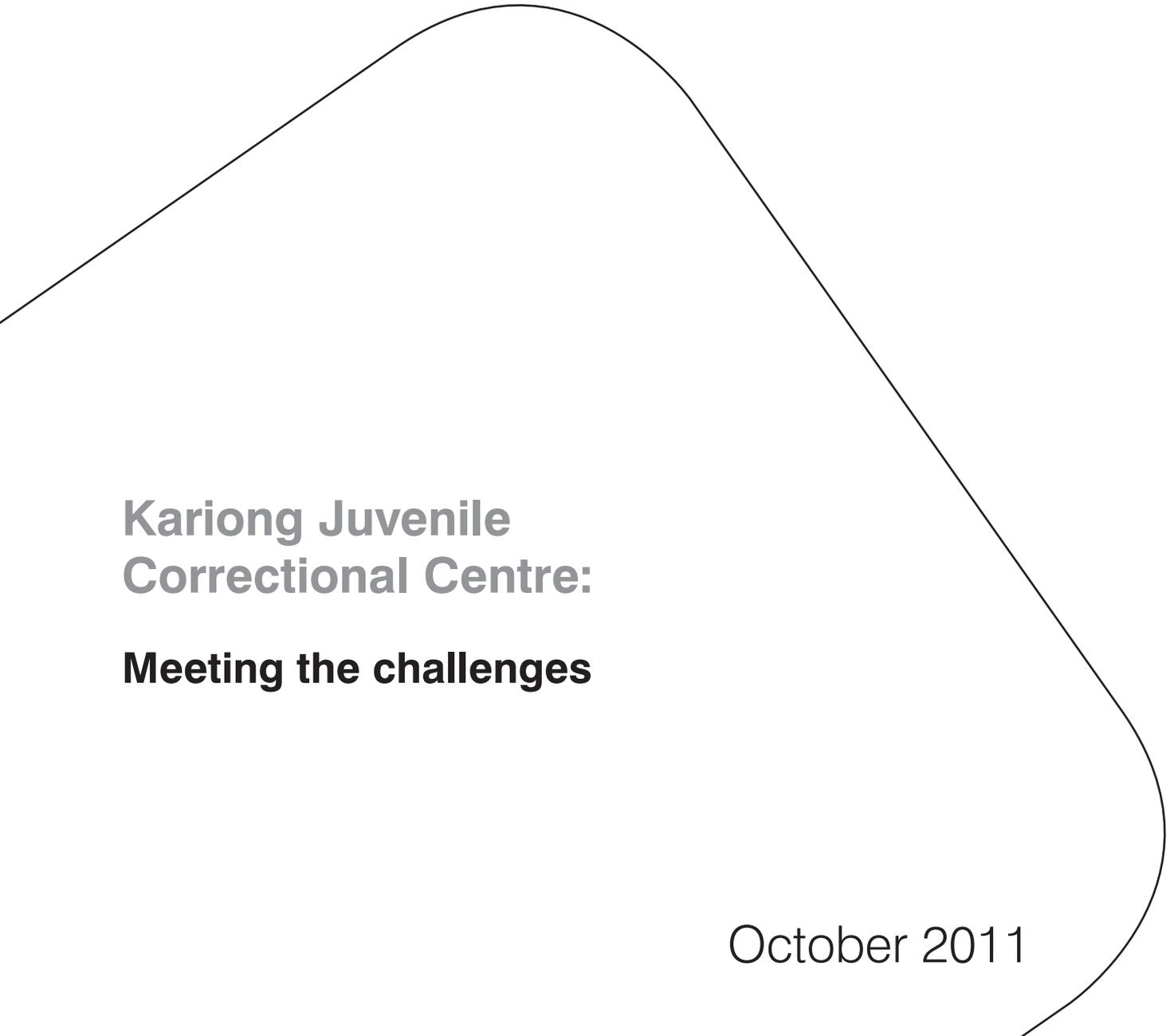


Kariong Juvenile Correctional Centre: Meeting the Challenges

A special report to Parliament under section 31
of the *Ombudsman Act 1974*

October 2011



**Kariong Juvenile
Correctional Centre:
Meeting the challenges**

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Our logo has two visual graphic elements; the 'blurry square' and the 'magnifying glass' which represents our objectives. As we look at the facts with a magnifying glass, the blurry square becomes sharply defined, and a new colour of clarity is created.

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Foreword

Kariong Juvenile Correctional Centre houses some of the most challenging and troubled adolescent boys and young men in the NSW criminal justice system. Situated on the Central Coast near Gosford, the small 48-bed centre was originally run by Juvenile Justice. Since 2004 it has been managed and operated as part of the adult correctional system by Corrective Services NSW.

This report concerns day to day life at the centre for the 16 to 21 year olds who are in custody there. I hope that, in many ways, this report is about past history. In response to this investigation Corrective Services NSW (CSNSW) has agreed to make widespread changes to how Kariong operates. These changes are currently underway.

However, the extent of the change required is significant. I believe it is important that accurate and detailed information about the only custodial facility for young people in NSW which is under the management of the adult correctional system is in the public domain.

I anticipate working constructively with CSNSW to monitor implementation of the comprehensive changes that are required at Kariong, to make sure the issues identified in this report are indeed in the past, and are replaced by systems and procedures appropriate to the needs of what is a unique inmate population.



Bruce Barbour
Ombudsman

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Chapter 1. Overview

1.1 Kariong

This office has a long standing interest in the operation of Kariong and we have undertaken a number of significant pieces of work concerning the facility. It opened in 1991 as a detention centre for adolescent boys operated by Juvenile Justice. In March 2000 we tabled a report to Parliament of our investigation into events surrounding four serious disturbances at the centre in 1999. The report criticised many aspects of the operation of the centre at that time, including the failure to provide appropriate programs and activities for what was a difficult and challenging group of detainees and a lack of individual case management.¹

In December 2004 the then government transferred responsibility for Kariong to the adult correctional system and the *Juvenile Offenders Legislation Amendment Act 2004* became law. The Act established Kariong Juvenile Correctional Centre as well as classification and transfer arrangements for young offenders. At the same time as these changes were being made, we were conducting a legislative review of the *Children (Criminal Proceedings) Amendment (Adult Detainees) Act 2001* which we concluded in November 2005. In our report of the review we made a number of recommendations concerning the management of inmates at Kariong.²

We have continued to conduct regular visits to Kariong as part of our visits program to custodial facilities, both when it was operated by Juvenile Justice and since its transfer to Corrective Services NSW (CSNSW). During these visits we take complaints from inmates, speak with staff to resolve issues and observe conditions and routines.

Our ongoing work and interest in the centre means we have a detailed knowledge of Kariong's operation under both Juvenile Justice and CSNSW management. Both agencies have experienced challenges in delivering appropriate programs and specialised services to such a small population and both agencies have had to contend with the site's physical shortcomings. While CSNSW did significant capital works on the centre when it took over its operation in 2004, the fundamental design of the site is difficult to alter. The centre is built on the side of a hill and inmates are accommodated in one three storey building that overlooks the administration area.

The conclusions of our current investigation indicate that CSNSW is managing a number of significant challenges at Kariong. Inmates are adolescent boys and young men aged between 16 and 21 years old. They are all maximum security inmates, on the basis either of their offence or their poor behaviour and are admitted to Kariong directly from the community or from Juvenile Justice. The centre can accommodate a maximum of 48 inmates in a total of four units and commonly has a population in the mid 30s. Of this number, some will be on remand and some will be sentenced. Some will have significant behavioural issues, others will be well behaved but have committed serious offences. There is considerable turn-over in a proportion of the population, with some inmates staying only a matter of days or weeks. Some will become eligible to return to Juvenile Justice or for transfer to an adult correctional centre but others will remain at Kariong for years.

Providing appropriate programs and services to a group of adolescents with such diverse needs is particularly challenging in an environment where the numbers are so small. This is further exacerbated by the fact some inmates will be unable to associate with others for reasons to do with their offence or their history in custody.

Getting the management of inmates' right at Kariong is important, not just for the inmates but for the wider community. The occupants of Kariong are at an age and stage of offending where without significant intervention they may well continue into the adult criminal justice system, at both considerable personal cost to themselves and cost to the community.

Their time in Kariong should be seen as an opportunity. Their incarceration presents what may be a final chance to work intensively with some of the most serious young offenders to try to divert them from what could be a lengthy criminal career.

1.2 Our investigation

The Behaviour Management Program ('the Program') at Kariong Juvenile Correctional Centre determines almost every aspect of an inmate's day to day life, from the property they can have in their cell, number of phone calls, buy ups, length of time out of cells and units, attendance at school and participation in recreational activities.

As a result of information from our regular visits to Kariong and complaints and inquiries we have received, we have been concerned for some time about the operation of the Program. We have raised these concerns during our visits, on feedback forms provided after our visits and in written inquiries.

1 NSW Ombudsman Investigation into Kariong Juvenile Justice Centre, March 2000

2 NSW Ombudsman Review of the *Children (Criminal Proceedings) Amendment (Adult Detainees Act) 2001*, November 2005

Issues of concern included the:

- adequacy of the content and extent of activities provided as part of the Program;
- adequacy of compliance with the requirements of the program, including the conduct of stage reviews and assessment of inmates' behaviour;
- Program's effectiveness in modifying behaviour;
- management of inmates on segregation who are not considered part of the Program.

In September 2010 we decided to investigate the operation of the Program. Our investigation included the assessment of information provided by CSNSW, an audit of inmate records to see how the Program worked in practice and interviews with operational and program staff.

