



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

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# **Code of Inspection Standards**

For Young People in Detention

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Version 1

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## INTRODUCTION

Statistical analysis of the contact that young people have with the Western Australian juvenile justice system shows that the majority of young offenders do not re-offend.<sup>1</sup> A longitudinal study of young offenders in New South Wales found no significant difference between young offenders given a custodial penalty and those given a non-custodial penalty in terms of the likelihood of reconviction.<sup>2</sup> There is therefore, a sound evidentiary basis for the parsimonious use of custody for young people as currently provided in Western Australian legislation:

"...detaining a young person in custody for an offence, whether before or after the person is found to have committed the offence, should only be used as a last resort and, if required, is only to be for as short a time as is necessary."<sup>3</sup>

However, a minority of young people go on to become persistent offenders and some will offend and re-offend as adult offenders. There is much to be gained by preventing the development of persistent patterns of offending but little point in spending precious resources on intervening with young people whose involvement with the criminal justice system is a one-off event. Because periods in custody for young people are generally short there is only a brief opportunity for assessment and intervention. Considerable academic research has focused upon determining factors that may indicate whether a young person is likely to become a persistent offender. Attention has been drawn to the distinctions between occasional and long-term or repeat offenders, between early and late onset offenders, and the importance of risk factors and criminal career pathways. Research in this area is complex and findings have been mixed and even contradictory.<sup>4</sup> However, its importance to the development of effective policy is undisputed.

### **The Purposes of Detaining Young People in Custody**

Detention should aim to enhance the likelihood that young people will not re-offend, and where appropriate assist them to develop a sense of social responsibility and to develop and mature and make healthy life choices. All unconvicted young people should have

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<sup>1</sup> Ferrante, A., Loh, N. & Muller, M. (Crime Research Centre, UWA) *Pathways through Justice: A statistical analysis of offender contact with the WA juvenile justice system, final report* (July 2004).

<sup>2</sup> Australian Institute of Criminology, Technical and Background Paper 33, *The Specific Deterrent effect of Custodial Penalties on Juvenile Reoffending*, Weaterburn, D, et al, September 2009

<sup>3</sup> Section 7(h) *Offenders Act* 1994 (WA)

<sup>4</sup> Parliament of Victoria, Drugs and Crime Prevention Committee, *Inquiry Into strategies to prevent High Volume offending and Recidivism by Young People*, August 2008

unfettered access to appropriate legal representation and be assisted to meet any bail conditions that may have been set. For young people that have been convicted and sentenced to a term of detention, they should be assisted to understand (to the best of their abilities) the full extent and implications of any sentence that has been imposed and through individual assessment and case management be prepared for their return to the community.<sup>5</sup>

### **Aboriginality and the Effects of Distance on Family and Community Contact**

There are a number of unique features of the system of juvenile detention in Western Australia that set it apart from systems of juvenile detention in other western democratic states.

The first of these is that the overwhelming majority of juveniles detained in custody are of Aboriginal descent.<sup>6</sup> Consequently, while all detainees regardless of their background must be equitably treated, the overwhelming predominance of Aboriginal detainees dictates that the juvenile detention system must be oriented to understanding and being responsive to the needs of Aboriginal juveniles.<sup>7</sup> However, the Aboriginal population of Western Australia is not homogenous; it is made up of numerous groups, some of whom live in urban areas while others follow semi-traditional lifestyles in extremely remote areas. While English is spoken widely, many Aboriginal groups have their own language and for some that remains their primary language. Groups have their own specific traditions, culture and history. In the living memory of many Aboriginal families is the experience of being taken away from their families or living under restrictive governmental policies, and health and social outcomes for Aboriginal Australians are overall much lower than for non-Aboriginal Australians. Consequently, while every detainee must be treated according to their individual circumstances and needs, Aboriginal detainees also need to be understood in the context of their unique cultural, heritage and historical experiences.

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<sup>5</sup> In accordance with Article 10(3) of the United Nations (UN), *International Covenant on Civil and Political Rights* (1966) and Article 40(1) of the UN, *Convention on the Rights of the Child* (1989).

<sup>6</sup> Typically more than 70%. WA's rate of Aboriginal juvenile incarceration is much higher than the national average – Aboriginal juveniles were 43 times more likely to be in custody than non-Aboriginal in WA, compared to 28 times more likely at the national level. Taylor, N. *Juveniles in detention in Australia 1981 – 2007*, Australian Institute of Criminology Monitoring Report 05 (2009). This is despite the Aboriginal representation in WA's overall population being just 3.4% and the national average 2.5%. Australian Bureau of Statistics, *Experimental Estimates of Aboriginal and Torres Strait Islander Australians, June 2006*, (2008)

<sup>7</sup> This is similar to the adult system where a number of facilities have been dubbed 'Aboriginal Prisons', that is, facilities with typically 75% or more of the population being Aboriginal. For a further discussion on this, see the introduction section of the Office of the Inspector of Custodial Services (OICS) *Inspection Standards For Aboriginal Prisoners*, Version 1 (July 2008).

The second feature is a consequence of the relatively small West Australian population which is spread over a vast land mass the size of Western Europe. With the only juvenile detention centres located in Perth, a great many young people in custody find themselves so far from their homes that there are no opportunities for them to have visits from their families or friends while in detention. This places an onus on the administering department to ensure that social support is maintained through other means.

Family and social supports that encourage the development and ethical maturation of juvenile detainees are key aspects of assisting juveniles to turn their lives around and reduce re-offending. Most young people will return to a family or care situation upon release as they are not old enough to legally live independently, so family involvement should be central to case management activities and release planning. This is particularly difficult when families may be some hundreds or even thousands of kilometres distant and may be further complicated for those that live in remote locations where support and services for the family are not available.

In addition, extended Aboriginal family structures and complex cultural relationships are not well understood by non-Aboriginal people but can mean that the most significant person in an Aboriginal juvenile's life may not always or only be an immediate parent or sibling. The broadest possible involvement of the Aboriginal community to which the young people in custody will return after release may be vital to ensuring that the best interests of the young person are served.

### **Rights and the Consideration of Age and Development**

Young people in custody retain all of the rights that are provided in United Nations human rights covenants and charters and other instruments. These universal rights cannot be extinguished and are only limited whilst in custody where absolutely necessary for the maintenance of good order, safety, or by the fact of detention.<sup>8</sup> Human rights should inform the philosophy that underpins the administration of juvenile detention and should be apparent in the legislation, policy and procedures that govern the operation of juvenile detention facilities and the management of young people held within them.<sup>9</sup>

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<sup>8</sup> Australia is a signatory to the *International Bill of Human Rights* (comprised of the UN, *Universal Declaration of Human Rights*, 1948; *International Covenant on Economic, Social and Cultural Rights*, 1966 and *International Covenant on Civil and Political Rights*, 1966). Various other instruments define the rights of specific groups and individuals in specific circumstances. Particularly pertinent to those in custody is the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984), and specifically related to people under 18 years old is the *Convention on the Rights of the Child* (1989).

<sup>9</sup> Several international instruments provide guidance to managing young people in custody, such as UN, *Standard Minimum Rules for the Administration of Juvenile Justice*

Human rights instruments provide protections from all forms of discrimination on the basis of status, whether ethnic, linguistic or social origin; gender; religion; disability or any other status.<sup>10</sup> The 'best interests of the child' should be the primary consideration in all actions, 11 and:

[e]very child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances'.<sup>12</sup>

In Western Australia (as in all Australian states and territories) a young person is deemed to be criminally responsible at the age of 10 years. However, a young person may not be imprisoned with adults until they turn 18 years of age, although in certain circumstances this may occur at 16 years. While it is unusual for a child under the age of 12 years to be sentenced a term of detention a number of children, adolescents, and young adults between the ages of 10 and 18 years with vastly different levels of physical, intellectual and emotional development are likely to be held in the same facility. It is consequentially, essential that each young person is managed in ways that take into consideration to their level of understanding, development, age and maturity.

Subject to these factors, it is important to foster the development of self-responsibility and an understanding of the rights of others.<sup>13</sup> Young people should be fully informed regarding all aspects of detention, of rules and obligations, options, incentives and consequences. It is not appropriate to view young people as simply passive and dependent, with decisions to be made for them autonomously by authorities. All decision-making affecting young people should include the opportunity for the young person to express their views and for those views to be given due weight.

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("The Beijing Rules"), (1985) and UN, *Rules for the Protection of Juveniles Deprived of their Liberty* (1990). While not legally binding (unlike the multilateral treaties Australia has signed, such as the *Convention on the Rights of the Child*), they derive from broader instruments which Australia has ratified and as such should be considered guidelines to follow.

<sup>10</sup> UN, *Convention on the Rights of the Child*, (20 November 1989), Article 2. This and other concepts discussed here are reiterated in various human rights instruments, deriving from the *International Bill of Human Rights*.

<sup>11</sup> As per the UN, *Convention on the Rights of the Child*, (20 November 1989), Article 3.

<sup>12</sup> UN, *Convention on the Rights of the Child*, (20 November 1989), Article 37(c).

<sup>13</sup> Scraton, P. *The neglect of power and rights: A response to 'problem solving'*, in Centre for Crime and Justice Studies, Davies, Z. & McMahon, W. (Eds) *Debating Youth Justice: From Punishment to Problem Solving* (2007).

Similarly, with regard to the provision of medical treatment, counselling, or programs about such matters as drug and alcohol or relationships, it is necessary to obtain the informed consent of the detainee.

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.<sup>14</sup>

As mentioned earlier, family is very important when managing young people in detention and the views and involvement of family should be sought wherever possible. Every child has the right to belong to a family, and parents or guardians (and where relevant extended family or community) have rights, duties and responsibilities to support the child.<sup>15</sup>

In Western Australian juvenile detention facilities many unsentenced and sentenced detainees are allowed to mix, despite this being in contravention of UN guidelines.<sup>16</sup> The small number of young people in detention has meant that it is neither cost effective nor necessarily in the best interests of young people to be segregated. For example, there are often so small numbers of sentenced girls in detention that keeping them separate from unsentenced girls would be relegating them to virtual solitary confinement, as well as making regular group activities and group programming nearly impossible. The management of a typically small population of girls and young women in detention raises particular challenges for ensuring equitable rights of access to services and facilities while maintaining an appropriate segregation between males and females.

### **The Purposes of Inspection Standards**

The development and publication of this *Code of Inspection Standards for Young People in Detention* makes transparent the outcomes that we expect to find during our independent inspection activities. It allows juvenile detention facilities advance warning of the standards by which they will be judged by this Office. We hope

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<sup>14</sup> United Nations, *Convention On The Rights Of The Child* (20 November 1989), Article 12.

<sup>15</sup> Articles 5, 7, 9, 18 and 20 of UN, *Convention on the Rights of the Child* (20 November 1989) directly relate to parents and family.

<sup>16</sup> United Nations, *Rules for the Protection of Juveniles Deprived of their Liberty* (14 December 1990), Rule 17.

that it encourages self-assessment on the part of the staff and management of detention facilities.

The *Code of Inspection Standards for Young People in Detention* add to the existing suite of inspection standards developed by this Office, which comprise the *Code of Inspection Standards for Adult Custodial Services*<sup>17</sup> and the more recent *Inspection Standards for Aboriginal Prisoners*.<sup>18</sup>

The *Code of Inspection Standards for Young People in Detention* is arranged under different headings to those used in the (adult) *Code* and the (adult) *Aboriginal Standards*, to better reflect the differences between best-practice juvenile detention and adult imprisonment. A brief preamble or contextual statement is included for some standards in order to provide background information, where it is considered necessary.

Standards are written as outcome statements to be achieved. They are not intended to prescribe how an outcome is to be achieved. The *elements* underneath each standard identify activities and outputs which may indicate how well the outcome standard is being achieved. The elements are not an intended to be an exhaustive list but are rather intended as evidentiary indicators of the extent to which a standard is being met. The *elements* are also not intended to limit the possibilities for alternative and innovative processes towards achieving or surpassing the standard.

Supporting references have been identified under each standard. A glossary of common terms used is also available as an Appendix.

The *Code of Inspection Standards for Young People in Detention* is published as version 1 and it is intended that it be reviewed from time to time, to ensure continued relevance.

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<sup>17</sup> OICS, *Code of Inspection Standards for Adult Custodial Services*, (version one, 19 April 2007)

<sup>18</sup> OICS, *Inspection Standards For Aboriginal Prisoners* (draft version 1, July 2008).

## PROTECTING BASIC RIGHTS IN A DIVERSE AND PREDOMINANTLY ABORIGINAL POPULATION

### 1. All custodial arrangements for young people must reflect a youth-focused philosophy and be operated independently of adult prisons.

- The detention facility is organised around a clearly-defined juvenile detention philosophy, communicated and supported across all levels of staff as well as to detained young people.
- The detention facility has a clear focus on developmental needs, links to family support, throughcare from and to the community as well as the specific and individual needs of young people (within the context of their family, community and culture).
- Executive, management and staff model the appropriate behaviours and have congruent attitudes, experience and training to implement the detention facility philosophy.
- The executive management structure for juvenile detention is separate from adult custodial operations. Funding for juvenile detention is provided by a separate budget to the budget for adult custodial operations, and is not in direct competition for funds
- Detention facilities and services are preferably located separate from adult custodial facilities. In cases where juvenile detention facilities are housed on the same land or as part of the same complex as adult facilities, there is a separate and clearly defined entry for the juvenile unit or facility, separate staff and autonomous management and separation of all reception, accommodation and activity areas.
- However, the separation of detention services for young people from services for adult prisoners does not preclude appropriate collaboration and communication between the two sectors to improve practice and encourage innovation, for example when managing young prisoners in adult facilities, for cross-jurisdiction training (eg for cultural awareness or other universal skills), or to improve family visits arrangements.

