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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION OF  
RANGEVIEW JUVENILE REMAND CENTRE



**Report of an Announced Inspection  
of Rangeview Juvenile Remand Centre**

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# The Inspector's Overview

## RANGEVIEW: FUNCTIONING WELL WITHIN A SUPPORTIVE CORPORATE CULTURE

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When first established, this Office did not have jurisdiction to inspect juvenile detention facilities. The amending legislation of December 2003 brought these facilities within our jurisdiction, and six months later in June 2004 the first such inspection took place.

The standards applicable to prison inspections – namely, the balance of the four cornerstones (custody and containment, care and well being, rehabilitation and reintegration, and reparation) – whilst broadly applicable to all forms of institutional inspection was not tailored to the special needs of juvenile institutions. It was decided that the Australian Juvenile Justice Administrators' Standards for Juvenile Custodial Facilities (the AJJA standards) provided a sufficiently robust and humanitarian measure for the inspection. The AJJA standards are not simply in-house bureaucratic criteria but are derived from two modern international human rights instruments, the *United Nations Rules for the Protection of Juveniles deprived of their Liberty* and the *Beijing Rules for the Administration of Juvenile Justice*, so we would also go behind the AJJA standards if necessary to fill out the inspection criteria. Certainly, unless this and subsequent inspections reveal that there are significant gaps in this approach, these would seem to be strong and well understood anchor points for our work. Subsequently, we have also inspected Banksia Hill juvenile detention centre using the same criteria.

The inspection process itself provided an interesting contrast in intra-organisational culture. Whereas with prisons there was still at that time some element of defensiveness, the process on this occasion was from the outset interactive and cooperative. The Community Justice Services Division of the Department readily recognised that external scrutiny and organisational opportunity are two sides of the same coin. Consequently, some of the matters identified during the inspection were rectified almost at once (and thus do not require further attention in this Report) and others were commenced shortly thereafter. The most notable of these related to the Control Room, the design and operational environment of which constituted a tangible risk to aspects of Rangeview's operations, including its duty of care to detainees. Work to rebuild the Control Room has indeed been completed even before the publication of this Report.

As is evident from the substance of the Report, Rangeview was functioning well. The adverse comments we have made occur in a context where rapid improvement is readily attainable. If everything we have identified were able to be implemented, it could transform Rangeview from an institution that is markedly above average to one that could become a benchmark of excellence not just in Western Australia but nationally. Sometimes with prisons we have had the sensation that our recommendations need to be implemented if the place is simply to survive; with Rangeview it is from the point of view of enabling it to thrive.

Having said that, there are broad issues of policy concern. We have identified previously the issue of “Aboriginal prisons” – meaning those whose normal population is 75 per cent plus Aboriginal – and contrasted them with the non-Aboriginal prisons. With juvenile institutions, there is only one kind – “Aboriginal juvenile detention centres.”

The population is always at least 80 per cent Aboriginal at both Rangeview and Banksia Hill. This basic fact impacts upon how the regime should be run (and it is not, incidentally, explicitly addressed by the AJJA standards, leaving us with some criteria to tease out further over time). Also, it highlights for some young people the problems of being held “out of country” – sometimes several thousand kilometres from home and family.

On this point the Government has, since this inspection, committed itself to the construction of juvenile remand institutions at Geraldton and Kalgoorlie. Even greater needs exist in the Kimberley and the Pilbara, however. The problem in those areas has been exacerbated by the collapse of three community bail hostels, each failing in a context of insufficient capacity building and linkage between the local community and the Departmental support services. The idea of community detention is in principle the right one, if the right support formula can be found.

The other notable deficit relates to the position of juvenile girl detainees. Their position mirrors almost exactly that of adult females in Aboriginal prisons – marginalised, under-resourced, made to fit in to male routines and priorities. Since this inspection and that at Banksia Hill, real efforts are being made to address this raft of problems, by way of consolidating the girls’ presence on to one of the two institutions and working with this critical population mass so as to improve infrastructure, service access and programs.

Juvenile Custodial Services came out of this inspection as a Branch that seemed relatively confident and assured as to its corporate values and objectives and its place in the correctional order. Its culture is that of identifying problems so as to be able to solve them. In such a culture the task of an inspectorate is relatively straightforward.

Richard Harding

Inspector of Custodial Services

11th August 2005.



# Chapter 1

## COMMUNITY PROTECTION AND HUMAN RIGHTS

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- 1.1 This is a benchmark report for the juvenile justice system in Western Australia. The findings and recommendations detailed here are the result of the inaugural Inspection, by this Office, of Juvenile Custodial Services in this State. The enactment of the *Inspector of Custodial Services Act 2003* (WA)<sup>1</sup> extended this Office's Inspection powers to juvenile detention centres<sup>2</sup> (in addition to its existing jurisdiction over adult prisons, court custody centres and associated transport services).<sup>3</sup> This extension of jurisdiction is an important step towards ensuring that the human rights of young people detained in Western Australia are protected by means of the Inspection process and was welcomed at the time of this Inspection by the [then] President of the Children's Court of Western Australia:

*I welcome your expanded jurisdiction. Children are often regarded as second-class citizens in the community generally. They simply don't have a voice within the custodial setting. In my view, they should have a right to be heard about the conditions of their confinement. I have found that most children appreciate the opportunity to have their say.<sup>4</sup>*

- 1.2 In their joint inquiry into children and the legal process, the Australian Law Reform Commission and the Human Rights and Equal Opportunity Commission (HREOC) observed that:

*Children rely to a large extent on adults to speak on their behalf and protect their rights. The vulnerability of children tends to be reinforced by societal attitudes and legal processes.<sup>5</sup>*

- 1.3 This Report seeks to balance the expectations of the people of Western Australia (who demand a safe community devoid of criminal behaviour), against the human rights of young people (who are remanded in custody for allegedly engaging in such behaviour). This protection of human rights is measured against the Australasian Juvenile Justice Administrators' Standards for Juvenile Custodial Facilities ('the AJJA Standards'), which are currently employed by the Department of Justice (the Department) as sample indicators when assessing its own performance in juvenile custodial settings. Adopted in November 1998, the AJJA Standards assert their moral basis as the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice* ('the Beijing Rules') and operate as a measure of service quality provided to young people detained in custody. The existence of these standards and their employment in Western Australia are signs to the community that the authorities responsible for juvenile custodial facilities in this State intend to continually improve the quality of their services in the best interests of young people and other stakeholders who come into contact with their facilities. The AJJA Standards aim to ensure that these facilities are humane, safe and secure environments.

1 Assented to 15 December 2003.

2 *Inspector of Custodial Services Act 2003* (WA) s 29.

3 *Inspector of Custodial Services Act 2003* (WA) div 2.

4 Judge Kate O'Brien, letter to Professor Richard Harding (13 February 2004).

5 Australian Law Reform Commission & Human Rights and Equal Opportunity Commission, 'Seen and Heard: priority for children in the legal process' (1997), [5.25].

- 1.4 The international conventions that form the basis of the AJJA Standards specifically outline the rights to be afforded to juveniles in custody. These international conventions are regarded as a base line when measuring the administration of juvenile justice and the treatment of young people in custody. Australia has developed the AJJA Standards, based on these international instruments as a symbol of its commitment to the values embedded within the conventions. As a starting point, the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* affirms that the placement of a juvenile in an institution should always be used as a last resort and for the minimum period necessary. It recognises that juveniles who are deprived of their liberty are highly vulnerable and require special attention and protection to ensure that their rights and wellbeing are guaranteed during and after their period of detention. While the placement of a juvenile in a custodial facility and the period of time a juvenile spends in detention (on remand) is outside the scope of this Report (because it is largely dependent on constraints of the existing legal system), it is within the jurisdiction of the Inspectorate to comment on the extent to which the rights and wellbeing of juveniles are guaranteed when a young person is deprived of his or her liberty in this State.
- 1.5 In this regard the Inspectorate seeks to assess two things: firstly, the extent to which the human rights of young people deprived of their liberty are protected; and secondly, whether the objectives of a juvenile custodial facility, which are derived from international human rights instruments and enacted through national standards, are being achieved. The Beijing Rules state the following as the objectives of institutional treatment of juveniles:
- provision of care, protection, education and vocational skills with a view to assisting juveniles to assume socially constructive and productive roles in society;
  - provision of care, protection and all the social, educational, vocational, psychological, medical and physical assistance that may be required due to the age, sex and personality of the juvenile;
  - ensuring the fair treatment of male and female young people with special attention as to their personal needs and problems of females;
  - ensuring a right of access by all parents and guardians in the interest of the wellbeing of juveniles; and
  - provision of adequate and appropriate educational and vocational training to juveniles to ensure they do not leave custody at an educational disadvantage.
- 1.6 In relation to the welfare of the young people on remand in this State, these areas are essentially those with which this Report is concerned. Additional issues, such as management and staffing and security and safety, are also addressed. However it is the experience of those juveniles deprived of their liberty in Western Australia that this Report focuses on.
- 1.7 It is through reports such as this that the Western Australian community is offered an independent, objective insight into the issues associated with the management of juveniles on remand in this State. Negative media coverage of juveniles involved in criminal activities understandably influence public opinion which, in turn, leads to pressure on governments to

implement policy and legislation which attempts to address the fears and concerns of the public. While the issues associated with the detention of juveniles are vitally important, it must be remembered that such detention (whether it be remand or sentenced) is part of a much larger juvenile justice system operating many diversionary strategies in an attempt to keep young people out of custody. While this Report does not examine these strategies, it can be said that other justice initiatives are operating to keep the numbers of juveniles remanded in custody low compared with the total number of young people who come into contact with the criminal justice system. However, despite this Western Australia still has the third highest rate of juvenile detention,<sup>6</sup> and the highest rate of over-representation of Indigenous young people in custody, in Australia.<sup>7</sup> These figures make it imperative that the Inspectorate examines the conditions of custody for young people in Western Australia and, in particular, the needs of remanded Indigenous youth.

#### WELFARE TO JUSTICE: THE MANAGEMENT OF YOUNG PEOPLE IN CUSTODY

- 1.8 An examination of the management of juveniles in custody in Western Australia cannot be fully appreciated without an understanding of the rationale for the legislation that enables detention to occur and of the organisational structures empowered to ensure this legal framework is implemented. The challenge involved in legislating for and managing juvenile justice appears to be that of striking an appropriate balance between the provision of justice with an emphasis on community protection and the care and wellbeing of young people.
- 1.9 In the past 50 years this State has seen a legislative and organisational shift away from a welfare-based philosophy of the management of young offenders to a justice-based one. *The Child Welfare Act 1947 (WA)* introduced a focus of intervention in respect of the welfare and safety of young people rather than the management of offending behaviour, with [the then] Department of Family and Children's Services having both child protection and juvenile justice functions. At this time offenders were viewed as having 'psychological and social problems that needed treatment'.<sup>8</sup> During the 1980s this legislation was reviewed and its welfare approach was questioned.<sup>9</sup> *The Children's Court Act 1988 (WA)* evidenced the separation of the Court's responsibility from those responsible for the care and protection of young people, and the move of juvenile justice issues to a subdivision of Family and Children's Services, arguably a step closer to a justice based model. The early 1990s saw the Western Australian public demanding harsher penalties for young offenders

6 K. Charlton & M. McCall, *Statistics on Juvenile Detention in Australia: 1981 – 2003* (Canberra, Australian Institute of Criminology, 2004), p. 41.

7 Ibid., p. 29.

8 Western Australia, *Parliamentary Debates*, Legislative Assembly, 12 May 1994, p. 361 (Ms Cheryl Edwardes, Attorney-General).

9 See, Edwards, *The Treatment of Juvenile Offenders: a study of the treatment of juvenile offenders in Western Australia as part of an overall review of the Child Welfare Act 1947* (1982) ('the Edwards Report'); Carter, *The Wellbeing of the People: the final report of the welfare and community services review* (1984) ('the Carter Report'); and Department of Community Services, *Review of Juvenile Justice Systems* (1986).

following a perceived increase in juvenile crime. In response to this, Parliament passed the controversial *Crime (Serious and Repeat Offenders) Sentencing Act 1992* (WA) in an attempt to deal with a minority of repeat young offenders. At the same time, the [then] Ministry of Justice assumed the management of juvenile justice from the Department of Family and Children's Services, arguably a move away from a welfare-based model of intervention through organisational restructuring.

- 1.10 The enactment of the *Young Offenders Act 1994* (WA) was an indication of the new philosophy behind the management of this group of offenders. As stated by the Hon Peter Foss during parliamentary debates on the Bill:

*The Young Offenders Bill is based on the simplest of policy foundations – 'Tough but fair' ... The focus has been widened to take account of parents, victims and the broader community's wellbeing ... it will assist minor offenders to develop alternative, socially responsible behaviour while repeat serious offenders will face the full consequences of the law.*<sup>10</sup>

- 1.11 Since the enactment of this legislation, the management of juvenile justice has remained with the Ministry of Justice (now the Department of Justice). In 1997 the management of offending juveniles was amalgamated with the management of adult offenders. While some have argued that this move further compromised the welfare of young people, others viewed this as

*a healthy exchange of ideas including plans to adapt some of the successful diversionary strategies employed by Juvenile Justice for adult offenders, better management of the juveniles moving into the adult system and the ability to develop programs that target young people aged between 16–21 years of age – the peak ages for offending behaviour.*<sup>11</sup>

- 1.12 Recent amendments to the legislation contained in the *Young Offenders Amendment Act 2004* (WA) arguably further support the justice model of intervention by focusing on providing 'greater protection to the community through reducing reoffending'.<sup>12</sup> In relation to detention centres, the amendments strengthen the roles of staff by legislating for their use of force, restraint, weapons and confinement in the management of young people in custody. While such a move appears to again emphasise the importance of justice rather than the welfare or human rights of young people, it would seem appropriate to strike a balance between these often-competing issues.

10 Western Australia, *Parliamentary Debates*, Legislative Council, 27 September 1994, p. 4811 (Mr Peter Foss).

11 A. Wells, *Juvenile Justice in Western Australia* (1999), p. 5.

12 Western Australia, *Parliamentary Debates*, Legislative Assembly, 18 August 2004, p. 5160b (Ms Michelle Roberts, Minister for Justice).

## Chapter 2

### THE INSPECTION PROCESS AND THE RANGEVIEW POPULATION

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- 2.1 The methodology for this Inspection followed the usual approach of this Office; that is, the analysis of relevant operational and background documentation, focus group discussions with detainees and all categories of staff, on-site interactive consultation with management, a comprehensive Exit Debrief (later distributed in written form), the compilation of a Draft Report, an opportunity for the Department to challenge aspects of that Draft, and the publication and tabling before Parliament of this Final Report.
- 2.2 In addition to this, a confidential voluntary survey of Rangeview staff was conducted via mail prior to the Inspection. While relatively low numbers of questionnaires were returned,<sup>13</sup> the Inspection Team was able to get some indication of the conditions, training and concerns of staff—as well as of the conditions and treatment of detainees—which assisted in the on-site phase of the Inspection.
- 2.3 Described by the Inspector as an ‘admirable model of cooperative Inspection’,<sup>14</sup> the process prior to, during and following the on-site phase of this Inspection between the Inspectorate and the Department is to be commended. In the lead-up to this Inspection, representatives from this Office met with staff from Juvenile Custodial Services on a weekly basis for ten weeks, to discuss issues pertaining to the Inspection. This forum proved to be extremely valuable in developing a strong working relationship with Juvenile Custodial Services management, exchanging information and commencing discussions about issues to be considered during the on-site phase of the Inspection. It is hoped that this model of cooperative interaction with the Department in the planning phase of Inspections will continue for future Inspections of juvenile detention centres as well as adult prisons.
- 2.4 Understanding the experiences and opinions of the young people remanded in custody at Rangeview was important to the Inspection Team’s ability to properly assess this facility. On the second day of the on-site phase, the Inspection Team met with the detainees and explained their purpose. This gave the young people an opportunity to see our faces, hear our names and think about some of the issues that they may wish to raise with us during the week-long Inspection. Generally, the detainees were very receptive and most appeared comfortable in discussing their concerns and sharing their experiences of custody.
- 2.5 The Inspection Team was comprised of nine staff of the Inspectorate and eight specialists drawn from the Office of the State Ombudsman, the Office of Health Review, the Drug and Alcohol Office, the Department of Education and Training, the Department of Health and the Department of Community Development.<sup>15</sup> These specialists proved to be valuable assets to the Inspection Team and the Inspectorate thanks them for their various contributions to the Inspection process.

13 A total of 87 questionnaires were distributed by mail to Rangeview staff with 23 returned. At only 26 per cent, the rate of return is far lower than the rate for other pre-Inspection surveys conducted through the mail by this office.

14 Office of the Inspector of Custodial Services, ‘Rangeview Inspection Exit Debrief’ (25 June 2004), p. 1.

15 See Appendix 111 to this Report.

- 2.6 The announced Inspection of Rangeview commenced on Sunday, 20 June 2004 and ended with the Exit Debrief presented by the Inspector on Friday, 25 June 2004. The Exit Debrief, which detailed the preliminary recommendations of the Inspectorate, appeared well received by both Juvenile Custodial Services management and the staff of Rangeview. Since the on-site phase of the Inspection, Rangeview management and the Department have responded to these recommendations by implementing and planning reform in many of the areas identified by the Inspectorate.<sup>16</sup>

## REMAND AND THE PROFILE OF YOUNG PEOPLE IN CUSTODY IN WESTERN AUSTRALIA

### The nature of remand

- 2.7 As acknowledged by the Australian Institute of Criminology:

*One of the most serious actions a State can take in relation to its citizens is to deprive them of their liberty ... The placing in custody of a person who is still presumed innocent (as is the case with most people remanded in custody) should be of major concern to the courts and to the community.<sup>17</sup>*

*This is not to say that the function of remand should not occur or is not required by our legal system; however, the reasons for the use of remand and the impact that this process has on individuals, particularly young people, should be of significant interest to our legislators, our implementers of justice and to the wider community.*

- 2.8 As a fundamental principle underlying the legal system in Australia, individuals charged with criminal offences are considered innocent until they are proven guilty by a court of law. However such individuals may be sent to a secure prison (for adults) or detention/remand centre (for young people) prior to a court's declaration of their innocence or guilt. This occurs for a number of reasons. From a broad view, individuals are remanded in custody to ensure they will attend court when required to do so; to ensure the protection of legal witnesses; to ensure the safety of the accused person; and for the general protection of the community by ensuring the accused person does not commit further offences before the completion of their trial. From a narrower perspective, young people are remanded into custody when they are waiting to be granted bail; when bail has been refused and they are waiting for their next court appearance; and when they have been found guilty of a crime and are waiting to be sentenced by a court. These reasons for the use of remand by police and courts raise many complex issues, which are discussed in Chapter 4.

16 These changes are detailed throughout this Report.

17 D. Bramford et al., *Factors Affecting Remand in Custody: a Study of Bail Practices in Victoria, South Australia and Western Australia* (Canberra: Australian Institute of Criminology, 1999), p. 1.