We identified concerns about compliance with the requirements of the Program, the adequacy and extent of programs and activities and the adequacy of oversight of the Program. We found that what is happening in practice at Kariong falls short of what is required by the documented Program and the lack of any evaluation means there is no assurance that, even if implemented appropriately, the Program would achieve its objectives.

The response of CSNSW to the deficiencies identified by our investigation has been positive and constructive. On being notified of our provisional findings, CSNSW accepted it was timely for the Program to be reviewed. The Commissioner authorised immediate changes to particular aspects of the Program and a comprehensive review of the entire Program.

CSNSW has agreed to make fundamental changes at Kariong. Its senior staff are developing a new Management Plan which should make significant changes to the operations at the centre. The Management Plan will incorporate a revised Behaviour Management Program, with only inmates who satisfy certain criteria being managed under a Behaviour Management Plan rather than it having universal application.

If appropriately developed, implemented and resourced, what CSNSW has proposed should address the key issues identified in this investigation.

1.3 Monitoring change

This is a particularly challenging time for a government department to bring about wholesale improvements and change. CSNSW's budget is being reduced and it is required to make substantial cost savings. We have been assured Kariong is quarantined from any reduction in staff and there is every indication that both head office and local management are committed to bringing about the required improvements. We will be closely monitoring implementation of the agreed changes over the coming months.

To date, welcome initial progress has been made including the appointment of a new Manager Security and a new Case Manager at Kariong, completion of an audit of case management and the development of improved case management procedures. The CSNSW Personality and Behaviour Disorder Unit has been working with the centre to assist develop individual management and daily routine plans for the more challenging inmates and providing ongoing advice and support to staff and management. The first cohort of inmates at the centre have completed a satellite version of the Young Offender Program and two additional staff positions have been approved to allow inmates to have more time out of their units. A statistical profile of inmates received at Kariong between 2005 and 2010 has also been completed.

The most significant change is still being worked on. The new Management Plan is being developed by senior CSNSW officers. While some limited changes have been made to the day to day routines for inmates, real change will take place with the introduction and implementation of the new Plan. The implementation, performance and outcomes of the new Management Plan will be evaluated by CSNSW Corporate Research, Evaluation and Statistics.

As required by section s26(5) of the *Ombudsman Act 1974* CSNSW will be providing this office with quarterly progress reports on implementation of the changes and a major report at the end of July 2012. We will use these reports to monitor the adequacy and appropriateness of the changes being made to address the issues identified in this investigation report, as well as the timeliness of progress implementing what are essential changes.

Chapter 2. The investigation

2.1 Conduct the subject of investigation

We issued an investigation notice in September 2010 into the adequacy, application and effectiveness of policies and procedures relevant to the implementation of the Behaviour Management Program.

2.2 Methodology

2.2.1. Production of information and documents

We required CSNSW to provide us with information and documents including details of all programs and activities provided as part of the Program and the criteria for participation, the programs and activities actually run between 1 April 2010 and 31 July 2010 and numbers of participants, the criteria for stage reviews, a copy of the inmate disciplinary policy and any evaluations conducted of the Program.

We also required detailed case information for each inmate who was in Kariong on 1 April 2010 including their name, date of birth and date of admission to Kariong, their progression through the Program between 1 April 2010 and 31 July 2010, their participation in programs and activities, any periods in segregation, date of release or transfer to Juvenile Justice or CSNSW as well as case plans, case notes and management plans.

2.2.2. Audit of inmate records

We audited the records of all inmates in Kariong on 1 April 2010. We reviewed their records for the four month period from 1 April 2010 to 31 July 2010 to assist us to understand how well or otherwise the requirements of the Program are being complied with and how inmates are progressing through the Program.

2.2.3. Interviews

We conducted interviews with a range of people including the management team and Offender Services and Program staff at Kariong, senior correctional officers, Justice Health staff and senior CSNSW staff responsible for programs. We also interviewed a number of inmates.

Chapter 3. Behaviour Management Program

3.1 Overview of the program

The Behaviour Management Program at Kariong was introduced in late 2004 when CSNSW took over formal responsibility for the centre from Juvenile Justice. CSNSW has reviewed and updated it on three occasions since its introduction (June 2006, September 2006 and February 2010). The most recent version of the Program was signed by a then A/Deputy Commissioner on 25 February 2010.

The Introduction to the Behaviour Management Program states:

The management program will be a three staged program that uses a cognitive behavioural and behaviour modification approach designed to manage and assess each individual inmate's behaviour and overall progression through prompting and encouraging all inmates to actively participate within programs and activities as well as modifying and addressing any behavioural issues identified³

And:

Emphasis will be placed upon the case management approach to ensure that all detainees who may be eligible for reclassification back to a Juvenile Justice Centre work towards the goal of achieving a reclassification to return to the DJJ system or DCS.⁴

Inmates are classified to Kariong either on the basis that they cannot be effectively managed within the Juvenile Justice system due to behavioural issues (A1 (b) classification) or due to the serious nature of their offence (A1 (O) classification).

On reception into Kariong the Program requires that all inmates undergo a reception induction and screening process which includes mental health screening. Inmates are placed in an observation cell for up to 48 hours during which time they are seen by Justice Health nursing staff and Kariong Offender Services and Programs (OS&P) staff. The purpose of this period of observation is to ensure the inmate is 'stable and suitable for transition into the main assessment stage'. The Program also requires that 'a case plan will be generated at this time which will identify goals to be achieved for progression to the next stage'.⁵ The case plan will also include appropriate referrals.⁶

The Program consists of an assessment stage and then stages 1, 2 and 3, with stage 2 being the 'normal management stage within the BMP where inmates have been deemed to be compliant with management requirements and routines'.⁷ The Program sets out the Core Program Stages for each level as well as the privileges which inmates are entitled to on each stage. The Program provides that:

Progression through the BMP is dependent upon compliance with Correctional Centre routines and participation in activities and programs to address offending behaviour or behavioural issues.⁸

Reviews, called Stage Reviews, are conducted at the following intervals:

Assessment – every 28 days

Stage 1 – every 30 days

Stage 2 – every 60 days

Stage 3 – CMT review which occurs every six months.

An inmate can be regressed at any time either to the level below or, depending on the nature of the incident, back to assessment.

Details of the stages are set out below.

3.1.1. Assessment

All inmates start in the assessment stage. The Program provides that on assessment an inmate will:

- attend compound education
- attend preliminary offence based programs following a risk/needs assessment
- participate in external work activities
- undergo assessment for mental health, AOD and offending behaviour/behavioural issues.⁹

3 Behaviour Management Program February 2010, page 3

4 Behaviour Management Program February 2010, page 3

5 Behaviour Management Program February 2010, page 7, section 3

6 Behaviour Management Program February 2010, page 5, section 1.3

7 Behaviour Management Program February 2010, page 9, stage 2

8 Behaviour Management Program February 2010, page 9

9 Behaviour Management Program February 2010, page 7, section 3

The 'Core Program' during assessment is as follows:

Assessment	Program Delivery: 28 days
Induction screening	Offender Services and Programs – Justice Health - CMT
Case plan	Case Management Team
Physical activities	Refer to hierarchy of privileges
Basic recreational activities	Refer to hierarchy of privileges
Education	Basic needs
Employment	Not applicable to this stage
Motivational interviewing	Counselling Mentoring Case Plan Review
Stress/anger management	Counselling
AOD awareness	Counselling

While on assessment, the 'physical activities' referred to in the above table are described as '*behavioural management programs/domestic duties. Restricted from all recreational activities*'. 'Basic recreational activities' consists of two books from the Kariong library. Inmates on assessment are not allowed a TV, sandwich maker or kettle. Private property is limited to one photograph. There are four phone calls and two box visits per week. Association is controlled and access to approved areas is supervised. There is no employment, activities buy up or art/hobbies.¹⁰

3.1.2. Stage 1

Inmates in stage 1 are provided with '*all the basic services and provisions*' and the stage provides '*a clear delineation of the variation between the basic and the highest levels of the hierarchy of privileges*'.¹¹

The Core Program for stage 1 is as follows:

Stage 1	Program Delivery: 30 days
Case plans	Case Management Committee
Physical activities	Refer to hierarchy of privileges
Basic recreational activities	Refer to hierarchy of privileges
Education	Access to distance education
Employment	Not applicable to this stage
Motivational interviewing	Counselling Mentoring Case Plan Reviews
Communication skills	Counselling Structured staff intervention Conflict resolution skills
Stress/anger management	Counselling
AOD awareness	Counselling
Preparation for education/ employment	Case Management Committee review Personal interview Domestic work assignments Skills audit
Crisis intervention	Counselling OS&P intervention

When on stage 1, the 'physical activities' referred to consist of '*structured assessment activities/Domestic duties. Approved only participation in recreational activities*'. Recreational activities are six books, magazines or newspapers from the Kariong library. Inmates on stage 1 can have a TV, seven pairs of socks and jocks, three photographs and four phone calls and two contact visits per week. There is controlled association and supervised access to approved areas. There is designated work party, no activities buy up or art/hobbies.¹²