#### Supporting references:

YOA s7(i)  
UN CRC 3; 20; 27(1)(2)  
UN RPJDL 30; 31; 32; 85  
RCIADIC 167

**2. Young people can only be held in detention under a legal order of detention and should be released at the earliest appropriate opportunity.**

- All young people taken into detention have the opportunity to challenge their detention (ie seek bail) in Court within 24 hours of arrest. This may be in person (either in a Court constituted in the Centre or externally) or via video link to a Magistrate.
- The admission process includes checking all arrivals have a legal order for detention and that the correct person is in detention. A file is created and maintained for each young person that includes all warrants and legal documents received, personal information, property inventory, family contact details and other details.
- Any new arrivals with apparent or suspected injuries or serious health concerns are diverted to hospital rather than admitted to the Centre.
- Bail options are explored as soon as possible for all young people on remand deemed eligible for bail. Staff at the detention facility advocate for bail and early hearings wherever appropriate, and provide appropriate assistance such as facilitating contact with legal advisers and family or community supports. Options for bail placements include consideration of extended family (particularly for Aboriginal detainees), not just parents or bail/care facilities.
- Any detention documentation required for Court hearings is provided in a timely manner.
- The detention facility promotes appropriate alternatives to detention in consultation with other organisations, particularly Police and the Courts.
- There are protocols to support good communication between the detention facility and other agencies such as the Police, Courts, community corrections and Department of Child Protection.
- Involvement from the Department of Child Protection is sought at the earliest opportunity for all young people in the care of the State or without existing care arrangements in the community.
- Young people in custody are considered for release to community programs or supervision at the earliest opportunity, providing safe accommodation and support is available and they are not disadvantaged by early release from detention (see standard 31 on release planning).
- Participation in a program or intervention does not automatically delay early release. However, should a

young person be released prior to completing a program, efforts are made to connect the young person to a comparable program in the community, or to enable the young person to continue to attend the program in the detention facility through a structured visiting arrangement.

Supporting references:

YOA s7(h)  
UNCRC 3(a)(b); 37(b)(d); 40(4)  
UNBEIJ 4.1; 28.1; 28.2  
UNRPJDL 17, 20  
RCIADIC 87; 90; 91; 92; 94  
*Criminal Code Act 1913 s29*

**3. The treatment of young people and the conditions in which they are held must meet contemporary community standards of decency.**

- Operating procedures reflect the requirement to maintain dignity and decency and ensure no young person suffers cruel, degrading or inhumane treatment while in custody.
- Particular attention is paid to this during activities such as searches of young people, disciplinary action, movements and transportation. Staff training reinforces this (see standard 37 for more on training).
- Staff model appropriate ways of behaving and interacting whenever in the presence of young people in custody. Inappropriate behaviour or attitudes displayed by young people are challenged by staff. This is reinforced by staff training and staff appraisals.
- Young people are not routinely locked down for extended periods of time. If there is an unavoidable (occasional) extended lockdown, compensatory measures and increased staff interaction are provided. Every day, young people have extended periods out of their cell in both outdoor and indoor communal activity areas, weather permitting.
- Young people are housed in well-maintained and clean accommodation appropriate to climatic conditions, with ample clean bedding, and adequate furnishings appropriate to their age and level of maturity.<sup>19</sup>
- Young people are involved in cleaning, laundering and maintaining their clothing and living environment, with appropriate staff supervision, assistance and training.

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<sup>19</sup> Decent living conditions also relate to food and water, health and hygiene. See Standards 16 – 19 for detail on these areas.

- Wherever possible, young people have their own kit of clothing and shoes for the duration of their stay. Young people are never required to wear recycled underwear or share personal toiletries.
- A reasonable amount of personal items are allowed in cell, either from purchases, items made during activities or brought in by visitors (through appropriate security screening). Property is recorded and monitored to prevent bullying, theft or other issues, and excess property is safely stored or signed out.

Supporting references:

YOA s6(f), s7(a)(i)

UNCRC 27(1); 37

UNRPJDL 12; 31; 33; 34; 35; 36; 66; 87

RCIADIC 122; 182; 333

Rview 29 (50) and Rview 50(19)

**4. No young person or specific groups of young people should experience disadvantage, discrimination or abuse while in custody.**

*Juvenile populations can change quickly (especially in remand) so groups and minorities within the Centre may also change regularly. Aboriginal young people have historically been in the majority, but the Aboriginal population is not homogenous and young people from Aboriginal language, skin and family groups different to the dominant group may be at risk of isolation, disadvantage or discrimination (particularly those from remote areas). Non-Aboriginal young people may also be at risk of isolation or disadvantage as a minority.*

- The Centre has an effective anti-discrimination strategy, and actively promotes respect for difference – whether in age, gender and gender identity, race, cultural background, sexual identity, physical appearance and physical abilities or any other status.
- The Centre has active strategies for the protection of vulnerable and at-risk young people and to identify and manage bullying. Strategies are reviewed regularly.
- Equality does not necessarily mean identical treatment. Young people from disadvantaged groups and those experiencing difficult individual circumstances may need a different level of service to receive the same benefits and outcomes as others.
- Relevant staff are trained in these strategies as well as trained in cultural awareness, managing Aboriginal young people from different regions, managing young women and girls, and managing young people with special needs

or from minority groups and diverse lifestyles, preventing discrimination, and methods for diffusing conflicts and racial or cultural tension.<sup>20</sup>

- Cultural, religious or other beliefs and identifications, may involve specific food requirements, religious artefacts, interpreters or access to cultural advisers. Procedures are in place to manage such specific requirements (subject to reasonableness and regular review, including external consultation where appropriate).
- All young people, regardless of physical or cognitive abilities, have equitable access to the full range of services available within the Centre (including external activities if suitable). Equitable access may involve tailoring services to individual needs.
- Young peoples' language skills, literacy level and any disability affecting reading or cognition is taken into account when providing information and instruction. (see Standard # for more on detainee understanding).

Supporting references:

YOA s6(f), s7(l)

UNCRC 2, 30

UNRPJDL 38

RCIADIC 212

**5. Without disadvantaging other young people, appropriate ways of managing Aboriginal young people in custody should be emphasised.**

*Aboriginal young people make up the overwhelming majority of young people in detention and are vastly over-represented compared to non-Aboriginal detainees.*

- Young people in detention are viewed in light of their individual circumstances and needs, although this will include consideration of their collective context as well.
- Staff are aware of the significant differences between Aboriginal groups from different regions,<sup>21</sup> as well as the status of non-Aboriginal young people as a minority, and ensure no group or individual is disadvantaged, excluded or ignored..
- Young people coming from areas with extreme climatic conditions are provided with clothing and climate controls

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<sup>20</sup> See standards below specifically relating to young women and girls, Aboriginal young people, young people with disabilities or from CALD backgrounds.

<sup>21</sup> Some non-Aboriginal detainees may also be considered part of Aboriginal families or communities, if they have Aboriginal partners, siblings or children, or were raised within an Aboriginal family.

which take into account their being unused to the Perth climate, particularly in the first weeks of detention.

- Young people coming from street living or remote and more traditional lifestyles are supported and guided in becoming familiar with community standards of hygiene and/or contemporary kitchens, appliances, and bedding, etc., wherever necessary.
- There is regular consultation with Aboriginal staff, families and community leaders regarding ways to limit distress caused to Aboriginal young people by being in detention. The Centre encourages and enables Aboriginal families and communities to assist managing and supporting their young people. Similar consultation and involvement is sought for young people from other cultures, as necessary.
- There is appropriate acknowledgement of the traditional Aboriginal owners of the land and ceremonies held within the Centre to mark events of cultural significance.
- Education regarding Aboriginal Australian history and current issues should be delivered to all young people during their stay, in a variety of ways. (also see Standard regarding cultural maintenance).
- There is a significant number of Aboriginal staff working at the Centre, including Aboriginal Welfare Officers.
- There are a range of Aboriginal services visiting the Centre regularly (including but not limited to AVS, ALS and Aboriginal health services).
- Aboriginal role models from the community are encouraged to visit and participate in inspirational, recreational and educational activities, as appropriate.
- There are a variety of programs and activities available that are suitable for Aboriginal young people from different groups (urban/remote, different language groups, etc), able to be tailored to the needs of individuals and their family and community circumstances.)
- Screening for home leave and other external activities ensures a safe and stable environment exists in the community. However, it should not automatically preclude young people from such activities simply because they would associate with family members who have a criminal record.
- Aboriginal young people have the opportunity to learn about their own history and participate in regular activities

to ensure cultural maintenance.<sup>22</sup> This may be linked into activities with rehabilitative outcomes.

- Approvals for attendance at funerals and other significant events take into account the extended family structures and obligations of Aboriginal people.

Supporting references:

YOA s6(f)

UNCRC 30

UNRPJDL 12

RCIADIC 171; 172; 173; 174; 183; 290; 291

DGJJFANZ 5.403; 5.404; 5.405; 5.406; 5.407

BHill 58(5) and BHill 37(8)

Rview 50(16) and Rview 29(32)

**6. Young people from culturally and linguistically diverse (CALD) backgrounds should have fair and equitable access to services, activities and amenities, including services specifically related to their CALD status.**

- A culture of acceptance of diversity is established in the Centre. All staff are trained in cultural awareness, preventing discrimination, managing young people from CALD backgrounds.
- CALD detainees have access to interpreters and where necessary, key documents translated into their native language.
- Culturally-appropriate treatment may relate to (but not be limited to) consideration about appropriate food and food preparation methods, styles of communication, living conditions. The Centre seeks advice and information from appropriate sources regarding the needs of CALD young people.
- Consular involvement is sought for any foreign nationals, including links to resettlement services if being deported or likely to be deported.
- Young people from outside Australia receive assistance to maintain contact with family through provision of overseas phone calls, use of video link or internet video conferencing and other available means. Arrangements are flexible in consideration of international time zones and appropriate times to call.
- Consultation and involvement is sought from staff, families and community leaders from different cultures

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<sup>22</sup> This requires sensitivity to how out-of-country Aboriginal young people may react to being in the local country, and how the local Aboriginal detainees will respond. There may be the need for Aboriginal 'cultural exchange' activities and a 'welcome to country' incorporated into orientation when appropriate.

represented in the detainee population regarding ways to limit any distress to CALD young people caused by the environment and routines within the Centre.

Supporting references:

YOA s6(f)

UNRPJDL 12

**7. There must be rigorous assessment prior to any detention placement to ensure appropriate supervision and segregation of young people according to gender, age or maturity and any at-risk status.**

*Some young people may have adult responsibilities in the community (caring roles, children, cultural obligations etc)-*

- Appropriate risk assessments are conducted for all external and internal accommodation placements, with particularly rigorous assessments for any shared-cell accommodation. Regular supervision and cell-checking regimes are implemented for all cases of cell-sharing and accommodation placements.
- Males and females have, as a minimum, separate accommodation, living space and ablutions if housed within the same facility. This does not prevent supervised integration for activities and socialising on regular occasions if assessed as suitable.
- Effective and safe regimes are in place for the management of young people that are especially vulnerable, high profile or sex offenders.
- When considering the placement of young people in detention regard is taken of: Aboriginality and other ethnicity, the presence of family members (including extended family members), the presence of members of feuding families, and the presence of members of rival gangs, as well as any other relevant factor.
- As a general rule, young people are not accommodated with adult prisoners. However, young people who have turned 18 while in juvenile detention should be assessed and if suitable should remain in juvenile detention, unless otherwise ordered by a Court. In certain cases it may be more appropriate for a young person under 18 years to be housed in an adult (particularly a young adult) facility instead.
- Older and adult detainees should generally not be housed or interact directly with very young detainees unless part of the same family and/or where the younger detainee benefits from such an arrangement, always subject to a specific risk-assessment.

- Adult prisoners and juvenile detainees may be assessed to be suitable to be together while attending a funeral; for family visits or restorative justice conferencing, or other specific legitimate purposes. A specific situational risk assessment and risk management strategy must be undertaken for all such circumstances.
- Care is exercised in assessing young people's involvement in mixed group activities. For example, matching physical size and strength for contact sports, not mixing very young or vulnerable people with aggressive or highly sexualised older or bigger individuals, ensuring program groups do not contain members of feuding families or relations of victims or perpetrators and so on.
- Young people convicted of serious crimes who are 16 but not yet 18 may be held in an adult prison under the current legislation. Adequate and appropriate protection from predatory adult prisoners must be in place for all such young people, especially in relation to cell-sharing and activities.
- There is good interaction between juvenile custodial and adult custodial managers with regard to sharing information about managing young adults in custody.

Supporting references:

YOA s7(i)

UNCRC 34; 36; 37(c)

UNBEIJ 13.4; 26.3

UNRPJDL 29

DGJJFANZ 5.405

AJJA 1.3

**8. The distinct needs of young women and girls in custody should be recognised and they should have equitable access to services, activities and amenities.**

*In Western Australia young women and girls are a numerically small minority within the juvenile detention population; the numbers may fluctuate between ten and twenty eight individuals and they typically comprise around 10% of the overall juvenile population. As with the adult custodial population, Aboriginal young women and girls are overrepresented.*

*The small number of young women and girls impact upon almost every aspect of their detention. Historically young women and girls have been housed within centres predominantly occupied by boys and young men, albeit largely separated for most of the time. They have less opportunity for individualised activities than*

*boys as staff supervisory regimes largely dictate that activities must involve all young women girls.*

*The young women and girls are a complex population with many of the young women already mothers or pregnant. They spend most of their waking hours in each others company and there are often relationship conflicts which can be stressful for everybody including staff.*

- A 'Young Women and Girls' strategy informs the management of their detention, with measurable outcomes and regular reviews. The strategy also highlights the needs of Aboriginal young women and girls.
- There are staff, resources and infrastructure specifically available for young women and girls. The design of the detention infrastructure is appropriate to young women and girls, and is not just be a small replica of male areas. This may mean different decor and fittings, different styles of accommodation and living areas, different levels of staff and areas for supervision, programs and other considerations.
- Within mixed-gender centres, there is a separate, well-resourced female precinct and parity of access to activities and services between genders. Young women and girls are accommodated separately from young men and boys with private recreation areas available screened off from male view.
- Gender-specific programs, interventions and activities should be available, tailored to the needs of the population, with female-specific programs flexible enough to change with fluctuations in the female population.
- Segregated living does not prevent some integration of genders during well-supervised activities, programs, visits and social or recreational occasions. Young women and girls can also take part in general programs and mixed-gender activities when appropriate. Participation in mixed-gender activities is not compulsory with an easy opt-out option without recrimination.
- There are sufficient female staff to enable appropriate management and support of young women and girls in custody, including Aboriginal women preferably on staff, or in a visiting capacity. Staffing and activity structures for the female population is not dependent on the male population, and staff or resource shortages do not result in reduction of activity for one gender only.
- While staff of either gender can supervise general activities (with regular, positive contact with the opposite gender encouraged as part of healthy development and modelling appropriate behaviour), staff of the same

gender only can conduct personal searches and supervise detainees during showers etc.

- The health centre provides appropriate health services tailored to young women's health, including (but not limited to) preventative health and health promotions, reproductive and sexual health screening and treatment, diet and nutrition, with a focus on young Aboriginal women's health. Specific health services are available to young mothers and young women who are or have been pregnant.