- 2.9 Rangeview is the only facility in Western Australia that accommodates young people on remand. As a result, the detainee population comprises males and females, aged between ten and 18 years, from both metropolitan and regional Western Australia. Located on the corner of Bramanti Road and Murdoch Drive in Murdoch, south of Perth, Rangeview opened in March 1994 to replace Longmore Remand Centre. It is a heavily secured facility, surrounded by neighbouring Murdoch University, Challenger TAFE, St John of God Hospital and other private and public organisations. Rangeview has the capacity to accommodate up to 72 young people at any one time. In the 2003/2004 financial year there were 1533 admissions to Rangeview, including 1140 male admissions and 393 female admissions.<sup>18</sup>
- 2.10 For young people who live in regional or remote areas of the State, being placed into remand by the police or by a court means removal from his or her family, friends and community, sometimes transportation hundreds of kilometres from cultural lands and detention in unfamiliar surroundings where visits from loved ones are rare and language barriers make communication difficult. Remand is a time of high vulnerability and uncertainty for young people which in turn, ‘increases pressures upon the individual and the potential risk of self harm of a physical or psychological nature’.<sup>19</sup> Not only is a young person dealing with the complexities of understanding their position within the legal system and therefore their imminent future, but they may also be dealing with issues of separation, substance abuse and relationships, to name a mere few. In contrast, some young people may feel safe and protected while on remand, receiving a better standard of care than they receive in the community for reasons associated with poverty, homelessness and family dysfunction. While it is important that the experiences of young people at Rangeview are as positive as possible, ‘chronic welfare problems should not have to be solved by placing young people on remand’.<sup>20</sup> The issue of ‘welfare detention’ is very real in Australia; that is, young people are detained in custody in response to social problems such as a lack of accommodation and family supports rather than primarily for legal reasons. This practice, although outside the power of the remand facility, impacts greatly on the role and function of Rangeview. This issue is also discussed in Chapter 4.

### Profile of young people in custody in Western Australia

- 2.11 As at 30 June 2003, there were 640 young people aged between ten and 17 years in custody in Australia. Of these, 583 were male and 57 were female, with young males always being ‘highly over-represented’ in custody and young females ‘consistently comprising only a small proportion of the total persons detained’.<sup>21</sup> The total number of young people in custody has declined over the past 24 years with 1,352 young people being detained in custody on 30 June 1981.<sup>22</sup>

18 Juvenile Custodial Services, Department of Justice, ‘Arrest/Remand admission totals for financial year 2004’.

19 Bramford, *op cit.*, p. 2.

20 Australian Law Reform Commission & Human Rights and Equal Opportunity Commission, *op cit.*, [18.171].

21 Charlton & McCall, *op cit.*, p. 17.

22 *Ibid.*, p. 13. Diversionary schemes and community-based orders are likely to have contributed to this decrease.



- 2.12 On 30 June 2003, there were 117 young people detained in the two juvenile custodial facilities in Perth.<sup>23</sup> Of these, 106 were males and 11 were females. The majority of detainees were aged between ten and 17 years (89.7%), while 10.2 per cent were aged 18 years and over.<sup>24</sup> This State has the highest levels of over-representation of Indigenous young people in custody in Australia. Aboriginal youth are 46 times more likely to be detained in custody than non-Indigenous youth.<sup>25</sup> Of the 117 young people in custody as at 30 June 2003, 72.6 per cent were Indigenous.<sup>26</sup>
- 2.13 An examination was made of the most serious types of offences allegedly carried out by young people at Rangeview, over a one-year period. Non-serious offences against property were the most common offences amongst males (28%) while offences against good order were most common amongst females (30%). The Rangeview offence profile differed widely from the types of offences with which young people at Banksia Hill<sup>27</sup> were charged over the same period. Strikingly, there were no good order offences recorded as the most serious offences and non-serious property offences constituted only two per cent.<sup>28</sup>
- 2.14 In relation to the number of young people on remand that receive a custodial sentence, statistics for April 2004 showed that only 12 (10%) of the 125 young people released from Rangeview that month were sentenced to a period of detention at Banksia Hill while 93 (74%) were released to the community.<sup>29</sup> Similarly in May 2004, only 16 (12%) of the 130 discharges from Rangeview were sentenced while 86 (66%) were released to freedom.<sup>30</sup> This is contrary to a view held by many staff of Rangeview that detainees ‘graduate’ to Banksia Hill following a period of remand.

#### DISCUSSION OF THE POPULATION AND NEEDS OF YOUNG PEOPLE ON REMAND

- 2.15 In significant ways, the services provided by Rangeview to detainees do not adequately reflect the actual population of the Centre. At the time of this Inspection, the focus of the Centre appeared to be predominantly towards meeting the needs of short-term males from the metropolitan area. This seemed to be in response to a Departmental view that the average length of stay for a young person at Rangeview was 10–12 days and that the majority of detainees were from the metropolitan area – a view that is correct, but also misleading. Although short-term detainees are important, the needs of females, long-term detainees and those from regional and remote Aboriginal communities also require services that are targeted to their unique requirements.

23 Western Australia had the third highest number of young people detained across all Australian jurisdictions: New South Wales, 310 persons; Victoria, 159 persons; Queensland, 107 persons; South Australia, 79 persons; Australian Capital Territory, 24 persons; Northern Territory, 23 persons; and Tasmania, 22 persons.

24 *Ibid.*, p. 19–20. Young people are not automatically sent to an adult prison if they are in juvenile detention when they turn 18 years of age.

25 *Ibid.*, p. 29.

26 *Ibid.*, p. 41.

27 The detention centre for sentenced young people in Western Australia, located in Canning Vale.

28 Department of Justice, ‘Discharges between 1/6/2003 and 31/5/2004’ (undated).

29 Department of Justice, ‘Admission Profiles for the Month of April 2004’ (undated).

30 Department of Justice, ‘Admission Profiles for the Month of May 2004’ (undated).



### The prevalence and needs of female young detainees

2.16 There has been an increase in the prevalence of female juvenile offenders across Australia over the past ten years, with girls making up 21 per cent of the juvenile offending population in 1995–1996 and 25 per cent in 2000–2001.<sup>31</sup> In Western Australia, 16 females aged between ten and 17 years were in juvenile detention on 30 June 2001, the second highest number in the country.<sup>32</sup> National statistics do not appear to separate remand from sentenced juveniles when reporting such statistics, however it is clear from Western Australia’s figures that females on remand do make up a significant percentage of the total admissions per month (April 2004 – 19.8%; May 2004 – 27.8 percent).<sup>33</sup>

2.17 The presence of females in juvenile custodial facilities is an issue that evokes differing responses. As stated by the Inspector in his Exit Debrief to Rangeview:

*What we saw is a continuation of the marginalisation that has contributed to the girls’ presence at Rangeview in the first place ... this is beyond Rangeview’s control – that there is demonstrably an overuse of detention in relation to this category of detainees.*<sup>34</sup>

2.18 This debate—which questions the appropriate placement options for young females in the criminal justice system—is a complex one, incorporating many factors involved in the care and welfare of this unique group. While some support the idea of a separate facility or section of a facility for females, others believe that community-based options, such as bail hostels, would be more appropriate. One group worker consulted during this Inspection stated:

*Mixing male and female has a totally negative effect on females. Should be a secure unit at Nyandi (Boronia Pre Release Centre) run by Group Workers with graduated introduction to responsible Nyandi trustees and the opportunity to have supervised bail to go to safe custody.*<sup>35</sup>

2.19 The Howard League for Penal Reform in the United Kingdom recently stated that ‘prison is inappropriate for girls and can never meet their needs’.<sup>36</sup> Whether this statement applies to Western Australia or not, the fact remains that young females are still being remanded in custody in this State and probably will continue to be for some time. Consequently young females require attention to meet their specific educational, recreational, personal and developmental needs.

31 Australian Institute of Criminology, *Australian Crime: Facts and Figures 2002*, (<http://www.aic.gov.au/publications/facts/2002/fig39.html>).

32 NSW, 22; Victoria, 7; Queensland, 7; SA, 7; Tasmania, 1; NT, 0; and ACT, 3. See L. Cahill & P. Marshall, *Statistics on Juvenile Detention in Australia: 1981–2001* (Canberra: Australian Institute of Criminology, 2002), p. 25.

33 Department of Justice statistics.

34 Office of the Inspector of Custodial Services, ‘Rangeview Inspection Exit Debrief’ (25 June 2004), p. 7.

35 Rangeview Inspection Staff Survey response.

36 The Howard League for Penal Reform, ‘Advice, understanding and underwear: working with girls in prison’, *The Howard League for Penal Reform Girls’ Advice Project* (2004), p. 23.

- 2.20 At the time of this Inspection, the needs of young females at Rangeview were severely underserved. Problems observed during this Inspection ranged from a lack of appropriate underwear and restricted access to necessary personal hygiene items to an absence of suitable recreational opportunities. Regardless of the low numbers of females within the population, the needs of this group cannot be met by simply offering the same services as those offered to males. Since this Inspection, local management have made a number of significant improvements towards addressing these issues. These are discussed in Chapter 5.

#### **The prevalence and needs of longer term detainees**

- 2.21 The majority of services at Rangeview are targeted to the needs of short-term detainees. This is based on the view held by management that the majority of young people at Rangeview are on remand for only short periods of time. Taken over a six-month period (1 December 2003 to 31 May 2004), the average length of stay at Rangeview was 11.8 days with a range of between one day and 230 days. This relatively short period of stay is further emphasised in that during the same period, over 40 per cent of admissions were for less than four days. When considering the day-to-day population of the Centre, such a large number of admissions for very short periods of time can also present a misleading picture. One must not forget those young people who are on remand for up to 230 days.
- 2.22 This disparity in the length of stay of young people at Rangeview requires the Centre to consider the needs of both short- and long-term detainees and act appropriately to meet their needs, a goal which is currently not being achieved. Any attempt at achieving this requires an understanding of, and attention to, the social and educational development of juveniles from different cultural backgrounds, of different ages and of different genders. In addition to this, and to some extent more importantly, is the requirement that funding sources acknowledge this disparity of length of stay and provide resources that enable Centre management and staff to provide services that are able to be responsive to these needs. For example, it became apparent during this Inspection that due to the 'high turnover' of detainees, Rangeview's education program does not provide for longer-term education options. While resources for the provision of short-term literacy and numeracy training appeared adequate, funding to provide more challenging education for longer-term detainees was lacking. Ignoring the needs of young people who are remanded in custody for significant periods of time is inappropriate and totally inadequate. More attention needs to be given to the *real* lengths of time young people spend on remand in this State, while funding and services need to be tailored to cater to the needs of this population group.

#### **The prevalence and needs of Indigenous detainees**

- 2.23 The United Nations Economic and Social Council, commenting on the administration of juvenile justice have stated:

*In order to maintain a link between the detained child and his or her family and community, and to facilitate his or her social reintegration, it is important to ensure easy access by relatives and persons who have a legitimate interest in the child to institutions where children are deprived of their liberty, unless the best interests of the child would suggest otherwise.<sup>37</sup>*

- 2.24 It is evident from both observations made at Rangeview and from statistical data that there is a considerable over-representation of Indigenous youth on remand in this State. In April 2004, 71 per cent of the total monthly admissions to Rangeview were juveniles of Indigenous descent and almost half (45.6%) of these young people were from outside the metropolitan area.<sup>38</sup> More broadly, Western Australia has the highest levels of over-representation of Indigenous youth in custody in Australia. Aboriginal young people are 46 times more likely to be detained in custody than non-Indigenous youth.<sup>39</sup>
- 2.25 The prevalence of regional Indigenous offenders (or alleged offenders) being held in custody outside their homelands is evident for both juveniles and adults in the Western Australian criminal justice system. Arguably the situation is more extreme for young people, given their age, vulnerability and lack of regional custodial and supervisory options. Unlike the adult prison system, there are no remand or detention centres outside the Perth metropolitan area. There are also limited supervised bail options in regional Australia, an important issue that is discussed further in Chapter 4. These two factors force judicial officers to remand or sentence young people to facilities located hundreds of kilometres away from cultural lands, family and community. It is clear that the prevalence of young people in custody from regional areas justifies a rigorous debate surrounding the appropriate options for this population.

#### STAFF PROFILE

- 2.26 The morale of staff in any detention centre is influential on the temperature or mood of the facility. If group workers enjoy their work, believe in what they are employed to do and treat detainees with respect, then generally those detained will respond to them in a positive way. While there is no doubt that some detainees will act disrespectfully regardless of how they are treated by others, it is fair to say that a facility staffed by happy people is more likely to facilitate happy relations.
- 2.27 In this regard, Rangeview appears to be a positive place to work for most staff, with good relationships between staff, between staff and detainees, and between staff and management. Most staff feel safe within the Centre and generally feel that they have the information and the skills to perform their job effectively.<sup>40</sup> Rangeview staff comprise of 11.6 administration staff, seven supervising officers, four unit managers, 48 group workers, two cooks, one domestic officer, two laundry officers, one driver/storeman, one gardener, two psychologists,

37 United Nations Economic and Social Council, 36th Plenary Meeting, 21 July 1997.

38 Department of Justice, Juvenile Custodial Services, (April 2004).

39 Charlton & McCall, op cit., p. 29.

40 Rangeview Inspection Staff Survey responses.

one medical records officer, six nursing staff, two medical officers, two recreation officers, two school teachers and one vocational education teacher. Sessional instructors are also employed for computer training and for arts and crafts. In addition to this, one manager, one senior liaison officer, two bail coordinators, three group workers and two Aboriginal Welfare Officers staff the Supervised Bail Program.<sup>41</sup>

### Staff selection

2.28 AJJA Standard 10.1 states:

*All qualified persons are able to compete equally for entry into and promotion within the centre. Staff are selected, retained and promoted on the basis of merit and specified qualifications, and an affirmative action program actively encourages the selection, retention and promotion of members of minority groups, people with disabilities, and women.*<sup>42</sup>

2.29 There are obvious legal and safety issues associated with ensuring rigorous staff selection processes for a facility caring for and managing young people. While in the past recruitment for employment in Juvenile Custodial Services has not always been so rigorous, the current process does appear thorough.

2.30 Positions are advertised in newspapers where applicants are invited to lodge an application. During the application period, information sessions are held where a panel of professionals currently working in the system plus TAFE staff who teach the certification part of the training, are available to speak with potential recruits. Applicants complete numeracy, literacy and psychological testing; a health and fitness test; an operational interview; and a psychological interview. They are then invited to sign contracts of employment conditional on the successful completion of TAFE training and performance appraisals and on gaining national police clearance. Group workers then undertake an induction course run by Juvenile Custodial Services which covers the areas of security, legislation, managing juveniles, managing own stress, occupational health and safety, the Total Offender Management System (TOMS),<sup>43</sup> TAFE training units, suicide risk issues, management strategies and self defence. This course includes two periods of on-the-job training.

2.31 At the time of this Inspection, newly recruited staff voiced confidence in their initial capabilities and were reportedly receiving good support from other staff, including management. A strong team approach was evident and staff morale was positive.

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41 Some staff are employed on a part-time basis. The medical records officer, nurse manager and recreation officer positions are 'shared' with Banksia Hill. There is one female and one male medical officer, each attending one day per week and for emergencies.

42 Derived from Rule 82 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* and Rule 22.2 of the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*.

43 The computer system of the Department of Justice that holds details of all individuals (adults and juveniles) held in custody in the State.

- 2.32 While there have been some efforts made to recruit Indigenous staff, the numbers are still not considered adequate given the percentage of Indigenous young people at Rangeview.<sup>44</sup> At the time of this Inspection, there were approximately five Indigenous staff members working at Rangeview, excluding the two Aboriginal Welfare Officers. Some Indigenous young people commented during this Inspection that while most group workers were ‘ok’, they would feel more at ease with, would be more open with, and would feel more understood by group workers from their cultural lands.
- 2.33 The low numbers of female group workers (seven) compared to males (26) also needs to be addressed as this impacts on detainee issues such as the strip-searching and showering of female young people (which currently requires the assistance of female nursing staff when female group workers are not available).

*Recommendation 1*

*Strategies for the recruitment of women and Indigenous professionals are reviewed, with a view to increasing the numbers of staff from these groups.*

**Staff training**

- 2.34 AJJA Standard 10.5 requires that:

*The centre’s staff development and training program meets competency and job-related training needs of staff, and is planned, coordinated and reviewed.*

- 2.35 From a survey of Rangeview staff (conducted by the Inspectorate) it was found that all but one of the group workers who responded had received some form of refresher training in the last five years, most since 2002. This is in line with comments made by members of the union, with group workers and with the training officer, all of whom were interviewed during this Inspection. It appeared that in regard to training, the Centre was (at the time of this Inspection) in ‘catch up mode’,<sup>45</sup> trying to get on top of training (which had perhaps not occurred due to high detainee numbers) with the view of eventually reaching the stage where new types of training can be introduced.
- 2.36 The results of the staff survey raised some concern about the low percentage of respondents who had received training during the last five years in such areas as the use of breathing apparatus and emergency procedures (26.1%), occupational health and safety (30.4%), suicide prevention (30.4%), developmental stages of young people (21.7%), cognitive and behavioural skills (17.4%), and initial assessments (13%). In contrast, almost half of the respondents had received training in the use of restraints (47.8%). Despite these generally low instances of formal training, staff felt they possessed both the information and the relevant skills to perform their job, with psychology and mental health (73.9%), developmental stages of young

44 In April 2004, 71 per cent of the total monthly admissions to Rangeview were young people of Indigenous descent.

45 Comment from Rangeview Inspection Staff Survey.

people (82.6%), the management of females (78.3%), and the management of Indigenous detainees (87%) being areas in which staff felt the most comfortable.

- 2.37 The Department conducted a training needs survey in 2003 which indicated that staff were eager for more training in the area of managing difficult behaviour (particularly E-DaRT),<sup>46</sup> control training, escort procedures and emergency response procedures.<sup>47</sup> While this was somewhat consistent with the survey conducted by the Inspectorate, staff also indicated (in response to the survey) a desire for more training in cultural and drug awareness, support and rehabilitation services available to young people, and computer use (including use of TOMS). It is acknowledged that current resource issues impact on the range of training able to be delivered to staff.
- 2.38 Whilst undeniably important, there is some risk that the current training, which focuses heavily on security and emergency procedures, will disproportionately influence the custodial management of young people. Arguably, this is a move away from a welfare-based model of intervention and toward a more security orientated one, as group workers use the skills that are being emphasised in their ongoing training modules. It is hoped however that future staff training within Rangeview becomes more balanced and responsive to the requirements of those who are actively working on the ground level with young people and seeking more diverse training.

#### *Recommendation 2*

*Staff training modules are reviewed in consultation with group workers with a view to providing a program that is responsive to staff needs and provides balanced training in security/emergency procedures and cultural/developmental areas of young people.*

#### **Staff rosters**

- 2.39 The survey of staff evidenced a clear theme of staff shortages with comments such as:

*Staff shortages appear to have increased since 12-hour shifts.*

*Not knowing why each year we go through months on being short staffed (that is, vacant lines on roster). Why doesn't recruitment for new staff occur twice per year?*

*Staff levels always low with frequent overtime and increased workload. The number of Unit Managers needs to be increased urgently.*

- 2.40 Staff shortages appear to impact greatly on the Family Liaison Unit because liaison officers are often 'pulled' to perform group worker duties. This practice appears to impact greatly on the necessary tasks of the unit such as contacting families, arranging bail and meeting the transport needs of detainees on release from custody. While the impact upon the Family

46 Essential Defence and Restraint Training.

47 The Centre was focusing on these areas in their planning of future training at the time of this Inspection.

Liaison Unit as a result of staff shortages has not been measured specifically, staff do have concerns about their capacity to perform their liaison roles when there is pressure on them to perform in an operational role in times of low staff numbers.