¹⁰ Behaviour Management Program February 2010, page 14, Hierarchy of Privileges

¹¹ Behaviour Management Program February 2010, page 8, stage 1

¹² Behaviour Management Program February 2010, page 15, Hierarchy of Privileges

3.1.3. Stage 2

Stage 2 is described as *'the normal management within the BMP where inmates have been deemed to be compliant with the management requirements and routine'*. Inmates on stage 2 *'will be provided the opportunity to demonstrate their ability to achieve an exemplary behaviour pattern'*, with the goal of progressing to stage 3. Inmates on stage 2 will be *'actively engaged in meaningful activities during their out of cell period'*.¹³

The Core Program for stage 2 is as follows:

Stage 2	Program Delivery: 60 days
Case plans	Case Management Team
Physical activities	Refer to hierarchy of privileges
Basic recreational activities	Refer to hierarchy of privileges
Education	Access to specified programs and courses delivered by DET at Kariong School. Tutoring Monitoring and modifying of objectives/aims
Employment	Suitable employment as per hierarchy of privileges
Motivational interviewing	Counselling Mentoring Case Plan Reviews
Communication skills	Counselling Mentoring Conflict resolution skills
Stress/anger management	Counselling
AOD awareness	Counselling
Preparation for progression to stage 3	Case Management Team review Personal interview Risk assessment

When on stage 2, the 'physical activities' referred to consist of *'structured activities/Domestic duties'*. Recreational activities are six books/magazines and six CDs and approved art/hobby material for use in the education block. Inmates on stage 2 can have a TV, walkman and CDs, seven pairs of socks and jocks, ten photographs and six phone calls and two contact visits per week. There is full association and access to approved areas plus an activities buy up and employment.¹⁴

¹³ Behaviour Management Program February 2010, page 9, stage 2

¹⁴ Behaviour Management Program February 2010, page 16, Hierarchy of Privileges

3.1.4. Stage 3

Stage 3 is the highest level in the Program and is 'the progression stage for inmates to be eventually reclassified to return to the juvenile justice centres and/or to the adult correctional system/or released to the community'.¹⁵

The Core Program for stage 3 is as follows:

Stage 3	Program Delivery
Case plans	Case Management Team
Physical activities	Refer to hierarchy of privileges
Basic recreational activities	Refer to hierarchy of privileges
Education	Access to all programs delivered by DET at Kariong School. Tutoring Monitoring and modifying of objectives/aims
Employment	All employment options within centre
Motivational interviewing	Counselling Mentoring Case Plan Reviews
Communication skills	Counselling Structured staff intervention Conflict resolution
Stress/anger management	Counselling
AOD awareness	Counselling
Reclassification	Case Management Team Case Management Committee SORC/SYORP review Management interview Management Recommendation

When on stage 3, the 'physical activities' referred to consist of 'structured activities/Domestic duties' with extended time out of cells to 6pm when D watch is rostered. 'Recreational activities' are ten books or magazines and ten CDs and approved art/hobby materials in cells as well in the education block. Inmates on stage 3 can have a TV and other items of personal property in accordance with CSNSW policy and phone calls up to the value of \$50 and two contact visits per week. There is full association in approved areas plus an activities buy up and employment.¹⁶

¹⁵ Behaviour Management Program February 2010, page 10, stage 3

¹⁶ Behaviour Management Program February 2010, page 16, Hierarchy of Privileges

Chapter 4. Audit of inmate records

4.1 Our audit

We audited the records of all inmates who were in Kariong on 1 April 2010 for a period of four months. We wanted to examine how inmates were managed in order to better understand how the Program operates in practice.

On 1 April 2010 there were 32 inmates in Kariong. Of those, ten were classified as A1 (O) and the remaining 22 were A1 (b). An additional inmate, while being classified to Kariong, was resident in Bronte Unit of the Forensic Hospital throughout the period and is not therefore included in the sample. During the four months to 31 July 2010 a total of 21 inmates left Kariong, an average of 1.2 inmates per week, as follows:

Released on bail	1
Released into community under Juvenile Justice supervision	1
Released on parole	5
Section 10 to Juvenile Justice	7
Section 19 to Juvenile Justice	6
Transferred to adult system	1

Five of the above inmates returned to Kariong during the review period, one due to a breach of parole, two who had been transferred under section 10 of the *Children (Detention Centres) Act 1987* and two who had been sent to Juvenile Justice under section 19 of the *Children (Criminal Proceedings) Act 1987* and returned within a matter of days.

Section 10 transfers are as a result of the reclassification and transfer of an inmate by agreement between CSNSW and Juvenile Justice. Section 19 orders are made by the court

Chapter 5. Major issues

5.1 Concerns

As a result of the analysis of the information provided by CSNSW, our audit of inmate records and interviews with custodial and OS&P staff both at Kariong and CSNSW head office and Justice Health staff we identified concerns about the following:

- compliance with the requirements of the Program
- adequacy and extent of programs and activities
- adequacy of oversight of the Program.

The following discussion deals with each in turn.

5.2 Compliance with the requirements of the Program

There are significant differences between what is required by the documented Program and what is happening at Kariong in practice. These differences relate both to substantive elements of the Program and to procedural requirements.

5.2.1. Program case plans

The Program requires that a case plan is developed for every inmate at the assessment stage. This requirement is contained in a number of sections in the documented Program as follows:

'At the assessment stage, a case plan is developed which will clearly outline the goals to be achieved for progression through the BMP and appropriate referrals will be made as part of the case plan'.¹⁷ [Emphasis added].

'A case plan will be generated at this time which will clearly identify goals to be achieved for progression to the next stage'.¹⁸ [Emphasis added].

'When an inmate fails to progress from assessment the following case management steps will be taken:

- 1 *The original case plan will be reviewed and a further case plan will be developed that will address the deficits/shortfalls that have been identified as barriers to progression.¹⁹ [Emphasis added].*

'[Inmates on stage 1] will continue to have their case plans reviewed monthly...'²⁰ [Emphasis added].

According to the Core Program Stages reproduced above, the Case Management Team/Committee is responsible for Program case plans.

We found no Program case plans as described above on any of the inmate files we examined. In practice, the requirement that a case plan specific to the Program at Kariong is developed during the assessment stage which identifies the goals to be achieved by each inmate for progression to the next stage of the Program is not being complied with. It therefore follows that when an inmate fails to progress from assessment, there is no case plan to review and a further Program case plan to address the shortfall in the inmate's behaviour is not developed.

Despite this, we were told variously by staff we interviewed that case plans are developed, that the Program 'is the case plan', and that the case plan developed for every inmate in CSNSW custody through the classification process was the case plan referred to in the Program.

Case plans developed through the classification process are high level plans and do not deal with specific goals an inmate needs to achieve at Kariong. Classification case plans are developed for all inmates managed by CSNSW regardless of their status or circumstances. Indeed many of the classification case plans we saw were formulaic in nature, using what appear to be standard phrases. Many required inmates to attend programs which are not offered at Kariong, such as group AOD programs and anger management.

We have been told a number of times during this investigation that the inmates at Kariong are 'the worst of the worst'. The failure to develop inmate-specific case plans setting out what each inmate is required to achieve while at Kariong

17 Behaviour Management Program February 2010, page 5, section 1.3

18 Behaviour Management Program February 2010, page 7, section 3

19 Behaviour Management Program February 2010, page 8

20 Behaviour Management Program February 2010, page 8

undermines the premise that the Program provides focused, structured, intensive case management tailored to individualised behaviour modification for what is acknowledged to be a unique population in CSNSW.

5.2.2. Action if an inmate fails to progress

In addition to the requirement that if an inmate fails to progress from assessment his case plan will be reviewed, the following 'case management steps' are also mandated:

- 2 *Referrals will be made to the appropriate staff.*
- 3 *The inmate will attend case management meetings weekly with the relevant staff and case notes are to be entered on Oims at the conclusion of the meeting.²¹*

While custodial staff interviewed said if they thought it appropriate they would make a referral to the psychiatrist, they confirmed weekly case management meetings are not held and it is up to the individual (custodial) case officer to decide how they deal with the situation if an inmate fails to progress. The predominant view amongst custodial managers and officers seemed to be that if inmates want to move on in the Program they will.

Our audit of inmate files and interviews with staff and inmates confirmed there is no structured response when an inmate fails to progress. A number of interviewees said if an inmate has been struggling for a while to move from assessment they may 'give them a go' on stage 1 but would make it clear it is up to the inmate to show they can make it work. Custodial officers said they try and find things for inmates to do who are struggling to progress that will 'earn' them a good case note, giving examples of tasks such as helping to cut the grass. A number of interviewees commented that even poorly behaved inmates are keen to 'help out' and do so successfully when asked but said there are few suitable tasks to give them. There is no process in place to inform the psychologist when an inmate fails to progress; she finds out by reading case notes on OIMS.

Justice Health staff, as well as other interviewees, said the structure and consistency offered by routines at Kariiong is good for inmates. Our review of inmate records suggests that for some inmates this ordered and consistent regime is sufficient for them to start regulating their own behaviour. However, where this is not sufficient, the Program lacks other forms of intervention, relying rather on sanctions and privileges. Again while this may operate as an incentive to inmates who can control and regulate their behaviour, it does not take into account the nature of the particular population at Kariiong who, as Justice Health's psychiatrist observed, are adolescents not young adults some of whom have correspondingly different needs.

A number of interviewees said that on occasion intensive behaviour management plans have been developed for inmates who lacked social skills and needed to learn how to dress, make a bed and wash. However, when questioned about how often such plans are developed, interviewees referred to inmates who had been in the centre in 2006, strongly suggesting such plans are used very infrequently.