Supporting references:

YOA s7(a)  
UNCRC 24(2)(d)(e)(f)  
UN BEIJ 13.5; 22.2; 26.2; 26.4  
UN RPJDL 28  
DGJJFANZ 5.307; 5.308; 5.309; 5.310

**9. The distinct needs of young people with disabilities, with a high level of vulnerability or immaturity, and those with mental health issues should be assessed and they should have equitable access to services, activities and amenities, including specific assistance relating to their needs.**

*Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with other.<sup>23</sup> Young people may have multiple disabilities or co-morbid drug issues, hence require intervention appropriate to dealing with a range of issues, not just the main presenting disability; many may have experienced learning difficulties or been affected by foetal alcohol syndrome. Some young people with presenting issues may never have been diagnosed before, so time in detention provides an opportunity for comprehensive assessment and referral.*

- There are appropriate assessments conducted to identify the needs of disabled young people, including young people presenting with potentially undiagnosed conditions. This could involve expertise on-site or appropriate referrals to specialist facilities for assessment and setting up a management plan.
- All staff receive basic disability awareness training. Staff working closely with young people with disabilities also receive ongoing training in managing specific disabilities.
- Staff are alert to and quickly address any bullying, verbal or physical abuse or other negative actions towards disabled, highly vulnerable or immature young people.

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<sup>23</sup> UN Convention on the Rights of Persons with Disabilities, Article 1

- Highly vulnerable or immature young people, those with newly-diagnosed mental health issues and those with an existing diagnosis have a management plan specifying special needs to be addressed. This plan should include all areas of Centre life with all staff involved in the young person's management to be aware of the plan. Disabled young people should be referred to relevant services to ensure they receive the appropriate assistance, assistive technology and other services.
- Young people with disabilities are managed according to their individual needs. This may involve additional services, equipment, time and other resources to ensure they have equitable access to the services, activities and amenities needed to progress through detention and out of detention at the earliest suitable time.
- Physically-disabled young people are able to access all areas of the Centre in order to engage fully with Centre activities. Young people with non-physical disabilities also should have appropriate assistance to ensure they can fully engage with Centre activities in meaningful ways.
- There are working relationships and agreements in place with relevant government and non-government agencies (especially Disability Services Commission) to enable multi-agency management and release planning for young people with disabilities.

Supporting references:

YOA s7(a)  
 UNCRC 23  
 UN BEIJ 26.2  
 UNRPJDL 51  
 DGJJFANZ 5.203 – 5.213

**10. All young people should be able to practice their religion and express their spirituality, consistent with security and good order.**

*Religion, faith and spirituality can be integral to a young person's well being, and the expression of these beliefs can be very personal. A diverse detention population will likely include young people of many different faiths (or no faith) and spiritualities; their right to freedom of expression should be supported wherever possible.*

*Religion and culture may be linked, but remain two distinct areas. See standard 11 regarding cultural expression.*

- Young people's religious needs are identified in the reception process. Information regarding visiting religious representatives or services is given during reception or

orientation processes and young people are aware of how to access religious leaders or materials if required.

- Respect for religious or spiritual difference is promoted within the Centre, and young people are not persecuted for their beliefs. Staff are provided with information on religious and spiritual beliefs relevant to young people in custody, and are able to access information on basic religious or spiritual requirements and how they can be expressed within the custodial environment.
- Some belief systems have specific requirements relating to food, clothing or religious items, mourning or grieving, prayer times, appropriate contact between genders or between people of different ages and other considerations. These may cause disruptions or variations to daily routine or other procedures within the Centre, but are accommodated and respected as part of the young person's religious or spiritual observance.
- Where a young person expresses a religious or spiritual belief outside of mainstream religion, advice from community reference groups, other visiting religious representatives and the young person's family and community is sought to ensure the belief is appropriate to be supported. Belief systems or cults involving bizarre or dangerous rituals or offensive behaviour are not supported by the Centre.
- Religions with substantial representation within the custodial population are encouraged to run regular services and celebrate festivals (including multi-denominational services).
- Where possible, young people are able to attend services or spiritual activities in the community, under appropriate supervision.
- Aboriginal spirituality is encouraged and strengthened through contact with Elders, healers and other representatives of Aboriginal communities (in addition to other community and cultural contact). Elders and other Aboriginal representatives are given similar consideration for access and consultation as other religious or spiritual leaders and representatives. Some observance of customs relating to language, food, death, healing, storytelling, rites of passage or tribal traditions may be quite different to other belief systems and require some negotiation with operational staff to find a suitable way to express these in the custodial setting.
- The Centre has contacts with other religions and belief systems as required to meet the needs of young people requesting reading materials or religious items and

contact with other religious leaders. Young people can retain religious articles and materials where this does not pose a risk to safety and security.

- In addition to group services, religious representatives, chaplains, elders and other relevant spiritual advisors regularly attend the Centre and are available for informal discussions with young people. This may be incorporated into a wider support strategy towards preventing suicide and maintaining wellbeing
- Attending religious activities is not compulsory and is not limited only to those who have specified a religion during reception.
- Young people in detention are not subjected to aggressive religious recruitment. Care is exercised by staff to ensure that religious, spiritual, or other inspirational visitors never exploit the vulnerability of young people in detention.

Supporting references:

YOA s6(f)

UNCRC 14; 30

UNRPJDL 48

RCIADIC 171

AJJA 2.2

**11. Young people should be able to develop and express their cultural identity in legitimate ways while in detention as a natural extension and part of a culture of acceptance for diversity.**

*‘Cultural identity’ and ‘culture’ are broad terms but are used here to refer to the shared beliefs, values and practices of a group – whether defined by common ethnic heritage, home location, age, laws, language, art, music or other defining features.*

*Cultural diversity is broadly regarded as a positive attribute of modern societies and should be similarly regarded in detention. However, an acceptance of diversity does not imply a tolerance for anti-social, illegal, or prejudicial beliefs and values simply because they are held by a particular group. Many youth, gang or street cultures while being genuine expressions of cultural identity may well endorse illegal drugs or violence or other anti-social activities. Consequently, the cultural values and norms of behaviour for the detention centre should seek to make clear that legitimate expressions of diversity are accepted and valued through staff modelling these values and through activities that promote such legitimate expression.*

- General cultural activities are regularly available to all young people, such as music, dance, art, movies or other activities. Legitimate expressions of modern Australian youth culture are encouraged while putting any negative aspects into context (such as sanctioned graphic art or graffiti art rather than illegal tagging). These may also be recreation and leisure activities.
- Other cultural activities will be specific to particular groups and may be tied to traditional activities and heritage as well as religion and spirituality.
- Respect for differences between cultures is promoted and reinforced by staff (in line with standard regarding anti-discrimination). Staff receive cultural awareness training and have access to cultural references and representatives to gain information or assistance if required.
- Gendered experiences of culture may be different, and specific cultural activities and representatives are available for each gender in addition to mixed-gender activities.
- All young people are encouraged learn about their own cultural heritage, other cultures and the origins of cultural activities during structured activities – both internally run and from visiting external groups and experts. Suitable elders and community members are consulted and involved in this. Young people are encouraged to find common ground between their own culture/s and others'.
- Aboriginal cultural activities feature regularly (ensuring activities are relevant to the particular Aboriginal groups represented in the population at the time), such as storytelling, regular visits by elders and community representatives, traditional dance, music and art (blended with modern representations to make it relevant to young people), traditional foods and life skills.
- In addition to general multi-purpose space available for cultural and recreational activities (including special events and visiting groups) for all young people, Aboriginal meeting places are supported within the Centre. Security procedures also do not break up groups of young people (whether Aboriginal or non-Aboriginal) if they are congregating for recreational or cultural purposes – 'hanging out' together is what young people do, and a designated 'meeting place' may not be the most appropriate area for some activities.
- Other groups also have access to specific areas, activities and services as required to meet their cultural needs (eg prayer rooms for Muslim young people).

- Where appropriate, young people with cultural needs can attend cultural activities in the community (whether Aboriginal or non-Aboriginal). Elders and community leaders are consulted with regard to what these cultural needs may be. Where these visits can not occur, efforts must be made to provide other resources and activities to maintain connections to culture within the Centre.

Supporting references:

YOA s6(f)

UNCRC 30

UNRPJDL 38; 48

**12. Young people should be held as close as possible to their home region and enabled to maintain connections with their family and home community. This is particularly important for Aboriginal young people from remote and regional areas.**

- There are custodial facilities or alternative custodial arrangements available in different parts of the State to enable young people to be managed in their home region or 'country'.
- Those that cannot be held 'in country' are returned to country as soon as practicable, either through regular temporary visits, placement in alternative supervisory arrangements (such as home detention or community placements), or earliest release on parole when appropriate.
- Efforts are made to maintain positive connections to family, community and culture for young people held out of country. This includes compensatory measures beyond what exists for locally-detained juveniles (such as additional free phone calls and video link visits) as well as assistance for family outside the region to attend some visits in person, and additional activities to support cultural maintenance such as access to region-specific music or movie screening, traditional foods, visiting elders and story-telling.
- Young people are kept aware of important events and occurrences in the community, and attend significant events wherever possible (eg funerals). Where attendance is not possible, related activities should be provided within the Centre, such as a commemorative service and grieving time in lieu of funeral attendance, or activities to mark special events such as NAIDOC or Sorry Day.

- Links to positive community activities and groups commence and/or continue while in custody, through various in-reach and external activities.
- There may be some young people who benefit from custody away from their home regions – for their own safety (in high profile cases); to access services available only at specialised sites (such as mental health treatment or specific education and training); or where intending to relocate after release. Appropriate assessments identify these needs, with the preference first to safe custody in their home region unless not in the best interests of the young person.

Supporting references:

YOA s6(e)(f), s7(m)

UNRPJDL 30; 58; 59; 60

RCIADIC 168; 169

DGJJFANZ 5.404

OICS *Transport Thematic* Rep43 (Rec26)

**13. Young people in detention should only be transported when absolutely necessary and must never be transported in unsafe, afflictive or inhumane conditions.<sup>24</sup>**

*Juveniles should not be remanded in custody upon arrest without the consideration of diversion and bail options. For those arrested in regional areas without access to qualified judiciary, video link or telephone bail applications should be utilised in favour of remand in custody, to reduce the need for transport to and from metropolitan custodial centres.*

- Alternatives to transportation are utilised wherever appropriate without disadvantaging the young person, such as video links to Court for brief hearings and provision of in-house medical and dental services.
- Wherever possible young people are transported using community-style transport (with appropriate safety and security features) rather than enclosed pod-style prison vans. There is a fleet of various types of vehicles for this purpose, staffed by custodial officers familiar with managing young people, supplemented by Centre-based vehicles for special escorts and other transport purposes.
- Young people being transported are completely segregated from adult prisoners (including during any temporary custodial arrangements during breaks and

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<sup>24</sup> For a lengthy discussion on transport conditions in WA, see OICS, *Thematic Review of Custodial Transport Services in Western Australia*, Report No. 43 (May 2007). A list of transport-related recommendations is included on page 5-10 of that report, many relevant to juveniles.

stop-overs), with any other segregation as appropriate (eg by gender or at-risk status).

- All transport standards for adult prisoners also apply to the transportation of young people – see Standards 65 to 71 in the adult *Code of Inspection Standards* (from page 43 on),<sup>25</sup> with consideration to any modifications required to suit young people eg seat-belts adjustable to fit young people of small stature or entertainment systems for long journeys suitable for children. In summary, these require:
  - Transportation to be carried out safely and humanely (Standard 65), with adequate preparation for long journeys (Standard 66) – includes transportation only undertaken when absolutely necessary, in vehicles meeting minimum standards (outlined below) with appropriate safety features fitted; young people informed about the journey and destination and family notified; no smoking in vehicles; sight and sound separation of those requiring segregation (eg male/female, or those on protection); drivers trained in emergencies; assessments undertaken prior to travel on all those to be transported; special needs identified and met; and appropriate paperwork and property accompanying all those in custody.
  - Vehicles meet minimum standards (67) – such as seat belts; moulded or cushioned, forward or rear-facing seats; access to ablutions and hand-washing (with private toilets fitted in long-haul vehicles and breaks at least every 2 hours for all short haul journeys) and sanitary products and disposal bins for young women and girls; windows to provide natural light and views with privacy; adequate leg and head room for all; confinement in vehicles for minimum time possible; 'safe-cell' compliant where relevant; emergency exits; door hatches; effective video and audio monitoring, and effective communication within vehicle and between vehicle and base/facilities; music, radio or info broadcasts; effective climate control plus natural ventilation; regular meals and clean water provided, with cool storage for food and drink; adequate storage for valuables, paperwork and property.
  - Meeting the special needs of the infirm, disabled, pregnant or injured (70) – including medical assessments of the needs of these young people prior to travel with special needs catered for, such as through use of non-standard vehicles where

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<sup>25</sup> Available at: <http://www.custodialinspector.wa.gov.au/index.cfm?objectId=4C31D21F-C09F-1F3C-C89CE1C71CED014D>

appropriate, use of chair-lift equipped vehicles for wheel-chairs and special considerations for pregnant women or nursing mothers.

- And ensuring welfare and dignity as well as security and safety for any 'high security escorts' (71) - proper seatbelts used if cuffed or restrained; care taken not to expose them to view; procedures video-taped.
- Long haul journeys undertaken by air (wherever possible) or appropriate long-haul vehicles (68) – meeting all minimum standards above, plus room to stand up (in toilet and in pod), additional potable water, food and suitable cold storage for these; robust contingency plans for breakdowns or emergencies; satellite tracking and communication for vehicles in remote and regional areas; vehicles suitable for the climate and terrain.
- With adequate and safe accommodation and services at any overnight stops along the way (69) - overnight facilities to be clean and hygienic; able to separate categories as required; provide fresh food, clean water, clean and adequate bedding and towels; good access to outside areas for exercise; and basic orientation given for any facility held in for any length of time.

Supporting references:

YOA s7(i)

UN CRC 37(a)(c)

UNRPJDL 26

OICS *Transport Thematic Report 43*

**14. The un-sentenced status of remanded young people should be respected in the way they are treated while in detention. Unsentenced remandees must have no less access to services, activities and amenities as sentenced young people, and be able to access additional services required in line with their remand status.**

- Wherever possible, young people on remand are housed in community-style 'normalised' accommodation and not referred to as 'young offenders', to maintain their status as innocent until proven guilty.
- Efforts are made to maintain functional connections to the community for remanded young people (as well as for sentenced young people). This includes additional visits, phone calls and other contact with parents or guardians, family and friends, continuation with work or study activities, access to property and materials from

community activities they would otherwise be undertaking and other activities.