- 2.41 Rangeview loses approximately 39 shifts per month to sick leave amongst its group workers (with an average of 12.2 hours per episode of illness) and approximately 8.5 shifts per month from its other staff. The Centre has an annual leave roster that aims to ensure that all staff clear their leave on a regular basis and that the Centre is not short-staffed due to large numbers of people on leave. This also includes senior staff to ensure there are not lengthy periods of time with low numbers of senior staff in the Centre.
- 2.42 There is a general staff roster, a senior staff roster and a female staff roster. The female staff roster aims to have one female rostered on during the night and two or three during the day. Staff appeared divided on the move to 12-hour shifts, with some stating that it was a negative move and others reporting that they had become 'used to it'. Overall it appears to better meet the circumstances of staff rather than the needs of detainees.<sup>48</sup>

#### **Interaction between staff and management**

- 2.43 Both during the Inspection and in the surveys, staff expressed a positive attitude towards the current management team. While this had apparently not always been the case, management were now viewed as having an inclusive, open-door approach that enabled staff to be heard and to have issues acted upon where possible. In the surveys, staff comments about management included:

*Have always found management very approachable and senior staff have always offered feedback on work performances.*

*Lack of industrial action, good access to talk to management, good quality first line supervisors, consultative approach to problem solving.*

*Management and staff have established good communication and understanding.*

*Strong, yet fair, the Superintendent knows all his staff and takes time to speak.*

- 2.44 There appears to also be a good relationship between management and staff of the Centre and union representatives, with a 95 per cent membership rate. There is a short turnaround period on grievances and complaints made against staff, which has the effect of reducing staff stress levels. It was evident that the union representatives have the interests of the young people at the forefront of their minds, to the extent that they have in the past refused to engage in strike actions.<sup>49</sup>

48 See paragraph 2.47.

49 The last occurring at Banksia Hill.



- 2.45 In relation to staff grievances, the administration staff drew attention to a lack of meetings with senior management as a group. Non-shift staff were also concerned about this issue as well as issues of lack of orientation, information and involvement in security issues, emergency drills and training. Shift staff raised concerns of detainee supervision when staffing levels are low and a lack of integration with education. However, these concerns are minor when considered in the context of the overall positive views of staff towards management.

#### **Interaction between staff and detainees**

- 2.46 All of the respondents to the staff survey rated the interactions between staff and detainees as either good (47.8%) or very good (52.1%). Staff supported this rating by stating:

*Group workers are excellent negotiators and have good knowledge, firm but fair which detainees appreciate.*

*Positive attitude of detainees to staff and vice versa.*

*Group workers interact well with detainees and have the skills.*

*Because we care.*

- 2.47 One staff member, however, stated that the interaction between staff and detainees was impaired by having to complete a large number of tasks within a 12-hour shift period. This comment is consistent with a theme from the surveys that there are staff shortages at Rangeview, which invariably impacts on the quality and type of interaction that can be achieved between group workers and detainees.

- 2.48 Responses from detainees in relation to the nature of their interaction with staff were not as consistent as those from the staff, with young people stating:

*Some kids don't treat the group workers fairly or give them a chance to explain.*

*They try to teach us. The staff are like your Mum and Dad.*

*Some act like our opinion is worthwhile.*

*They don't respect us – most don't.*

*Treat us like we are low because we are criminals.*

*Some of the group workers say 'I am the group worker, you will do what I say', they stand over us.*

*If you give them a hard time verbally, they put you in restraints.*

- 2.49 These varied responses are not surprising given the wide range of issues that may impact on the quality of interaction between a staff member and a detainee. These may include the intent of the interaction (that is, is it for the purpose of discipline or behavioural management), the ability of the young person to connect with the staff member (that is, the gender and cultural background of the detainee may be very different to that of the staff member making interaction difficult), the timing of the interaction (that is, the young person may be angry, have other issues on their mind or, having just arrived at the Centre, be under



the influence of drugs), or the history of past interactions with persons of authority (that is, a young person may have experienced previous negative interactions with police or other authorities, which may influence their future interaction with persons in authority).

- 2.50 While negative comments by detainees are acknowledged, Rangeview staff were generally found to be focused on the young people in their care. When given the opportunity to raise issues concerning them, most staff focused on the needs of the young people, rather than on their own wants or needs as employees. This attitude appears to be indicative of a number of things. Firstly, the comprehensive selection process for recruiting staff is obviously working to identify individuals who are suited to the role in both character and nature. Secondly, the nature of the training received by staff, particularly through TAFE, appears to be sufficiently focused on juvenile issues to ensure that the majority of interaction reflects a welfare-based model. Finally, the management team currently leading the Centre are experienced and committed, and promote a healthy balance between the need to ensure security within the Centre and the desire to provide a model of interaction based on the care and wellbeing of young people.

# Chapter 3

## ADMISSION ARRANGEMENTS

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### 3.1 AJJA Standard 3.1 states:

*On admission, screening and assessment of young people identify risk factors and individual needs that are relevant to the safe management of young people while in detention.*<sup>50</sup>

Rangeview conducts a risk assessment of all young people admitted to the Centre, as well as maintaining an ongoing assessment structure that is built into the supervision role of all group workers. While there are some issues with the current arrangements, the Centre certainly has a focus on the safety of young people during their remand periods.

## ADMISSION PROCESS

3.2 Rangeview is the only remand facility for young people in Western Australia. This means that when a young person is remanded into custody awaiting bail, sentence or a court hearing they are transported directly to Rangeview, irrespective of that person's normal place of residence. For some young people this involves being transported hundreds of kilometres across the State, away from their family, support networks and, in respect of Indigenous detainees, away from their cultural lands. In these circumstances, new admissions will often arrive tired from a prolonged period of uncomfortable transportation and, in many cases, distressed as a result of their order into custody and removal from their familiar surroundings. Some may be under the influence of alcohol or drugs at this time, which may exacerbate their feelings of distress.

### Transport to Rangeview

3.3 While it may be thought that a young person's period of custody commences when they arrive at the gates of Rangeview technically, and in a very real and practical sense, it begins during transportation to the Centre. The Western Australian Police Service conducts all transportation of young people from regional areas to Perth, while transportation to and from courts and detention centres was undertaken by AIMS Corporation (AIMS) at the time of this Inspection.<sup>51</sup> Young people from areas south of Carnarvon are driven to Perth, while those living north of Carnarvon are flown to Perth by plane. There are a number of concerns surrounding the transportation of young people by these methods, which are discussed in Chapter 5.

3.4 Transportation issues continue throughout a young person's stay at Rangeview as detainees are transported to and from court hearings and other appointments such as funerals.<sup>52</sup>

50 Derived from Rules 50, 27, 22 and 26 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

51 AIMS Corporation is a private company contracted to provide transportation and security services for the Department.

52 Young people must complete an application to attend funerals and are only granted permission following consideration of the following issues by the Superintendent: (i) the risk of the detainee absconding; (ii) the nature of the detainee's current and past offences; (iii) the location of the funeral; and (iv) the relationship of the deceased person to the detainee. Attendance at funerals is generally restricted to blood relatives or relationships of cultural significance (Juvenile Custodial Rule No. 802 (1)).

## ADMISSION ARRANGEMENTS

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In response to the escape of nine adult prisoners from the Supreme Court Custody Centre in June 2004,<sup>53</sup> a security audit of AIMS and Juvenile Custodial Services was conducted. This resulted in Juvenile Custodial Services taking back the transportation and court custody responsibilities of young people from AIMS.<sup>54</sup> Since taking back this role, the Department is emphasising the importance of staff interaction with young people, case management and continuity of care when transporting young people, rather than having a strict focus on security.

### Arrival at Rangeview

3.5 While young people can arrive at the Centre at any time of the day or night, the majority arrive at around 3.30 p.m. on weekdays and at various times during the weekends. The average number of young people arriving at the Centre each weekday is eight.<sup>55</sup> This number is much lower on the weekends with one or two arriving at the Centre over Friday night, Saturday and Sunday. On stepping out of the transporting vehicle into the Rangeview sally-port,<sup>56</sup> the young person is met by three to five group workers (the number of group workers assigned to meet the young person is determined by the level of distress being experienced by the young person). They are then placed in a holding cell in the Multi-Purpose Unit where a group worker constantly observes their behaviour to ensure their safety.<sup>57</sup> The Multi-Purpose Unit consists of holding cells and observation cells, shaped in a semi-circle, each with one panel of clear glass looking onto a control room where a group worker sits to observe detainee behaviour. The observation cells have a toilet and sink in each while the holding cells do not. All cells have the view of a television, which assists in occupying the young person who may wait up to two hours (on admission) before being processed into the Centre.<sup>58</sup>

### Showering and strip-searching

3.6 When staff are ready to process a young person into the Centre, the person is escorted to the assessment area, which is detached from the sally-port and observation cells. This is a medium-sized room with cells around the outside of it, which opens into a lounge area with two couches and a table. On arrival, the young person is strip-searched by two group workers. Wherever possible, group workers of the same gender as the young person are rostered on for this role, especially for the admission of females. The young person then showers, uses a de-lousing hair treatment and dresses in Centre-issued clothes. The same group worker/s closely observe all these activities. This is due to the risk of self-harm and drug smuggling into the Centre at this time.<sup>59</sup> The shower/change room door is open at the top and bottom so that

53 See Report No.25, *Inspection of the Interim Arrangements at the Supreme Court Following the Escape of Nine Prisoners from the Custody Area on 10 June 2004* (Office of the Inspector of Custodial Services, Perth, 2004).

54 AIMS had been contracted since 2000 to provide transportation for Juvenile Custodial Services.

55 Rangeview group workers have advised that the number of arrivals on weekdays is usually comprised of four detainees returning from court appearances and four detainees arriving from other locations, such as police custody.

56 The area where young people enter and exit the Centre by vehicle.

57 The holding cells may hold two or more young people at once if many arrive at the Centre at the same time.

58 This is an observation made by detainees and is consistent with the admission process taking approximately 15 minutes per detainee, with only one person being processed at a time.

59 There is also an informal relationship with nursing staff who may observe showering if no female group workers are available.

the head and feet of the young person can be observed. Group workers appeared to make a significant effort to engage the young person in the admission process, explaining each step clearly. Showering and searching was conducted with as much respect for the dignity of the young person as is possible, given the intrusive nature of the role of group workers in observing this part of the process.

### **At-risk assessment**

- 3.7 The young person is then seen by a group worker who asks them a series of questions including one relating to self-harm and provides some orientation information. Information appeared to be gathered by more than one group worker in a ‘chatty’ manner rather than using formal interview methods. Depending on the outcome of the questioning, the young person is either escorted to an accommodation unit or placed in an observation cell. All those assessed as requiring health checks wait in the observation cells to be seen by the nurse. The nursing staff attempt to conduct a full health assessment (including an at-risk assessment) of the young person within two hours of the young person’s arrival at the Centre. At this stage in the admission process, the young person’s personal clothing is sent for laundering and their personal effects are placed into storage.<sup>60</sup>
- 3.8 If a young person is assessed as being at risk of self-harm, they are referred to the Centre psychologist who makes an assessment as to whether they should be seen by the visiting psychiatrist. If this is deemed necessary, a referral is made. The assessment undertaken by the psychologist appears comprehensive, drawing on a wide range of information sources.<sup>61</sup> The psychologist may place the young person on an observation check list (‘checks’), which notifies all staff that they are at risk of self-harm and indicates the vigilance with which staff should ‘check’ on the young person. The young person’s name is then put on the At-Risk Register to provide a reference for staff of the individual’s at-risk history. Specific codes are applied to the register, including:
- Code 1 – indicating that the young person is at imminent risk of self-harm or suicide, based on a range of indicators;
  - Code 2 – indicating that the young person is considered at increased, but not imminent, risk of self-harm or suicide; and
  - Code 3 – indicating that the young person has been registered, as either a Code 1 or 2 in the past, however currently appears stable.
- 3.9 The register is updated on a monthly basis by psychological services<sup>62</sup> and a detainee will remain on the register until assessed as no longer being at risk. An individual is removed from the register when they attain 19 years of age and if they enter the adult prison system, his or

60 Storage may be either in a safe within the assessments area for valuable items, or in a common storage area for other private property.

61 Such as past history and presence on the ‘at-risk register’, behaviour in court, reports from Juvenile Justice Officers, family, Juvenile Justice psychologists, Rangeview staff and predictive factors such as age or first time on remand.

62 All staff interacting with detainees have input in the details placed on the register.

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her at-risk history is made available to the relevant prison. This is an inclusive approach to risk management that gives all staff monitoring responsibility, while allowing the majority of young people to remain within the mainstream population of the Centre.<sup>63</sup>

- 3.10 If necessary, a young person may be placed in an observation cell for closer monitoring until being assessed as appropriate for return to the Centre population.<sup>64</sup> These actions are consistent with AJJA Standard 7.5 (4.5.1) which states:

*The centre minimises opportunities for self-harming behaviour by young people, and where self-harming behaviour is exhibited there is effective and responsible intervention.*<sup>65</sup>

- 3.11 While this assessment process is conducted in a friendly, informal manner by group workers, minimising the stress and uncertainty of young people, there is some concern about the risk of overlooking critical components of the assessment process. Evidence of this was seen in incorrect details being recorded on assessment forms, an inability to confirm if questions regarding self-harm risk were asked, and clothes not being laundered. While the very informal nature of assessments may work well with small numbers of admissions, when a large number of young people come into the Centre at once, this relaxed process is likely to become overwhelming for both group workers and young people alike. While it is not suggested that group workers become unnecessarily formal with young people, there may be some improvement in this area by training specialist group workers to undertake the assessment process.<sup>66</sup> A survey of staff members indicated that only a small number had received training in the areas of assessment<sup>67</sup> and suicide prevention.<sup>68</sup> This level of staff training arguably does not satisfy AJJA Standard 10.5 (7.5.1) which states:

*The centre's staff development and training program meets competency and job-related training needs of staff, and is planned, coordinated and reviewed.*<sup>69</sup>

### Recommendation 3

*Centre management provides training in assessments and suicide prevention for all staff who: (i) are currently engaged in the initial assessment of young people and who have not received this training; (ii) are currently engaged in the initial assessment of young people and who have received training in the past but require a refresher course; and (iii) are new staff.*

63 Between July 2003 and June 2004 the average daily number of young people on 'checks' were 14.3 (Juvenile Justice Services, Department of Justice, 12 July 2004). Once a young person is placed on the system, they remain there for six months regardless of their status and location of detention, and are only removed from the system following further assessment.

64 Only the Superintendent and psychologist are able to give authority for a young person to return to the general population of the Centre from an observation cell.

65 Derived from Rules 28 and 87(d) of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

66 Currently, any group worker can conduct such assessments, although a more senior worker takes lead responsibility.

67 Thirteen per cent of respondents to the staff survey stated that they had completed training of this nature in the past five years.

68 30.4 percent of respondents to the staff survey stated they had completed training of this nature in the past five years.

69 Derived from Rule 58 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

- 3.12 There appears to be good risk assessment and management within the Centre, with multiple opportunities for health service staff and group workers to identify self-harm risk issues and respond appropriately. Such processes appear to satisfy AJJA Standard 7.5 (4.5.2), which states:

*A suicide prevention and intervention strategy includes intake screening, identification and supervision of young people according to their regularly assessed risk levels.<sup>70</sup>*

A consultant child and adolescent psychiatrist is contracted to visit Rangeview on an as-needs basis on short notice, or at least fortnightly for 5.3 hours of clinical time. The consultant will refer young people to health clinics (or other appropriate services) for follow-up if required. However, as a significant number of young people at Rangeview present with mental health issues, a question arises as to whether the services of an on-site mental health nurse and access to the Adolescent Unit at Princess Margaret Hospital for Children (PMH) would be beneficial. These issues are discussed further in Chapter 7.

#### **Infrastructure and detainee supervision**

- 3.13 The assessment area is a converted female accommodation unit, which does present some problems for the admissions procedure at Rangeview. Firstly, the area is quite isolated from the sally-port, the observation cells and the bulk storage area.<sup>71</sup> This obviously raises issues of safe and efficient movement of young people within the Centre. Secondly, there is a lack of privacy afforded to young people while showering in the assessments area. The shower area opens straight into the lounge area where the questioning for risk assessment takes place. Arguably, this does not fully satisfy AJJA Standard 1.4 which states:

*The centre recognises and responds appropriately to the right of each young person to privacy and confidentiality.<sup>72</sup>*

- 3.14 While the current arrangements are adequate, a dedicated assessment area, specifically designed for that purpose, would be more appropriate and would arguably provide a more conducive environment for undertaking efficient, thorough and confidential initial assessments. This is not a pressing issue, however.

#### *Recommendation 4*

*Consideration is given at a Departmental level to the building of an assessment area specifically designed for that purpose, when resources permit.*

70 Derived from Rules 28 and 879(d) of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

71 The area where the young people's personal property is kept during their remand period.

72 Derived from Rules 87(e) and 19 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* and Rules 8.1 and 8.2 of the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*.

## ADMISSION ARRANGEMENTS

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- 3.15 There is some concern surrounding evenings and weekends when there is the potential for multiple admissions at once and limited staff numbers. While the full extent of the disruption to detainee supervision duties is unclear, if four to five staff are rostered on during these times (as staff rosters showed), either the assessment process or the safety of detainees in other areas of the Centre would appear to be compromised. In addition to this, staff attempting to manage this workload are likely to be under great stress to fulfil both their supervision and assessment duties.

### *Recommendation 5*

*A review of rostering is undertaken particularly in regard to the workload of group workers in the evenings and on weekends when initial assessment as well as supervision duties may conflict, with a view to ensuring more adequate staff coverage during these periods.*

## ORIENTATION PROCESS

- 3.16 AJJA Standard 3.2 states:

*Young people and their families or significant others are provided with comprehensive information in accessible formats about their rights, obligations, programs and services at the Centre, as soon as practicable after admission.<sup>73</sup>*

- 3.17 The process of orientation for any person entering a detention facility is crucial for a number of important reasons. Firstly, it informs the person of their rights during their time in custody, such as their right to receive visitors, lodge complaints and make phone calls. Secondly, it outlines to the person what is expected of them during their time in custody, such as their responsibilities with regard to their cell and personal behaviour. Any orientation process needs to take into consideration the literacy level and language of the person in custody. For example, a written brochure outlining rights and responsibilities may be inappropriate for a young person who has never learnt to read, whereas a discussion with a group worker who makes him or her feel comfortable, or a chat with other young people who have been in the facility for a while, are more likely to be received positively.
- 3.18 Orientation for a young person new to Rangeview begins in the assessment area. After receiving information regarding education and work activities, gratuities,<sup>74</sup> rules and regime of accommodation units, security (including 'No Go' zones)<sup>75</sup> and details of how visits may be conducted, the young person is asked to sign an 'Orientation of Program' form. As well as being an agreement of the receipt of this information, the form outlines detainee rights and who to ask if assistance is required. Finally, a checklist entitled 'Points for Orientation Package' is completed, detailing the above items as well as issues of contraband and rights in respect of phone calls. Following this, the majority of orientation occurs informally in the accommodation units by group workers and other young people.<sup>76</sup>

73 Derived from Rules 24 and 25 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

74 Payment received for engaging in work or educational activities while in custody.

75 Areas where detainees are not permitted to enter.

76 Those returning to Rangeview following previous admissions report no formal orientation process.

## ADMISSION ARRANGEMENTS

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- 3.19 At the time of this Inspection, an orientation video was being trialled as a supplementation to personal one-on-one orientation by group workers. However only one young person spoken to during the Inspection had viewed the video. This is a new and appropriate attempt by the Centre to address some of the problems associated with using written information in the orientation process, such as literacy and learning difficulties. Depending on how this video is pitched, it may prove to be a positive tool in informing young people of their rights and responsibilities while on remand. However, if young people are asked to view the video in the first few days of remand they may not be in an appropriate state of mind to take in the information presented on it.
- 3.20 It must also be acknowledged that the first few days of remand are very likely to be clouded for many young people by reason of vulnerability, stress, fear, substance abuse or risk of self-harm. As a result, young people may neither divulge personal information, nor retain information provided to them about the Centre. Consequently, follow-up or ongoing orientation is vital to ensure young people are made aware of their rights and responsibilities while at Rangeview.