The implications of this lack of action when an inmate fails to progress are significant. Our analysis of the progression of 32 inmates through the Program from 1 April for four months found that seven inmates spent between 63 and 93 days on assessment during the period. Some of these inmates may already have been on assessment for some time before the start of our review period.

While on assessment inmates are confined to their unit. They are let out of their cells at 8.30am each morning into the unit. Inmates described 'playing cards all day and sleeping' to pass the time. They are locked in their cells at 3.30pm each day with no TV. The only means of occupying themselves are two library books a week. We note many inmates at Kariiong have limited literacy skills. While some inmates progress from assessment after the initial 28 day period, a proportion of inmates do not and some can spend a considerable time in this deliberately stark environment which lacks stimulation.

The Program suggests there is a structured 'case management' response when an inmate fails to progress. We found that in practice this is not the case.

5.2.3. Case notes – weekly and monthly

The Program requires that weekly case notes are entered on OIMS for each inmate:

'Given the high risk/needs of the inmates within this facility, a general Oims case note must be entered weekly on all inmates to monitor progression through the BMP. Offender Services and Program staff will also enter a case note as per contact with the inmate and at the six monthly review'.²²

From the evidence we have seen, OS&P staff are making case notes when they have seen inmates. However, the records we reviewed indicate weekly case notes are not being made by custodial officers and the preponderance

21 Behaviour Management Program February 2010, page 8

22 Behaviour Management Program February 2010, page 3

of the case notes which are being made are negative. This is occurring despite the requirement that regardless of which stage of the Program an inmate is on *'the case note should include both positive and negative behaviour, the inmates' general attitude and his program progression'*.²³

Each first class custodial officer and below is the case officer for one or two inmates. Senior Correctional Officers supervise five officers and have no inmate case load of their own. Managers and Senior Correctional Officers told us variously that case notes have to be kept monthly and weekly case notes are dependent on staffing levels, and that there is no requirement for weekly case notes only monthly ones.

While the Senior Assistant Superintendent and Senior Correctional Officers told us they look at case notes and check they are up to date, it is clear from reviewing a considerable number of case notes that no quality assurance is occurring and few good quality case notes are being made. While we saw a limited number of examples of some officers sometimes making comprehensive case notes, we saw no consistency in practice. Even those officers who made detailed case notes on some occasions, on others made very brief, poorly worded case notes which conveyed little information and/or they made very few case notes overall.

All custodial officers are required to make weekly case notes for inmates they interact with, not just those in their case load. There is also a requirement that case plans be reviewed monthly.²⁴ This is the responsibility of each case officer. Senior Correctional Officers told us that monthly case notes should be done under headings which include hygiene, education, visits, family contact, welfare and general behaviour. We saw a small number of monthly case notes in the records we reviewed and an even smaller number in which different areas of the inmate's conduct and well being are described in the detail required by the Program. For the most part, monthly case notes are not being made and certainly not in sufficient detail to make them a useful case management tool.

The inmates we interviewed all said that the way to progress through the Program was to 'keep your head down', have 'no dramas' and 'keep off the radar'. One inmate said he had gone a whole month without a case note and gone up a stage. Becoming invisible was an indicator of success as far as the inmates were concerned and being noticed generally meant a bad case note.

All the inmates we spoke to knew who their case officer was and knew they were a source of help. They all said that their case officer asked them how they were going. Some said this happened regularly each month, others said it was more haphazard but did occur. They also told them the outcome of stage reviews.

While there is some contact between case officers and inmates, it is more informal and much less focused than required by the Program. The failure to prepare Program case plans, the lack of structured or directed conversations between case officers and inmates and lack of documented information about progress and goal setting for the coming month are all contrary to the requirements of the Program.

5.2.4. Conduct of stage reviews

Stage reviews are the process to determine if an inmate is ready to progress to the next stage of the Program. Under the Program stage reviews are required to be conducted every 28 days (assessment), 30 days (stage 1), 60 days (stage 2) and at six monthly intervals as part of the review of classification (stage 3). The Program provides that stage reviews will be conducted by the stage review committee which *'will consist of two custodial officers and OS&P staff member'*.²⁵

We found limited consensus about how stage review committees are conducted. All those we interviewed agreed that inmates do not attend the committees, which was confirmed by the paperwork we reviewed. However, beyond that, accounts of how committees are conducted varied.

Committees are convened by whichever Senior Correctional Officer is on shift. The Senior Assistant Superintendent, who approves all stage review committee decisions, told us that while he has an expectation that members of the stage review committee meet together in person and discuss their decision, as he does not attend, he does not know how they are actually conducted.

The Manager Security²⁶ confirmed he was unaware OS&P staff were not attending stage review committees but said he was not surprised. He told us there was a cultural change issue leading to resistance from custodial officers to OS&P staff involvement.

Custodial officers new to Kariong are given no training in the requirements and operation of the Program. Officers are able to read a copy of the Program but rely on their basic training from other centres, which does not cover the unique requirements of the Kariong Program. Against this background it is unclear how centre management ensures

23 Behaviour Management Program February 2010, pages 8, 9 and 10

24 Behaviour Management Program February 2010, pages 8 and 9

25 Behaviour Management Program February 2010, page 8

26 References in this report to the Manager Security are to the person in the position at the time of our investigation. Subsequent to our investigation a new Manager Security has been appointed to Kariong.

custodial staff, who are responsible for the day to day operation of the centre, are implementing the requirements of the Program appropriately and also how they are informed of changes to the Program's requirements.

We were told by a number of interviewees that the confusion over who should sit on a stage review committee, and indeed other requirements of the Program, was because of the substantial changes made when the Program was reviewed in February 2010. However, an analysis of the differences between the Program pre and post review indicates the changes were not major. In relation to the involvement of OS&P staff in stage review committees, the previous version of the Program provided that *'if staffing allows [a stage review] team is to consist of a Custodial Officers [sic] and a member of OS&P. If OS&P staff are unavailable the review can be conducted by 2 Custodial Officers'*.²⁷ The documents we reviewed indicated that stage review committees do now consist of three people but, with only a few exceptions, the three are all custodial officers.

Even if the details of the changes to the reviewed Program took some time to be disseminated, the changes came into effect in February 2010. Our review period was from 1 April to the end of July and we would have expected to see increased compliance at least towards the end of the review period. This was not the case.

In addition we were told conflicting information about how the stage review committees operate. We were told variously that:

- the stage review committee members all meet together
- two custodial officers meet and an OS&P staff member may be contacted by phone
- OS&P staff are given the paperwork and asked to sign the recommendation already formulated by correctional officers
- OS&P staff are seldom asked to participate at all.

CSNSW provided two check lists of assessment criteria for use at stage review committees, one for stage 1 and the other for stage 2. No equivalent was provided for stage 3. The Senior Correctional Officer on shift on the day of the review is responsible for collating case notes and completing the check list. In the records we reviewed we saw completed forms where the total number of 'good' and 'bad' case notes were added up into a 'score'. As noted above, we identified only a limited number of case notes recording positive behaviour. One Senior Correctional Officer told us his rule of thumb was two bad case notes meant an inmate did not progress but he would be lenient if a case note 'wasn't too bad'. Another Senior Correctional Officer said he did not look for a particular number of poor case notes because one really bad case note could mean an inmate did not progress or a few minor instances of poor behaviour at the start of a review period could be overlooked if the rest of the period went well.

One of the criteria for stage 2 is *'actively involved and participating in programs designed to address offending behaviour'* and *'actively involved and participating in employment'*.²⁸ As few programs are offered to address offending behaviour and there are limited employment opportunities we asked how inmates can satisfy these criteria. A Senior Correctional Officer explained that an inmate will be assessed as compliant if they are judged to be competent to attend a program if one was on offer and to work if there was work available. Therefore while the check list suggests inmates are engaged in programs and employment if they are on stage 2, this is not necessarily the case. It is rather indicative of what they could be doing if those activities were on offer.

As conducted currently, the term stage review 'committee' is a misnomer. Those responsible for overseeing the process are unaware of how stage reviews are conducted in practice. It appears that at least some reviews are carried out by a single custodial officer completing the paperwork and developing a recommendation and getting others to sign it. For some reviews at least, rather than an active and detailed consideration of an inmate's conduct during the review period using the skills and knowledge of both custodial and OS&P staff, decisions are being made on the basis of how many 'bad' case notes an inmate has.

5.2.5. Access to education and work activities on assessment

The Program provides that on assessment an inmate will be expected to:

- Attend compound education
- Attend preliminary offence based programs after a risk/needs assessment has been undertaken
- Participate in external work activities supervised by a designated assessment supervisor.²⁹

Inmates on assessment are able to attend AOD counselling regardless of whether they are sentenced or on remand. However, we saw no evidence of participation in offence based programs.

²⁷ Management and Operations Plan, December 2006, section 3.4

²⁸ Inmate Behaviour Management Program (Stage Two) Performance Checklist

²⁹ Behaviour Management Program February 2010, page 7

We were given varying accounts of how, if at all, inmates on assessment are able to access education. Inmates on assessment are not able to attend school so any education must be delivered to them elsewhere. We were told that an interview room had been used at one stage but was then needed for OS&P staff use. More recently the library had been made into a classroom but the same space was also used to deliver education to SMAP (Special Management Area Placement) inmates. In practice this appears to mean that assessment inmates get no or very limited access to education, despite some inmates on assessment being of compulsory school age (now 17 years old ³⁰).

Inmates we interviewed said they had been assessed by staff from the Department of Education and Communities operated school at Kariong while on assessment to identify their level of schooling but had not participated in education until they moved to stage 1 and could attend school.