- The security classification system does not require remanded young people to be housed in maximum-security facilities solely because of their un-sentenced status.
- Unless it would cause disadvantage or distress, remanded young people are kept segregated from sentenced young people. This may not be appropriate in all situations – for example, where there are very few remandees in a Centre where most are sentenced young people (or vice versa); where remandees may benefit from the support of sentenced family or friends in times of crisis or first time in custody; or where long-term remanded young people would otherwise be unable to access incentive accommodation or privileges.
- Remanded young people have equitable access to all activities, services, interventions, information, education and incentive schemes and be supported in undertaking lawful and constructive developmental activity while in custody.
- Remanded young people are not be required to undertake programs or activities that may negatively affect their court case, but are be encouraged and enabled to access programs and activities that may be beneficial to their personal development.
- Remanded young people have unlimited access to their legal advisers, including assistance securing legal advice and representation if they do not have a lawyer. Remanded young people are kept aware of all relevant information regarding their court case.
- Remanded young people are able to access assistance with accommodation, support for resettlement into the community and other re-entry services comparative to sentenced young people, at a level appropriate to their individual needs.
- In particular, contact with the Department of Child Protection (or whichever agency administers the child welfare functions) is encouraged and facilitated by the Centre for those in the care of the State, with active child welfare cases or without family and in need for welfare placements. This contact should commence as soon as possible after the young person's arrival in custody.

Supporting references:

YOA s6(c), s7(a)(h), s8

UN CRC 40(b)

### **15. Young people should understand their rights, obligations and what to expect during their time in custody.**

- Reception and orientation processes are to be used as key times to impart information to young people, to be followed up regularly throughout their stay using a variety of methods - including, but not limited to, a comprehensive and youth-focussed written resource to reinforce information given verbally or through multimedia sources.
- All information is given in ways young people can understand, taking into account age, developmental levels, literacy, linguistic background, any disabilities, attention span, previous experiences in detention and other personal circumstances. This may involve tailoring methods of delivery of information to individual young people and having a variety of communication methods available (verbal, written, videos, peer involvement etc). Particular care must be taken in this regard with first-time arrivals, very young detainees, remote Aboriginal detainees and foreign nationals.
- There are a variety of appropriate and responsive mechanisms by which young people can ask questions, raise concerns and lodge complaints about any aspect of their treatment. There should be a mix of formal and informal methods, suitable for various ages/developmental levels.
- Staff respond promptly to questions and complaints, with all complaints recorded and followed up expeditiously – maintaining confidentiality as required, ensuring no recrimination occurs, and providing updates to the complainant on progress on the complaint.
- Young people are able to access external complaint bodies to seek information or to lodge complaints. There are clear protocols for such bodies to interact with the Centre to follow up complaints or provide support to young people.
- Young people are confident in raising concerns, fears or complaints to staff or management for resolution, and experience issues being addressed and resolved.
- Young people have good and timely access to legal advice and legal practitioners and access to basic legal information.– especially remanded young people with

pending court cases or young people with pending legal proceedings (eg appeals or civil court matters),

- Appropriate representation and a responsible adult are present for Police interviews with young people at the Centre. Young people are made aware of their rights prior to all Police interviews.

Supporting references:

YOA s7(l)  
UN CRC 40(b)  
UNRPJDL 24; 25; 75; 76; 77; 78  
UNBEIJ 7.1  
RCIADIC 176; 179; 244

**16. Safety and good order should be maintained at all times, with the minimum of restriction necessary to enable humane and respectful relationships between young people and staff, family, visitors and others.**

- Regular risk assessments are conducted in all areas within and around the Centre, as part of a co-ordinated safety and security strategy.
- Security activities are conducted discreetly and sensitively. Security is maintained at the lowest level possible appropriate to the risks.
- The ratio of staff to young people is such as to enable interactive and respectful relationships.
- All cells are fitted with cell-call buttons for direct access to staff at all times.
- Staff are not alone when conducting searches, managing large groups of young people, and conducting night checks.
- Young people are aware of all rules and necessary safety procedures and the consequences of breaking rules. Consequences are framed in terms of safety as well as discipline or punishment.
- A range of strategies, including incentives and modelling respectful behaviour are used to generally promote appropriate behaviour.
- Staff are alert to potential incidents and defuse situations before they result in assaults or a break of order. There is a system to collect and utilise intelligence to aid the prevention of incidents.
- Strategies are in place and regularly reviewed regarding the protection of vulnerable young people, management of bullying and prevention of any abuse. Staff are trained in these strategies and related procedures.

- Assessments for risk and suitability inform all decisions for accommodation and activity placements.
- The physical environment is safe and security systems and procedures are appropriate to the population and intent of juvenile detention. Regular review takes place.
- The reduction of diet and the restriction or denial of contact with family members is formally prohibited as a form of punishment or behaviour control and is never used.
- Collective sanctions are prohibited.

Supporting references:

UN Declaration of Human Rights, Article 3  
 YOA s11B  
 UN CRC 3; 19(1); 34; 36  
 UNRPJDL 27; 28; 31; 32; 33; 34; 52; 67; 87(a)(d)  
 DGJFFANZ 5.403  
 RCIADIC 140  
 AJJA 8.1, 8.2  
 AJJA 8.1, 8.2

**17. Force (including any form of restraints) must only be used as a last resort and for the shortest time required. Its use must be properly prescribed, monitored and humanely applied.**

- There is a clearly-defined behaviour management policy and supporting procedures highlighting de-escalation and less intrusive or restrictive options as preferred over the use of force.
- There are clearly prescribed rules to govern the use of force or restraints on young people. Only staff with current training in the correct use of force and restraints can apply force or restraints. Such staff are also trained in conflict resolution.
- The safety of young people and staff is of prime concern in all occasions warranting the use of force or restraints.
- All occasions of force used on young people are recorded, with detailed and timely reports written by all staff involved in or witnessing the incident and forwarded to operational management.
- Every incident and use of force is reviewed and monitored by management for lessons learned.
- Use of restraints is kept to the lowest level appropriate to the situation and for the shortest time required, with the comfort and dignity of young people considered in

addition to safety and security. Chemical restraints are not used without medical clearance.

- Consideration of alternative forms of mechanical restraints (including not using restraints) for movements, transportation and activities external to the Centre is included in all risk assessments determining security requirements for these activities.
- Young people are able to access services to discuss any issues raised by use of force (such as a previous history of sexual or physical abuse or other trauma).

Supporting references:

YOA s11C, s11D & YOR r71,r72

UNCRC 37(a)

UNRPJDL 55; 64; 65

RCIADIC 163; 164

AJJA 1.1; 1.2; 7.7

**18. Searches should be undertaken to reduce risks to safety and security from contraband, weapons, alcohol and other drugs. Personal searches must be conducted in a manner which protects the safety and dignity of those being searched.**

*Particular care must be taken with searches of young people considering some may have histories of sexual or physical abuse and traumatic memories may be triggered by experiences of strip-searching or being in other vulnerable positions.*

- Searching is a part of a wider safety and security strategy to detect items that may endanger the safety of anyone in the Centre or pose a threat to security and good order. Searches may be routine or random or based on intelligence.
- All personal searches (whether strip-search, pat or rubdown search or with the use of a search dog, metal detector or any other technological item) are conducted with due respect for the individual's rights, safety, dignity and comfort.
- Searches are only conducted by staff who are trained in the correct search procedures including awareness of the need to maintain decency and dignity. Health or other therapeutic staff are never required to undertake searches of young people.
- Personal searches are only done by a staff member of the same gender as the person to be searched (with the exception of fully-clothed wand searches or walk-through detectors). There are always at least two staff present, one to conduct the search and one to observe the

searcher (observer may be of different gender if unable to see the person being searched).

- Strip-searching is only used when there is an identified risk or reasonable suspicion of the young person carrying dangerous contraband, not as a random search or routine procedure.
- Body cavity searches are never undertaken on young people or any others in the Centre. Any young people suspected of secreting items internally are placed in observation or taken to hospital if internal damage or other health issues are suspected or likely.
- Body sample testing are only conducted where there is a suspicion of alcohol or other drug use. The preference is to the least intrusive kind of test and all testing is conducted with due respect for the individual's rights, safety, dignity and comfort as with searches. There are effective procedures in place to ensure the integrity of any test sample.
- Staff have clear information regarding what is considered contraband and there are procedures on how to record, store, retain as evidence or destroy any items found during searches.
- Cell searches are undertaken with sensitivity to young person's privacy and need for own space and property – area left tidy and undamaged, and preferably searched in the presence of the young person.
- All searches are recorded with sufficient detail to enable reviews and reporting on the number and outcome of searches in different areas and on individuals, and to ensure the same young people are not always searched and to ensure there is good coverage of the entire Centre during area searches.
- Appropriate search measures are in place for staff searches, with regular and random searches of staff. All staff are made aware of the possibility of personal searches and the allowed and prohibited items during their induction training. Staff have access to lockers and amenities outside of areas young people can access to securely store personal belongings during their shifts.
- Effective search procedures and recording are in place to check the entry and exit of all vehicles, contractors' tools and any other unusual or potentially dangerous items.
- Search procedures for visitors (social visitors and official visitors) are conducted in the least intrusive way appropriate for the identified risk, with due regard to gender, religious and cultural sensitivities and particular

care if searching infants or children due to reasonable suspicion of contraband present. Visitors must be fully informed of the procedure and their rights, including the right to complain.

- Clear information regarding prohibited items, expected behaviour and other requirements within the Centre is given prior to the visitors entering the Centre and lockers for personal belongings are provided in the foyer.

Supporting references:

YOA s11C, s11D & YOR r71,r72  
UNCRC 37(a)  
UNRPJDL 55; 64; 65  
RCIADIC 163; 164  
AJJA 1.1; 1.2; 1.3

## **ENSURING THE WELLBEING AND DEVELOPMENT OF YOUNG PEOPLE AND STRENGTHENING FAMILY AND COMMUNITY SUPPORT**

### **19. Young people in custody should have their health needs addressed by appropriate health and ancillary services. There should be a particular focus on improving health outcomes for Aboriginal young people.**

*Young people in custody are likely to have significantly more physical and mental health problems and are more likely to engage in lifestyle risk factors than the equivalent age cohort in the general population. They are also more likely to have been caught up in a cycle of disadvantage. Given the predominance of Aboriginal young people in detention, addressing Aboriginal health concerns must be a major focus, in line with closing the gap between Aboriginal and non-Aboriginal health and life expectancy in Australia.*

- The Centre has Aboriginal and child and adolescent-focussed health services available to meet the needs of the population. This may include a mix of on-site, visiting and external services.
- Upon arrival in detention all young people undergo health screening within 72 hours.
- Health services are tailored to meet needs the individual young person in detention, in terms of appropriateness for age, gender, race, developmental level, lifestyle and other considerations. This does not preclude targeting specific groups who may have similar health needs for health promotion or intervention programs.
- Aboriginal health workers and programs are active in each Centre, linked to Aboriginal health services in the community to ensure continuity of care after release.

- Specialist services also include Aboriginal-focussed services to address child health issues more prevalent in Aboriginal children (both for immediate issues such as ear complaints as well as longer term issues such as diabetes and other chronic illness).
- Health promotion and education appropriate to the population/sub-populations in detention is provided and integrated with activities to encourage healthy lifestyles and the overall rehabilitative regime of the Centre.
- Emergency health services are available, with a 24-hour nursing post for arrest/remand centres, on-call arrangements with local doctor and psychiatric emergency team, a regularly-tested emergency response plan and agreements with local health services.
- Recordkeeping systems enable health trends and needs within the population to be tracked, to better inform the provision of health services for young people. Detention health services have links to community based services and research bodies to ensure services meet contemporary standards.

Supporting references:

UNCRC 24(1)(2)

UNRPJDL 31; 49; 50; 51; 52

RCIADIC 130; 150; 152; 153; 154; 155; 156; 157; 258; 259

*Health Act (WA) 1911 and subsidiary legislation*

**20. Healthy lifestyles should be supported through the provision of extensive health promotion and education, nutritious food and drink, and encouragement of exercise and personal hygiene.** Error! Bookmark not defined.

- The general menu is made up of nutritional meals suitable for and attractive to children and adolescents, following national guidelines,<sup>26</sup> with variation, healthy dessert options and options for special meals for specific dietary needs as needed.
- Special meals for specific needs may include; young people needing to bulk up (if underweight/malnourished), lose weight if obese or overweight, young people may have allergies, specific religious needs, or are vegetarian or vegan. Special needs for health reasons are approved by the medical centre, while special needs for religious or ethical choices should be supported appropriately.
- Clean drinking water is easily accessible by young people at all times.

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<sup>26</sup> Eg. National Health and Medical Research Council, *Dietary Guidelines for Children and Adolescents in Australia* (April 2003).

- Food, drink and snack products are for sale in the canteen and include healthy options with reasonable limits placed on how much 'junk' food young people can purchase at any one time. This is supported by information and education regarding healthy eating and promotion of junk food for occasional rather than habitual consumption.
- Information and education regarding healthy living and the importance of diet and regular exercise is provided and supported across the Centre, informally within unit environment and recreational activities and reinforced with more structured educational and programmatic sessions.
- Personal hygiene and housekeeping is monitored and addressed at unit level.
- Sanitation, ablution and other facilities across the Centre conform to the relevant regulations and standards defined in legislation.
- All staff and young people involved in food preparation or food serving have undertaken specific food safety training. Young people and kitchen areas are appropriately supervised to ensure food safety standards are being met during food preparation, serving and storage.
- All young people (whether involved in food preparation or not) undertake basic food safety and hygiene awareness training, applicable to daily unit living in the Centre as well as in the outside community after release.
- Health promotions also cover alcohol, smoking and other drug education as well as general health, hygiene, sleep, fitness and nutrition.
- Special attention is given to youth-focussed sex education (including safe sex and pregnancy information); sexual health screening; programs promoting positive relationships and self protection and addressing family and domestic violence issues. Particular care is taken as to the appropriate mix of young people within these program groups and assessment as to which level or type of program suits each individual.
- Recreation, leisure, exercise and relaxation activities are a part of the daily routine and promoted as part of a healthy lifestyle.

