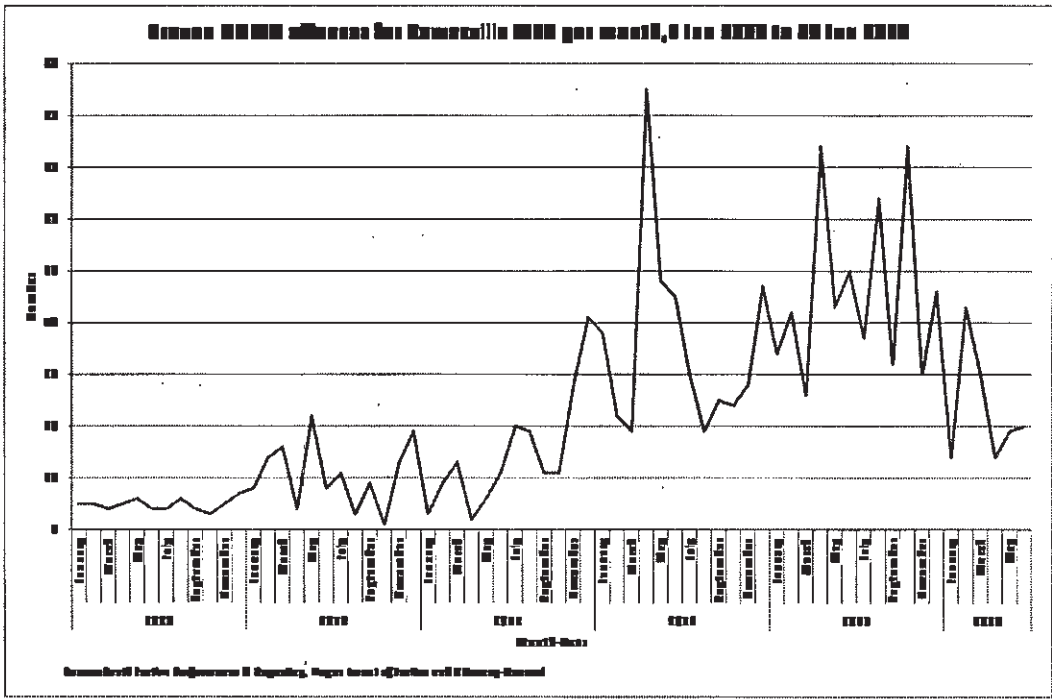


RECOMMENDATION

That the Director-General **note** the achievements experienced so far with respect to Youth Justice initiatives and its positive influence on reducing motor vehicle offending within the Townsville region.

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Signed:		
John Sosso Director-General		
Date:		





DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
MEMORANDUM

TO: John Sosso, Director-General, Youth Justice

FROM: Sean Harvey, Assistant Director-General, Youth Justice

SUBJECT: Queensland Ombudsman's investigation into self-harm management in Queensland youth detention centres

DATE: 20 October 2014

PURPOSE

To seek Director-General **approval** for the attached letter (**Attachment 1**) to Mr Phil Clarke, Queensland Ombudsman (the Ombudsman) regarding its investigation into self-harm management in Queensland youth detention centres.

BACKGROUND

The Ombudsman wrote to you on 9 September 2014, advising of its intention to investigate the administrative actions of the Department of Justice and Attorney-General (DJAG) in managing the self-harming behaviours of two young people at the Cleveland Youth Detention Centre (CYDC) – [sch.4/3/3 name]. No information from DJAG was requested at this stage.

The Ombudsman provided a second letter on 26 September, 2014 to seek further information and to advise that the investigation will focus on the systems and processes that DJAG has in place for managing young people at risk of self-harm in youth detention.

Specific elements of the information request were:

- a copy of the final report of the Ethical Standards Unit's (ESU) investigation of the allegation related to the use of restraints on [redacted] in May 2013;
- all policies and procedures that deal with the management of young people at risk of self-harm, including the use of force in response to self-harming behaviour, the checking of restraints applied to a young person and the circumstances in which a young person can be handcuffed to their bed;
- confirmation that the management team at CYDC have received the training recommended by the Youth Detention Inspectorate to assist in identifying signs of emotional and psychological harm in young people (recommendation CYDC 2013-13-03-02), and details of the content of that training course;
- details of the training that is provided to operational staff at CYDC about responding to incidents of self-harming behaviour in young people, including the content and frequency of training; and
- details of the last three uses of force on young people at CYDC in response to incidents of self-harming behaviour, including incident reports and the relevant DCOIS records.