### *Recommendation 6*

*The Rangeview Orientation Video is shown routinely to all young people on admission to the Centre. Young people are encouraged to view the video again post-admission and staff facilitate this access at all times.*

- 3.21 During this Inspection we spoke with a young person who had been recently admitted to the Centre.<sup>77</sup> He reported a comprehensive orientation by caring group workers who made very clear what was expected of him and what would be occurring during the day. While this appeared positive, there is again some concern about the informal nature of the process and the risk of young people not being told of all aspects of remand which they need to or should be made aware of, such as their right to lodge complaints, make telephone calls or contact their legal representative and details surrounding their monetary earnings while in custody. It is acknowledged that this is based on one view only and not necessarily indicative of the usual practice of staff or the experience of all young people during admission.
- 3.22 Overall, orientation for new detainees appears appropriate. While detainees may benefit from routinely viewing the Orientation Video on admission and during their period of remand, it is likely that their interaction with other young people and Rangeview staff will have the greatest impact on their orientation.

<sup>77</sup> The Inspection Team were only able to speak with one 'new' young person during the Inspection as all other admissions were of young people who had been detained at Rangeview previously.



### FIRST NIGHT AND ONGOING ARRANGEMENTS

- 3.23 The first night (or day) for any person in custody, whether they be adults or children is difficult. Not only is the physical environment often foreign, but also family and legal issues are of great concern. Young people are especially vulnerable at this time, particularly those who have not been in custody before, those outside their homelands and those who are very young. It is for this reason that it is imperative that facilities such as Rangeview have processes in place to support young people during their first night/s of remand and to monitor for at-risk behaviours.
- 3.24 There are two types of first night arrangements evident at Rangeview. One operates for young people who are located in the observation cells and one for young people in the accommodation units. Both processes involve significant effort by group workers to talk to and spend time with the young person, providing encouragement and support during this often difficult time. The Centre is flexible in allowing family visits during the first night, which is often beneficial for young people from metropolitan areas (although difficult for those from regional and remote areas). The flexibility and facilitation of these arrangements are consistent with AJJA Standard 5.1 which states:
- The centre encourages and enables visitation and communication between young people and their families or significant others that is not unreasonably limited by the centre, is responsive to individuals' needs, and occurs in conditions that are dignified and relatively private.*<sup>78</sup>
- 3.25 Staff appear to have a heightened awareness of self-harm risk factors and bullying, assisting in preventing incidents during this initial period of adjustment. First night arrangements appear adequate and strongly focused on staff and detainee relations. However, there are some questions surrounding the time that group workers can realistically spend with a particular young person, when the number of staff rostered on during the evenings and on the weekends is low.
- 3.26 It must be remembered that the vulnerability, fear and uncertainty of life in custody does not cease after the first 24 hours. These concerns, especially for young people, continue throughout the custodial term as detainees deal with family and homeland separation issues, legal issues and other personal and developmental issues. Rangeview appears to be very aware of these issues and responds appropriately through ongoing risk assessment and management.

### TRANSFERS TO BANKSIA HILL DETENTION CENTRE AND ADULT PRISONS

- 3.27 While there is an impression amongst some staff that many Rangeview young people 'graduate' to Banksia Hill, it is clear that this is not the case. The majority of young people remanded in custody in Western Australia are never sentenced to a term of detention.

78 Derived from Rules 59, 60, 61, 30, 58 and 56 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

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However, for the small number who are sentenced to detention at Banksia Hill (or to a term of imprisonment in an adult prison), the timely transfer of their personal information from Rangeview is imperative to ensure continuity of service.

- 3.28 There do appear to be processes in place at Rangeview for the appropriate transfer of detainee personal information to Banksia Hill and also to the adult prison system. However, while these processes appear to be followed for transfers within Juvenile Custodial Services, the situation does not appear as clear in respect of transfer to the adult prison system. The Centre was not able to guarantee either the confidentiality of the information transferred to the adult system or the actual physical location of the information once sent. With recent deaths of young people in adult prisons,<sup>79</sup> it is important more than ever to ensure that the information transferred from the juvenile to the adult custodial system is well documented, thorough and timely.

### *Recommendation 7*

*The processes surrounding the transfer of personal and health information from Rangeview to adult prisons are reviewed and where necessary, strategies are put in place to ensure information sharing is confidential, thorough and timely.*

- 3.29 Discussions with group workers indicated that young people being transferred to Banksia Hill or to an adult prison were usually prepared for the move well in advance. Group workers generally took the time to discuss the transfer with the young person and answer any questions they may have. Group workers stated that the circumstances of transfers are such that the young persons tended to be prepared for the possibility of being sentenced. Group workers aware on a particular day of the transfer of a young person, via the 'transfer list', are also involved in this process. It is unknown whether family members of young people are advised of transfers; however, given Rangeview's commitment to maintaining connections with families, it is likely that they are informed of this process.

<sup>79</sup> Report No.22, *The Diminishing Quality of Prison Life: Deaths at Hakea Prison 2001–2003* (Office of the Inspector of Custodial Services, Perth, 2004).

# Chapter 4

## WELFARE AND LEGAL RIGHTS OF YOUNG PEOPLE ON REMAND

- 4.1 It was clear when speaking with the young people at Rangeview that one of the questions on their minds was, ‘When am I getting out of here?’ This question was often accompanied by concerns surrounding court appearances, legal representation, accommodation on release, and general welfare issues. Aside from contact with family and significant others, these seemed to be the most important issues to detainees at Rangeview.<sup>80</sup> The Family Liaison Unit and the Supervised Bail Program are responsible for dealing with these issues and generally do ‘excellent work under enormous pressure and with barely adequate resources’.<sup>81</sup>

### FAMILY LIAISON UNIT AND SUPERVISED BAIL PROGRAM

#### Minimising days in custody for young people

- 4.2 The Family Liaison Unit and the Supervised Bail Program hold the responsibility of case-managing young people while on remand, until their next court appearance. Having said this, specific case management only occurs for young people who are on remand for three weeks or longer.<sup>82</sup> The Family Liaison Unit operates 24 hours per day, seven days per week and deals with all the movements in and out of the Centre. It is staffed by one Senior Liaison Officer and five Liaison Officers who work on rotational shifts. These staff members emphasised the need for increased staffing to cover the very heavy workload currently managed by the unit, including night admissions. With statistics showing many young people spending many more than 10–12 days on remand, it seems imperative that the Family Liaison Unit operates with sufficient resources to keep days in custody to a minimum.
- 4.3 The Family Liaison Unit is primarily concerned with minimising the time that each young person spends in custody. This is achieved by staff undertaking the following tasks:
- processing admission details onto TOMS, enabling family contact and liaison with lawyers and police;
  - facilitating and processing bail;
  - providing basic resource information to young people and their families;
  - referrals to other internal and external agencies;
  - processing after hours telephone calls for Killara Family Support Unit;<sup>83</sup>
  - maintenance of records and statistics for other departments and agencies; and
  - Family Liaison Unit Officers or Aboriginal Welfare Officers’ facilitating applications for authorised absences from the Centre, enabling young people to attend family funerals and to visit family members in hospital.<sup>84</sup>

80 As stated by the staff within the Family Liaison Unit and Supervised Bail Unit and based on discussions with young people during this inspection.

81 Office of the Inspector of Custodial Services, ‘Rangeview Inspection Exit Debrief’ (25 June 2004).

82 This is based on the Departmental view that it is difficult to provide case management services for young people who are in custody for shorter periods of time, given the large number of young people through the Centre in 10 to 12 day periods.

83 An outreach support service for young people and their families who are having problems that are attracting, or may attract, the attention of the police and the law: Department of Justice, *Killara Youth Support Service Brochure* (2002).

84 Department of Justice, *Family Liaison and Supervised Bail Unit, Rangeview Remand Centre: An Overview* (February 2004).

- 4.4 The unit also facilitates detainees accessing video conferencing equipment, which enhances communication with family members. Video conferencing can occur between Rangeview and other custodial facilities (such as adult prisons) and between Rangeview and regional communities around the State. While there are many regional areas that do not have access to such technology, there are others that can utilise video conferencing located in a local courthouse or other government building. This is a positive form of communication for young people as they are able to see their loved one on the television screen. However, as stated by the Inspector at the Rangeview Inspection Exit Debrief:

*Video visits ... should perhaps be more positively encouraged by better explanation to the detainees as to how they work.*<sup>85</sup>

- 4.5 The liaison role undertaken by the staff of the Family Liaison Unit is imperative in keeping movements in and out of the Centre running smoothly and efficiently. This extensive role includes:
- liaison with police who transport young people from regional areas to Rangeview;
  - liaison with airlines that fly young people back to their homelands following release from custody;
  - liaison with Juvenile Justice Officers in regional areas who pick up young people from regional airports and transport them to their communities;
  - liaison with service providers to find young people accommodation on release from custody;
  - liaison with legal services to ensure young people have access to legal advice and representation;
  - liaison with Justices of the Peace to ensure someone is present with a young person when they are interviewed by police or organising bail;
  - liaison with the Perth Children's Court (on a daily basis) regarding outcomes of court appearances of detainees; and
  - liaison with other service providers as required to meet the needs of young people either coming into custody or being released from custody.

#### **Legal remand or welfare detention?**

- 4.6 It became apparent during this Inspection that some Rangeview staff had a very real concern that custody at Rangeview was being used by police as a solution to welfare problems in the community. That is, police are allegedly charging young people with offences in order to 'get them off the streets' or as a solution to problems associated with a lack of appropriate accommodation in the community. These young people are reportedly not being granted bail, nor are they being sentenced to a period of detention at Banksia Hill. Instead, they are being removed from the eyes of the police (and the wider community) and placed into a form

85 Office of the Inspector of Custodial Services, 'Rangeview Inspection Exit Debrief' (25 June 2004). Perhaps detainees could be educated about video conferencing during their orientation initially with information being reinforced by staff during their period in detention.

of accommodation (Rangeview) that will take the pressure off the police (and the community) for a period of time. Similarly, in the case of regional areas of the State, young people are allegedly being remanded into custody to ‘give the community a break’ and again are rarely sentenced to a period of detention.

- 4.7 While such allegations appear to attack the actions of the police, in reality these actions are a symptom of much wider family, welfare and community issues. Arguably, if there were adequate resources for community-based services providing family support, welfare and accommodation, then the police would have a range of realistic options available to them to assist young people. Instead, the police (who want the young person off the streets and in a safe environment) feel they have no other option than to charge the young person so they are permitted to take them to Rangeview where they are guaranteed to have a bed for the night, a hot meal and someone to care for their needs. It is a very sorry state of affairs when the most accessible form of accommodation for troubled young people is custody.
- 4.8 In Victoria, the *Children and Young Persons Act 1989* (Vic) was enacted to address the problem of ‘welfare detention’. Section 129(7) prevents a young person from being refused bail on the sole ground that he or she does not have any, or adequate, accommodation. While it is unknown whether such a provision has reduced the number of young people who are refused bail and remanded into custody for welfare reasons, this legislative move has been praised by the ‘Inquiry into Children and the Legal Process’ as an appropriate safeguard in the fight against this practice.<sup>86</sup>
- 4.9 While community resource issues are very much beyond the power of the Department, Rangeview arguably can play a role in educating community-based service providers and police on the needs of young people involved in the criminal justice system and the services prepared to offer support. Through the liaison role of the Family Liaison Unit and the Supervised Bail Program (both metropolitan and regional), Rangeview can continue to make positive connections with communities that may in the future open their doors to a young person, circumventing the use of custody as a welfare option.

### The Supervised Bail Program

- 4.10 Bail is a means of keeping an individual out of custody (remand), and under supervision until they are required to next appear in court to answer charges against them. In the case of juveniles, when a young person is granted bail they are required to have a ‘responsible adult’<sup>87</sup> to act as surety for them. This means that this adult is responsible for guaranteeing the supervision of the young person between the grant of bail and their next court appearance, and ensuring that the young person appears in court when required to do so. If the responsible adult does not perform these functions and the young person breaches the conditions of their bail, they are remanded in custody immediately and the adult is required to forfeit an amount of money or specified property to the court.

86 Australian Law Reform Commission & Human Rights and Equal Opportunity Commission, op. cit., [18.163].

87 A parent, relative, employer or other person who, in the opinion of the judicial officer or authorised officer, is in a position to both influence the conduct of the child and provide the child with support and direction (*Bail Act 1982*, Schedule 1, Part C2(1)).

4.11 In 1995, the State Government established the Supervised Bail Program (SBP) in an attempt to avoid the unnecessary detention of young people in custody in circumstances where they had been deemed eligible for bail but where a responsible adult could not be found to sign the bail undertaking on their behalf. The role of the coordinator of the SBP is to act as the responsible adult when there is no other person to perform the role. This is facilitated through the following process:

- The Children’s Court has concerns regarding family members of the young person acting as surety and refers the matter to SBP.
- The SBP coordinator assesses the young person and determines if they are suitable for the program.
- If the young person is deemed suitable for the program, the coordinator attempts to locate a family member or other person to act as responsible adult for the young person.
- If no suitable responsible adult is located, SBP assumes the role of responsible adult for the young person and puts in place all the support networks required to assist them in carrying out their bail conditions in the community.

4.12 Between the period 1 January 2003 and 31 December 2003, there were a total of 375 placements of young people into Supervised Bail in the metropolitan area. Of these placements, there were 181 breaches (48.2%) of bail conditions.<sup>88</sup> It is clear that once SBP takes on the role of responsible adult, their relationships with community organisations become imperative. SBP links the young person into suitable accommodation, schooling and other applicable programs and attempts to ensure that the young person meets the conditions of their bail. This challenging task is made harder with the lack of accommodation options for young people in the community. While SBP has established referral protocols with metropolitan based accommodation services such as Mission Australia (Youth Withdrawal and Respite Services and Yirra Residential Program), Great Mates Crisis Accommodation and Drug ARM Accommodation, the situation is made more complex in regional Western Australia where accommodation options are more limited.

### **The Regional Supervised Bail Program**

4.13 Initiated by courts, police and local communities, the Regional Supervised Bail Program (RSBP) had been in operation for four years at the time of this Inspection. Unlike SBP, under RSBP Rangeview sign the bail undertaking for the young person but the supervision component of the order rests with the local regional community who have agreed to take on this role. This allows the young person to remain in their homelands and amongst their community rather than being transferred to Perth, away from their support networks. Many regional communities have initiated ‘local options’ in this process, providing young people with ways of being involved with their community. Generally, regional communities including families, courts, Departmental field officers and the police appear to have been receptive to this model.

88 Information provided by Juvenile Custodial Services, Department of Justice.

- 4.14 Having said this, there are some concerns with RSBP. These concerns surround the resources and support available to regional communities to enable them to perform this often demanding supervisory role. Between 1 January 2003 and 31 December 2003, 56 young people were placed into supervision under RSBP and 11 (19.6 percent) young people breached their bail conditions.<sup>89</sup> At the time of this Inspection there was only one community involved in this program, Yandeyarra. This community is located in the Pilbara and provides six beds for young people on supervised bail. Two other communities, Banana Well and Bell Springs were involved in the past; however, they have either withdrawn or been suspended from the program due to issues surrounding the supervision being provided to young people. With such limited options for young people in regional areas, there is a clear need for some new initiatives in RSBP. In response to this need, the Director of Juvenile Custodial Services, the Superintendent of Rangeview and the Coordinator of SBP travelled to regional Western Australia in late 2004 in an attempt to deal with some of these issues and to secure additional support from communities for the program. It is hoped that the outcome of this consultation with communities is an increase in the supervised bail options for young people from regional and remote areas of the State.
- 4.15 It is clear from considering this issue that there is a great need for Juvenile Custodial Services to develop new links with communities and organisations (both regional and metropolitan) to ensure that services are available to provide appropriate supervision for young people on supervised bail. It is also imperative for the Department to providing rigorous ongoing support for those communities and organisations who are essentially keeping young people out of Rangeview.

#### *Recommendation 8*

*The Department consolidates its community links with a view to reinvigorating the Regional Supervised Bail Program.*<sup>90</sup>

#### **The role of the courts in supervised bail**

- 4.16 The conditions placed on a young person under a supervised bail order will vary depending on the circumstances of the young person and the discretion of the judicial officer at the time of granting bail. It was brought to the attention of the Inspectorate that many young people are breaching their court-ordered supervised bail due to unrealistic curfews imposed on them. For example, young people who are placed with family members under supervised bail are often subject to court-imposed curfews between the hours of 7.00 p.m. and 7.00 a.m. If this stringent condition is breached the young person is faced with the possibility of having their bail revoked and being remanded into custody at Rangeview. This situation appears less problematic when the court orders that the young person be referred to SBP or RSBP; in these circumstances the coordinator is able to determine the conditions of the bail and impose a curfew that may be more realistic and less likely to be breached by the young person.

<sup>89</sup> Ibid.

<sup>90</sup> In response to the provisional recommendations made in the Exit Debrief by the Inspector, the Department has advised that there has been a Kimberley Regional Justice Project which was finalised and a report provided in late 2003: Juvenile Custodial Services, Department of Justice, 'Announced Inspection of Rangeview Remand Centre by the Inspector of Custodial Services: Progress Report' (8 October 2004) p. 10.



- 4.17 This issue highlights the unique issues associated with the bailing of young people and the importance of imposing realistic conditions in an attempt to facilitate a bail period that is successful. If the aim of supervised bail is to keep young people in their communities and amongst the care and support of their families and significant others, then perhaps there is a responsibility on those facilitating this process to put in place realistic and achievable goals for young people.

#### **Inter-agency care and coordination**

- 4.18 One of the most important inter-agency relationships of the Department with regard to young people in custody is that with the Department for Community Development (DCD). This relationship is governed by a reciprocal protocol between the two departments, which outlines the responsibilities of each agency in the care and protection of young people at risk. There are two circumstances where DCD may need to become involved with a young person while they are on remand at Rangeview. Firstly, when a young person is a ward of the State and DCD have a statutory responsibility for the care and welfare of the young person; and secondly, where circumstances exist to warrant referral by Rangeview to DCD. These circumstances are governed by the protocol and may include instances where:
- maltreatment of a child has occurred;<sup>91</sup>
  - there is a high risk of maltreatment of a child;
  - there is a concern for the wellbeing of a child; or
  - the coordination of services and the transfer of information relating to a child are required.<sup>92</sup>
- 4.19 Organisations (such as the Department) that form part of this reciprocal protocol are required to ‘provide a coordinated and cooperative response to ensure the protection of the child’ and make provision for the transfer of information between organisations, ‘within an ethical framework based on the precept that shared information enhances a child’s safety and leads to the provision of better coordinated and more effective services’.<sup>93</sup> It is the responsibility of organisations such as the Department to make appropriate referrals to DCD if appropriate. DCD must then respond to the referral by providing the Department with ‘feedback and relevant information’ which includes the outcome of an assessment performed by DCD; the grounds on which a decision was made to investigate or not investigate; the response provided by DCD; the outcome of any investigation performed; the name of the contact person at DCD; and consultation about further involvement with the Department.<sup>94</sup>
- 4.20 While the involvement between DCD and the Department (based on the reciprocal protocol) appears comprehensive and committed, the reality appears somewhat different. Rangeview staff stated during this Inspection that they have great difficulties in maintaining a close relationship with DCD and accessing DCD services for State wards. The following examples illustrate the nature of these difficulties:

91 A ‘child’ is defined as a person under the age of 18 years.

92 Department for Community Development, *Reciprocal Child Protection Procedures* (16 October 2002), p. 7.

93 *Ibid.*, p. 8.

94 *Ibid.*, p. 14.



- DCD officers frequently fail to return phone calls from Rangeview staff;
- It is difficult to get a DCD officer to attend a planning meeting regarding a detainee, especially when DCD know there is also a Juvenile Justice Officer involved with the young person;
- Although DCD are aware on a daily basis through Crisis Care which young people are remanded to Rangeview, there is no routine contact by DCD Officers when a State ward is remanded into custody; and
- DCD is reluctant to provide accommodation for young people being released from custody, including State wards.<sup>95</sup>

4.21 A very important component of the interaction between both departments obviously relates to State wards. As stated above, when a young person is declared a ward of the State, DCD are legally entrusted with responsibility for their care and welfare. This responsibility does not cease when the young person comes under the jurisdiction of another government department. However, what appears to be occurring is DCD ‘washing their hands’ to some extent, of the young person, while they are in the care and custody of Rangeview. This practice not only increases the pressure on Rangeview to provide welfare services to State wards, but it also breaks the continuity of care which ideally should continue throughout a young persons’ remand period, to assist in reintegrating them back into the community on release. A coordinated joint care plan for each State ward during periods of remand would provide the support that each party requires to undertake its role in the care and welfare of the young person in custody.