Supporting references:

UNCRC 6(2); 24(2); 31(1)

UNRPJDL 37; 47

**21. There should be specific services to address issues related to alcohol and other drug use, as part of a youth-focussed drug strategy designed to reduce supply, reduce demand and minimise harm.**

*Alcohol and other drug use may be linked to offending behaviour for many young people. Even if not using substances themselves, young people may be around others who are and therefore need to know about the effects, how to respond in an emergency, how to respond to peer pressure, and the economic, social and legal implications of drinking, smoking, and taking or dealing drugs.*

- Drug and alcohol awareness and treatment strategies are specifically child- and adolescent-focussed and appropriate for an Aboriginal population.
- There are on-site or regular visiting services able to deal with the physical, cognitive, psychological, emotional and other effects of drug and alcohol use – both in the short-term (detoxification and withdrawal) and for any longer-lasting health and mental health effects.
- Co-morbid services are available for young people with drug and mental health issues.
- Various programs are available for young people targeting different areas and levels of substance use: detoxification and withdrawal services for young people under the influence of alcohol and drugs upon arrival; longer-term rehabilitation programs for young people with substance use issues; targeted offender-treatment programs for sentenced young people convicted of drug offences; and drug information and education sessions for all young people, including remandees. (see also standard # on programs later)
- Security measures designed to prevent access to substances in the Centre should be based on risk assessments and regularly reviewed as part of the overall security plan.

Supporting references:

UNCRC 33  
UNRPJDL 54  
RCIADIC 288

**22. Young people in detention with actual or suspected mental health issues should have access to age and culturally-appropriate mental health services in a timely manner.** Error!  
Bookmark not defined.

*As with general health issues, many young people who may present with mental health issues may not have had a full or recent diagnosis or treatment in the community.*

- There are suitably-trained mental health professionals on-site (such as a mental health nurse, visiting specialist GP, psychologist, or psychiatrist) to conduct mental health assessments and monitor progress.
- Responsive arrangements exist with suitable services to refer young people with mental health problems.
- An Aboriginal mental health worker or Aboriginal general health worker with some understanding of mental health issues is present when dealing with Aboriginal young people with suspected or actual mental health issues. Elders and traditional healers are consulted or involved where young people from more traditional lifestyles are experiencing mental health issues.
- Services are also sought to meet the needs of non-English-speaking-background young people, Muslim young people and other different cultural groups (interpreters, gender-specific specialists, refugee/migrant services etc) – whether on-site, contracted or sought on a case-by-case basis according to individual need.
- Many young people may have experienced trauma (whether recent or in their past), so specific services should be available to deal with this, such as grief counselling or sexual assault counselling services.
- There are strong links to services in the community for support and treatment during detention and upon release, including family services and family groups.

Supporting references:

UNCRC 25; 39

UNRPJDL 49; 53

RCIADIC 151; 152; 266

**23. In addition to clinical services, a range other services providing social and emotional support towards ensuring well-being and preventing suicide and self harm should be available to all young people.**

*Some young people may be exploring their gender and/or sexual identity (as part of identity formation in adolescence and young adulthood) and may be undergoing emotional difficulty requiring supportive counselling.*

- The Centre has a suicide and self-harm prevention strategy. All staff having direct contact with young people receive regular training in this area and are offered support after dealing with any traumatic incidents involving suicide attempts or self-harm incidents.

- In addition to clinical health and mental health services, there are other support services available either on-site, as a visiting service or external appointments (such as social workers, drug or alcohol support groups and specialist agencies such as migrant or refugee assistance).
- Alternative supports are a regular and valued part of the Centre – including but not limited to Aboriginal elders, mentors, chaplains and other religious leaders, and meditation classes.
- A range sport, art, music or play therapy; team-building and other activities that enhance wellbeing are available.
- Family, community, peer and/or mentor involvement is sought and encouraged during times of stress and crisis, in addition to regular social contacts.
- Confidential telephone help lines are available for all young people. These are private (unrecorded), available free of charge and well advertised through the Centre.
- All support services are encouraged to work towards the same broad goals with each detainee, hence need some level of information-sharing in regards to specific individuals' issues, supported by clear protocols, service agreements and confidentiality provisions.

Supporting references:

UNCRC 39

UNRPJDL 48

#### **24. Young people in custody should be managed with regard to their age and developmental level.**

*Adolescence is characterised by rapid change; physically with the onset of physical growth and puberty; psychologically with growing independence, autonomy and values; emotionally with a growing movement from self-centredness to awareness of others; socially with the growth of peer group pressure; and cognitively with a change from concrete to abstract thought.*

*In some ways, all young people in custody can be regarded as developmentally vulnerable and must be treated with scrupulous propriety and care. Age is not a reliable marker of maturity. Some young people may already be considered to be an 'adult' in their home community, particularly young Aboriginal people from more traditional communities or those who may have been through an Aboriginal Lore ceremony. Some young people will have experience of living independent lives in the community or be over the age of eighteen years and considered an adult in law.*

*However, young people in custody will be variously developing and maturing from childhood through adolescence to adulthood. Their level and rate of development will be affected by a range of influences including social, psychological, hormonal, and chemical factors. An assessment of each young person's development should be taken into account in their management.*

*Ultimately, young people's development will be best assisted while they are in detention by supportive relationships with detention centre staff, being given a simple and clear set of behavioural guidelines, and the consistent application of punishment and incentives that are proportionate to behaviour and developmental understanding.*

- Staff model supportive, authority relationships with young people that are responsive to the different developmental stages of maturity of young people in detention.
- Care is taken when assessing very young, developmentally-delayed or otherwise vulnerable young people for placement in accommodation (especially shared cells) and activity groups. See standard 6 for more regarding appropriate segregation and appropriate placements.
- Unit living encourages and develops a sense of belonging through group activities, eating together and other interactions, as well as providing appropriate personal space, privacy, the opportunity for personal property and other factors that support the development of a healthy, individual sense of identity.
- Structured activities and the structured day follow community standards appropriate for the age and development level of young people, in terms of expectations of attention, eating times, leisure time, bed time and age-appropriate activities, while also providing opportunities to develop independence and self-reliance.
- Young people who have lived independently in the community and those proving responsible are encouraged to continue some elements of independent living in the Centre, through supported self-care arrangements or other responsibilities. Other young people with no experience of independent living or responsibility can access activities to develop these skills and have opportunities to move to more independent styles of living within the Centre. This are linked into case management wherever appropriate.
- Other developmentally-appropriate programs are available to address life skills, communication, relationships, sexual health, parenting skills and other and interventions (especially for young people with their own

children but also relevant for young people likely to have children in the future).

- Young people are protected from the public eye, their identity and details treated with appropriate privacy, and their juvenile record not treated the same as an adult criminal record.
- There are robust strategies and procedures for managing bullying and predatory behaviour, and for identifying and protecting vulnerable young people.

Supporting references:

YOA s7(k)(l), s8(d)

UNCRC 16(1)

UN RPJDL 28; 29; 68

UN BEIJ 2.2(a); 8.1; 26.2

**25. Young people should have the opportunity and be encouraged to take personal responsibility, make informed choices and express their own views.**

- This should be incorporated into the philosophy, operating procedures and daily routine of the Centre, reflected in living and activity arrangements and fully supported by all staff.
- Active engagement and involvement of young people in their own management should be encouraged – they should be informed, consulted and involved in decision-making wherever appropriate and their opinions considered.
- In all dealings, care must be taken to ensure young people understand the processes involved with their detention. Supports such as youth legal advisers and advocates should be utilised and information sessions and materials available to all young people regarding legal issues, their rights, detention rules and activities and so on.
- Programs to encourage and develop personal responsibility and self-determination should be available for all young people, at different levels to suit different ages and personal circumstances.
- Opportunities to utilise personal choice should be built in to the routine, with some choice of education, work and recreation activities, and some control over living environment and personal activities possible (appropriate to personal ability, safety, security rating and hierarchical progression). Everyday living should encourage the development of life skills.

- A formal representative council of young people in custody is established and maintained, with regular direct contact with management of the Centre to raise concerns, discuss problems and to be consulted regarding proposed changes or reviews of practice.
- Forums for self-expression outside of formal processes should be available, such as unit meetings where young people can raise issues or make suggestions; regular forums where young people can meet with community figures or Departmental representatives; detainee magazine, radio or screen productions; creative writing activities and so on.

Supporting references:

YOA s7(b)(j)  
 UNCRC 12, 13  
 UNRPJDL 43  
 AJJA 1.2, 5.2, 7.1

**26. Methods of managing behaviour should incorporate incentive schemes to promote the positive development of young people.**

- During reception, orientation and at various other times during a young person's stay, clear information is given on the rules, expected standard of behaviour, incentives and consequences of not following the rules or behaving appropriately.
- There is an incentives and privileges system that uses privileged accommodation and activities to encourage young people to think about the consequences and take responsibility for their actions.
- Incentives and privileges should be awarded fairly according to clear rules and expectations and reviewed regularly. Young peoples' views and experiences should be sought during reviews of incentive and privileges.

Supporting references:

YOA s11B?  
 UNCRC 37(a)  
 AJJA 7.1, 7.2

*The following four standards apply to incidents where the incentive system has been found to be insufficient to maintain appropriate behavioural standards. The first three standards acknowledge the need for staff to have a graduated set of restrictions that can be applied in response to inappropriate or bad behaviour. Assaults, illicit drug use and other serious offences should be dealt with by way of an official charge by police or the administration. The punishment imposed by a properly constituted adjudication process may include separate confinement in a punishment cell for a strictly defined period. However, (non-adjudicated) restrictions imposed by staff in response to misbehaviour should never include the use of separate confinement in a punishment cell.*

*Responses to inappropriate or unacceptable behaviour should take into account each young person's age, maturity and intellectual capacity, and should be proportionate to the behaviour. Wherever possible, responses to inappropriate behaviour should be similar to those used in the community in normal family situations and should give the young person an opportunity to develop a sense of social responsibility and otherwise to develop in beneficial and socially acceptable ways.*

*No restrictions or punishments should be used that are not sanctioned by regulation.*

**27. Minor misbehaviour should be dealt with quickly with young people given counselling by staff about their behaviour, reinforced if necessary, by short-term domestic consequences.**

- Domestic consequences are such as might be encountered in a normal family or community situation and include being sent to one's room for a short period or being taken out of an activity for a period.
- Domestic consequences are proportionate to the individual misbehaviour and circumstances.
- A systematic monitoring of consequences for minor misbehaviour is in place to ensure that they are proportionate and appropriate.

**28. More serious misbehaviour is referred to the superintendent or the superintendent's representative for a determination of appropriate consequences.**

- When the superintendent is determining appropriate consequences more serious misbehaviour, the young person is given the opportunity to explain him or her self.
- The superintendent determines the least restrictive consequences that are appropriate and commensurate with the misbehaviour. These might include:

- Monetary penalty,
  - Loss of a specific amenity or privilege,
  - Loss of program or accommodation placement,
  - Being required to make reparation,
  - Being placed on an individual behavioural management strategy involving any or all of the above options.
- A systematic monitoring of consequences for more serious misbehaviour is in place to ensure that they are proportionate and compliant with regulations.
  - The reduction of diet and the restriction or denial of contact with family members is formally prohibited as a form of behaviour control.
  - Collective restrictions are prohibited for misbehaviour.

**29. Serious repeated misbehaviour that is deemed to require a whole regime of restrictions should only be imposed with the endorsement of the superintendent or his or her delegate and should not involve the use of a punishment cell.**

- The management regime targets a specific, persistent and disruptive behaviour. This may include young people with persistent minor misbehaviour that has proved resistant to lesser interventions.
- The management regime is not intentionally or unnecessarily afflictive. The use of confinement as part of a restricted management regime should be strictly limited to the detainee's normal sleeping quarters (cell) and not involve placement in a punishment or multi purpose cell.
- For each regime imposed documentation is kept which details the progress of the young person, why the regime was imposed, the objective(s) of the regime, the privileges afforded at each step of the regime, the specific behaviours required of the young person at each step in the regime, the mechanism for review, the expected time frame of the regime, and the time the regime was completed.
- While on the regime the young person is afforded sufficient access to a psychologist, Aboriginal Welfare Officer or other counsellors to assist them in progressing in the regime.

- The conditions of the regime do not impact on family contact or official visits, and do not unnecessarily impact on program participation, training or education.
- The young person is given the opportunity to comment on the regime to be imposed.

**30. Where a young person is alleged to have breached a rule or offence as defined by legislation governing the detention centre a formal charge should be laid followed by a fair adjudication process.**

- Where formal charges are adjudicated in the centre, the rules of natural justice apply - the prosecution and hearing of the charges are conducted in a timely and fair manner; the young person can state their case and punishments imposed take into account any mitigating factors.
- Punishments and discipline are awarded fairly according to clear rules and expectations and reviewed regularly.
- Adequate processes are in place to ensure that young understand any disciplinary process they are involved in and understand any punishments.
- The reduction of diet and the restriction or denial of contact with family members is formally prohibited as a form of punishment or behaviour control and is never used as such.
- Young people confined as a consequence of a successful charge are visited by the superintendent (or delegate) at least once per day.
- In addition to any visit by the superintendent, detainees confined as a consequence of a successful charge are visited by a qualified health professional, psychologist or counsellor at least once per day.
- Collective punishments are prohibited.

**31. Where a young person is alleged to have committed a criminal offence, the Police are called to investigate and lay any charges that may be necessary.**

- Young people charged with a committing a criminal offence whilst in detention are afforded the same rights as other young people in detention awaiting the determination of criminal charges.
- Where a young person is alleged to have committed a criminal offence, the Police are called to investigate and lay any charges that may be necessary.

**32. Where it is necessary for a young person to be placed into separate confinement for their own or others safety or for the good order of the detention centre, it will be for the minimum time necessary.**

- Young people are only confined to their normal sleeping quarters (cell) unless there is a specific and pressing reason to do otherwise.
- The use of such confinement is only used:
  - When the young person is presenting as a serious risk of self-harm.
  - When the young person is presenting as a serious risk to another person(s) or to property.
  - Following a serious incident where to ensure justice, separation is required for a short period prior to the young person being interviewed.
  - As otherwise necessary for the security of the facility or the conduct of security related tasks.
- At no time does the confinement constitute cruel inhumane or degrading treatment, nor does the confinement impact on the young person's mental or physical health.
- Young people confined under surveillance have the ability to use a toilet with privacy on request.
- Young people so confined are afforded at least two hours of access per day to fresh air and physical recreation.
- For safety or management reasons should any article of clothing be removed from the young person (e.g. shoes), a suitable alternative is provided.
- An accurate record of the time spent by a young person under confinement is maintained as well as the reasons for the confinement and any observations made over that period.
- Detainees confined as a consequence of a successful charge have access to writing material and bedding as appropriate.
- The reduction of diet and the restriction or denial of contact with family members is formally prohibited as a form of punishment or behaviour control and is never used as such. Young people under confinement must be able to have contact with a family member each day.
- The time a young person may spend in confinement is limited to the minimum possible period and the facility has systems in place to ensure that such limits are enforced.