Briefing Officer David Herbert
 A/Director, Youth Detention Operations
 and Outlook Services

Approved by Sean Harvey
 Assistant Director-General, Youth
 Justice

Telephone (07) 3033 0892
 Fax (07) 3033 0892
 RTI 100212: File 1 Page 102

Date 17 October 2014

ISSUES

Youth Detention Operations has prepared the attached letter in response to the Ombudsman's request, which outlines:

- ESU found that the allegation in relation to the use of restraints on [sch.4/3/3 name] was not capable of being substantiated and the Crime and Misconduct Commission agreed with this finding;
- the Youth Detention Centre Operations Manual and policies allow flexibility in managing the safety and wellbeing of young offenders who demonstrate chronic and pervasive patterns of harmful behaviour, including use of restraint and force as may be required;
- the training recommended by the Youth Detention Inspectorate was completed by the CYDC management team on 29 April 2014 with Dr David Hartman, Psychiatrist, North Queensland Adolescent Forensic Mental Health Service;
- responding to suicide and self-harm is a mandatory competency for youth detention operational staff, requiring annual training and assessment; and
- details of the last three uses of force in response to self-harming behaviour at CYDC, involving:
 - a young person being restrained while being transported via ambulance to a hospital for assessment/treatment for self-harming behaviour;
 - a young person being hand guided to, and ground stabilised in, a separation room for observations for self-harming behaviours; and
 - a young person being held in the standing position while staff removed a plastic fork that the young person had inserted into their arm.

Information supporting these claims is attached to the letter. (**Attachment 2**).

The letter also advises that DJAG is currently reviewing its suicide and self-harm response framework to consider the options available to staff when managing acute self-harm and suicide risk. It is anticipated that this review will be completed by late 2014, with findings to be incorporated into DJAG's Youth Detention Centre Operations Manual and policies as relevant.

RECOMMENDATION

That the Director-General **approve** the attached letter and enclosures to the Queensland Ombudsman (**Attachments 1 and 2**).

<input type="checkbox"/> Noted <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved
Signed: John Sosso Director-General
Date:

Briefing Officer David Herbert
 A/Director, Youth Detention Operations
 and Outlook Services

Approved by Sean Harvey
 Assistant Director-General, Youth
 Justice

Date 17 October 2014

Level 17, 53 Albert Street, Brisbane QLD 4000
GPO Box 3314 Brisbane QLD 4001
www.ombudsman.qld.gov.au



Our ref: [REDACTED]
Your ref: SMRP/CG-1314-60270/DN57431

26 September 2014

Confidential

Mr John Sosso
Director-General
Department of Justice and Attorney-General
GPO Box 149
BRISBANE QLD 4001

RECEIVED
29 SEP 2014

BY:

Dear Mr Sosso

I refer to my letter dated 9 September 2014 in which I advised you of my decision to investigate the administrative actions of the department in managing the self-harming behaviours of two young people at Cleveland Youth Detention Centre (CYDC).

I understand that the Commission for Children and Young People and Child Guardian (CCYPCG) referred an allegation to the Crime and Misconduct Commission (CMC) that young person (YP) [sch.4.3.3 name] had been improperly restrained between 17 and 21 May 2013 and, therefore, had been assaulted and/or deprived of his liberty.

I note that in your letter to the CCYPCG dated 5 May 2014, you stated:

- the CMC directed the department to investigate the allegation on 29 July 2013
- the department's Ethical Standards Unit (ESU) found that the allegation was not capable of being substantiated
- the CMC advised the department on 7 March 2014 that it agreed with ESU's finding
- the department considers the matter resolved.

As the CMC reviewed the department's investigation and agreed with its finding, I do not intend to investigate the incidents nor review the lawfulness of the action taken.

The focus of this Office's investigation is on the systems and processes the department has in place for managing young people at risk of self-harm.