#### Recommendation 9

*The Memorandum of Understanding between the Department and DCD<sup>97</sup> be strengthened so as to address the identified problems.*

## LEGAL ADVICE AND REPRESENTATION

4.22 AJJA Standard 2.5 states:

*The centre advises and enables each young person to make or maintain confidential contact with a legal adviser, and advocates for young people within the justice system.<sup>98</sup>*

<sup>95</sup> It is understood that there is generally a lack of DCD-based accommodation options in the community.

<sup>96</sup> The Department was unable to provide accurate statistics on the numbers of State wards admitted to Rangeview in a one year period.

<sup>97</sup> In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department has advised that negotiations are continuing in relation to a cooperative approach between the Department and DCD with provision of a DCD officer to be placed at Rangeview to assist with wards of the State, young offenders and general welfare issues. A joint workshop was held on 31 August 2004 between the Department and DCD. Working parties were created to develop a communication strategy looking at working together on placement options for wards of the State and an undertaking was made by Departmental Directors to progress a Memorandum of Understanding: Juvenile Custodial Services, Department of Justice, ‘Announced Inspection of Rangeview Remand Centre by the Inspector of Custodial Services: Progress Report’ (8 October 2004), p. 10.

<sup>98</sup> Derived from Rules 18(a) and 20 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* and Rules 7.1, 19.1 and 28.1 of the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*.

### Access to legal advice and representation

4.23 To ensure that the rights and interests of young people on remand are protected, it is imperative that access to legal advice and representation is not hindered in any way, but encouraged and facilitated by custodial staff. As stated by the Australian Law Reform Commission and HREOC in their joint inquiry into children and the legal process:

*Young people must have access to legal advice while on remand so that they can make further bail applications if appropriate and properly prepare their defence. Largely this is a matter of each detention facility ensuring that remandees have unfettered telephone access to their Solicitor.<sup>99</sup>*

- 4.24 At the time of this Inspection, Rangeview had developed some positive working relationships with certain legal service providers. However, relationships with others were such that services were provided in an unreliable and ad hoc manner. For example, legal practitioners were not initiating contact with young people, even when they were advised of those requiring assistance, resulting in long remand periods while advice was sought. While it may be argued that young people must take full responsibility for their own situation and initiate legal assistance themselves, it must be remembered that we are dealing with children here, some of whom may be as young as ten years of age. Given the age, vulnerability and levels of education of many detainees, it does not seem unrealistic to expect some assistance for young people in their access to legal advice and representation while in custody.
- 4.25 It is understood that all young people are required to be seen by a duty legal officer at court prior to their court appearances, which is both appropriate and necessary. However, it also seems appropriate for more formal arrangements to be made between Rangeview and legal service providers to give young people regular access to legal advice and representation while in custody, rather than waiting to get to court to make this contact. If a young person has access to a legal practitioner well before their court appearance, they may be prevented from being remanded back into custody (to seek further legal advice), thus minimising unnecessary days of detention at Rangeview.
- 4.26 There also appears to be some concern regarding levels of legal assistance for young people from regional areas of the State. That is, courts are reportedly remanding young people in custody to give them time to seek legal advice because the level of assistance in regional areas is insufficient.<sup>100</sup> There also seems to be communication problems between legal service providers in regional areas and in Perth.
- 4.27 Regardless of where a young person resides and for what reason he or she is remanded into custody, access to legal advice is imperative. Not only should Rangeview facilitate such access to ensure that the rights of detainees are met, but days in custody should be minimised where possible. An examination of the official visitors' book<sup>101</sup> highlighted an increase in the

99 Australian Law Reform Commission & Human Rights and Equal Opportunity Commission, op. cit., [18.172].

100 Information gained from interviews with Rangeview staff.

101 A record of all official visitors attending the Centre.

number of visits by legal services in recent times. However such visits do appear to be sporadic and suggestions that a standard day be set aside by relevant legal agencies and practitioners to attend to the legal needs of detainees appears warranted.<sup>102</sup>

*Recommendation 10*

*Rangeview management liaises strongly with legal service providers with the view to developing a program of attendance at the Centre to ensure all young people have regular access to comprehensive legal advice and representation.*

**Justices of the Peace**

- 4.28 There are approximately eight Justices of the Peace (JPs) accessible to Rangeview. Operating on a roster system, JPs have two specific reasons for attendance at the Centre. Firstly, to carry out bail and surety functions after a young person has been remanded into custody in order to organise bail; and secondly, to act as an independent witness during detainee interviews with police.
- 4.29 In relation to bail, the role of the JP appears to be balanced between the interests of the young person who is being bailed and the person who is acting as surety. That is, the JP explains to the young person their responsibilities in relation to the conditions set by the court in relation to the grant of bail. For example, the young person may have to abide by a daily curfew, may have to reside at a particular address and will be required to attend court again on a particular date. The JP then explains to the person acting as surety, their responsibilities under the court order. For example, the amount of money or the item of property they need to show evidence of and which they will forfeit to the court if the young person breaches their bail conditions, and the way in which the surety can revoke the bail if the young person fails to meet the imposed conditions.
- 4.30 A primary concern of JPs in relation to their role in facilitating bail is that persons acting as surety often fail to bring evidence with them of the money or property that they are prepared to forfeit if the young person breaches their bail conditions. This delays the organisation of bail for the young person, resulting in an increase in time spent on remand. Perhaps when granting bail, courts could reiterate to those acting as surety, the importance of producing evidence to ensure bail is able to be processed and the young person released from custody without this delay.
- 4.31 The presence of a JP when the police are interviewing a young person is very important. Not only is the JP acting as an independent witness to discussions, but also they are also able to reiterate (and explain in simple terms) any legal information that the police may have conveyed to the young person during the discussion. While JPs report that they rarely engage interpreters to assist in such interviews, it was emphasised that in both processes (bail and

102 Discussion with the Acting Manager of the Supervised Bail Program indicated an intention to raise this issue at an inter-agency meeting (held every three months) in an attempt to organise a process for the facilitation of such services to detainees.

police interviews) the JP always ensures that all parties understand the information that has been discussed. That is, each person is asked to explain in their own words their understanding of what occurred. This practice is commended.

## WELFARE SERVICES

### Aboriginal Welfare Officers

- 4.32 The Aboriginal Welfare Officers (AWOs) play a very important role at Rangeview. Not only do they provide welfare services to potentially all young people on remand, but they also provide a support role to SBP and the Family Liaison Unit and assist young people to avoid detention through the Deferred Bench Warrant Program. At the time of this Inspection, there was one full-time and one part-time AWO employed at Rangeview. Both had backgrounds in welfare related work with young people (including mentoring) and one had commenced a TAFE qualification in Youth Work. Both AWOs are Indigenous.
- 4.33 The main welfare issues dealt with by the AWOs are assisting young people to maintain contact with their families through phone calls and by providing transport to families to and from the Centre and assisting detainees in the completion of applications to attend funerals and make hospital visits to family members and significant others. It should be noted that AWOs are reportedly using their personal vehicles for these transportation services, which is inappropriate and has potentially serious insurance implications for the Department. The Department should urgently review this practice.

#### *Recommendation 11*

*The Department must ensure that sufficient Departmental vehicles are made available to ensure that AWOs can meet the demand placed on them for transport services provided by them to young people and their families.*

- 4.34 The AWOs also play a significant role in the operation of the Deferred Bench Warrant Program. In the case of a young person failing to appear in court the magistrate (who has discretion based on the young person's history and circumstances) will set a new date for the young person to appear. A failure to appear on this new date will result in a Bench Warrant being issued for the young person to be taken into custody. When the new appearance date is set the Clerk at the Perth Children's Court will contact the Rangeview Liaison Unit to provide the details of the non-appearance and the new court date. The AWOs will then make contact with the young person and their family to work with them to ensure that the young person appears on the new date.
- 4.35 There appears to be a great need for education within the Centre, both amongst staff and detainees, on the role of the AWOs. Some are under the impression that the AWOs provide services to Indigenous young people only, excluding non-Indigenous detainees. This is not the case and needs to be clarified to ensure that staff are providing the correct information and that all those seeking access to welfare services are receiving it. It may be appropriate to

consider changing the title of the position from 'AWO' to 'Welfare Officer' to assist with this clarification of role.

- 4.36 AWOs voiced their interest in being involved in detainee admission and orientation processes to ensure all detainees are seen and assessed in relation to their welfare needs early on in their remand period. This would assist in ensuring that all young people are aware of the services that can be provided by the AWOs during their detention, reducing the chance of wrong information being circulated through the Centre in relation to exclusions to this service.

*Recommendation 12*

*Education is provided through staff and detainee orientation programs on the role of the AWO with a view to ensuring that all detainees requiring welfare services have sufficient access.*

- 4.37 At a Public Service Award level of 2/3, the AWOs have extensive responsibilities at Rangeview including:
- duties associated with the Deferred Bench Warrant Program;
  - providing counselling to detainees, their families and/or caregivers;
  - providing referral services and coordinating external agency involvement;
  - developing case management and assessment plans for detainees;
  - providing family support programs;
  - providing general administrative support to the Assistant Superintendent;
  - providing support to young people following release from custody;
  - developing release plans for detainees;
  - linking young people to community support on release from custody;
  - providing input into the development, delivery and evaluation of culturally appropriate detainee programs;
  - encouraging community involvement in the delivery of programs within the Centre;
  - liaising with community-based organisations to assist in developing programs for detainees; and
  - carrying out other duties as directed by the Superintendent or Assistant Superintendent.
- 4.38 It is important to understand the extent of these duties in order to ensure that the importance of the role is reflected in the resources injected into salaries, training, orientation and supervision. Without this support, Rangeview will no doubt find it difficult to attract and retain people with the skills, experience and passion for this significant role, which will consequently impact on the quality of welfare services provided to young people prior to, during and following remand periods.

- 4.39 While those performing the role of AWO at the time of this Inspection appeared to be managing the demand for the service and providing a beneficial service to young people, the Inspectorate has some serious concerns about the management of these positions. There appeared to be little to no orientation or training provided in either AWO duties or those activities pertaining to the SBP, an area of service provision that AWOs are asked to assist with. There does not appear to be regular professional supervision provided and formal contracts of employment are not always entered into. Considering the extent of the responsibilities expected of the AWO position, this lack of structure is very poor and should be rectified as a matter of urgency.

*Recommendation 13*

*Juvenile Custodial Services conduct a review of the resources allocated to the AWO positions at Rangeview and develop (in consultation with AWOs) a training and orientation package that includes ongoing structures for supervision and professional development.*

#### COMPLAINTS AND GRIEVANCES

- 4.40 AJJA Standard 2.7 states:

*The Centre provides young people with clear, accessible and fair avenues for lodging and resolving complaints and grievances, and with the opportunity to appeal decisions.<sup>103</sup>*

- 4.41 As raised by a former President of the Children's Court of Western Australia:

*From time to time, I receive 'complaints' from children appearing in court that they have been bullied in the detention centre. These complaints are not volunteered but occur in the context of discussions that I always have with young people before passing sentence. You will appreciate that young people in custody, particularly those who are physically or otherwise vulnerable, may not be able to readily access any grievance procedures. In fact, I am not sure whether grievance procedures are in place for inmates who may be experiencing difficulties with staff and/or other inmates.<sup>104</sup>*

While Rangeview staff appear to deal with most detainee complaints and grievances in an informal and mostly effective way, the more formal processes of lodging and resolving complaints through external organisations was, at the time of this Inspection, inappropriate, inaccessible and under-utilised. The Rangeview Superintendent has advised (since the Inspection) that the grievance and complaints process 'is being reviewed across Juvenile Custodial Services to formulate a viable policy'.<sup>105</sup>

<sup>103</sup> Derived from Rules 75, 76 and 78 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

<sup>104</sup> Judge Kate O'Brien, Letter to Professor Richard Harding, 13 February 2004.

<sup>105</sup> Action List Update by Rangeview Superintendent received by the Inspectorate on 19 July 2004.

### Complaints system

- 4.42 At the time of this Inspection, Rangeview did not have an appropriate, formalised complaints process for detainees. The ‘Grievance Officer’ of the Centre handled only staff concerns and while staff appeared to understand the process of ‘pushing the complaint’ up the line to the Superintendent if it could not be dealt with by a group worker, neither staff<sup>106</sup> nor detainees appeared to know how to access an external complaint mechanism such as the Office of the State Ombudsman.
- 4.43 While ‘complaint forms’ (for the internal grievance process) and ‘yellow envelopes’ (for the external grievance process) appeared in the accommodation units, there was no accompanying information (such as wall posters or easy to read pamphlets) to explain what they were used for. In one of the units, the forms were placed in a Perspex holder along with unrelated forms and pamphlets and secured on the wall at adult height, inaccessible to some young people.

#### *Recommendation 14*

*Clear and simple information is available in Perspex holders (fixed to the wall at a height accessible to all age groups) in each of the accommodation units, to assist detainees in the lodgement of written complaints through internal or external processes.*

- 4.44 The orientation video encourages detainees to write to the Superintendent or the Ombudsman ‘if you still don’t think your treatment is right’. However, it does not explain who the Ombudsman is and how they may be able to assist. Given the age of some of the young people in Rangeview, it is unlikely that many would have an awareness of the Ombudsman.
- 4.45 Discussions with detainees regarding the complaints system indicated that:
- detainees are not always aware of their right to complain including the types of issues they can complain about (eg, loss of gratuities);
  - detainees often feel they will ‘get in trouble’ if they complain beyond their group worker and that things would become difficult for them; and
  - there may have been instances (number unknown) where group workers have awarded a loss of gratuities to a detainee who persists in making a complaint.
- 4.46 The alleged use of the ‘loss of privilege’ system as a way of deterring detainees from lodging complaints is of great concern. Examinations of logbooks indicate that reasons for decisions are often not properly recorded and sanctions do not appear to be supported by ‘Incident Reports’ recorded on TOMS.<sup>107</sup> Whilst a range of reasons may explain this occurrence,

<sup>106</sup> Including new group workers, a nurse, a psychologist, an AWO, a unit manager and a shift manager.

<sup>107</sup> An ‘Incident Report’ is the daily record of significant events or incidents occurring within the Centre relating to the safety or behaviour of detainees. This may include such things as acts of violence towards other detainees or staff, self-harm attempts, breaches of security or the use of force or mechanical restraints by staff in respect of a detainee. The Inspectorate has access to both TOMS and the daily Incident Reports and uses this information in its monitoring of custodial facilities such as Rangeview.



detainees should not be punished by loss of privileges for making complaints and any sanctions that are imposed should be supported by clear, detailed incident reports recorded on TOMS. This process requires tightening up and closer monitoring by local management.

- 4.47 Unlike the adult prisons, there is no ‘peer support’ group at Rangeview. This is justified by the short length of time that the majority of detainees are on remand.<sup>108</sup> It is strongly suggested however, that length of remand not prevent the Superintendent from conducting weekly forums to allow detainees to voice their concerns directly to management. Concerns raised should then be addressed by the Superintendent or his/her delegate and the detainee informed of the outcome as soon as possible.

*Recommendation 15*

*Rangeview management commence regular forums allowing detainees to voice their concerns and grievances. Issues raised by detainees to be recorded, considered, addressed and the detainee informed of the outcome within a reasonable period of time, taking into consideration the short term remand periods of some detainees.*<sup>109</sup>

**Confidential mail**

- 4.48 In the adult prison system ‘confidential mail’ refers to mail addressed to the Minister, the Chief Executive Officer, an external complaints mechanism such as the Ombudsman (State or Commonwealth) or the Inspector of Custodial Services.<sup>110</sup> Yellow envelopes are provided for prisoners for this purpose. The prisoner simply ticks the name of the appropriate recipient on the front of the envelope, places his or her letter inside and then ‘mails’ the letter in the confidential mailboxes located in public areas around the prison. An administrative staff member regularly empties the boxes, records the mail (without opening the envelope) and sends it on to the recipient. This system ensures that prisoners can exercise their right of complaint both within the prison (via the Superintendent) and to external complaint agencies, without having to seek assistance of prison staff who may be the subject of their grievance.
- 4.49 Juveniles on remand are afforded the same rights as adults in prison in relation to confidential mail. But although yellow envelopes were present in the accommodation units at the time of this Inspection, there were no confidential mailboxes located around the Centre in which to ‘mail’ such envelopes. In addition, although the yellow envelopes included recipients such as ‘Member of Parliament (MP)’ and ‘legal practitioner’ and stated ‘CONFIDENTIAL – DO NOT OPEN’, in order to determine which lawyer or MP should receive the communication, the envelope would in fact have to be opened, as there is no place on the

108 Average stay of 12.21 days: statistics provided by the Department of Justice, May 2004.

109 In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department has advised that detainees are now more fully informed of the process for lodging complaints and grievances through the use of (i) an orientation video and manual; and (ii) information displayed in all accommodation units: Juvenile Custodial Services, Department of Justice, ‘Announced Inspection of Rangeview by the Inspector of Custodial Services: Progress Report’ (8 October 2004), p. 11.

110 *Prisons Act 1981* (WA), s 67.



front of it for the details of the recipient. Furthermore, the options of recipients on the yellow envelopes do not fully describe the actual complaint and accountability mechanisms available to young people to address their concerns.<sup>111</sup>

*Recommendation 16*

*The confidential yellow envelopes are redesigned to: (i) provide space for the name of a legal practitioner or MP to be inserted, to ensure that it does not require opening to determine the recipient; (ii) include the Office of the Inspector of Custodial Services and the Office of Health Review in the list of recipients; and (iii) correctly list the Corruption and Crime Commission of Western Australia in the list of recipients, replacing the Anti-Corruption Commission.*

*Recommendation 17*

*Juvenile Custodial Rule 605 is amended to include the Office of the Inspector of Custodial Services, the Office of Health Review and the Corruption and Crime Commission of Western Australia.*

- 4.50 It was evident during this Inspection that both detainees and staff (including new staff) had little knowledge about the yellow envelopes and the confidential mail system generally. Supporting the assumption that the use of confidential mail by detainees is rare, the current mail register for the period January 2004 to June 2004 which records all ingoing and outgoing mail (including confidential mail) did not have any entries of confidential mail.

*Recommendation 18*

*Education is provided to staff and detainees during their orientation periods on the purpose and processing of confidential mail.*

- 4.51 While all incoming and outgoing mail is recorded, there is no consideration by Centre management of issues surrounding communication between detainees and those who have sought Violence or Misconduct Restraining Orders (VRO/MRO) against them. However, it was confirmed that if a person in the community requested not to receive mail from a particular detainee, then this request would be respected and the mail would not be forwarded to the recipient.<sup>112</sup>
- 4.52 Since the Inspection, and in response to the provisional recommendations made at the Exit Debrief by the Inspector, a confidential mailbox (built to look like a red pillar box, similar to those used in the community) has been constructed in the TAFE workshop. The mailbox is located in the Education/Vocational area, is accessible to all detainees and has two separate compartments; one for ordinary letters for posting and one for letters to the Superintendent, Ombudsman or other external agencies. Clerical staff clear the mailbox on a daily basis and direct the mail to the appropriate recipient.<sup>113</sup>

111 Under Juvenile Custodial Rule 605 a young person can send a letter to any one of a number of recipients without the letter being 'opened, inspected or read' by staff.

112 The Security Manager advised that he would follow up this issue with Departmental staff in an attempt to organise a better interface between TOMS and the Western Australian Police Service to ensure that these issues are addressed.