**33. Young people should never undertake disciplinary roles in the Centre. This does not preclude young people undertaking umpiring roles or other leadership activities**

Supporting references:

YOA s11B

UNCRC 28(2); 37(a)

UNRPJDL 66; 67; 69; 71.

RCIADIC 180

AJJA 7.3

UNRPJDL 28

RCIADIC 181

**34. Family support should be strengthened, with acknowledgement of the extended and often complex family structures for Aboriginal people and those from other cultures with extended family structures**

*'Family' for many young people will not necessarily be their biological parents or siblings – many will have complex or non-traditional family situations which should be taken into account for social visits, phone calls and other regular contact arrangements, approval to attend funerals, options for release accommodation or support, and so forth. In some cases, certain contact with family may not be in the best interests of the detainee (for example, if there is a history of abuse or involvement in co-offending with particular family members). Some young people will also have families of their own, with children and/or long-term partners in the community or other caring responsibilities.*

- Provided appropriate assessments of suitability have been undertaken, young people have as much contact with and experience within their extended family structure as possible while in custody, plus support offered with this when being released.
- This may include regular visits, phone calls and other contacts with family, family involvement in case planning, regular opportunities for home leave and so on. Assessments of suitability should be undertaken to maintain safety and positive interactions for young people.
- The visits system is flexible and visitor-friendly, in an environment conducive to relaxed and meaningful communication. Security measures are discreet and sensitive to privacy, with options for outdoor visits and child play areas accessible. Visits are not withheld as part of punishment or behaviour management regimes.

- Inter-prison visits for significant family members held in other prisons or Centres are facilitated regularly, subject to appropriate protections and screening.
- To ensure young peoples' progress within detention is continued and supported after release, significant family members are informed and involved in regards to detainee management wherever possible.
- Parents/guardians or any other nominated family members are informed when a detainee is being transferred, involved in serious incidents, is sick or injured, except when there is a pressing requirement not to do so.

Supporting references:

YOA s6(d), s7(f)(m), s8  
 UNCRC 5; 9; 18(1)(2); 24(2)  
 UNRPJDL 22; 56; 57; 59; 60; 61; 67  
 RCIADIC 170; 171; 235  
 DGJFANZ 5.404

**35. Special considerations should be made for young people who are parents or who have parental responsibilities.** Error! Bookmark not defined.

- Young people with their own children should be enabled to have a positive relationship with their children (such as through flexible visiting arrangements or extended-stay arrangements in the Centre and home leave where appropriate); maintain and address any issues in their primary relationship if relevant (programs or counselling, flexible visit arrangements); and learn appropriate parenting skills and responsibilities, child first aid and other child health information during their time in custody.
- Complex situation – some young people may have children and have (or would have) custody of them in the community, and the child and parent would benefit from the child residing or regularly attending extended visits within the Centre; some young people may have children who are in the care of someone else in the community, but both would benefit from some kind of visiting arrangement in the Centre; and others may have children but are not suitable or are unable (due to court order, adoption etc) to have any contact with them.
- Specific services and amenities should be available for pregnant detainees and young people with children in addition to health services – this could include (but not be limited to) counselling services (for post-natal depression or separation issues); appropriate food and nutrition; suitable accommodation (mother/baby unit or modifiable

cells); flexible visiting arrangements and child-stay options if appropriate; education in child care, nutrition, baby first aid and so on.

- Developmentally-appropriate programs should be available to address relationships, sexual health and parenting skills and interventions (especially for young people with their own children but also relevant for young people likely to have children in the future). Young people with their own children should be enabled to attend parenting programs and early interventions, preferably in the community.
- Link to standard # regarding design in Section 4 in regards to need for suitable extended visit facilities, overnight stays and ongoing stays for children if appropriate – eg mother and baby units, but also home-style areas where both parents (if together, or alternately the young person in custody and a support person from the community, likely the one with care of the child anyway) can spend time caring for their child (with appropriate supervision).
- Need acknowledgement of extended family structures in Aboriginal families – may be appropriate for several women from a young person's family to be with them while they are caring for their child.

Supporting references:

UNCRC 18; 24(2)

DGJJFANZ 5.309

**36. Young peoples' connections to the community should be strengthened by participation in activities and interventions involving relevant agencies, family members and community representatives facilitated whenever appropriate.**

- Involvement from Aboriginal community organisations and representatives is regular and ongoing.
- Aboriginal representatives should be involved in program development and delivery, including representation from (or at least consultation with) all Aboriginal groups represented in the detainee mix. Administrative and financial support should be available to groups who may require it in order to deliver otherwise effective and useful programs.
- Involvement from government and non-government agencies, organised groups and individuals.
- Other external groups should be engaged and supported to run programs and one-to-one interventions (eg

specialist agencies for specialist programs), meeting young people for assessments or initial meetings for community-based programs and activities, and attending for recreational, educational and other activities in the Centre.

- A regular Speakers Program or role model program should be in place, with prominent community members, Elders, business owners, employers, local politicians and policy makers invited to participate as well as 'everyday' role models.
- Family members should have regular opportunities to attend the Centre for activities, any required programs, involvement in case management and in particular during preparation for release (especially family members who will be in the detainee's immediate home environment after release).
- Consideration and consultation of family should be a standard aspect of release planning; with the possible exception of those older detainees who will live independently upon release and do not wish for family involvement or have no suitable family members available.
- Family and community conferences, group counselling, victim mediation and other restorative justice focussed activities (including voluntary programs) should be accessible during custody, linked in to community-based programs.

Supporting references:

YOA s6(d)(e)

UNBEIJ 28.2

UN RPJDL 8; 81

RCIADIC 81; 192; 202; 236

Rview 29(32)

**37. The importance of peer interaction and social contact to healthy development and maturation should be recognised and utilised during custody.**

- Young people should have good access to social phone calls, visits and letters to friends and have regular opportunities for social activities and peer networking during recreation and leisure times. There should be consideration of appropriately-controlled forms of electronic networking (ie email, SMS, internet forums and networking sites), in addition to traditional methods of communicating.
- Young people should have regular access to community information and entertainment appropriate to their age

and developmental level and personal interests, through multimedia and other sources.

- Peer-based activities (including involvement from community groups and sporting teams if possible) should be encouraged and positive social interactions within the Centre encouraged and rewarded.
- Peer associations within the Centre should be identified and managed effectively, either as a positive or a negative influence. Positive interactions should be encouraged and negative associations discouraged or managed within the population.
- There must be consideration as to the best mix of young people in decisions regarding unit and cell placement (including cell-sharing) and activity groups.
- Programs should be available to all young people targeting peer-based offending and peer pressure.

Supporting references:

YOA s7(j)

UN CRC 15

UNRPJDL 59; 62

### **38. Young people should have daily opportunities for physical and recreational activity as well as a regular structured sport and recreation program.**

*Sport can be an effective way to engage young people in positive ways. Outside of leisure times, participation in structured sport and recreation can be develop life skills and outcomes such as engaging in a structured environment, following rules, developing a sense of belonging, communicating with team mates, goal setting, managing winning and losing appropriately and so on. Regular physical activity also assists with behaviour management in relieving boredom and working off excess energy.*

- Sport or recreational activities should be available on a daily basis, whether informally during leisure time or through a structured recreation program.
- Units should have activities and equipment for use during leisure times, and the Centre should have a gym or other indoor sport facility as well as various outdoor sport facilities.
- Information on detainee participation in sport and recreation activities should be included in case planning meetings, particularly in regards to structured activity

programs linked to developmental, educational or rehabilitative outcomes.

- All young people have the opportunity to belong to a sporting team or recreational group (though these groups may change regularly through detainee choice, detainee movement or operational issues).
- Appropriate and well-maintained equipment and clothing/footwear is used for all recreational activities, whether during structured recreation time or leisure time.
- Appropriate instruction on safety and hygiene should be included with all sporting and other recreational activities, such as the need for warm-up before physical exercise and warm-down and showers afterwards, training and supervision on any gym equipment regarding safe lifting, equipment cleaning, and the need for regular breaks from repetitive activity. This should be incorporated into the activity.
- Young people with physical or other disabilities or injuries which prevent them from active participation in sport should be encouraged to be involved, either as scorekeeper, assisting during set-up, or as a spectator. Other structured recreation activities must be available for disabled and non-sporting young people (and all others that wish to participate), given the same attention and status as sporting events.
- External teams and experts are sought to attend the Centre on occasions for sporting events, clinics and other activities. Where possible, suitable young people are able to engage in sport or recreation outside the Centre in the lead up to release.
- Talented young people should be encouraged to consider trying out for community teams as part of their release plan (eg Clontarf Aboriginal football school). Sport scouts and teams should be invited in to watch detainee teams or individual young people if young people are unable to attend try-outs in the community prior to release.

Supporting references:

UNCRC 23(3); 29(1)(a); 31

UNRPJDL 18(c); 47

AJJA 4.5

## **REDUCING THE LIKELIHOOD OF RE-OFFENDING THROUGH CASE MANAGEMENT ACTIVITIES**

*Every young person in detention should be individually case-managed through detention to release and beyond in order to maximise the chances that the young person adopts constructive and law-abiding behaviour and does not return to detention. The process of working towards release may be different for different young people, taking into account their individual circumstances and needs. Individual case management does not preclude the delivery of group activities or of standard procedures for activities, meetings, reports and recordkeeping.*

### **39. Assessment procedures should be in place to accurately identify the risks and the needs for each young person in detention.**

- Age- and culturally-appropriate assessment tool/s – in particular suitable for Aboriginal people from various regions and language groups – are available and utilised in the Centre to determine needs and level of risk associated with those needs
- Interventions should be tailored to individual needs of young people, in accordance with their case plan. Some young people may require little formal intervention and others will require various or intensive forms of assistance.
- Program delivery incorporates custodial and non-custodial staff, with a mix of genders where appropriate to the program content.
- Groups for therapeutic programs are screened for appropriate demographic mix (eg very young boy not in group of much older young men for program regarding sex offending).
- Where appropriate, young people are dealt with in the context of their family or social situation they will return to in the community, in addition to addressing individual issues.

Supporting references:

YOA s7(b)(j)(m)  
UNCRC 39  
UNRPJDL 54

### **40. All young people should be engaged in effective planning and preparation for their release.**

- Release planning should commence when the detainee enters custody, based upon the needs and risks identified through assessment.

- There should be a step-down process leading up to a detainee's release, with regular in-reach from relevant community agencies; access to lower security ratings and facilities; external activities; day release, home leave/home detention options and similar. All young people have access to step-down activities, and security classifications are not unnecessarily restrictive or prohibitive. Preferably, all young people have some external experiences prior to release from a secure facility.
- All young people should have access to courses and information sessions to better prepare them for release, tailored to individual need and length of stay in custody. These may include life skills courses – cooking, cleaning, budgeting, bill paying, problem-solving and decision-making; information on services available and how to access them, including dealing with government agencies; legal information especially regarding obligations while on bail, parole, community orders, and so on.
- All young people (regardless of sentence status or length of stay) should have a discharge interview (or a series of interviews if there is time before a fixed release date) and a discharge plan to ensure they are aware of important information for their release, requirements and contacts in the community. Discharge planning for longer term and sentenced detainees should also include health, psychology, education and other relevant on-site services.
- Young people should leave detention with stable accommodation, their immediate needs met and support structures in place. The Department has a duty of care to ensure young people go to a safe environment with a minimised risk of reoffending.
- For older detainees wishing to work after release, assistance in becoming job-ready and seeking work should be provided, either by the Centre or through external agencies (or both).
- There should be mechanisms to enable transition support and contact, support and/or monitoring with the young person after release, regardless of whether released on parole or to freedom. Young people should be made aware of these before departing the Centre.

Supporting references:

YOA s6(e), s7(j)

UNBEIJ 24.1; 29.1

UNRPJDL 30; 59; 79; 80

RCIADIC 118

**41. Regardless of sentence status, all young people (and appropriate family members) should be actively involved in their own individual case management from admission towards release.**

- A through-care approach to individual case management should be co-ordinated across the whole Centre. This requires a central case plan for each detainee accessible by the relevant staff/sections, with a coordinating case planner to ensure coherent management of this process; clear and timely communication between different sections and staff regarding the detainee's management, activities and interventions (including formal and informal contact, meetings, written reports and shared records).
- Young people on remand are case managed – case management is not only for sentenced detainees. The needs addressed may be different depending on sentence status but this is part of case managing on an individual basis.
- There is an identified staff member in the Centre and an identified person in the community who has primary responsibility for case managing each young person. These case managers work together to ensure seamless transition from the community to custody and out to the community again.
- Individual needs should be addressed on a prioritised basis within the case plan.
- Activities and interventions should be based upon an evidenced-based needs assessment process that takes into account cultural diversity.
- While the majority of young people will be of compulsory school-age and hence require education, training or employment, there should be sufficient flexibility and prioritisation to ensure other needs are also addressed, such as for therapeutic programs, family contact, legal or other official appointments and information sessions.
- Case planning during custody should include appropriate consultation, information exchange and consent sought and documented from the detainee and their parents or guardians (where appropriate) in regards to interventions and arrangements within the centre and for programs, activities and accommodation in the community (including for home leave or external activities).
- Case management is suitable to young people who return to custody multiple times for short stays, and enables a continuation of activities already commenced, where appropriate.

- All young people should be provided with information and links to agencies in the community who may be able to assist after release. This will require resource flexibility for short-term or remanded young people. Case planning should identify appropriate joined-up services to ensure connections to community-based agencies to assist young people in the community after release.

Supporting references:

YOA s7(f)(j)(k)(l)(m)  
 UNRPJDL 27; 84  
 AJJA 1.2  
 Bhill 58(8) & Bhill 37(17);(20)  
 Rview 29(26); (60)

**42. A range of evidence-based treatment programs and other relevant interventions to address the identified risks and needs of young people in detention should be made available.**

*Generally, all activities undertaken during custody should aim to improve the young person's chance of remaining in the community after release through positive development and engaging in productive activity. Programs should not just target offending behaviours, but also address issues that, while not directly related to offending behaviour, have ongoing effects on young people and impede their healthy development and lifestyles.*

- In addition to targeted treatment programs, interventions may include (but not be limited to) personal development and life-skills programs, information programs, one-to-one interventions (eg psychological counselling; mentor or 'buddy' programs) in addition to formal education, training or skilling programs.
- Drug and alcohol awareness and treatment programs available for all young people (with content and intensity targeted appropriately)
- Programs are tailored to gender, age, Aboriginality, cultural background, cognitive ability, specific offending behaviours and other specific needs.
- Interventions are provided in many ways other than formal classroom style learning
- Interventions are be regularly reviewed and evaluated for effectiveness and the evaluation results are kept on record.