There are limited work activities available at Kariong. With the exception of unit sweeper positions, employment opportunities are restricted to inmates on stage 3 and we saw no evidence of organised work activities. Custodial officers told us that sometimes they identified a task for an inmate to do to try and help them get a good case note such as cutting the grass, but this would be a one-off initiative by an individual officer.

From the evidence we have seen, inmates on assessment spend their days in their unit with no meaningful activities. They play cards, sleep and, if they have the necessary literacy skills, can read.

5.2.6. Core Program contents

The 'Core Program' reproduced above refers to the following at each stage of the Program:

Assessment: motivational interviewing, stress/anger management and AOD awareness delivered by way of counselling, mentoring and case plan review.

Stage 1: motivational interviewing, communication skills, stress/anger management and AOD awareness delivered by way of counselling, mentoring, case plan reviews, structured staff intervention and conflict resolution skills.

Stage 2: motivational interviewing, communication skills, stress/anger management and AOD awareness delivered by way of counselling, mentoring, case plan reviews and conflict resolution skills.

Stage 3: motivational interviewing, communication skills, stress/anger management and AOD awareness delivered by way of counselling, mentoring, case plan reviews, structured staff intervention and conflict resolution.

The level of detail and slight differences between the Program contents listed above give the appearance of substantial and structured content. When asked about these elements of the Program, OS&P staff were puzzled by what is being referred to. The psychologist and AOD worker may use some of the techniques listed when counselling an inmate but said there is nothing structured in place as suggested in the Program. There are no arrangements in place for mentoring at Kariong, as discussed above case plans are not prepared or reviewed and we saw no evidence of 'structured staff interventions'.

5.2.7. Role of Case Management Team

The Program refers to the Case Management Team and Case Management Committee. It is unclear if this is intended to be a reference to the same thing or two different entities. The Core Program for stage 3 under '*Reclassification*' includes a reference to both the Case Management³¹ Team and Case Management Committee³¹, which suggests two separate bodies.

The Program makes reference to the Case Management Team having a number of responsibilities and functions:

- To make recommendations in relation to reclassification and possible placement and transfer of inmates from Kariong.³²
- Induction screening, case plans, preparation for education/employment, preparation for progression to stage 3, reclassification (Core Program stages).³³
- Decisions about available employment and available placement at school (Hierarchy of Privileges).³⁴

Based on the evidence we have examined, the Case Management Team performs only one of the above functions – recommendations about classification, placement and transfers. These appear to be the functions set out in the CSNSW Inmate Classification and Placement Procedures Manual. It does not carry out any of the other responsibilities despite what is stated in the Program. We saw no evidence of a Case Management Committee at Kariong.

30 *Education Amendment Act 2009*

31 Behaviour Management Program February 2010, page 13

32 Behaviour Management Program February 2010, page 6

33 Behaviour Management Program February 2010, pages 11-13

34 Behaviour Management Program February 2010, pages 16 and 17

Interviewees told us about another meeting which used to be held, convened by Juvenile Justice to consider inmates who might be eligible to return to the juvenile system. Different participants from those meetings gave different accounts of their purpose, usefulness and even the length of the meetings. There was, however, consensus that they no longer occur due to personnel changes at Juvenile Justice. There was no suggestion the now defunct meetings had dealt with the second and third dot points above. It therefore appears no team or committee is responsible for them.

5.2.8. Lack of case management

The failure to develop case plans, lack of a structured response if an inmate fails to progress, the poor quality of case notes, lack of a robust stage review process and the CMT's responsibilities being confined to classification reviews, means that for all practical purposes case management is not occurring at Kariong. This is despite the emphasis given to case management in the Program.³⁵

OS&P staff we interviewed are keen for case management to be introduced at Kariong and could see obvious benefits. Key elements identified for a successful system include the establishment of a genuine case management team with:

- documented terms of reference
- clear responsibilities given to a nominated chair
- regular meetings
- agreed membership to include custodial, OS&P, school and Justice Health staff.

The purpose of the meetings would be to drive the case management process, with the team considering the program needs of inmates while they are Kariong, including how they are going on their unit and stage. This would allow particular attention to be paid to inmates on assessment, those who fail to progress or are regressed, long term inmates and those on segregation.

Currently inmates on segregation are not considered part of the Program and there are no transition arrangements for those coming out of segregation into the Program. They start on the assessment phase without any additional support, leaving one environment which lacks stimulation for another.

We are aware that Justice Health made its concerns known about the length of time inmates are kept on their own in segregation, when being punished and when in a camera cell for their own safety. Changes were made when the Program was reviewed and the current version of the Program no longer requires all A1 (b) inmates to be assessed for segregation on arrival at the centre, as was the case previously.³⁶ However, some inmates can still spend considerable periods of time on their own or in very austere circumstances.

During the period of our review, two inmates spent the four month period either in assessment or in segregation.³⁷ While acknowledging such inmates can present significant management challenges, the lack of any structured response to their needs means their inappropriate behaviour is likely to continue or indeed escalate. Inmates in segregation are seen regularly by the psychologist and nurse, and can also be referred to the psychiatrist if they have underlying mental health issues. However, we have seen no evidence that intensive management plans are used with any regularity and the lack of case management means inmates can continue moving between assessment and segregation without concerted intervention.

The lack of case management undermines the central tenets of the Program.

5.3 Adequacy and extent of programs and activities

5.3.1. Age appropriate programs and activities

We asked CSNSW for details of programs currently available at Kariong. The following details were provided:

Managing Emotions: Program designed to help male offenders identify and manage their emotions. It is not an offence based program and has no specific eligibility criteria.

No Limits for Mates: Program to assist young people learn about key values in a group environment. It is not an offence based program and has no specific eligibility criteria. It is run by an external organisation, Youth for Christ. It is not an accredited program.

³⁵ Behaviour Management Program February 2010, page 3

³⁶ Management and Operations Plan, December 2006, section 1.3

³⁷ One of these inmates spent four days in Juvenile Justice during the period before returning to Kariong. His transfer was pursuant to section 19.

Alcoholics Anonymous: Meetings run by external providers, AA. Participation is on the basis of self selection, an acknowledged problem with alcohol and a desire to stop drinking. Meetings are run though out the year, one day every fortnight.

Getting Smart: Self management and addiction recovery aimed at all types of addictive behaviour. Criteria for participation are an addiction issue, acknowledgement it is problematic and level 2 reading and level 1 writing skills.

Harm Reduction Health Survival Program: Program aims to reduce the incidence of hepatitis and HIV transmissions in correctional centres and reduce the risk of blood borne communicable diseases transmission in the general community through provision of factual and educational information. All offenders across the CSNSW system are expected to participate.

CSNSW told us that in the period 1 April to 31 July 2010 the following programs and activities were run at Kariong:

Month	Program	Number of times run	Number of participants
April	AA	1 session	3
May	AA	2 sessions	3 and 6
	No Limits for Mates	1 session	8
June	AA	1 session	7
	No Limits for Mates	5 sessions	8, 8, 7, 7, 7
	Managing Emotions	1 session	4
July	AA	1 session	2
	No Limits for Mates	3 sessions	6, 6, 6
	Managing Emotions	3 sessions	6, 6, 5

CSNSW also told us a program called *Impact of Dependence* was about to start, which focuses on making participants aware of the impact their behaviour has on themselves, their significant others and society. The criteria for participation are AOD offenders at the 'pre contemplation or contemplation stage in the cycle of change' who have a previous or current AOD related offence or charge with at least six months to serve (due to the number of sessions) and level 3 reading and level 2 writing. OS&P staff told us they had wanted to run this program for some time as, while designed for adults, it has more appropriate language and is interactive so better suited to the population at Kariong. However, as at November 2010 the lack of a lap top had prevented the program being delivered. They were hopeful this would be remedied so they could deliver the program by the end of the year.

OS&P staff also told us they were trained to deliver the *Getting Smart* program a few years ago and have run it regularly but have had to 'dumb it down' considerably to make it suitable for the age group at Kariong. They believe the *Impact of Dependence* program is more suitable.

Managing Emotions was being delivered for the first time during the period of our review. It was being run for SMAP inmates as OS&P staff were concerned they had little else to do. They found it difficult to maintain numbers and while they began with six participants, by the end of the program they were down to one or two, as inmates became ineligible when they could no longer mix with other inmates even within SMAP.

OS&P staff told us the *No Limits For Mates* program is run in schools by Youth for Christ and the chaplain arranged with CSNSW for it to be run at Kariong. It was being run as a free pilot for a period of 12-14 weeks. Narcotics Anonymous would start running once it had obtained clearance. This would operate on the same basis as AA, with an external provider coming into the centre to run sessions.

5.3.2. Approval of programs

Interviewees gave conflicting accounts of how easy or otherwise it is to identify and deliver appropriate programs at Kariong. While all agreed that programs must be from the compendium of programs accredited by CSNSW, the Assistant Commissioner Offender Services and Programs and the Director Offender Programs Unit said it was a simple matter for OS&P staff at Kariong to get permission to alter programs and to make them age appropriate. They were of the view both the process to gain approval and the changes necessary to adapt programs is relatively straightforward. OS&P staff at Kariong and their regionally based manager did not share this view. They described there being considerable work in trying to identify programs in the compendium which might be suitable for adaptation. This is compounded by the short stay of many inmates at Kariong and its mixture of remand and sentenced inmates. Their perception was that head office was not amenable to programs being changed and they talked about their frustration that CSNSW appeared to have no interest in developing programs suitable for the age group at Kariong.