To assist me with the investigation, I request that you provide the following information and documents:

1. A copy of the final report of the ESU's investigation of the allegation related to the use of restraints on YP [REDACTED] in May 2013.
2. All policies and/or procedures that deal with managing the young people at risk of self-harm, including the use of force in response to self-harming behaviour, the checking of restraints applied to a YP and the circumstances in which a YP can be handcuffed to their bed.

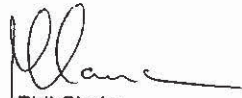
Please only provide a copy of the following documents if they have been updated or amended from the versions that have previously been provided to this Office:

- Youth Detention Centre Operations Manual 2013
 - policy YD-3-4 Protective Actions Continuum (V1.1)
 - policy YD-3-7 Use of Restraints (V1.2)
 - policy YD-3-8 Use of separation in response to an incident (V1.0).
3. Confirmation that the CYDC management team and team leaders received the training recommended by the Youth Detention Inspectorate (recommendation CYDC 2013-13-03-02), which I note from your letter to the CCYPCG dated 5 May 2014 was scheduled for 29 April 2014, and details of the content of that training course.
 4. Details of the training that is provided to operational staff at CYDC about responding to incidents of self-harming behaviour in young people, including the content and frequency of the training.
 5. Details of the last three uses of force on young people at CYDC in response to incidents of self-harming behaviour, including incident reports and the relevant DCOIS records.

I would appreciate your response by **24 October 2014**. If you require any additional detail to assist you compiling your response, please contact Ms Kylie Faulkner, Principal Investigator, on (07) 3005 7046 or investigations@ombudsman.qld.gov.au.

If you wish to discuss this letter personally, please contact me on [redacted] sch.4/3/18 ombudsman

Yours faithfully


Phil Clarke
Queensland Ombudsman

In reply, please quote: 544572/1, 2697968

Your reference: 2014/07783

Mr Phil Clarke
Queensland Ombudsman
GPO Box 3314
BRISBANE QLD 4001

Dear Mr Clarke

Thank you for your letter dated 26 September 2014 regarding systems and processes that the Department of Justice and Attorney-General (DJAG) has in place for the management of suicide and self-harm behaviours in Queensland youth detention centres.

Specifically, your letter seeks the following information from DJAG:

- the final report of the Ethical Standards Unit's (ESU) investigation of the allegation related to the use of restraints on young person, [sch.4.3.3. name] in May 2013;
- all policies and procedures that deal with the management of young people at risk of self-harm, including the use of force in response to self-harming behaviour, the checking of restraints applied to a young person and the circumstances in which a young person can be handcuffed to their bed;
- confirmation that the management team at the Cleveland Youth Detention Centre (CYDC) have received the training recommended by the Youth Detention Inspectorate (recommendation CYDC 2013-13-03-02), and details of the content of that training course;
- details of the training that is provided to operational staff at CYDC about responding to incidents of self-harming behaviour in young people, including the content and frequency of training; and
- details of the last three uses of force on young people at CYDC in response to incidents of self-harming behaviour, including incident reports and the relevant Detention Centre Operational Information System records.

I will address each element of this request in turn below.

ESU's investigation into the use of mechanical restraints on [redacted]

As you are aware, the Commission for Children and Young People and Child Guardian (the Commission) referred concerns to the Crime and Misconduct Commission (CMC) under section 25 of the *Commission for Children and Young People and Child Guardian Act 2000*, alleging that [redacted] had been improperly restrained and therefore assaulted and/or deprived of his liberty, over a period of days between 17 and 21 May 2013 at the CYDC to mitigate his self-harming behaviours.

On 29 July 2013, the CMC directed DJAG's ESU to investigate the allegations. Following a comprehensive investigation, the ESU found that the aforementioned allegation was not capable of being substantiated. On 7 March 2014, the CMC advised DJAG that it agreed with this finding.

Key factors taken into consideration in reaching this decision were that:

- the use of the method of restraint referred to is not common practice – this was the first time this practice had occurred;
- that particular method of restraint was adopted as a last resort to try to safeguard the young person during a period of chronic and pervasive self-harming; and
- the use of restraint in this manner was not precluded in legislation, policy or procedure.