113 Department of Justice, 'Rangeview Inspection Action List Update', received 19 July 2004, p. 3.

### Telephone access

- 4.53 It is acknowledged that many young people on remand have low levels of literacy and therefore may prefer to contact family members and others as well as lodge complaints, verbally rather than in writing. This emphasises the need for accessible telephone use within the Centre, especially with appropriate access to remote communities and external complaints organisations.
- 4.54 At the time of this Inspection, unlike adult prisoners, detainees did not have direct telephone access to the Ombudsman or the Office of Health Review. Most of the Indigenous young people seem to access the telephone through the AWOs to contact family, lawyers and Juvenile Justice Officers. While it is unknown how many non-Indigenous detainees access the AWOs for this purpose, it is likely that increased education on the role of the AWO would assist both Indigenous and non-Indigenous young people in this regard.

#### *Recommendation 19*

*Detainees are given direct telephone access to at least the Ombudsman and the Office of Health Review to allow them to make verbal external complaints.<sup>114</sup>*

#### *Recommendation 20*

*The role of the AWO is emphasised to detainees at the time of admission and during their remand period, to ensure they know who they can go to for assistance, especially in relation to telephone access to families.*

- 4.55 Those who do not approach the AWO for access to a telephone are required to use the only other telephone available to detainees, located outside the education centre. This telephone reportedly breaks down regularly. Further, due to the school commitments of many detainees, there is often a rush on phone calls during school breaks and after school at 3.00 p.m. The fact that there is only one telephone for detainees and its reliability is often in question means there are often problems with detainees being able to make contact with family and others, especially those in remote communities.

#### *Recommendation 21*

*Maintenance is urgently undertaken on the existing detainee telephone to ensure its reliability and the provision of an additional telephone is considered to alleviate some of the pressures associated with telephone access.*

<sup>114</sup> In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department has advised that the telephone numbers for both the Ombudsman and the Office of Health Review have been placed on the telephone cards (list of telephone numbers young people are authorised to call while in the Centre) for all current detainees, and in the future will occur automatically as a young person is admitted: Juvenile Custodial Services, Department of Justice, 'Announced Inspection of Rangeview Remand Centre by the Inspector of Custodial Services: Progress Report' (8 October 2004), p. 11.

- 4.56 Each telephone call is restricted to the standard telephone time allowance of ten minutes in an attempt to give all detainees equal access and stop individuals from holding up the use of the phone by others. However, this is restrictive for Indigenous detainees from remote communities as it does not take into consideration the time it may take for a family member to reach a communal telephone to access a call. It also ignores the fact that there will often be many family members who wish to speak with the young person during the one phone call, which would reasonably take longer than the allocated ten minutes.

*Recommendation 22*

*The telephone time allowance is reviewed to ensure that detainees have adequate opportunity to call family and significant others located in remote communities across the State.*

- 4.57 Detainees are allocated four free telephone calls per week, which cannot be accumulated for future use. The reason for this inability to accumulate unused phone calls appears to be based in process rather than policy. It is understood that the technology used to provide each young person with four phone calls per week does not allow for these calls to be ‘carried over’ if they are not used. While detainees can purchase additional calls if they complete an application form, the canteen must be open for this transaction to occur. Although the canteen is essentially meant to be open seven days per week, this apparently depends on staffing levels and the behaviour of detainees. Discussions with detainees indicated that they were often not aware of their right to purchase additional telephone calls.

*Recommendation 23*

*It is communicated to detainees, during the orientation process and during their remand period, that they have a right to purchase additional telephone calls if required.*

- 4.58 The telephone system in the Centre is the same as that used in adult prisons. Detainees are provided with a pin number and authorised telephone numbers are placed on the young persons’ account by the unit managers. Although a positive system, some group workers voiced their desire to be trained in how to add pin and phone numbers as there can be delays of up to two days (over weekends) before unit managers are able to make these additions. This means that detainees arriving on the weekend may not be able to make phone calls until the unit manager arrives at work on the Monday.<sup>115</sup> Given that young people are likely to be in a vulnerable state at the time of admission, a delay in their ability to contact relatives and significant others could be particularly significant for their wellbeing, although it is acknowledged that detainees are able to make some telephone calls on admission.
- 4.59 Unlike the adult prisons, detainees at Rangeview are able to make calls to mobile phones which is important to ensure young people can contact families who do not have access to housing.

115 This does not include staff-initiated phone calls.

*Recommendation 24*

*Group workers are trained in adding pin and phone numbers to the Centre telephone system to ensure that detainees are not restricted in their ability to contact family and significant others at times when they are distressed and vulnerable.*

**Health service complaints**

4.60 AJJA Standard 2.7 states:

*The Centre provides young people with clear, accessible and fair avenues for lodging and resolving complaints and grievances, and with the opportunity to appeal decisions.<sup>116</sup>*

4.61 Health services staff reported no complaints from young people about health care at Rangeview including assessments, access to medical and nursing staff or treatment. Similarly, few detainees spoken to during the Inspection had any complaints in these areas. There are some questions, however, as to why there are very few complaints made either internally or externally about health services at Rangeview. While it is hoped that this is a reflection of the excellent standard of service provided to detainees, it cannot be ignored that until recently there was no information available to detainees about the Office of Health Review (OHR), the State's mechanism for investigating complaints about health services.

4.62 At the time of the Inspection, the waiting area of the health centre had a number of health education and promotion posters on the walls; however, it did not feature any information about the OHR. Since this Inspection, the OHR have provided the health centre with a poster outlining their services and some complaint forms to enable young people to lodge complaints directly to them.

4.63 Complaints to the OHR could be related to health care received by the young person in the community prior to their admission to Rangeview, or related to health care received whilst in custody. Many staff (including the AWOs, nursing staff and psychologists) indicated their willingness to fax health related complaint letters to the OHR on behalf of detainees, now that they had an understanding of the role of the Office. While this may be appropriate in some instances, there is still an important need for detainees to be able to confidentially mail their letters without the involvement of Centre staff, especially those who the detainee may be complaining about.

**Assaults or serious allegations**

4.64 All assaults or allegations of a serious nature are recorded in a complaints register as 'incidents' and referred to the Internal Investigations Unit (IIU) of the Department.<sup>117</sup> Examination of the complaints register indicated that between 17 February 2002 and 27 April 2004, there

<sup>116</sup> Derived from Rules 75, 76 and 78 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

<sup>117</sup> The IIU carry out investigations regarding any matter 'arising from or that impacts upon the Department of Justice', Department of Justice, Policy Directive 40.

were 20 complaints of this nature. Six matters were referred to the IIU and while one was referred back to the Centre, in the other five cases the IIU found that the allegations were either unsubstantiated or did not warrant further investigation. Further investigation regarding the details of these complaints and their outcomes would need to be made to determine whether the decision not to examine the issues further was warranted. Similarly, while six referrals to the IIU over two years may be indicative of positive practices within the Centre, it may also highlight problems associated with the identification of complaints appropriate for IIU involvement. It is important that complaints continue to be taken seriously by management and referred to the IIU for independent investigation when justified.

### INTERPRETER SERVICES

4.65 In the past, interpreters have been accessed via the Assistant Superintendent or the Senior Liaison Officer to assist Indonesian and Vietnamese detainees to communicate while at Rangeview. However, no such assistance has been provided to Indigenous detainees who come from diverse Aboriginal language groups from regional and remote areas of Australia. This causes obvious barriers in accessing services, understanding information and communicating wants and needs. During the Inspection, a Juvenile Justice Officer (JJO) was observed interviewing a detainee. The communication between the two was very limited due to language barriers. This resulted in the young person thinking that the JJO was a lawyer and becoming confused as to why the JJO was not providing details about their pending legal action. Perhaps this situation could be avoided with the assistance of a service such as AVS or Aboriginal elders originally from regional areas, who could act as interpreters.

#### *Recommendation 25*

*Consideration is given to engaging with community-based service providers to assist with providing interpreter services for Indigenous young people from traditional language groups, with a view to ensuring that all young people, regardless of language, are able to communicate their needs, understand information provided to them and access services.*

# Chapter 5

## LIFE FOR YOUNG PEOPLE ON REMAND

- 5.1 Many factors influence the experiences of detainees on remand at Rangeview. While external factors such as legal and family separation issues are very important during this period, the routines and practices within the detention facility are also influential on the detainees' experience during their remand. Ideally, any regime implemented should meet the differing needs of all detainees, ranging from basic needs such as clothing and property to the unique needs of females and Indigenous young people.

### DAILY REGIME

- 5.2 AJJA Standard 1.2 states:

*The Centre promotes the individuality and diversity of young people, builds on their strengths, encourages their personal growth, and respects their dignity as human beings.*<sup>118</sup>

### Constructive day

- 5.3 Detainees of compulsory school age attend school Monday to Friday from 9.00 a.m. to 3.00 p.m. At this time, older detainees undertake activities such as gardening or cleaning and a small number (eight) take part in woodwork as part of a non-accredited TAFE course.<sup>119</sup> On the weekends, structured sports and recreational activities are provided for all young people as well as periods of free time to 'hang out'.<sup>120</sup>
- 5.4 As will be seen in Chapter 8 of this Report, the majority of detainees are not of compulsory school age (68%), yet the Centre arguably fails to provide this group with meaningful daily activities. The general consensus amongst both group workers and detainees is that there are inadequate activities for those who are not of compulsory school age. One group worker attributed this to the difficulty arising from the rapid fluctuation in numbers of detainees and particularly of older detainees. This view is consistent with the population statistics for April and May 2004 where numbers fluctuated between 36 and 64. Management argue that the primary focus of the Centre is to ensure that detainees' legal needs are met, that they are able to present themselves appropriately in court and that they develop and maintain links to family and community-based support networks. While both views have merit, it would appear that the constructive day regime as it stands does not cater for the actual population of detainees held at Rangeview.
- 5.5 Female detainees in particular noted a lack of 'girl things' to do. They stated that recreation was very 'male focused', as were TAFE options. The marginalisation of females at Rangeview is discussed further in this chapter and is clearly a significant issue for Centre management. While females may be only a minority of Rangeview's population, they have a very real need (as do the males) to be involved in meaningful and gender-appropriate activities. Pursuant to

118 Derived from Rules 12, 87(f), 13, 4 and 28 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

119 Discussed further in Chapter 8.

120 Rangeview Superintendent Briefing, 21 June 2004.

AJJA Standard 1.2, these activities should promote their individuality and diversity, build on their strengths, encourage their personal growth, and be respectful of their dignity.

- 5.6 Many staff stated during this Inspection that the females ‘were the most difficult to work with’. While it is acknowledged that many factors are likely to contribute to this view, the extent to which the lack of constructive activities for females has an impact on the behaviour of this group should not be ignored. With female detainees commenting that they are ‘bored’, that there are ‘no [TAFE] courses for the girls’ and that the recreation is ‘male focused’, perhaps it is somewhat understandable that the females are more difficult to manage than the males, who are better provided for in terms of constructive activity. Even the non-compulsory school-aged males, who are arguably not well provided for with regard to daily constructive activity, are offered gender appropriate recreational options, which the females are not afforded.
- 5.7 It is important not to underestimate the potential consequences of failing to cater for the daily activity-based need of detainees. During this Inspection, one detainee highlighted the connection between ‘slashing up’ and being bored. While it is not suggested that all young people who are bored are liable to self-harm, it is noted that if a young person is at risk of self-harm they may be more likely to engage in self-harming behaviours if they have very little to occupy their time. A constructive day program for any closed institution is imperative to assist with the wellbeing of those detained. Arguably, this need is more important for young people, who are often at very high risk of self-harm due to their age, vulnerability and separation from family.

#### *Recommendation 26*

*Centre management urgently review the constructive day program for all detainees, giving particular attention to the needs of post compulsory school-aged and female detainees.<sup>121</sup>*

### **Recreation**

- 5.8 AJJA Standard 4.5 states:

*The Centre provides a broad range of coordinated physical and passive recreational and leisure activities that are enjoyable and improve the fitness levels, skills, self-esteem, and community integration of young people. These activities involve a reasonable level of community interaction, and include activities initiated by young people themselves.<sup>122</sup>*

121 In response to the provisional recommendation made at the Exit Debrief by the Inspector, the Department advised that: (i) sewing machines have been purchased by Education Services; (ii) arts and craft courses are being run on Thursdays and Fridays; (iii) a table tennis table has been provided; (iv) Unit Managers have been advised of their ongoing responsibilities to ensure that videos, board games and magazines are available in the accommodation units; and (v) time has been allocated for females to access recreational opportunities exclusively: Juvenile Custodial Services, Department of Justice, ‘Announced Inspection of Rangeview Remand Centre by the Inspector of Custodial Services: Progress Report’ (8 October 2004), p. 4.

122 Derived from Rules 12, 32, 47 and 41 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.



- 5.9 The recreational facilities at Rangeview consist of a football field, cricket pitch, bitumen-floored basketball court, volleyball net, swimming pool and trampolines. The Centre used to have a gymnasium; however, it was transformed into a workshop for the TAFE woodwork course in 2001. This has left the Centre without an undercover recreation area, which limits the types of activities that can be undertaken when the weather is extremely hot, cold or wet and has resulted in detainees being confined to their accommodation units in extreme weather conditions. Group workers commented that the detainees used to enjoy using the gym, especially when it was raining, however they now frequently watch television or movies and are often locked into their units.

*Recommendation 27*

*An adequate undercover recreation area is provided to rectify the loss of the gymnasium during the redevelopment of the Centre in 2001. If there are considerable delays, a short-term stop gap measure is considered.<sup>123</sup>*

- 5.10 Two Recreation Officers share one full-time position and operate between both Banksia Hill and Rangeview, attending Rangeview on Wednesday and Saturday afternoons. While it may be argued that two afternoons per week is insufficient for the recreational needs of Rangeview detainees, the Recreation Officers commented that they often find it difficult to get detainees involved in activities. Apart from these two afternoons per week, it is understood that group workers arrange passive and active recreation in the afternoons and on weekends. However, discussions with detainees indicated that this seems to depend on the motivation of individual staff members.
- 5.11 Comments made by group workers tended to reflect the view of the Superintendent at the pre-Inspection briefing that after structured activities all day, the remaining recreation times should be unstructured to enable the detainees to 'hang out'. This would appear to be consistent with the AJJA Standard to 'include activities initiated by young people themselves'. However, having said that, this Inspection found that educational activities during the day were largely unstructured, with detainees given the option of selecting areas according to their own interests. Similarly, as discussed above, it could not be said that post compulsory school-aged detainees spend their weekdays in structured activity. The rationale therefore for having unstructured recreation time is open to question.
- 5.12 During the months prior to this Inspection, football was the focus activity 'played approximately 50 per cent of the time' and alternate activities have included 'softball, basketball and, very occasionally, soccer'.<sup>124</sup> Although it was evident from discussions with the Recreation Officers that they were conscious of the different needs and preferences of female

<sup>123</sup> In response to the provisional recommendation made at the Exit Debrief by the Inspector, the Department advised that a proposal for a suitable covered outdoor recreation area had been submitted for consideration in the 2004/2005 Capital Works budget and that architects had been engaged to provide drawings and indicative costing: Juvenile Custodial Services, Department of Justice, 'Announced Inspection of Rangeview Remand Centre by the Inspector of Custodial Services: Progress Report' (8 October 2004), p. 4.

<sup>124</sup> Facsimile from Recreation Officer to Assistant Superintendent (18 June 2004).



detainees, the activities offered were clearly more male focused than female. Female detainees were very vocal on this issue stating that there was ‘nothing to do’ and indicating their preference for both passive recreation such as beading, sewing and craft, and more active options such as netball, basketball and tee-ball. This view was reiterated by female group workers and was generally consistent with the views of the Recreation Officers and the comments of the Superintendent at the pre-Inspection briefing. It is evident that the issue with female-targeted activities is one of numbers, with males always constituting the majority of detainees.

*Recommendation 28*

*Local management, in consultation with the Recreation Officers and female detainees, develops a program of coordinated physical, passive and leisure activities for females, which is reviewed on a regular basis.*

- 5.13 The Recreation Officers appeared to conduct themselves in a thoughtful and committed way. They clearly encouraged appropriate behaviours and conduct including non-competitive attitudes to group activities, discouragement of bullying and the modification of rules to accommodate participating females. The officers proposed a move towards a more *education-based* model in the delivery of recreation, linking activities to both health and substance abuse issues. While such a proposal is welcomed as a positive integration of educational and recreational activities, it remains to be seen as to whether such changes will be implemented at Rangeview.
- 5.14 While great efforts are made to provide recreational activities for Banksia Hill detainees in ways involving community integration and interaction, recreation at Rangeview does not have the same focus. It was argued that short remand periods, unpredictable lengths of stay, the amount of time and effort required to arrange external visitors and the lack of quality, safe facilities (such as a football field without open sprinkler holes, a basketball court without bitumen or shelter and no venue for indoor activities) all contributed to the difficulty in arranging community interaction with Rangeview. However, bringing external groups into the Centre is possible and has occurred in the past; for example, the Yirra Yaakin Noongar Theatre has performed two interactive plays at the Centre, ten weeks of dance lessons were conducted for females and the Police Liaison Unit engaged in basketball games with detainees, providing a positive forum for detainees to interact with the police, quite unlike their interaction with them outside of the Centre.

*Recommendation 29*

*The Centre confirm and enhance the involvement of community groups in activities offered at Rangeview through consultation with detainees as to their recreational interests and needs.*

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## BASIC NEEDS

### Clothing

5.15 AJJA Standard 2.3 states:

*Young people are provided with a sufficient quantity and reasonable choice of clean clothing in good condition, and their choices in matters of personal grooming are maximised.*<sup>125</sup>

5.16 There appeared to be an adequate quantity of clean clothing for detainees. One set of clothing is issued on admission and further sets are available from the accommodation units on request. Tracksuit pants are issued three times per week while t-shirts and underwear are issued daily. Detainees wash their own issued clothing in washing machines located in the units.<sup>126</sup>

5.17 At the time of this Inspection there were a number of concerns regarding the range and quality of clothing available to both male and female detainees. Clothing was often threadbare, communal underwear was used for males and for females, underwear was of poor quality and inappropriate design for the females, shoes were not cleaned prior to re-issue<sup>127</sup> and detainees were not provided with sleepwear or swimwear. Males also raised concerns regarding the lack of appropriate footwear for recreation, namely football boots, stating that they often slip over on the grass when trying to run and kick in issued sneakers. This was confirmed in discussions with Centre staff.

#### *Recommendation 30*

*Centre management urgently replace existing issued underwear with personalised issued items. No communal underwear is issued by the Centre and detainees are not required to purchase their own underwear while in custody.*<sup>128</sup>

5.18 Since the Inspection, boxer shorts and white t-shirts have been purchased for the males as their preferred option for both sleepwear and underwear. Proper cleaning procedures are being implemented prior to the recycling of footwear and football boots have been purchased for issue to those participating in such recreation. There have also been a number of significant improvements in the provision of clothing for the females (discussed below under 'female young people on remand').

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125 Derived from Rule 36 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

126 Unlike Banksia Hill where the clothing is washed communally.

127 A particular problem given the apparent high levels of tinea amongst detainees.

128 In response to the provisional recommendations at the Exit Debrief by the Inspector, the Department responded by advising that alternative/personal underwear has been purchased for females and a suitable hygienic soaking agent has been tested and ordered for use in the female unit: Juvenile Custodial Services, Department of Justice, 'Announced Inspection of Rangeview Remand Centre by the Inspector of Custodial Services: Progress Report' (8 October 2004), p. 5.