This has resulted in less than appropriate, short, adapted courses being run instead of programs targeted at the needs of this age group which, according to interviewees, includes anger management, more AOD work and life skills.

The Assistant Commissioner Offender Services and Programs and the Director Offender Programs Unit acknowledged there is limited group work being conducted at Kariong but pointed to the number of individual interactions with OS&P staff as evidence considerable support was being offered by way of one on one counselling. However, an analysis of these interactions on OIMS shows many are of a routine or administrative nature. Case notes show that contact with the Welfare Officer is almost invariably about getting telephone numbers put on inmate's phone cards and, less frequently, about visit arrangements. The AOD worker also handles some administrative matters for inmates as well as providing one on one AOD counselling. Only the psychologist's contact with inmates is confined to counselling and one on one support. Clearly it is important that arrangements are made for inmates to keep in touch with their families with phone calls and visits, and other every day matters are addressed. This work is essential, but our review of inmate records shows it is not accurate to claim every contact by OS&P staff is to provide counselling.

5.3.3. Young Offenders Program

CSNSW runs a Young Offenders Program at Oberon Correctional Centre and plans were made to run a satellite version of the program at Kariong. Interviewees gave conflicting accounts of what happened to this plan and why the Young Offenders Program is not operating at Kariong.

It seems that after a trial conducted by the program coordinator from Oberon, Kariong paid to train two of its staff to run the program but were then told there were additional requirements which Kariong could not afford. The absence of the Oberon coordinator from his substantive role and the passage of time appear to have led to the demise of the program at Kariong. Custodial staff were keen for the program to be run but seemed at a loss to know how to progress matters.

The Assistant Commissioner Offender Services and Programs and the Director Offender Programs Unit told us the Oberon program coordinator has now returned to his role and the satellite program will start again, now catering for women inmates as well as young men.

5.3.4. Physical activity

A common theme in the interviews we conducted – managers, custodial officers and OS&P staff, as well as health professionals - was the need for more physical activity for inmates.

Routines at Kariong mean inmates are either in their unit or at school from when they are let out of their cells at 8.15am until lock in at 3.30pm.³⁸ The exception is for inmates on Stage 3 who can stay on their unit and have access to the gym until 5.30pm providing there is a D watch on duty. We were given varying accounts of activities on the weekend. While routines mean all inmates should have some time out of their unit to play sport, it seems this is dependent on which officers are on shift. Some are more diligent than others at taking inmates to the oval, tennis court or indoor gym. Inmates described sometimes being taken out twice on a Saturday or Sunday but sometimes not getting out at all.

Reasons given for the need for more physical activity included that it would relieve the boredom, stop inmates 'sitting around', use up energy and help inmates manage their behaviour. For some interviewees this view was based on their professional expertise. For example, Justice Health's psychiatrist expressed concern that many inmates at Kariong are on powerful anti psychotic drugs which lead to weight gain and strongly advocated physical activity as a necessary part of routines. Others relied on their personal experience with their own adolescent children. Others commented on the marked improvement in the dynamics on the units and interactions between inmates when physical activities are provided during the school holidays.

What is unclear is why more physical activities are not being provided. The Assistant Commissioner Offender Services and Programs and the Director Offender Programs Unit told us activities, rather than programs, are the responsibility of custodial staff. It is therefore a matter for custodial managers at Kariong to arrange physical activities on a regular basis. Yet these same officers were amongst those who told us more physical activities are necessary and was something they would change if they could.

We have been unable to form a firm view about whether the staffing structure at Kariong impedes providing more physical activities or if the problem is staff attitudes, or a combination of both. In any event, there is a strong consensus that improvements need to be made.

38 Kariong Juvenile Correctional Centre Inmate Handbook

5.3.5. Other activities

With the exception of the Department of Education and Communities operated school at Kariong, there are very few activities. While interviewees all spoke very highly of the school, it is clear that for some inmates the exclusive focus on school attendance is not appropriate.

Inmates on assessment are not eligible to attend school which means a substantial proportion of inmates will not be in school at any one time. These inmates have nothing to do and few, if any, ways in which they can demonstrate good behaviour. While officers spoke about 'creating' one off tasks for inmates to give them an opportunity to gain a good case note, there are no organised work activities at Kariong. This is despite '*designated work parties*' being included in stage 1 of the Program.³⁹

Some interviewees also identified that some inmates are not particularly well suited to school work and noted that 'hands on', trades based courses like horticulture and brick laying are very popular and could be increased. One manager said he would like CSNSW to run more practical programs at Kariong, such as a small motors course, to supplement what the school can offer.

The Program is described as being based on '*an explicit process of monitoring inmate behaviour and participation within programs and services that may derive a meaningful positive change in offending or offending related behaviour and attitude*'.⁴⁰ However, despite the suggestion that the Program is carefully calibrated to move inmates through a process of behavioural change, custodial officers and OS&P staff said in practice there is no difference between the programs and activities in stages 1 and 2. The only difference between these stages is the increase in property and buy ups.

5.3.6. Employment

The Program provides that inmates on stages 2 and 3 are eligible for '*available employment*'.⁴¹ In practice, managers told us that except for a sweeper in each unit, employment is limited to those on stage 3 and consists of two laundry sweepers, one kitchen sweeper and a morning sweeper to clean the administration area.

In a positive example of what is possible, we met one inmate studying for a hospitality certificate through OTEN via the school and working as the kitchen sweeper for half the day. Both the inmate and custodial officers spoke about how successful this arrangement was. The limited number of employment opportunities means the opportunity for this level of meaningful engagement and activity is rare.

5.3.7. Length of stay

Kariong manages two different kinds of maximum security inmates – those classified to Kariong due to their poor behaviour and others due to the seriousness of their offence. Inmates classified to Kariong due to their offence may not have behavioural issues and are likely to face a long remand period and potentially long sentence. This is recognised in the Program which provides:

*It is acknowledged that some inmates may remain within Kariong JCC for a considerable time or in some cases for the duration of their custodial sentence dependent on the level of security risk they may pose or any significant change to the assessed security risk. This factor will be fully considered as part of the progression within the stages of management and the hierarchy of privileges.*⁴²

Despite this statement, it is difficult to identify how the Program distinguishes between what can be significantly different needs.

All inmates must spend a minimum of 28 days on assessment during which their access to activities and school are restricted as discussed above. Clearly those inmates with few behavioural problems are likely to progress successfully through the stages of the Program at the earliest review dates but the limitations of the contents of the Program mean regardless of how good their behaviour is they will still have limited access to physical activity, other activities such as work party and employment while at Kariong. While the school caters for a wide range of educational abilities, interviewees spoke about this being insufficient to prevent A1 (O) inmates who spend some time in Kariong becoming bored, especially if they have finished the HSC.

The Program's focus on poor behaviour ignores the needs of a substantial part of the population. This results in inmates (some unsentenced) who present no behaviour management issues living in an environment which is acknowledged to be deliberately restrictive with limited opportunities to transfer elsewhere.

39 Behaviour Management Program February 2010, page 15

40 Behaviour Management Program February 2010, page 7

41 Behaviour Management Program February 2010, pages 16 and 17

42 Behaviour Management Program February 2010, page 6

5.4 Adequacy of oversight of the Program

The Program concludes with a section called *Evaluation and Review* which provides:

This program will be continually monitored and reviewed to ensure the proper and effective management of inmates in accordance with the maintenance of proper security, programs and services to meet the needs and offending behaviour of detainees classified to Kariong JCC.

*The program will be progressively developed utilising resources within the Department of Corrective Services. There will be a commitment by management for the evaluation of all programs and services as a matter of course.*⁴³

The section lists criteria against which the Program will be evaluated plus a statement that the Program will be reviewed every two years. However, two yearly reviews and a regular evaluation have not occurred. The Program was introduced in November 2004 and was largely derived from the High Risk Management Unit program plan.⁴⁴ It has been reviewed at less than two yearly intervals, reviews being conducted in June 2006, September 2006 and February 2010. It appears that reviews have focused on the practical operation of the Program rather than its effectiveness. CSNSW has confirmed that to date there has been no evaluation of the Program

As identified in the Program, Kariong is unique in being the only juvenile correctional centre operated by CSNSW.⁴⁵ As such, the lack of oversight of the Program at Kariong is concerning. In addition to the lack of an evaluation, we found that neither the management of Kariong nor the region has an overview of the Program. Neither the Manager Security nor Senior Assistant Superintendent at Kariong receives management reports about how inmates are progressing through the Program. The only tracking is confined to dates when stage reviews are due. They were unable to tell us how many inmates were on each stage, how many had regressed or how many were struggling. If managers at Kariong do not have this information, it cannot be provided to the General Manager responsible for Kariong.

We interviewed the Assistant Commissioner Offender Services and Programs, Executive Director Offender Services and Programs and Director Offender Programs Unit as part of the investigation. We found they had little knowledge of the contents of the Program or how it operates in practice. In its written response to our provisional findings and recommendations document, CSNSW was concerned that we had given the impression these staff should have been aware of the details of the Program, when this is not the case. While accepting this advice, given the unique situation of Kariong within the correctional system and the fact the Program operates in relation to a specific class of inmate not managed within other centres in the correctional system, the lack of involvement of such key senior positions in the contents or ongoing operation of the Program at Kariong is in itself of concern.