A copy of ESU's reports on this investigation are enclosed for your review.

Policies and procedures for suicide and self-harm management

DJAG finalised its review of the Youth Detention Centre Operations Manual and suite of policies in November 2013. The relevant documents for suicide and self-harm management are enclosed for your reference.

Suicide and self-harm in youth detention centres is monitored and managed by a multi-disciplinary suicide risk assessment team. When risk of suicide or self-harm is identified, this risk is managed by developing a tailored suicide prevention plan unique to each young person's needs, comprised of a schedule of observations, interventions and regular review. This ensures ongoing and responsive treatment and management of young people who are at risk of harm.

The following details are provided in relation to your specific areas of focus - use of restraint and use of force when responding to suicide and self-harm risk.

Use of restraints

DJAG's Youth Detention Centre Operations Manual and policies do not specifically recognise the method of restraint used on sch.4.3.3. name as a key method for responding to self-harm and suicide risk. Rather, DJAG considers self-harm and suicide incidents to be so serious that it has established a risk-based response framework to ensure that policies and procedures allow flexibility in responding to the unique circumstances and risks that may be present for the young person.

Accordingly, these documents prescribe that:

- reasonable steps will be taken to ensure that staff managing the suicide risk process use the least intrusive measures possible;
- all other less restrictive means of addressing the self-harm must be attempted before the use of mechanical restraints are applied; and
- if mechanical restraints are required:
 - staff must comply with the relevant legislation and policies governing their use;
 - they must be used in a way that ensures that all reasonable steps are taken to respect the young person's dignity; and
 - the young person must not be restrained for any longer than is reasonably necessary given the circumstances.

These requirements establish best practice in the context of self-harm and suicide management, but allow flexibility in managing the safety and wellbeing of young offenders who demonstrate chronic and pervasive patterns of harmful behaviour.

Use of force

DJAG's Youth Detention Centre Operations Manual and policies specify that suicide and self-harm interventions and management strategies must be actioned in the least intrusive way possible to respect a young person's dignity, *unless doing so compromises their safety*.

Accordingly, in situations where young people are demonstrating chronic suicide or self-harm behaviour, with imminent risk to the young person's safety and wellbeing, staff may be required to physically intervene to keep the young person safe. However, physical interventions will only be used when they are absolutely necessary and will be actioned in the safest way possible for all people involved. In addition, any young person that has been subject to use of force will be referred to a clinical nurse for medical assessment without delay.

Physical interventions are guided by DJAG's Youth Detention Protective Actions Continuum (PAC), to ensure that incidents are resolved safely using an intervention response that is proportionate to the level of risk present. This is a mandatory competency for operational staff, requiring annual training and assessment to establish proficiency.

Any misuse of force would result in immediate referral to DJAG's ESU for review.

CYDC participation in training recommended by the Youth Detention Inspectorate

A recommendation was made by the Youth Detention Inspectorate (recommendation CYDC 2013-13-03-02) that CYDC's management team should participate in training to assist in identifying signs of emotional and psychological harm of young people.

It was identified that the training should be provided by qualified persons that have an understanding of the developmental needs of adolescents, mental health issues of young people in youth detention, institutionalised behaviours of young people, institutionalised behaviours of staff, and identified best practices for managing young people who demonstrate difficult and challenging behaviour.

There were delays to the CYDC management team receiving this training due to the availability of the external service provider responsible for delivering the training. However, this training was completed by the CYDC management team on 29 April 2014, with Dr David Hartman, Psychiatrist, North Queensland Adolescent Forensic Mental Health Service. The training covered issues such as:

- normal and abnormal childhood experiences;
- normal behaviour development and stress responses;
- clinical conditions; and
- how to manage young people with mental health issues and challenging behaviours.

There were no training materials distributed to staff attending this training. However, the presentation slides that were used by the presenter are enclosed for your reference.



Training provided to detention youth workers regarding suicide and self-harm management

Responding to suicide and self-harm is a mandatory competency for youth detention operational staff. Accordingly, training and assessment in suicide and self-harm risk is conducted on induction, and thereafter on an annual basis, to ensure operational staff remain proficient in identifying and responding to suicide and self-harm risk.