### Detainee property

5.19 AJJA Standard 2.4 states:

*The preservation of good order and safety at the Centre is the only basis for limiting the possession of personal effects by young people. Young people's property held at the centre is safeguarded.*<sup>129</sup>

- 5.20 On admission to Rangeview, the detainee's personal items are searched, recorded on a property sheet, secured in a locked bag and kept in a safe in the admissions area, which is locked when not in use. Larger items are kept some distance away in a storeroom with the laundered personal clothing of detainees, as well as pieces of woodwork and art made by detainees. This would appear to satisfy the second part of the relevant standard.
- 5.21 Also at the time of admission, detainees are asked to check their property and sign their name to indicate that all items have been correctly described on their 'property sheet'. On release, detainees again sign to acknowledge they have received all items listed on the sheet. Group workers raised concerns surrounding this signing process, stating that on admission, detainees are often affected by substances that impact on their ability to sign. Similarly on release, detainees often give their property to other detainees and then accuse the Centre of theft, thus inhibiting their ability to sign for the receipt of their property. This highlights the importance of cell searches in an attempt to track the whereabouts of detainee property.<sup>130</sup>
- 5.22 Alleged restrictions relating to the limitation placed on the amount of money that can be provided to detainees by their families—\$20 twice per year, for birthdays and Christmas—and the requirement that the \$20 be spent at one time were subject to adverse comment. It is difficult to assess whether such restrictions can be said to be required for 'the preservation of good order and safety of the Centre', but it does appear that the detainees are not always aware of the reasons for such restrictions.
- 5.23 Detainees complained about the restrictions placed by the Centre on their access to music (CDs) given the apparent unrestricted access to all radio and television stations. It is understood that this restriction on CDs is due to the ability of these items to be easily traded between individuals. Another detainee commented adversely on the level of gratuities saying that \$2 per day was insufficient. It may be reasonable for the Centre to consider a higher remuneration for detainees over 15 years of age, providing an increased incentive for them to study or alternatively to ensure that those who are involved in work receive equitable remuneration.

129 Derived from Rules 35, 18(c) and 46 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

130 Cells are to be searched at random but covering all cells in each two-week period: Rangeview Remand Centre Standing Order No. 13(2).

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**FEMALE YOUNG PEOPLE ON REMAND**

5.24 AJJA Standard 1.3 states:

*The Centre provides age-appropriate and gender-appropriate services in recognition of the differing needs of young people at different stages of development and the specific needs of young females.<sup>131</sup>*

5.25 At the time of this Inspection there were eight females at Rangeview of a total population of approximately 35 detainees.<sup>132</sup> This low percentage is usual. Nationally, the rate of male juvenile incarceration is almost nine times higher than the rate for female juveniles.<sup>133</sup> The Inspector stated in the Rangeview Inspection Exit Debrief:

*One of the objectives of the detention system should be to foster self-esteem and offer a glimpse of alternative life-styles. What we saw was a continuation of the marginalisation that has contributed to the girls' presence at Rangeview in the first place.<sup>134</sup>*

5.26 This marginalisation was particularly evident with regard to the clothing and access to personal items by the female detainees. Although a set of clothing is provided for all detainees on admission, at the time of this Inspection, females were not able to access bras until they were in the accommodation units. Even then, if they were less than a size 16 they would have to wear sports tops as opposed to usual styled bras. When such items were provided, they were only available in larger sizes which were inappropriate for many of the females. In addition, they were often in a state of disrepair, which in some cases resulted in the straps having to be tied in knots to keep them together. The females also spoke of having restricted access to feminine hygiene products (including a restriction on the type and size of products). The necessity of having to ask a group worker (who may be male) for the provision of feminine hygiene products made many female detainees feel embarrassed.

5.27 The females complained about the light coloured Centre-issued t-shirts, which they stated were 'too see-through'. Many also found the issued round plastic hairbrushes inappropriate for their grooming needs and the absence of mirrors in some cells made grooming difficult.<sup>135</sup> There were also complaints of a lack of choice of products available in the canteen such as deodorants, shampoo and conditioners, and the problems associated with not being able to purchase products from the canteen for the first five days of remand. They spoke about their need for sleep attire including slippers and their need for bathers for swimming.

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131 Derived from Rule 13.5, 22.2 and 26.4 of the *United Nations Rules Standard Minimum Rules for the Administration of Juvenile Justice*.

132 Given the nature of a remand centre and the relatively short periods of detention, population counts can change quite dramatically on a daily basis.

133 Australian Institute of Criminology, 'Australian Crime Facts and Figures 2003' (2003).

134 Office of the Inspector of Custodial Services, 'Rangeview Inspection Exit Debrief' (25 June 2004), p. 7.

135 Males also found that an absence of mirrors made shaving difficult.

*Recommendation 31*

*Centre management urgently address the following practices for female young people in the Centre: (i) the use of unsuitable see-through polo shirts; (ii) the absence of Centre-issued sleepwear; (iii) the restrictions placed on access to sanitary items; and (iv) the absence of Centre-issued deodorant.*<sup>136</sup>

- 5.28 Since this Inspection, darker coloured t-shirts have been purchased for female detainees eliminating the problem of their clothing being transparent. Female detainees were consulted regarding this decision and came to an agreement on the colour of the new t-shirts. Since this reform, females are reportedly happy with the change. This example illustrates not only the ease of ability to change something that was causing distress to young people on remand, but also the importance and ease of consultation with young people when making such changes. The fact that a number of female detainees were consulted regarding their preferred colour of t-shirt is significant for them in providing them with a sense of ownership of the issue. The Inspectorate commends Rangeview on this initiative and encourages management to consider detainee consultation when making other Centre-based decisions.

**INDIGENOUS YOUNG PEOPLE ON REMAND**

- 5.29 Issues surrounding the prevalence of Indigenous youth in the criminal justice system are complex and extend far beyond the scope of this Report. It can be said however that Indigenous youth, particularly those from regional and remote Western Australia, face far greater challenges in the processes of custody than non-Indigenous youth. While Indigenous youth from the metropolitan area are more likely to be able to receive visits from their families, often with the transport assistance of the AWOs<sup>137</sup> and generally access services offered within the Centre, it appears that young people from regional and remote areas tend to keep to themselves and support each other rather than access Centre-based services.<sup>138</sup>

**Isolation from family and community**

- 5.30 Family relationships in Aboriginal communities are extremely important and the effect that incarceration has on these relationships is significant. The Australian Law Reform Commission and HREOC have recognised the difficulties faced by young Indigenous people in custody, stating:

136 In response to the provisional recommendation made at the Exit Debrief by the Inspector, the Department advised that: (i) following consultation with female detainees, deep purple t-shirts have been purchased and issued to replace the yellow polo shirts; (ii) light cotton and silk pyjamas have been purchased and issued to females; (iii) sanitary items are now freely available from accommodation units as required by female detainees; and (iv) each accommodation unit is to be stocked with deodorant and available to females on request (cultural issues are considered when providing to females rather than an automatic allocation): Juvenile Custodial Services, Department of Justice, 'Announced Inspection of Rangeview Remand Centre by the Inspector of Custodial Services: Progress Report' (8 October 2004).

137 Noongar young people (from the metropolitan area) generally stated that they knew about the role of the Aboriginal Welfare Officers and the Aboriginal Visitors' Service and accessed these services when required.

138 Young people from regional and remote areas stated that they did not know the role of the Aboriginal Visitors' Service.

*In detention they are likely to be placed in a centre far from their family and community. They may suffer a greater degree of dislocation than children from urban areas.<sup>139</sup>*

- 5.31 During this Inspection, members of the Inspection Team spoke with detainees from regional and remote areas of the State about their experiences at Rangeview. In relation to social isolation, detainees raised the following issues:

*The need for a custodial centre in regional Western Australia to enable family contact to be maintained during periods of remand or detention;*

*Lack of visits from family and friends while at Rangeview due to the long distances required to travel from regional areas to Perth;*

*Inability or restriction in the use of video conferencing equipment at Rangeview to contact relatives and friends, due to many regional communities not possessing equipment needed to make this possible;<sup>140</sup> and*

*Lack of connection with people from 'country', (eg, Umbullgarri, Balgo, Meekatharra etc.) causing communication difficulties.*

- 5.32 The ability of Indigenous young people to maintain contact with their loved ones and communities depends greatly on their ability to access services within Rangeview, such as the AWOs. However, this is not as simple as educating detainees on this role within the Centre. Access to services requires social and communication skills on the part of the young person – skills which may not be strong in those with a limited education or with poor role models. It is for this reason that it is imperative that the services offered at Rangeview are culturally and linguistically appropriate, to ensure access by all young people, not just those with the skills to ensure their needs are met.

### **Access to culturally appropriate services**

- 5.33 During this Inspection, we spoke with detainees from regional and remote areas of the State about their experiences at Rangeview in relation to access to culturally appropriate services. The following issues were identified:

- There is a lack of contact with legal practitioners and a confusion with regard to the role of Community Juvenile Justice Officers and the Aboriginal Visitors' Service.<sup>141</sup>
- There is a lack of interpreters to assist young people in communicating their needs.<sup>142</sup>
- There is a lack of cultural support within the Centre.
- There is a lack of culturally appropriate programs offered.

139 Australian Law Reform Commission & Human Rights and Equal Opportunity Commission, op. cit., [19.99].

140 While it was acknowledged that families may have the option of travelling to a local courthouse to access such equipment, this is not always possible due to financial constraints and court schedules.

141 See Chapter 4.

142 Ibid.

- 5.34 With regard to access to culturally appropriate support and programs, one staff member suggested a speakers' program be implemented at Rangeview, involving people from regional and remote areas who now work and live in Perth. A program of this nature has recently been implemented at Boronia Pre-Release Centre for Women and is proving positive for women in custody. For young people, such an initiative could greatly assist those separated from their homelands and family through the sharing of the experience of others in dealing with issues such as disconnection, access and cultural identity.

*Recommendation 32*

*Rangeview management consider introducing an Indigenous Speakers' Program into the Centre to provide young people with access to individuals who may act as role models in their engagement with the community.*

- 5.35 It was positive to find that young people were accessing the services of the AWOs for phone calls, details regarding next Court appearances, liaison with other government departments and communication difficulties with Centre staff. While there was some concern that all young people receive the same allocation of free phone calls (that is, 'a minimum of four free social calls per week of ten minutes duration')<sup>143</sup> AWOs do assist regional and remote detainees with officer-initiated telephone calls if the ten minute time frame is inadequate to provide for the relevant family or community member to be located and brought to the phone to take the call.

**Transportation of young people from regional Western Australia to Perth**

- 5.36 There appear to be a number of problems associated with the transportation of young people from regional and remote communities of Western Australia into custody in Perth. The vast distances between the homes of many young people and custodial centres in Perth require an organised and coordinated approach towards transportation, where the care and wellbeing of young people is paramount. During this Inspection, we talked to detainees about their experiences of being transported from regional and remote areas of the State to Rangeview. They made the following comments:

*Transport by plane is unpleasant as handcuffs are used.*

*Transport by van is uncomfortable as the seats are hard, there are no toilet facilities, it is always cold, there is little to no food and drink provided, there are little to no comfort stops and the journey is extremely long.*

*Shackles are used during transportation.*

*Young people are subjected to transport officers talking about them as though they are not there.*

143 Department of Justice, Rangeview Remand Centre Standing Order Number 11.

5.37 According to the Juvenile Custodial Rules, a young person should not be handcuffed or secured with any form of mechanical restraint to any part of a vehicle when being transported.<sup>144</sup> The current practices of police, who are responsible for the transportation of young people from regional areas to Perth custody centres, appear to be contrary to the Rules. Since the Inspectorate has no jurisdiction over police services, it can only emphasise to the management of Juvenile Custodial Services the importance of developing and maintaining a strong working relationship with police. This in turn may assist in providing a transportation service for young people that is both responsive to the security requirements imposed by police and in line with the aims and objectives of Juvenile Custodial Services in caring for young people involved in the juvenile justice system.

*Recommendation 33*

*Management of Juvenile Custodial Services develops and maintains a strong working relationship with the Western Australian Police Service based on agreed protocols and practices in line with police security policies and the aims and objectives of the Department. Such an agreement is to include the transportation of young people both within the metropolitan area and from regional Western Australia to custodial facilities.*

144 Department of Justice, Juvenile Custodial Rule 208 at 15.



# Chapter 6

## FAMILY AND COMMUNITY RELATIONSHIPS

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- 6.1 It was evident from speaking with young people at Rangeview and from comments from staff of the Centre, that maintaining connections with family and community is of primary importance to detainees, regardless of whether they come from the metropolitan area or regional Western Australia. In this regard, Rangeview appears to facilitate some positive forms of interaction, such as with personal visits. However, the involvement of the outside community with young people on remand does require some consideration and reform.

### VISITS AND OTHER CONTACTS WITH FAMILY AND SIGNIFICANT OTHERS

- 6.2 AJJA Standard 5.1 states:

*The Centre encourages and enables visitation and communication between young people and their families or significant others that is not unreasonably limited by the Centre, is responsive to individuals' needs, and occurs in conditions that are dignified and relatively private.*<sup>145</sup>

- 6.3 AJJA Standard 5.2 states:

*The Centre maximises opportunities for young people at every stage of custody to interact with the community, and fosters community involvement in, and support for, the Centre.*<sup>146</sup>

- 6.4 Rangeview has a visits room where both personal (families and significant others) and official (lawyers, Community Justice Officers, Justice of the Peace, Aboriginal Visitors' Scheme etc.) visits take place in the presence of a group worker. Staff appear to be flexible in their facilitation of visits, allowing family and others to visit detainees outside the normal visiting hours when necessary or appropriate.<sup>147</sup>

### Personal visits

- 6.5 Despite the positive efforts by Rangeview staff, the visitors' book shows far fewer personal than official visits being conducted at the Centre. Detainees appeared to attribute this to their families' indifference or shame toward them being in remand, the difficulty for families to travel to the Centre from regional areas and the prohibition on ex-detainees visiting the Centre. There appeared to be some frustration at the requirement that parental consent be given before a person can visit a detainee. One detainee objected to this requirement highlighting the fact that a number of detainees may not get on with their parents, or indeed may be homeless. The necessity of parental consent in relation to visitors was questioned in these circumstances. This demonstrates some of the complexities faced by the Department in dealing with the differences between adult and juvenile incarcerations.
- 6.6 Transport to and from Rangeview creates problems for many families. For those in regional areas, in particular, visiting a relative in Rangeview is often not an option. This impacts greatly

145 Derived from Rules 59, 60, 61, 30, 58 and 56 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

146 Derived from Rules 59, 30, 62, 38, 49 and 8 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*

147 Rangeview's normal visiting hours are from Monday to Sunday between 1.30 p.m. and 3.00 p.m.

on detainees as they are further isolated from their families, communities and wider support networks. The assistance of the AWOs in transporting metropolitan-based families and significant others to and from Rangeview is a service which greatly assists the visits process. However, as one AWO stated, 'If we agreed to all of them, that's all we'd get done everyday'. This demonstrates the time taken away from the AWOs primary role of attending to the welfare needs of detainees. In the adult prison system a bus service operates to transport families and significant others from a central location (such as the Perth bus depot) to and from Casuarina Prison and Wooroloo Prison Farm.<sup>148</sup> A similar initiative in the juvenile system would benefit detainees and their families by encouraging contact in preparation for support on release from custody, as well as redirect the resources that AWOs currently put into providing a transport service for visitors.

*Recommendation 34*

*Rangeview consider a trial bus service one day per week (ie. Sundays) to transport families and significant others from a central Perth location to and from the Centre.*

**Community visits**

- 6.7 Two visitors from the Aboriginal Visitors' Scheme (AVS) (on a six weekly roster) attend Rangeview three times per week for approximately two hours. On arrival, they are provided with the names of all detainees and those considered 'at risk' are highlighted as 'must sees'. Depending on the information shared by each detainee, a record of the contact is made on either (i) a 'general reporting sheet' which is discussed, viewed and commented on by the Superintendent or Assistant Superintendent at the end of the visit and faxed to AVS; or (ii) a 'confidential report' which is sent directly to the Manager of AVS for further action.
- 6.8 Observations during visiting times showed detainees readily approaching the AVS visitors and appearing comfortable in speaking with and receiving advice from them. This being said, on speaking with detainees, approximately half were not aware of who AVS were or what services they provided. Perhaps advertising through the use of posters placed in accommodation units could assist in educating young people on the role of AVS within Rangeview.

*Recommendation 35*

*Young people are educated on the role of the AVS during their Orientation to the Centre and throughout their period on remand. This may occur through the use of a videos, posters or brochures or through more interactive means such as regular presentations by the AVS or Centre staff on the role of the service.*

<sup>148</sup> Small buses with drivers are contracted to transport families to and from the prisons one day per week at no charge. Other adult prisons conduct a similar service operated by prison officers within the prison. Such a service could also be provided by another organisation contracted by the Department.

- 6.9 Two religion based groups visit the Centre, as well as Father McMahon who talks to detainees and conducts religious services at Christmas and Easter. Centrelink attend the Centre regularly to assist detainees with financial issues and other organisations may attend the Centre for NAIDOC and Christmas celebrations. Given the very high numbers of Indigenous detainees, the absence of any regular Indigenous visitors (other than AVS) is unfortunate.

### Searches

- 6.10 Young people attending visits are pat-searched and may be strip-searched by a group worker if suspected of carrying contraband following a visit<sup>149</sup>. Between 1 January 2003 and 24 June 2004, there were 214 non-mandatory strip-searches recorded as conducted at Rangeview.<sup>150</sup> Group workers stated that during strip-searches, they 'just observe kids showering and changing', that detainees 'are not made to squat' or to 'lift their genitals', but that they are asked 'to show the soles of their feet'. In contrast, some detainees stated that during such searching they are asked to squat, cough and lift the back of their hair and feet. Standing Order No. 13 makes clear that a 'thorough visual inspection of a detainee unclothed' can be carried out, with attention to feet, soles, toes, hands, palms, underarms, ears, hair, mouth and tongue.<sup>151</sup> However, detainees 'shall not be directed to squat or raise their legs during this search'.<sup>152</sup>

- 6.11 As stated by the Inspector in his Exit Debrief to Rangeview staff:

*Strip-searches following visits are on a reasonable cause basis, but seem to have increased recently. We trust that this trend will soon be reversed. Every strip-search is humiliating and degrading and, in terms of the applicable AJJA Standard, problematic. I should add that these processes are also humiliating and degrading for the staff, and that is an additional reason for trying to minimise them.*<sup>153</sup>

- 6.12 While such a practice may be important in preventing the transfer of prohibited substances and items into the Centre, this risk must be appropriately balanced against the impact of searches on the overall goal of retaining and strengthening links between young people and their external supports through the visits process.

149 Rangeview Remand Centre Standing Order Number 15.

150 This presumably does not include 'mandatory strip-searches' of young people on admission to the Centre; on discharge and temporary placements out of the Centre; going to and returning from court; or when detainees are placed in observation cells due to their risk of self-harm or active danger: Rangeview Remand Centre Standing Order Number 13.4.

151 At 1.1.8.

152 At 1.1.11. The Order also states that if 'an officer suspect[s] that the detainee has something concealed internally, then they are to advise the Shift Manager who will inform the Medical Officer'. It is assumed therefore that only a medical officer carries out any internal examination of a detainee based on a serious suspicion of contraband.

153 Office of the Inspector of Custodial Services, 'Rangeview Inspection Exit Debrief' (25 June 2004), p. 9.

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### INDEPENDENT DETENTION CENTRE VISITORS' SCHEME

- 6.13 An Independent Prison Visitors' Scheme has been operating in adult prisons across the State for some time now. Coordinated and supported by this Office, volunteer Independent Prison Visitors (IPVs) provide an invaluable role in speaking with adults in custody, custodial staff and management, to gain an understanding of how prisons are functioning and the existence and extent of any systemic issues that may be present. In order to build a picture of an individual prison at any given time, information provided by IPVs is used in conjunction with information collected by Inspectorate staff. This has proven to be highly beneficial in both identifying new issues unknown to the Office and reinforcing issues that the Office has already identified.
- 6.14 With the jurisdiction of the Inspector extending to Juvenile Custodial Services, so too has the Independent Visitors' Scheme. At the time of this Inspection no Independent Detention Centre Visitors had been appointed, however since this time, one person has volunteered to join the Scheme and more will be recruited. The services provided by these volunteers will be very important in the monitoring of Rangeview in relation to the protection of the human rights of young people and the daily decision-making and actions taken by staff and management of the Centre. Representing a link between Rangeview and the wider community, this Scheme facilitates an independent perspective on all aspects of the facility, which both supports and complements the liaison and inspection roles of the Inspectorate.