- Wherever possible, young people have the opportunity to attend programs, activities or services in the community, as part of transitioning out of custody.
- Progress and achievements during all activities undertaken in custody are made available for parole hearings (not just 'offender-treatment' activities).

Supporting references:

YOA s7(b)(j)(m)  
 UNCRC 39  
 UNRPJDL 47; 54  
 RCIADIC 95

**43. All young people should be engaged in a program of individually-relevant education activities.**

*Many young people will have learning difficulties, cognitive disabilities or behavioural issues that have precluded them from effective access to education in the past and will need specific attention and assistance. The majority of young people will be of compulsory school age so should be engaged in education, training or suitable work-related activities.<sup>27</sup> Aboriginal education should be a strong focus of the Centre, considering the very high representation of Aboriginal young people and overall poor educational levels across the detainee population.*

- Sentence status does not impinge on access to education and training. Remandees can continue with education undertaken in the community or commence new education and skill-development while in custody .
- Education and skill development activities available should be appropriate to the detainee mix, relevant to life in the community and compatible with current trends in learning, training and skilling to enable continuation or recognition in the community.
- All young people should undergo education and skills assessments upon arrival to determine education needs, strengths/weaknesses and areas of interest to inform the development of an individual learning plan. This should be regularly updated and linked in to activities in the community after release.
- A range of teaching methods should be available, delivered in accordance to individual learning styles. Education is not limited to classroom environments – also workshops, library, computer labs, outdoor areas, sporting fields/gym and the unit environment.

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<sup>27</sup> *School Education Act 1999* (WA) section 6 defines the current compulsory school age as up to 17 years old; increasing in 2014 to between 17 years 6 months and 18 years old.

- Class and activity group sizes in detention should be small, with teachers/trainers able to facilitate one-to-one attention at a variety of levels or individual projects.
- Teachers' aides, Aboriginal Education Workers and other teaching assistants with experience dealing with young people, students with learning difficulties and/or challenging behaviours should be funded to work in the Centre. This may be in partnership with the Education Department, education providers or community organisations, or directly provided by Corrective Services.
- In addition to basic language, literacy, numeracy and information technology training, and mainstream subjects of study available to all young people, Aboriginal young people should have various opportunities to learn about their own cultures, whether inside a classroom/workshop environment or out in the field. Suitable Elders and community members should be consulted and involved in this.
- Work-related activities must have the primary intent of providing training and skilling towards employment in the community, rather than focussing on production. Work must not be of an afflictive nature nor used as a punishment or behaviour management tool.
- Work, education, program attendance and other meaningful activity (excluding voluntary unpaid activities) should be remunerated, within a system that provides young people with money management skills and experience.
- Library and other learning resources should be available and their use by young people encouraged. This includes up-to-date technology (computers, multimedia, intra-net, etc). Mass media is freely available, eg TV, radio, newspapers, magazines.
- Wherever possible, links to external education and training providers should be facilitated, with young people able to continue education, training or work after release.

Supporting references:

YOA s7(j)  
 UNCRC 13(1)(2); 17; 28(1); 29(1); 32(1)(2)  
 UN BEIJ 26.6  
 UNRPJDL 38; 39; 41; 42; 43; 44; 45; 46; 62; 67  
 RCIADIC 184; 186; 292; 297; 310

#### **44. Young people should have the opportunity to voluntarily engage in reparative activities while in custody.**

*Activities which in some way 'repay' the community or otherwise make amends for offending or anti-social behaviour benefit the community and the young person and should be encouraged. However, such activity must never be a means of punishing or making the young person work against their will.*

- Reparative activities must always be appropriate to the development and maturity of the young person and must incorporate adequate supervision and protection safeguards.
- Reparative activities may be directed to any legitimate area of need in the community. The full extent of the benefits derived from these activities should be explained to the detainee.
- Preferably and where possible, reparation should be focused on activities that benefit the detainee's local community or have a personal relevance.
- Activities undertaken to reduce the cost of their incarceration may also be considered reparative, for example where young people work to produce their own food or work to reduce waste or expense (eg by being involved in recycling programs, or building or gardening projects). If these activities form part of 'work' activities (rather than from voluntary participation), young people should be remunerated for their work, as with engaging with any other productive activity (school, training, work or work experience).

Supporting references:

YOA s7(b)(j)

UNRPJDL 46; 59

### **ADMINISTERING AN EFFECTIVE CUSTODIAL ENVIRONMENT**

#### **45. Active measures should be taken to address the persisting overrepresentation of Aboriginal young people in detention.**

*While addressing the overrepresentation of Aboriginal young people in custody is a whole-of-government issue and cannot be solved solely by the Department administering juvenile custodial services, there are some aspects of this which can and must be addressed by the Department. Also, the Department can seek to raise awareness and drive change across the whole of government and also within the community.*

- The Department should have a comprehensive strategy towards reducing Aboriginal overrepresentation in custody, including measurable outcomes, targets and

regular reviews. This should involve multi-agency partnerships as is not just a custodial issue, and should take into consideration relevant findings from the *Royal Commission into Aboriginal Deaths in Custody* as well as more recent research and reports.

Supporting references:  
YOA s7(g)(h)  
RCIADIC 62

#### **46. Juvenile detention centres should be connected to their local and wider community.**

- The Centre should develop and maintain partnerships and links with a wide range of relevant agencies, community members in their local community and the communities in which young people will be released. Partnerships and interaction with the Aboriginal community are particularly important.
- There are protocols and agreements to support joint service delivery or visiting services. These ensure privacy is not breached and ensure clarity regarding which agency is responsible for particular services or parts of service.
- The Centre has a community reference or advisory group with wide representation from the local community and non-government sectors as well as government, health and welfare sector, Aboriginal community etc and preferably reflect the demographics of the population.
- Other Departments that are involved in young peoples' cases (such as the Department for Child Protection) are able to maintain their continued involvement while the detainee in detention and particularly with regard to planning for release.
- The transition of young people from the Centre to a prison is supported by good and timely communication, policy and procedures and a collaborative approach between the facilities.
- Community consultation is undertaken for all new initiatives.
- The Centre conducts outreach activities, such as participation in local committees or groups or sending representation at local events to promote the Centre in a positive light.
- The Centre maintains partnerships with research bodies to assist with reviews, evaluations and research towards improvements.

- Community events and promotions are incorporated into the Centre's routine and activities – eg NAIDOC Week, health promotions, multicultural week, researching local history or writing to local councils and services as part of the education program.

Supporting references:

YOA s16, 16A, 17  
 UNBEIJ 1.3, 25.1  
 UN RPJDL 30  
 RCIADIC 130; 166; 187; 188  
 BHill 37(21)  
 Rview 29(9)(46)

**47. As far as practicable, there should be a range of detention facilities and resources available across the State, suitable for managing male and female detainees at different levels of risk and need.**

- The Department has a juvenile detention plan that incorporates analyses of current and anticipated future population needs and community consultation in all regions of the State.
- Where needs have been identified which the current estate does not meet (such as regional facilities to house regional young people or facilitate visits and re-entry activities), the detention plan includes specific information about how that need will be met or remediated.
- There are adequate special purpose facilities or precincts within facilities that meet the need for specific categories of young people, such as for young women and girls, very young detainees; vulnerable/protected young people; remanded; remote and regional young people; high-risk and dangerous young people; and young people that mental health needs.
- There are different styles of accommodation, with different supervision and assistance available to address differences in young people's abilities to look after themselves.
- There are minimum-security and/or open security options available across the State, including community-based supervision or accommodation programs for young people.
- The classification system for security ratings of juveniles is appropriate for use with children and adolescents and specifically with Western Australian Aboriginal children and adolescents.

Supporting references:

UNRPJDL 30  
 RCIADIC 173

**48. Detention centres are not oppressive environments and are designed to be flexibly used to effect positive personal change and development among young people.**

*Detainee populations tend to fluctuate over time with regard to gender, regional/urban mix, age ranges, Aboriginality and other status. Centre design must therefore be flexible enough to cope with a variable population.*

- Detention facilities are relatively small-scale, purpose-built for housing children and young people and tailored to the types of young people most likely to be housed there. Centres are not overly institutional or imposing.
- There is good access to natural light and ventilation in all buildings and accessible and safe outdoor areas.
- The design and lay-out of buildings enable the accommodation of fluctuating numbers of male and females, different living styles living spaces to suit higher supervision needs or to suit shared living quarters (eg buddy cells) or mother-and-baby units.
- There are sufficient multi-purpose and single-purpose activity rooms and spaces to meet the need for education, programs, visits, interviews, recreation and leisure activities.
- Adequate accommodation is available to enable additional visits and extra program and/or supervisory activities, or even conducting family interventions or more intensive pre-release activities on-site.
- There is visual acknowledgement of youth and Aboriginality in the design, decoration and fittings of the Centre, considering the high proportion of Aboriginal young people and that the Centre is built on traditionally Aboriginal land.
- Master planning allows for future expansion, as well as for temporary fluctuations in numbers.
- Fixtures and fittings are robust to handle constant use and substantial wear and tear; easy to clean and easy to maintain, repair and replace as necessary.
- There are regular cleaning, maintenance and replacement schedules and effective processes for identification and remediation of issues.
- Security is maintained at the lowest level required, in a discreet and sensitive fashion. The design of the centre provides clear line-of-sight and monitoring systems without being overly restrictive or oppressive.

Supporting references:

YOA s7(i)  
UNCRC 3(3); 20; 27(1); 37  
UNRPJDL 30; 31; 32  
DGJJFANZ 3.09  
AJJA 9.1, 9.2

**49. The Centre should have a structured daily routine conducive to the rehabilitation and positive development of young people, supported by a high level of positive staff-detainee interaction.**

*Interactive and respectful staff/detainee relationships are key to maintaining order, security and safety and the rehabilitative philosophy of the Centre.*

- There is a staff-to young person ratio that enables a high level of interaction. Staff shift structures enable ongoing involvement with activities and group activities.
- Activities in the Centre operate within a structured day, providing a regular routine similar to if the young people were living in the community and attending school, training or work activities. Education, programs and developmental activities should underpin the weekly routine of the Centre, with sufficient visits, recreational, leisure and break times and a more relaxed routine on weekends.
- All young people receive an orientation into to daily routine, and assistance and encouragement to settle in and participate. Staff should reinforce the information given in orientation and are easily approachable for young people with questions or issues later.
- Various activities are available during 'free time' outside of programmatic interventions and unit chores, to reduce boredom.
- Risk assessments are used to identify the appropriate level and types of security to be in place during any activities, and custodial staff work with programs and other non-custodial staff to ensure activities and programs continue appropriately. Security procedures do not disrupt the routine of activities unnecessarily.
- The routine of activities is flexible enough to accommodate family visits (including visits outside visiting hours), appointments (medical, legal etc) and special events. Lock-downs or cancellation of activities due to unforeseen events or security procedures are compensated for by additional activities or privileges.

- Personal development and training in life skills occurs in informal ways through the structure of unit living, with unit staff modelling and encouraging appropriate behaviour in the units and assisting young people in daily living tasks such as cleaning, laundry, meal preparation, hygiene and sleep routines.
- Recreational activities have a developmental or rehabilitative focus, such as by encouraging team work, personal goal setting, responsibility in setting up/maintaining equipment.
- Access to gratuities, canteen and other purchases, incentives and privileges are linked into preparation for life in the community, by encouraging and normalising positive behaviours (to access privileges), developing money management skills, healthy lifestyle choices etc.

Supporting references:

YOA s7(j)  
UNRPJDL 12  
RCIADIC 175  
AJJA 10.4, 11.3

**50. Recruitment, supervision and retention strategies should be in place to ensure there is sufficient and appropriate staff and experience to meet the needs of the Centre and the detainee population at all times.**

- Recruitment drives should be undertaken regularly and active retention strategies in place to ensure a full staffing complement at all times – including night shift and holiday seasons. Retention strategies could include provision of flexible working hours, conditions and leave provisions; opportunities for professional development, advancement or varied work roles; salary packaging and salary parity with similar industries/employers; staff support groups, amenities and social activities; responsive complaint or feedback mechanisms and other considerations.
- The recruitment process should ensure suitable individuals are selected (through appropriate screening and assessments, including but not limited to security and 'Working with Children' checks) and trained prior to commencement of duties. Recruitment methods may differ for different types of staff eg custodial, non-custodial, administrative, professional appointments.
- Application, assessment and screening processes should be sensitive to Aboriginal applicants' situations. Psychological testing should not be the only method for screening applicants, as it may not be well tailored to

Aboriginal people (or people from other cultural backgrounds).

- Given the high level of over-representation of Aboriginal people in custody, the extended family structures of Aboriginal people and strong inter-cultural relationships, it is likely that Aboriginal applicants for staff positions will have known and associated with people with criminal convictions, and this should not automatically make them ineligible for appointment.
- New staff should have a variety of supports and supervision by suitably selected experienced and trained staff and undergo formal, supervised probation. Issues identified during probation must be addressed with opportunities given for improvement. Probation should only be signed off when probationers meet all requirements for permanency and are deemed suitable for ongoing work in the Centre.
- Regular supervision and performance appraisal should also be undertaken for all staff. There are procedures for identifying unsuitable staff and methods for resolving issues or removing/redeploying unsuitable staff.
- The staffing model should be regularly reviewed and modified to ensure it meets the demands of Centre operations and any changes in legislation, policy or procedures.
- Staffing models should not be copied from adult prisons without rigorous review and modification to suit the needs of young people within the ethos of juvenile justice. Young people require a higher level of supervision and support in daily activities than most adult prisoners, hence more custodial and/or program staff will be needed (or combined custodial/program staff) to maintain a higher staff to detainee ratio, with shift structures to support staff/detainee interaction.
- The staff contingent should include professionals and specialists in addition to custodial, administrative and support staff, preferably with experience working with children, adolescents and young adults.
- Appropriate screening should be conducted on staff from external agencies delivering services within the Centre (or during external activities engaging young people). External staff should receive support and assistance from the Centre as needed.