As part of our review of inmate records, we asked CSNSW for details of each inmate's progression through the Program in the four month period we were looking at. It was clear CSNSW did not ordinarily collect such data. It was provided to us in table form which, while complying with our request, meant it did not provide readily accessible information about where most inmates are in the Program, the extent of progression or regression. Further analysis was necessary before the information could be turned into informative data for the purpose of our review.

We have carried out some preliminary analysis of the data for the purpose of this investigation, primarily to understand how inmates progressed through the Program. A graphic showing the results of that analysis are in Appendix 1 to this report. It presents a snap shot in time - what happened to the 32 inmates who were in Kariong on 1 April 2010 for the subsequent four months.

Of those who spent the four month period in the centre, it is clear that many failed to progress through the Program, either failing to progress at stage reviews or being unable to sustain advances they made and being regressed. The net result is that rather than showing a general progression through the stages, the number on assessment remains more or less constant or increases during the period.

21 inmates left Kariong, an average of 1.2 inmates a week, with five of those returning during the sample period. Nine inmates were on stage 3 when they left Kariong, six on section 10 transfers, two on section 19 transfers and one on parole. The attainment of stage 3 by these inmates is commendable. However, we have not examined in any detail how long they had spent in Kariong or their progress through the Program for the duration of their stay. At least two of the inmates transferred under section 10 had been in Kariong for two years.

The lack of oversight, management reporting and evaluation of the Program means CSNSW cannot know how successful or otherwise the Program is at modifying behaviour. Considering the Program has been in place for over six years, this is of significant concern.

43 Behaviour Management Program February 2010, page 20, section 4

44 Advice from Governor of Kariong on Ombudsman visit feedback form, 2 February 2005

45 Behaviour Management Program February 2010, page 3

Chapter 6. Conclusion

6.1 Need for change

The conclusions set out above indicated that changes needed to be made in the following key areas:

- Evaluation of the effectiveness of the current Behaviour Management Program in achieving its stated objectives;
- Clarification of the objectives of any management program at Kariong;
- Inmate management procedures for Kariong that take into account the needs of its particular inmate population – adolescent boys and young men aged between 16 and 21 years old.

Rather than this office making specific recommendations, we instead invited CSNSW to consider what could practically be done to address the above issues. In response to this invitation CSNSW agreed to conduct a comprehensive review and revision of the management and operation of Kariong. This will involve fundamental changes including the development of a new Management Plan for Kariong which will make significant changes to the operations at the centre. The Management Plan will incorporate a revised Behaviour Management Program, with only inmates who satisfy certain criteria being managed under a Behaviour Management Plan rather than it having universal application.

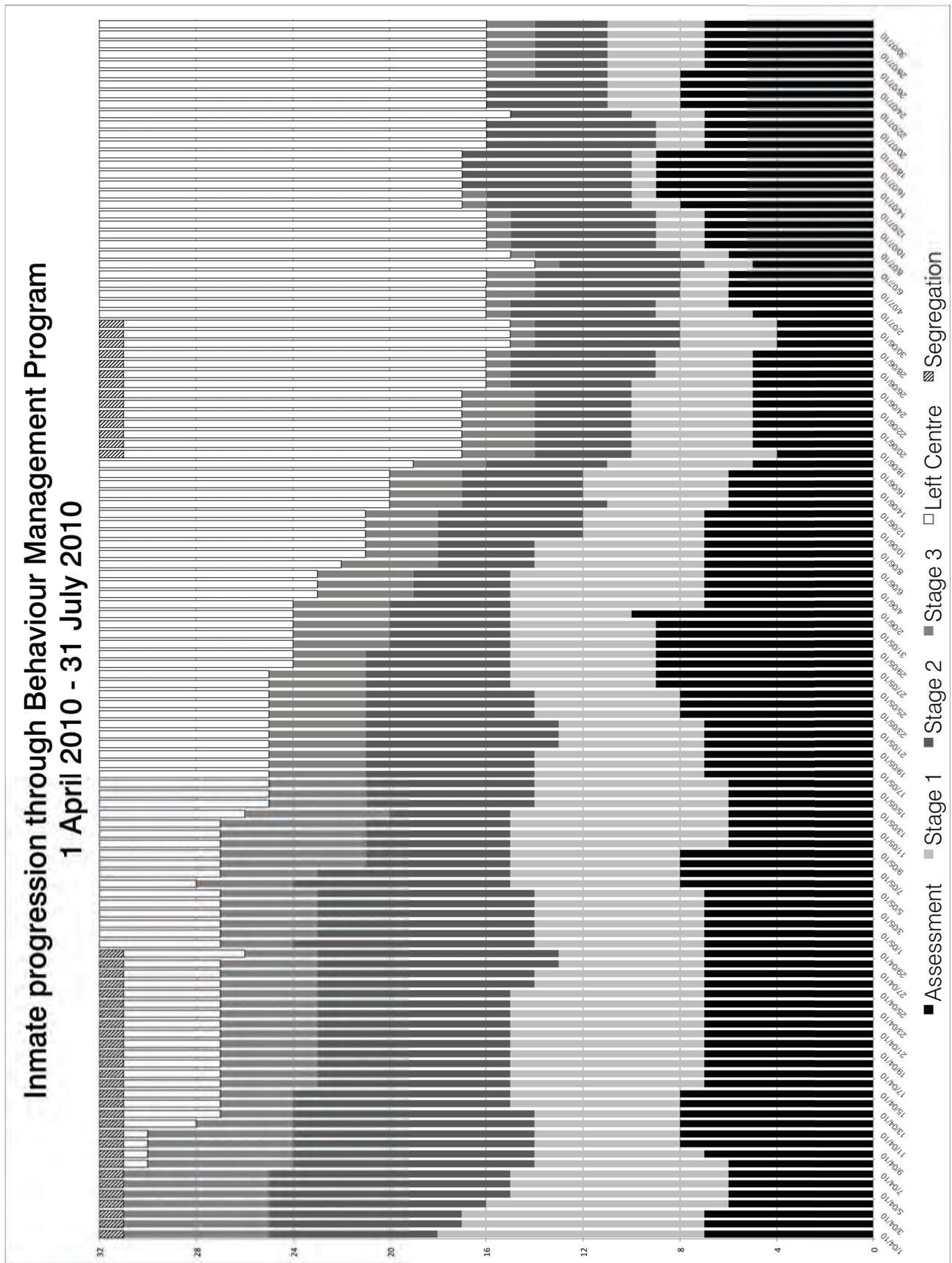
CSNSW provided two documents setting out the details of what it will do - an Action Plan as at 16 May 2011 plus a Project Plan for the Evaluation of the Management Plan for Kariong Juvenile Correctional Centre May 2011. These documents are in Appendix 2 to this report. The Project Plan contains a timetable for reporting on progress. Based on these documents and further advice from CSNSW about its proposed strategies to bring about change at Kariong, we are satisfied that, if appropriately developed and implemented, what is proposed should address the key issues identified in this investigation.

6.2 Reporting on compliance

CSNSW is providing quarterly progress reports to this office on implementation as well as a major report at the end of July 2012 which will deal with all stages of the implementation of change at Kariong and an evaluation of preliminary outcomes.

We will use these reports to monitor the adequacy and appropriateness of the changes being made to address the issues identified in this investigation as well as timeliness of progress implementing what are essential changes.

Appendix 1



Appendix 2

Updated Action Plan arising from Ombudsman's Investigation regarding the Behaviour Management Program at Kariong Juvenile Correctional Centre

Key Area	Action Items
Staff consultation	Centre staff continue to be briefed by management
Management briefings	Further planning meetings have been conducted with details of the management plan being worked on, such as changes to the "hierarchy of privileges and incentives" and how to implement functional analysis within the BMP
Assessment of inmates	No newly received inmate now spends any longer than 14 days on Assessment or Stage 1
Kariong JCC Management Plan	The new Management Plan is currently being drafted.
Behaviour Management Program for inmates	The Behaviour Management Program is currently being drafted with the assistance of the Personality & Behavioural Disorders Unit. Now only inmates transferred to Kariong for their behaviour in custody will be managed under the BMP. Inmates whose behaviour deteriorates at Kariong may also be placed on the BMP in its proposed revised format
Staffing profile and requirements	Additional positions are required to facilitate the proposed extended hours out of cells. Submissions to the Commissioner for additional positions are being prepared
Internal reviews	Case management and case notes Classification and Case Management Branch began a full audit of case management at Kariong on 16 May 2011.
Corporate Research, Evaluation and Statistics evaluation	Project Plan for evaluation has been approved.

D11/265409
as at 16 May 2011



**PROJECT PLAN FOR THE EVALUATION OF
THE MANAGEMENT PLAN FOR
KARIONG JUVENILE CORRECTIONAL CENTRE
MAY 2011**

D11/259466

INTRODUCTION AND BACKGROUND TO THE REVIEW

Kariong Juvenile Justice Centre (JJC) was opened in September 1991 as a 48 bed maximum security centre for male detainees aged 16 to 21. The Department of Juvenile Justice (DJJ) now known as Juvenile Justice (JJ) established Kariong JJC as the most secure juvenile facility and its purpose was to accommodate two types of detainees:

- those who, due to the seriousness of their offence (or alleged offence), require placement in a maximum-security setting for some period (classified as A1(o) detainees), and
- those who are unable to be managed within the normal routines of other centres and who pose a risk of serious harm and/or disruption to the operation of other centres (classified as A1(b) detainees).

