

Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2011 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>1. Care and Wellbeing Reform the orientation program for young people newly received into detention</p>	<p>Supported As part of the redevelopment of Banksia Hill Detention Centre, the Department of Corrective Services will review and improve the orientation process for young people.</p>
<p>2. Human Rights Liberalise the rules relating to gratuities, products available in the canteen, items allowable in detainee cells and what families are able to provide to young people in detention.</p>	<p>Supported in Part The Department of Corrective Services will review the Juvenile Custodial Rules and policies relating to gratuities, products available in the canteen, items allowable in cells and what families are allowed to provide to young people. Amendments made to the rules and policies will be reflected in the revised orientation process for the redeveloped Banksia Hill Detention Centre. However, any identified changes will be in keeping with the rules and good order of the centre with an acknowledgement of equity for all detainees.</p>
<p>3. Care and Wellbeing Reduce the number of scheduled and unscheduled lockdowns of detainees.</p>	<p>Supported in Principle There is no alternative to the practice of lock downs within existing resources to ensure the safety and security of the centre. However the Department of Corrective Services ensures that all lockdowns are kept to a minimum.</p>
<p>4. Care and Wellbeing Implement strategies and practices with respect to social visits to improve the quality of interaction between young people and their families.</p>	<p>Supported in Principle The Department of Corrective Services will continually look to improve practices in relation to social visits for young people with their families, understanding the secure environment and security risks.</p>

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<p>5. Human Rights The Department pursue legislative amendments to the provisions of the <i>Young Offenders Act 1994</i> to:</p> <ul style="list-style-type: none"> (i) remove the power of Superintendents and Visiting Justices to impose penalties which increase custody time; and (ii) clarify the standard of proof for detention offence charges. 	<p>Supported in Principle At this point in time there is no intention to pursue legislative amendments. The Department of Corrective Services is reviewing the Juvenile Custodial Rules, including those relating to detention centre offence charges.</p>
<p>6. Human Rights Review the <i>Young Offenders Act 1994</i> and all associated regulations, rules, orders and procedures alongside the pending amendments to the adult prisoner disciplinary regime. The outcomes of the review should include:</p> <ul style="list-style-type: none"> (i) greater clarity with respect to the role of detention offences and other options in managing poor behaviour; and (ii) ensuring that young people in detention are not treated any more severely than if they were adults. 	<p>Supported The Department of Corrective Services is about to commence a targeted review of the <i>Young Offenders Act 1994</i>.</p>
<p>7. Human Rights Review and report on the Juvenile Custodial Rules and detention centre practices with respect to confinement for a detention offence to ensure full compliance with the expectations of the <i>Young Offenders Act 1994</i> and the <i>Young Offenders Regulations 1995</i> in all areas, including exercise, access to reading materials, monitoring and documentation.</p>	<p>Supported – Existing Department Initiative The Department of Corrective Services is reviewing the Juvenile Custodial Rules, including those relating to detention centre practices for the confinement of young people.</p>

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<p>8. Custody and Security Review the Juvenile Custodial Rules and detention centre practices with respect to confinement for good government, good order or security to ensure full compliance with the expectations of the <i>Young Offenders Act 1994</i> and the <i>Young Offenders Regulations 1995</i> in all areas, including exercise, access to reading materials, monitoring and documentation.</p>	<p>Supported – Existing Department Initiative The Department of Corrective Services is reviewing the Juvenile Custodial Rules, including those relating to detention centre practices for the confinement of young people. However, safety, security and welfare requires operational decisions at a point in time.</p>
<p>9. Custody and Security Ensure that children are only confined following an incident when this is necessary for the good order or security of the centre, and improve documentation with respect to such confinement.</p>	<p>Supported It is the Department of Corrective Services position that young people are only ever confined when it is necessary for the good order and security of the Centre. The Department will review the current documentation process around the use of confinement and identify areas for improvement.</p>
<p>10. Custody and Security Evaluate whether the responses to incidents at Banksia Hill and the consequences for such behaviour are sufficiently robust, with particular reference to incidents of violence.</p>	<p>Not Supported The Department of Corrective Services responds to incidents of misconduct by young people at Banksia Hill Detention Centre in a robust manner. All incidents are dealt with accordingly on a case by case basis.</p>
<p>11. Administration and Accountability Ensure clear and comprehensive documentation is maintained with respect to: (i) the reasons why children are placed into Harding B wing; and (ii) all stages of any regression regime which is imposed.</p>	<p>Supported The Department of Corrective Services will review the process for documenting regression of young people as part of the redevelopment of Banksia Hill Detention Centre.</p>

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<p>12. Administration and Accountability As an immediate measure, and prior to the potential development of an alternative to the current model of regression:</p> <ul style="list-style-type: none"> (1) Improve staff understanding of the proper role of regression as opposed to other options. (2) Amend the legal instruments relating to regression to ensure that (i) that the core principles are embodied in higher level instruments such as Regulations or Juvenile Custodial Rules; and (ii) the language affirms that regression may not be used for the purposes of punishment. 	<p>Supported in Principle The Department of Corrective Services supports the use of the regression regime at Youth Custodial Centres and believes that staff have a full understanding of the intent of regression. It is important to emphasise that regression is used as punishment for misconduct by young people however it also supports the rehabilitation of young people by teaching them the consequences of offending behaviour. However, the Juvenile Custodial Rules relating to the regression regime are currently being revised in line with the redevelopment and staff will receive further training once the revisions are completed.</p>
<p>13. Human Rights Ensure that a young person is never placed in circumstances akin to confinement for more than 24 hours except by way of punishment for a detention offence which has been proved to the satisfaction of an independent adjudicator. Aim for a maximum target of 12 hours for stage one of regression.</p>	<p>Not Supported Safety, security and welfare are the basis for decision making. The utilisation of confinement and regression is carried out with due caution and consideration of multiple factors.</p>
<p>14. Staffing Issues Ensure that adequate staffing resources – both custodial and other professional staff – are in place to develop, implement and monitor interventions which aim to address individual behavioural needs.</p>	<p>Supported in Principle The Department of Corrective Services is addressing the level of adequate staffing, in keeping with the Department's perspective, through the Banksia Hill Detention Centre redevelopment.</p>

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<p>15. Care and Wellbeing Implement comprehensive reforms to the systems and processes for behaviour management in juvenile custodial facilities, especially in the areas of confinement and regression. Develop multi-disciplinary models which pay full regard to the principles in the <i>Young Offenders Act 1994</i> and which are more subtle, more focused and more therapeutic than current practice.</p>	<p>Supported – Existing Department Initiative The Department of Corrective Services is reviewing the processes for behaviour management of young people as part of the redevelopment of Banksia Hill Detention Centre. This includes the review of all Juvenile Custodial Rules, specifically the regression regime.</p>