Supporting references:

YOR r51, r53-69

UNCRC 3(3)

UNRPJDL 81; 82; 83; 86

**51. The staffing mix should include male and female staff from diverse cultural backgrounds, preferably reflecting the cultural background of the detainee population, with substantial numbers of Aboriginal staff.**

- The staff contingent should, wherever possible, reflect the diversity of the detainee population and include substantial numbers of Aboriginal and female staff.
- The staffing model of the Centre should be subject to regular reviews and modification to ensure it continues to be suitable for the detainee population mix.
- These reviews should influence recruitment strategies – eg if more Aboriginal staff are required, the Department should run an Aboriginal-focussed recruitment drive.
- Diversity in staffing may be increased through the use of regular external staff providing services within the centre, if sufficient diversity cannot be achieved in the permanent staff contingent – eg seeking Aboriginal program facilitators or Aboriginal relief teachers to increase the Aboriginal staff contingent.
- Staff fluent in other languages should be appropriately recognised and reimbursed for any interpreting or translating services they undertake during their work in the Centre.

Supporting references:

UNBEIJ 22.2  
RCIADIC 178  
AJJA 10.1

**52. All staff must be appropriately trained and receive regular refresher training, and reaccreditation where necessary.**

- All staff must receive regular training to maintain and upgrade their skills (and qualifications where relevant) and are able to access professional development activities over their career. The regular performance appraisal process should include updating staff needs and professional interests.
- Staff should be able to access developmental opportunities to advance their careers or broaden their experience, eg interested custodial staff have the opportunity to gain training in delivering programs in conjunction with experienced facilitators, or experienced custodial staff acting in higher positions with appropriate support and supervision.

- The Centre should have a Training Plan to coordinate and record training required or delivered to staff – including all staff (custodial, non-custodial, administrative, managerial). The Training Plan should take into account specific staff training needs, refresher training in required skills, generic and crossover training relevant for all staff, and training specific to certain job roles and areas.
- All staff should undertake training regarding human rights, Aboriginal issues and cultural awareness, duty of care, child and adolescent development (including gender-specific information), emergency management, drug and alcohol awareness, disability awareness and other relevant areas.
- Custodial staff and staff with direct detainee contact/supervision receive training in ‘soft skills’ (such as communication and de-escalation) as well as use of force and other security-focused procedural training. Security-focused and operational training should include awareness of the impact on young people, eg training in correct search procedures that are mindful of protecting dignity.

Supporting references:

UNCRC 42  
 UNRPJDL 85; 87  
 RCIADIC 122; 155; 210; 237; 238  
 AJJA 10.5.1, 10.5.2, 10.5.3

**53. Effective emergency management, Occupational Safety and Health (OSH) and other systems must be in place to ensure safety.**

- An incident prevention and response capability must be in place that is commensurate with assessed risk.
- Equipment and systems must be secured safely, tested regularly and maintained or upgraded as required. This may include large scale systems such as cell call system, locks and keys, radios, cameras and alarms, ventilation/heating systems as well as small scale items such as unit-based first aid kits, fire extinguishers and restraint equipment.
- All staff trained in basic OSH plus specific OSH training for their workplace.
- Hygiene and sanitation must meet the requirements of all relevant legislation.
- Emergency management plans must be up-to-date, regularly reviewed, with all staff appropriately trained and regular drills involving young people as well as staff.

- Physical and procedural security aspects assist with the management, monitoring and responding to events with consideration to design, line of sight, placement of furniture/equipment, lighting, signage, equipment and systems available and so on.
- Safe working environments for all staff (including visiting or external staff) – refer to element under standards # regarding workplace safety and OSH for young people.
- Security and safety systems to be tested regularly, maintained and prompt repair of any faults or damage

Supporting references:

UN CRC 3

UNRPJDL 32

RCIADIC 158; 159; 160; 161; 165;

*Health Act 1911 (WA)* and subsidiary legislation

AJJA 8.2; 8.3; 9.1; 9.2

**54. There should be robust and accountable recording and reporting systems for major aspects of the Centre's activities.**

- Detainee records are kept up-to-date, confidential and accessible to relevant staff.
- Operational procedures follow from clear policy, derived from legislation, and are regularly reviewed. All staff have easy access to policy and procedures.
- Decision-making at the Centre is effectively communicated to relevant staff.
- Staff are able to make comments, suggestions or complaints in a formalised manner, either within the Centre or to external bodies.
- Investigations of issues, incidents and allegations are undertaken expediently.
- There is regular internal and external risk-based auditing of all areas of Centre operations.
- Adequate human resource management and administrative systems support the effective functioning of the Centre and staff.

Supporting references:

YOA s14

UNRPJDL 21; 23; 57

RCIADIC 123

**55. Information regarding individuals must be kept private and confidential, with monitored and documented processes in**

**place for appropriate information-sharing between staff and agencies directly involved with the young person's case.**

- Staff do not disclose information regarding individual detainees outside the Centre, except where specifically authorised in accordance with policy.
- Protocols and procedures are in place to facilitate appropriate information sharing between agencies directly involved in managing individual young people.
- Procedures are in place to ensure the protection of young people from exposure to the media (especially during court transports and external activities).
- Appropriate checks are made on visitors or telephone callers to reasonably ensure they are genuine and appropriate to talk to or visit young people, or be given any information about specific young people.
- Documents gained whilst in detention intended for use in the wider community do not indicate the young person was in detention (eg school certificates, work references, identification, medical referrals), unless directly relevant or required.

Supporting references:

YOA s15A, 16, 16A, 17.

UNCRC 16

UNBEIJ 8.1, 8.2

UNRPJDL 19; 40; 87

BHill 37(21) & Rview 29(9)

**56. Information about Departmental policy and operations of the Centre should be readily available to staff, visitors and any other interested parties as appropriate.**

- All information should be available in a variety of formats that enables all to understand.
- Juvenile Custodial Rules, philosophy statements and basic information about Centre operations are easily accessible, such as published on the administering department's website or available in pamphlets in foyer.
- There is adequate information available in the foyer, visits area, and on relevant websites regarding visits policy, opening hours, how to book visits, make queries or lodge complaints. Staff should be available to answer queries in person before, during and after visits and at other times via telephone or written contact.
- Rules, policies and procedures are readily available to all staff (including external and visiting staff) within the Centre in accessible locations and formats.

- There are effective complaint systems for visitors, staff and any others having contact with the Centre. Complaints are actioned promptly, with progress and outcomes recorded for future reference.

Supporting references:  
UN RPJDL 8

**57. A continuous improvement process is actively pursued in all areas of the Centre.**

- Review and evaluation is ongoing for all aspects of Centre operations (custodial, non-custodial and administrative) and at all levels of the Department.
- Suitable governance structures are in place to ensure accountability in all areas of Centre operation.
- Involvement of staff sought through consultation as well as inclusion on planning or steering committees.
- All incidents, including occasions of use of force and ‘near misses’ are reported, recorded and reviewed. Staff receive feedback on their actions in such incidents with review findings used to highlight training needs or improvements needed in procedures and practices.
- Local reviews are informed by and connected into organisational objectives, and strategies.
- Resources are allocated to undertake reviews.
- There are up to date strategic and business plans and staff are involved with the development and implementation of these plans.

Supporting references:  
UN BEIJ 30.4  
UNRPJDL 84  
RCIADIC 124, 167  
AJJA 10.5.3, 11.1, 11.2

**58. There should be resources available to support innovation, research and the development of new programs or activities.**

- Resources for research and development into the detention of young people and the management of detention centres are provided by the administering department.
- Staff are consulted and advised concerning research activities.

- The administering department seeks partnerships with research centres, universities and other organisations to enhance the research capacity and scope.
- All research undertaken meets ethical guidelines and research involving young people in detention does not disclose confidential personal information.

Supporting references:  
 UN BEIJ 30.1,30.2, 30.3  
 RCIADIC 110; 115

**59. The Centre should adopt and promotes principles of sustainability, to be reflected in daily operations.**

- The administering department has a Sustainability Strategy, which informs the development of a Sustainability Plan for each Centre. The plan is regularly monitored and updated, and includes targets to reduce the use of utilities, reduce waste and increase self-sufficiency. It also encourages broader sustainability attitudes, such as buying locally-produced products and recycled products wherever possible, and supporting sustainable and ethical producers.
- Building design and outfitting of the Centre reflects sustainability principles (eg incorporating solar-passive design, solar heating and cooling systems, rain-water tanks or grey water systems etc)
- Young people are encouraged to get involved in sustainability projects within the Centre or in the community.
- The Centre seeks partnerships with research bodies, sustainability agencies or sustainable businesses in the community to enhance sustainability.

Supporting references:  
 Maybe UN BEIJ 30.3 and AJJA 11.1?  
 Dept of Environment & Conservation,  
*The Sustainability Code of Practice  
 for Government Agencies and Resource  
 Guide for Implementation* (2004)

## APPENDICES

### Quick Referencing Key:

Abbreviation	Full reference	Example
YOA section # (subsection)	<i>Young Offenders Act 1994 (WA)</i>	YOA s7(h)
YOR regulation #	<i>Young Offenders Regulations 1995 (WA)</i>	YOR r71
UNBEIJ rule#	United Nations, <i>Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")</i> , (29 November 1985).	UNBEIJ 28
UNRPJDL rule#	United Nations, <i>Rules for the Protection of Juveniles Deprived of their Liberty</i> (14 December 1990)	UNRPJDL 17
UNCRC article# (point)	United Nations, <i>Convention on the Rights of the Child</i> , (2 September 1990)	UNCRC 2(1)
RCIADIC recommendation #	Royal Commission Into Aboriginal Deaths In Custody, <i>Regional Report of Inquiry into Underlying Issues in Western Australia</i> (1990)	RCIADIC 93
BHill Rep# (Rec #) Rview Rep# (Rec #)	Previous OICS juvenile report recommendation. Eg. OICS, <i>Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre</i> , Report No. 58, (December 2008). OICS, <i>Report of an Announced Inspection of Rangeview Juvenile Remand Centre</i> , Report No. 50, (April 2008).	BHill 58 (5). Rview 50 (3)

Abbreviation	Full reference	Example
DGJFANZ <i>guideline/ paragraph #</i>	Department of Human Services Victoria, <i>Design Guidelines Juvenile Justice Facilities in Australia and New Zealand</i> (May 1996)	DGJFANZ 5.308
AJJA <i>standard#</i>	Australasian Juvenile Justice Administrators, <i>Standards for Juvenile Custodial Facilities</i> , revised edition (1999).	AJJA 3.1

***Other useful references and background reading:***

Office of the Auditor-General (WA), *Performance examination – The juvenile justice system: Dealing with young people under the Young Offenders Act 1994*, Report 4 (June 2008).

Australian National Council on Drugs, *Bridges and barriers: addressing Indigenous incarceration and health* (2009).

Indigenous Justice Clearinghouse, Gilbert, R. & Wilson, A. *Staying strong on the outside: improving the post-release experience of Indigenous young adults*, Brief 4 (February 2009).

Youth Justice Coalition (NSW), *Young People and Human Rights: Submission to the National Human Rights Consultation* (15 June 2009).

Grewcock, M. *Detention, punishment and children's rights: An Australian snapshot*, The Howard Journal Vol 48 No. 4 (September 2009).

Centre for Crime and Justice Studies, Davies, Z & McMahon, W. (eds) *Debating youth justice: From punishment to problem solving?* (2007).

National Crime Prevention, *Pathways to prevention: Developmental and early intervention approaches to crime in Australia, summary volume* (1999).

Various statistics and reports on juvenile contact with the justice system are available at [www.aic.gov.au](http://www.aic.gov.au)

**Sample of other standards available:**

UK:

Her Majesty's Inspectorate of Prisons, *Expectations: Criteria for assessing the treatment and conditions for children and young people held in prison custody* (July 2009).<sup>28</sup>

Youth Justice Board, *National Standards for Youth Justice Services* (2004).

USA:

Council of Juvenile Correctional Administrators (CJCA), *PbS Goals, Standards, Outcome Measures, Expected Practices and Processes* (revised April 2009)

Elsewhere in Australia:

Department of Human Services Victoria, *Standards to guide the delivery of services in juvenile justice custodial centres* (2004).

**Glossary of common terms:**

**'young people'**: generally, the population or subpopulations of children, adolescents and young adults in custody in a juvenile or youth justice centre in Western Australia. Singular 'young person' is any person in juvenile or youth custody – while these will tend to be between the ages of 10 – 17 years old, there may also be young people aged 18 or over remaining in juvenile custody.

**'detainee'** : any young person in juvenile custody, regardless of sentence status (arrest, on remand, in custody awaiting sentence, or sentenced to custody) or age (ie will include those above the age of 18 if housed in a juvenile or youth justice setting). Note the preferred term in these Standards is 'young person' or 'young people'.

**'remandee'** – specifically a young person in custody either remanded in custody, or in custody following arrest awaiting bail hearing.

**'Aboriginal'** – Indigenous Australian or someone of Indigenous descent, if recognised as such by the Aboriginal community; includes Aboriginal, Torres Strait and Thursday Islanders and any other Indigenous peoples of Australia. Alternative terms in other documents may include 'Indigenous', 'Aboriginal and Torres Strait Islander', 'ATSI', or specific Aboriginal peoples such as 'Noongar', 'Wongji', 'Yamatji' etc

**'Centre'** – a place gazetted as a juvenile or youth justice custodial facility in Western Australia. For the purposes of these Standards,

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<sup>28</sup> Note this is the revised version of the UK *Juvenile Expectations* published in August 2005.

those referring to a Centre should also be taken to include transportation vehicles, court custody centres and any other facilities where young people are in the custody of the Department except where specified otherwise. Alternative terms in other documents may include 'institution' (as in 'young offender institution') or 'facility' (as in 'juvenile justice facility'), or may differentiate between a 'remand centre' and a 'detention centre' or other specifics.

**'interventions'** – any program, activity or interaction undertaken or delivered with rehabilitative or developmental intent, whether formal or informal, voluntary or compulsory. This could include, but not be limited to, education programs (whether formal education, one-off information sessions, health promotions etc), offender-treatment programs, developmental activities, behaviour modification through unit management or hierarchical progression, counselling, mentoring. Alternative terms in other documents may include 'programs', 'rehabilitative activities', 'structured activities'.

**'family'** – unless specified as only parents/guardians, 'family' in this document refers also to the young person's extended family and significant others in the community or the Centre. This could include, but not be limited to, aunts, uncles, grandparents, cousins, partners, children, and non-blood relations who have significant input and involvement in the young person's life.