(Report on the Inquiry into Juvenile Offenders, 2004)

In November 2004, the administration of Kariong Juvenile Justice Centre was transferred from DJJ to the NSW Department of Corrective Services (DCS), now known as Corrective Services NSW (CSNSW). The transfer of the Centre was as a result of substantial and systemic problems at Kariong JJC that prevented DJJ from effectively managing these serious juvenile offenders (Report on the Inquiry into Juvenile Offenders provides a comprehensive summary of the problems at Kariong that precipitated the transfer to CSNSW).

Under the management of CSNSW, Kariong Juvenile Correctional Centre (JCC) has continued to operate as a maximum security centre to accommodate juvenile offenders who cannot be effectively managed in other JJ facilities because of the seriousness of their offence or because of their behaviour. However, CSNSW implemented new operating procedures and management plans that effectively restored control and introduced structure and order to the Centre (Report on the Inquiry into Juvenile Offenders, 2004).

As part of the revised management of Kariong JCC, CSNSW developed a Behaviour Management Program (the Program) that involved both Behavioural and Cognitive Behavioural interventions, including a token economy program (hierarchy of privileges) and skills-based interventions targeting identified criminogenic risks and needs. The aim of the Program was to stabilise offenders and teach them new skills that would allow them to reintegrate back into JJ, into an adult correctional centre, or back into the community.

In 2010 the NSW Ombudsman conducted a review of the Program operating at Kariong JCC and identified limitations and inadequacies that were preventing the Program from achieving its stated objectives. In response to the preliminary findings of the Ombudsman review, CSNSW is conducting a thorough review and revision of the management and operation of Kariong JCC.

CONTEXT OF THE REVIEW

This Review has been undertaken in the legislative, policy and organisational context within which Kariiong JCC operates. This includes the:

- *Juvenile Offenders Legislation Amendment Act 2004*
- *Children (Detention Centres) Act 1987*
- *Children (Criminal Proceedings) Act 1987*
- Corrective Services NSW Corporate Plan 2009-12
- NSW State Plan 2010.

TERMS OF REFERENCE

Corporate Research, Evaluation and Statistics (CRES) has been asked to:

- evaluate the process of developing and implementing a new Management Plan for Kariiong JCC (Process Evaluation); and
- evaluate the performance and outcomes of the new Management Plan implemented at Kariiong JCC (Outcomes Evaluation).

Research Questions

The Process Evaluation will address the following Research Questions:

1. What is the operational framework of the new Program and has it addressed the identified limitations of the previous Program?
2. Has the new Program been effectively implemented and were there any barriers to the implementation?
3. Is there a high level of compliance with the requirements of the new Program and is the oversight of the new Program adequate?

The Outcomes Evaluation will address the following Research questions:

4. Is the new Program successful in achieving the identified aims and objectives?
5. Is the new Program sustainable?

PROJECT OVERVIEW

Process Evaluation

The purpose of the Process Evaluation will be to document the development and implementation of the revised Management Plan and operating procedures at Kariiong JCC. This will include:

- a. The purpose of the new Program at Kariiong JCC
- b. Process involved in the movement of inmates to and from Kariiong JCC

- c. The structure and operation of the new Program, noting the new approach based upon functional analysis and behavioural modification.
 - d. Management framework including:
 - i. Management plans for A1(o) and A1(b) inmates
 - ii. Hierarchy of privileges
 - iii. Offence based program delivery
 - iv. Sanctions for unacceptable behaviour
 - v. Physical environment changes
 - e. The Case management framework and procedures
 - i. Development of case management plans
 - ii. Case management team structure
 - iii. Case management model and process
 - iv. Case management review
 - v. Progress through stages of program
 - vi. Maintenance of high quality case management notes
 - f. The development of functional analyses of problematic behaviours
 - i. The development of effective behavioural management interventions
 - ii. Motivational interviewing and goal setting for each individual
 - iii. Evaluation of environmental changes as a consequence of behavioural management interventions
 - g. The structure of the inmate day
 - i. Weekday / weekend routines
 - ii. School participation
 - iii. Program participation
 - iv. Leisure, exercise schedule
 - v. Time out of cells
 - h. The provision of inmate programs and activities
 - i. The adequacy of data collection and reporting
2. Provide a flow population profile of inmate movements into and out of Kariong JCC including:
- a. Source of inmate referral to Kariong JCC
 - b. Reason for referral and classification (A1(o) or A1(b))
 - c. Length of stay at Kariong JCC
 - d. Reason for transfer out of Kariong JCC (back to JJ, parole, release to community, to another CSNSW facility)

3. Provide a demographic and offence related profile of inmates participating in the Program at Kariong JCC.
4. Examine the implementation of and compliance with the new Program. Compliance with the new case management procedures will be monitored using OIMS reporting modules and structured interviews with staff and stakeholders (including inmates).

The OIMS reporting modules will include:

- a. Development of Case Plan within 48 hours of reception
- b. Documentation of weekly CMT meetings (content and structure of team)
- c. Documentation of progress through program stages
- d. Case notes on inmate behaviour (positive and negative) and subsequent reward / consequence
- e. For A1(b) inmates – establishment of Behaviour Management Plan following functional assessment by Psychologist
- f. Progress of inmates through Behaviour Management Plan and evidence of improved behaviour on plan

Outcomes Evaluation

The purpose of the Outcomes Evaluation will be to examine the effectiveness of the new Program in achieving its stated aims and objectives and the longer term sustainability of the Program. The specific objectives of this evaluation will be determined following the completion of the revised Behaviour Management Program and Operational Management Plan.

METHODOLOGY

The project will involve three methodological stages and will incorporate both qualitative and quantitative research methodologies.

Stage 1: Statistical data (Quantitative)

The evaluation will provide a comprehensive profile of the inmates who have been detained at Kariong JCC, including trend, demographic and criminogenic profiles. The data will be drawn from OIMS, paper-based files stored with Inmate Classification and Placement and from the Department of Juvenile Justice Client Information Data System (CIDS).

Flow population profile

Flow data will be analysed to build a profile of the movement of inmates into and out of Kariong since 2004, including:

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- number of inmates transferred to Kariong JCC;
- reason for transfer (offence related or behaviour related);
- length of stay at Kariong JCC;
- number of inmates transferred out of Kariong JCC;
- reason for transfer and transfer location (back to DJJ or to CSNSW);
- and
- progress through the stages of the new Program.

Demographic and criminogenic profile

A detailed demographic profile of inmates will be developed comparing A1(o) inmates and A1(b) inmates at the centre and will include:

- age
- sex
- school attendance
- program participation
- Most Serious Offence (MSO)
- sentence length
- prior convictions

Stage 2: Program update and literature review

The second stage of the project will involve a review of relevant literature of best practice in the management of serious juvenile offenders, including behaviour management and other rehabilitation programs, and the functional analysis of behavioural modification of problematic behaviours within institutions (Daffern, 2009).

The evaluation will also review the following relevant documents to provide a comprehensive overview of the changes to the Behaviour Management Program in place at Kariong JCC:

- *Juvenile Offenders Legislation Amendment Act 2004*
- *Children (Detention Centres) Act 1987*
- *Children (Criminal Proceedings) Act 1987*
- Memorandum of Understanding between DCS and DJJ regarding issues relating to Kariong JCC and administrative matters affecting juvenile inmates (2005)
- Report on the Inquiry into Juvenile Offenders, 2004
- Provisional findings and recommendations of the Behaviour Management Program at Kariong JCC, NSW Ombudsman
- Kariong Juvenile Correctional Centre Behaviour Management Program (February 2010)
- Kariong Juvenile Correctional Centre Management Plan (March 2011)
- Corrective Services NSW Corporate Plan 2009-12

- NSW State Plan 2010.

The evaluation will also review documents developed in the management of inmates including:

- Case plans
- Case notes
- Notes of case management meetings
- Reports of institutional misconduct
- Inmate disciplinary forms
- Segregation custody review reports and revocations
- Functional analyses of problematic behaviour
- Behaviour modification plans
- Notes of inmate progress through the new Program
- OIMS reporting modules.

Stage 3: Qualitative Data

The evaluation will incorporate an 'appreciate inquiry' approach to the collection of qualitative data. This approach focuses on the key experiences of program participants and the factors that facilitated the new Program's success (Preskill & Catsambas, 2006).

Appreciative inquiry will also be used to identify the strength of the new Program and any barriers to its successful implementation of the new Program.

Interviews will be scheduled with staff and stakeholders of the new Program, including:

- General Manager
- Manager of Security
- Assistant Commissioner, Security and Intelligence
- Assistant Commissioner, Offender Services and Programs
- Manager, Offender Services and Programs
- Offender Services and Programs staff
- Custodial staff
- Inmates
- Justice Health staff

These interviews will focus on the perceived purpose of Kariong JCC, the effectiveness of the new Program, the implementation of the new Program, the strengths of the new Program and any perceived weakness or barriers to the implementation.

REPORTING SCHEDULE

It is proposed that the study will produce the following Evaluation Reports:

- **Quarterly Progress Reports** will document the trend and inmate profiles as well as progress of the program development and implementation. Quarterly reporting will facilitate an ongoing feedback process and allow continued improvements and changes to be part of the implementation process.
- **Report Dates:**
 - QR 1: 31 July 2011
 - QR2: 31 October 2011
 - QR3: 31 January 2012
 - QR4: 30 April 2012
- **Major Report** will incorporate the quarterly reports and report on all stages of the program implementation and preliminary outcomes.

Report Date: 31 July 2012

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