The training is designed to ensure that operational staff:

- are aware of the risk and protective factors specific to youth suicide and self-harming behaviours, including possible triggers and events that may elicit suicidal behaviours;
- are competent in identifying warning signs that may indicate a young person is at risk;
- are familiar with the most common methods of suicide attempt and items used to self-harm in the youth detention environment;
- have a comprehensive understanding of the identification and management process for at risk young people;
- are aware of individuals and groups who may be more vulnerable to suicide and self-harm risk; and
- understand their roles, responsibilities and associated procedures for responding to incidents of self-harm and attempted suicide.

The specific content of this training is outlined in the enclosed training materials.

All operational staff must demonstrate, and maintain, the required level of competence. If this does not occur, they will be provided alternate duties until they are able to demonstrate competency. Operational staff unable to demonstrate competency after three attempts will no longer be employed by DJAG in an operational role.

Details of the last three uses of force in response to self-harming behaviour

Details of the last three uses of force in response to self-harming behaviour are outlined below and enclosed. They involved:

- a young person being restrained while being transported via ambulance to a hospital for assessment/treatment for self-harming behaviour;
- a young person being hand guided to, and ground stabilised in, a separation room for observations for self-harming behaviours; and
- a young person being held in the standing position while staff removed a plastic fork that the young person had inserted into their arm.

These incidents involved varying levels of force in response to the level of risk presented by the young person. They are indicative of the circumstances in which staff may be required to physically intervene to protect the safety of a young person who is demonstrating serious self-harming behaviours.

You will however, note one incident (2850175) involved the forcible removal of a young person's shirt, which they had been tying around their neck whilst making threats to suicide. This action is contrary to DJAG's current policy – *Suicide and self-harm risk management*.

Accordingly, this matter was referred to DJAG's ESU for review. On assessment by ESU, this matter was devolved back to CYDC to manage locally.

In response, the relevant staff member was counselled by the centre's Unit Manager, Operations, in regards to the prohibited removal of clothing to change a young person into suicide garments. There has been no further demonstration of this intervention response.

DJAG is currently in the process of reviewing its suicide and self-harm intervention framework to strengthen the management of acute self-harm and suicide risk. A preliminary research report to inform the revised policy position was finalised in mid-2014 and is enclosed for your information.

In finalising this work, consideration will be given to:

- recommendations made by ESU in response to its investigation into the use of restraints on sch.4.3.3 name
- best practice approaches to the use of restraints when dealing with young people demonstrating chronic self-harming and suicide behaviours; and
- appropriate interventions in the event a young person uses their own clothes to self-harm and are unwilling to change into suicide garments.

It is anticipated that this review will be completed by late 2014, with findings to be incorporated into DJAG's Youth Detention Centre Operations Manual and policies as relevant.

I trust that this information demonstrates the work being progressed by DJAG to ensure best practice service delivery to young people at risk of suicide or self-harm in Queensland youth detention centres.

Mr David Herbert, Acting Director, Youth Detention Operations and Outlook Services, DJAG, would be pleased to assist your officers with any further enquiries in relation to this matter, Mr Herbert can be contacted on (07) 3033 0891.

I trust this information is of assistance.

Yours sincerely

John Sosso
Director-General

Enc.

Attachments provided to the Ombudsman

Youth Detention Centre Operations Manual

Chapter One

Chapter Two

Chapter Three

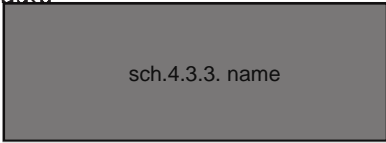
Chapter Four

Policy – Youth detention – Protective Actions Continuum – YD-3-4

Policy – Youth detention – Mandatory competencies for youth detention operational staff – YD-3-11

Policy – Youth detention – Suicide and self-harm risk management – YD-1-6

DCOIS data

A grey rectangular redaction box covers the content of the DCOIS data section. The text 'sch.4.3.3. name' is visible within the box.

sch.4.3.3. name

Training materials

ESU investigation report

Report on best practice approaches to the Use of suicide and self-harm restraints (internal document – not government policy)