### COMMUNITY RELATIONSHIPS

- 6.15 AJJA Standard 5.2 states:

*The centre maximises opportunities for young people at every stage of custody to interact with the community, and fosters community involvement in, and support for, the centre.*<sup>154</sup>

- 6.16 While Rangeview appears to involve itself well with its surrounding neighbours, arguably there is more that could be done to encourage interaction between the wider community and young people.

#### Rangeview user-group

- 6.17 The Superintendent of Rangeview represents the Centre on the Murdoch Precinct Group whose aims and objectives include the exchange of information on the progress of projects within the precinct. Where possible, joint projects are established and common issues are discussed. The Precinct Group, as well as local councillors and Members of Parliament, were invited to meet with the Inspector to discuss any concerns they had regarding the Centre, however all those who responded stated that they had no comment. There were also no comments from members of the public who were invited to speak with us about the Inspection.<sup>155</sup>

154 Derived from Rules 59, 30, 62, 38, 49 and 8 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*

155 an advertisement was placed in a local newspaper inviting members of the public to speak with us about any issues they had regarding the Centre.

These examples are indicative of the way in which Rangeview is viewed within its local community which is a credit to Centre management.

**The involvement of the community with young people on remand**

6.18 There is no provision in the Young Offenders Act 1994 (WA) allowing detainees to be absent from the Centre, unlike the Prisons Act 1981 (WA), which allows certain adults in custody to leave the prison grounds to undertake activity programs in the community.<sup>156</sup> This is a sensitive and complex issue that understandably generates great public and political debate in relation to adult offenders. It is unlikely that a similar debate regarding young people would be any different.

6.19 The United Nations Rules for the Protection of Juveniles Deprived of their Liberty states the following:

- Juveniles should be allowed to ... leave detention facilities for a visit to their home and family and to receive special permission to leave the detention facility for education, vocational or other important reasons.<sup>157</sup>
- Every juvenile of compulsory school age has the right to education ... designed to prepare him or her for return to society ... education should be provided in community schools wherever possible.<sup>158</sup>
- All medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatisation ... and promote self-respect and integration into the community.<sup>159</sup>
- The competent authorities should constantly seek to increase the awareness of the public that the care of detained juveniles and preparation for their return to society is a social service of great importance ... active steps should be taken to foster open contacts between the juveniles and the local community.<sup>160</sup>

6.20 These rules vigorously promote the interaction of the wider community with young people detained in custody by allowing them to leave facilities to engage with community-based services. This is in sharp contrast to what occurs at Rangeview. While the arguments against this practice (such as community protection and risk of detainees absconding) are acknowledged and to some extent accepted, one must remember that all of the young people at Rangeview are on remand, none of them have been found guilty of any crime and only around ten per cent of them will be sentenced to a term of detention.<sup>161</sup> Arguably, this reinforces the need for detainees to remain connected to not only their families, but also to the wider community during periods in remand.

156 *Prisons Act 1991 (WA)*, s 94.

157 Rule 59.

158 Rule 38.

159 Rule 49.

160 Rule 8.

161 Department of Justice Statistics: April 2004 – 12 out of 125 discharges from Rangeview were sentenced to Banksia Hill; May 2004 – 16 out of 130 discharges from Rangeview were sentenced to Banksia Hill.

6.21 Apart from organisations that provide programs within the Centre (as outlined in Chapter 8), there is currently very limited contact between detainees and the outside community. The young people at Rangeview are not taken out of the Centre on outings and external groups come into the Centre infrequently. It is understandable that while on remand, young people are considered maximum-security and therefore are not entitled to leave the facility. However, this should not prevent external organisations and groups from coming into the facility to offer services. There appears to be a Departmental belief that Rangeview should keep a low profile both in terms of its neighbours and who and how many people come through the Centre. This is based on the view that as the detainees are children and are on remand, their identities should be protected wherever possible. While it is true that these young people should not be ‘put on show’ or made to feel like they are being looked at by the outside community, this needs to be balanced against the need to provide an environment which promotes the development of young people, for example, through the use of mentors and role models. As stated in the Exit Debrief:

*If role models help kids increase their self-esteem and question their own previous behaviours, they will be found as much in the outside community as in the Rangeview workforce.<sup>162</sup>*

6.22 Another belief is that Rangeview endeavours to provide an environment that is as normal as possible for this group of young people. While this may be artificial in many respects as the environment is still a maximum-security institution, limiting contact with the outside community arguably goes further to isolate an already dislocated group of young people from the community to which they will soon return.

6.23 Examples of community involvement in the Centre include the Yirra Yaakin Noongar Theatre, which performed two interactive plays in the Centre, and a ten week dance course conducted for the females which occurred only once. These initiatives no doubt contributed to reinforcing the self-expression of young people through the cultural mediums of theatre, music and dance. In addition to this, until six months prior to this Inspection, the Police Liaison Unit was engaging in regular basketball games with detainees. This came about through the enthusiasm of a former staff member whose partner worked in the Unit. The games provided detainees with the opportunity to engage positively with police, in contrast with their previous experiences in the community. While high profile footballers and music bands were once considered as possible visitors, staff report that high attendance fees prevent these role models from engaging with young people. Consideration does not appear to have been made to inviting lower profile role models to attend the Centre. The involvement of educational facilities also does not appear to have been considered, such as Indigenous courses offered through Fremantle TAFE and the Kulbardi Aboriginal Centre at Murdoch University.<sup>163</sup> There may also be an interest by young people in engaging in short-term, accredited courses such as first aid or sports umpiring.

162 Office of the Inspector of Custodial Services, ‘Rangeview Inspection Exit Debrief’ (25 June 2004), p. 11.

163 Opportunities may also exist with departments such as Conservation and Land Administration in their Aboriginal conservation training program.

- 6.24 In the absence of legislative authority permitting detainees to undertake activities within the community, encouraging and authorising community-based organisations to enter Rangeview to provide services, is imperative to ensure young people remain connected to the community.

*Recommendation 36*

*The policy governing outside community in-reach is examined and some pilot initiatives are identified and tested in consultation with the young people at Rangeview.*<sup>164</sup>

164 In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department has advised that whilst there is currently (and has always been) community involvement in Rangeview, the extent, relevance and variety will be further promoted through the programs area: Juvenile Custodial Services, Department of Justice, 'Announced Inspection of Rangeview Remand Centre by the Inspector of Custodial Services: Progress Report' (8 October 2004), p. 10.



## PHOTOGRAPHS OF RANGEVIEW JUVENILE DETENTION CENTRE

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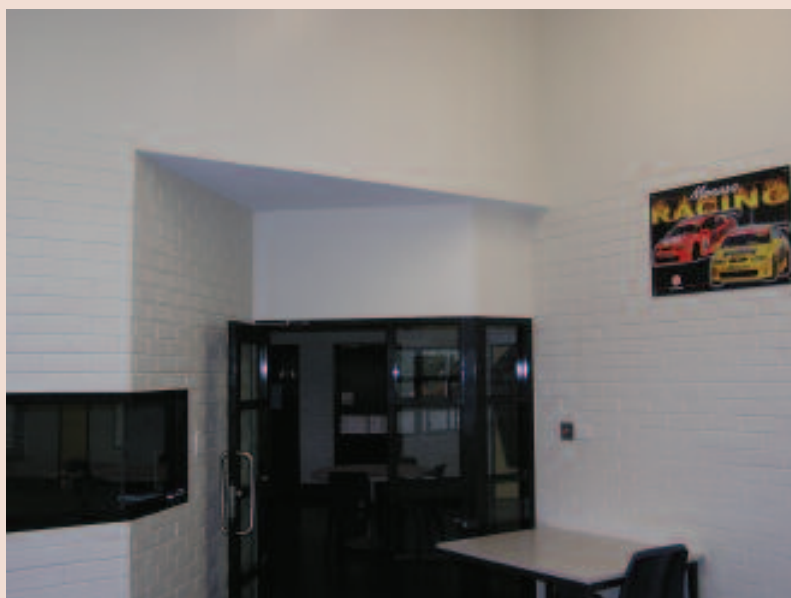
### Active Recreation facilities

The active recreational facilities at Rangeview consist of a football field, cricket pitch, bitumen-floored basketball court, volleyball net, swimming pool and trampolines. The indoor gymnasium was closed in 2001, leaving the Centre without an undercover recreation area and limited recreation options in extreme weather. While staff are conscious of the different needs of female detainees, the activities offered were clearly more male focused leaving females with 'nothing to do', a situation that requires addressing.



### Woodwork shop

Opportunities for detainees of post-compulsory school age were limited, with the main activity offered being an unaccredited TAFE woodwork course. Positions in more traditional academic classes were only available if the numbers of compulsory school-aged detainees were low enough to produce a spare seat. Detainees involved in woodwork were generally positive about the classes, commenting on the good equipment, knowledgeable staff and individualised training. Some aspects of the course, however, which were of concern included: some lack of choice in participation; no certification for participants; suitability for female detainees; and a restriction on the number of participants.





## PHOTOGRAPHS OF RANGEVIEW JUVENILE DETENTION CENTRE

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**Detainee cell and  
Accommodation unit  
common area**

The buildings, accommodation areas and fixtures within the Centre are in a reasonable condition, given their ten-year history. They appear to be well maintained and devoid of any significant graffiti or damage which one may expect from a facility housing juveniles. Sleeping arrangements for young people in detention are appropriate and provide all the basic amenities required.

Each accommodation block also contains a common area that consists of a place for detainees to eat and a kitchen. In this area young people may socialise, participate in recreation (mainly passive recreation but also table tennis) and interact with staff.



## PHOTOGRAPHS OF RANGEVIEW JUVENILE DETENTION CENTRE

### Restraint cuffs

Clear written guidelines state that mechanical restraints are only authorised to be used on a young person to prevent a detainee injuring himself or any other person; on medical grounds; or to prevent escape of a detainee through their movement to and from a Detention Centre or during their temporary absence from a Detention Centre. While the policy appears adequate to satisfy custodial standards, the practical operation of the policy is not as clear. The Inspectorate was concerned to learn about use of cuffs during medical consultations off-site. While the need to prevent escapes while outside the Centre is understandable, this situation arguably contributes to the humiliation or degradation in respect of the young person concerned.



### Secure Perimeter

When Rangeview was originally designed the use of razor wire was considered inappropriate in a juvenile setting. When the Department of Justice assumed responsibility for the Centre the focus changed to one based on a concept of external containment to ensure public safety. This comprises an external barrier and fence of mesh and razor wire, a microwave and sentrax security system (managed and monitored by computer and CCTV) and an internal fence of mesh and cowling. This level of security, for a detention facility is considered maximum.



## PHOTOGRAPHS OF RANGEVIEW JUVENILE DETENTION CENTRE

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### Education Centre and Classroom

Due to the generally short amount of time that detainees spent in remand at Rangeview, educational programs need to be tailored to target the needs and abilities of students. The majority of students have had limited educational experiences and in many instances that experience has not been positive, so while it may be desirable to provide every student with the skills gained from a formal education, this may not be the only way to provide a valuable educational experience to young people on remand. Recent improvements in educational resources such as the establishment of a computing centre, upgrades to classroom computing equipment and the purchasing of a range of software applications and educational packages for student use, have valuably contributed to opportunities for engagement, learning and variety for detainees. There is a need to provide additional educational resources that are high stimulus, low literacy and culturally appropriate. The most apparent need for improvement in facilities was in relation to a multi-purpose undercover area located within the vicinity of classrooms. While students can enjoy the use of the attractive outdoor area adjacent to education in fine weather, teachers are 'locked in' to a classroom during class time when it is inclement.





## PHOTOGRAPHS OF RANGEVIEW JUVENILE DETENTION CENTRE

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### The Kitchen

The kitchen was found to be clean, well kept and staffed by enthusiastic and caring individuals who are doing an excellent job in the difficult circumstances that characterise all mass institutional cooking. Despite this, detainees were very vocal about their likes and dislikes in relation to the food provided to them, in particular that the foods were too fatty resulting in excessive weight gain during long remand periods. While two comprehensive dietary reviews have been conducted it seems that the most important aspect, the preferences of young people detained at the Centre, have not been incorporated.



### The Control Room

The control room is the centre of security arrangements for the centre and as such it is vitally important that it operates effectively. A number of concerns were identified regarding both the technology and processes in its operation. The computer monitoring equipment is outdated, it fails to utilise contemporary touch screen technology, and the camera set up evidences some blind spots. Inefficient technology compounds the tasks expected of the single staff member managing the control room. Their role includes monitoring perimeter security, gate control, alarm management, radio management and emergency response control, telephone response during certain hours and the observation of detainees in the Multi-Purpose Unit holding cells.



## PHOTOGRAPHS OF RANGEVIEW JUVENILE DETENTION CENTRE

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### Visits Area

Rangeview has a visits room where both social visits (with family and friends) and official (lawyers, Community Justice Officers, Justice of the Peace, Aboriginal Visitors' Scheme etc.) visits take place. Staff are appropriately flexible in their facilitation of visits, allowing family and others to visit detainees outside the normal visiting hours when necessary.

It seems that young people on remand are not receiving very many personal visits. Detainees attributed this to their families' indifference or shame toward them being in remand, the difficulty for families to travel to the Centre from regional areas and the prohibition on ex-detainees visiting the Centre.

# Chapter 7

## HEALTH SERVICES

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7.1 AJJA Standard 6.1 states:

*Young people have access to a comprehensive range of health care and health promotion services and programs that improve and maintain their health and wellbeing.*<sup>165</sup>

7.2 While access issues appear excellent in some respects, the Inspection has highlighted areas where access to health services by young people could be improved. Such improvements rely heavily on increased funding for staff, the building of relationships with external health service providers and the development of health promotion and prevention activities in collaboration with other service providers within the Centre.

## MEDICAL AND NURSING CARE

### Facilities

7.3 The health centre facility at Rangeview is of a high standard and is well-equipped. The examination room is large, adequately lit and equipped with appropriate diagnostic equipment. The waiting area is located next to the examination room and is sufficiently secure, which ensures privacy for detainees who are being seen by nursing or medical staff. There is an automated external defibrillator in the health centre which health staff have been trained to use.<sup>166</sup> Oxy-viva resuscitation equipment is located in each accommodation unit. The health centre has four inpatient rooms, each housing a hospital-style bed. These beds were observed as having possible hanging points and although there is audio monitoring of this area, there is no video monitoring.

7.4 While the medical centre is air-conditioned, the accommodation units within the Centre are not and provide no significant ventilation. In the summer months, temperatures reportedly exceed 40 degrees Celsius in detainee's cells. While such conditions may cause increased tension and unrest amongst young people, it may also have an adverse affect on the health of some detainees.

### *Recommendation 37*

*Consideration is given to achieving sufficient ventilation in accommodation units (particularly in cells) to reduce the impact of extreme weather conditions on the health and wellbeing of detainees.*

### Staffing

7.5 The health centre at Rangeview is managed by a registered nurse with a long history of employment with the Centre. Nursing staff are available 24 hours per day with one nurse on night duty. Two medical practitioners attend the Centre, a male doctor for one session per week (for male detainees) and a female doctor as required (for female detainees). Medical officers are available after hours as per the Department's on-call roster. A dentist attends once per week and a psychiatrist once per fortnight and in emergencies.

<sup>165</sup> Derived from Rules 49, 50, 51, 52 and 55 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

<sup>166</sup> Rangeview management plan to provide training to group workers in the use of the defibrillator.

- 7.6 As a result of the high turnover of young people through the Centre and the low number of hours medical practitioners are available, a doctor does not necessarily examine all detainees on their admission. This arrangement is considered unsatisfactory considering the high risk population and the often complex health needs of young people. Increased resources are needed to enable detainees to be assessed by a medical practitioner as soon as possible after admission, rather than having to wait for the one scheduled session per week. The service would also benefit by the recruitment of medical officers with experience in adolescent and mental health issues.

*Recommendation 38*

*Increased resources for the assessment of detainees by medical practitioners as soon as possible after admission and a review of medical officers with particular attention to the existence of skills and experience in adolescent and mental health issues.*

- 7.7 There is currently no Aboriginal Health Worker (AHW) employed at Rangeview although the expertise of such a worker would greatly assist in providing a much-needed through-care of health services to Indigenous young people. This professional would establish and maintain strong links with community-based health organisations and services, school health services, organisations established in response to the Gordon Inquiry and DCD Field Officers (regarding the health of young people who are State wards). In addition to this, the AHW would connect with the families of young people, providing education about health issues and linking them with services in their communities that can provide follow up to health issues that have been identified and treated in custody. Engagement with the Marr Moorditj Aboriginal Health College may provide the necessary connections to recruit a suitable Health Worker. A connection of this nature may also open up the possibility of providing opportunities for Aboriginal health students to undertake placements with Rangeview, assisting in the development of a workforce of qualified and experienced Indigenous health workers.

*Recommendation 39*

*The appointment of an Aboriginal Health Worker to provide health care to Indigenous young people and connect with Aboriginal community service providers and families in relation to the health and medical needs of young people in custody.*

**Consent**

- 7.8 Obtaining a patient's informed consent is paramount in the provision of any health care and health services provided to young people while in custody are no exception. According to the Juvenile Custodial Rules, if a detainee is 15 years or younger, their right to: (i) give consent to medical treatment; (ii) insist upon medical treatment that is in opposition to the wishes of their parents, guardians or caregivers; and (iii) refuse to allow medical staff to inform their parent, guardian or caregiver of their medical condition, is dependent upon two things. Firstly, the young persons' level of maturity in relation to their capacity to appreciate the nature of

the treatment proposed and its likely consequences; and secondly, the young persons' ability to understand the treatment that is proposed and to communicate their own wishes in relation to that treatment.<sup>167</sup> While health care staff are encouraged to persuade detainees who are less than 16 years of age to give consent when treatment is considered necessary, if consent is refused a doctor or the Superintendent of Rangeview can authorise the treatment if it is considered to be in the best interests of the young person.<sup>168</sup> However, the Rules make clear that the wishes of detainees aged 16 years and over should be respected in all situations.<sup>169</sup>

- 7.9 Health Centre staff highlighted the difficulties associated with contacting parents to obtain consent for medical treatment. As a result, there is a strong reliance on verbal and implied consent from detainees. Young people are asked to sign a 'release of information' form allowing nursing and medical staff to contact their previous health care providers, to obtain their medical history. Given the age of some detainees, the need to obtain an accurate record of their medical history from an external source is understandable, in order to appropriately diagnose and treat their conditions.

#### Identified health conditions

- 7.10 A review was conducted of 18 (40%) of the detainee medical files available at the time of the Inspection. This review highlighted a population with a significant burden of illness and a group of young people engaging in a range of high-risk behaviours. All of the 18 young people presented with a current illness or infection, while only one young person was taking any form of medication to treat their condition. Half of the young people reviewed had been diagnosed with a skin infection (50%)<sup>170</sup> and 39 per cent had conditions of the respiratory system. Two young people suffered from epilepsy and two had a history of dizziness and blackouts. Fifteen (83%) were diagnosed with two or more current health conditions. Fifty-six per cent of young people were reported as being at risk of contracting a sexually transmitted infection and 39 per cent reported that they practised protected sex.
- 7.11 Given the varied ages of young people at Rangeview, some being as young as ten years of age, the complexity and seriousness of some of the health conditions of detainees is of great concern. It is also indicative of the lifestyles of these young people prior to being remanded into custody and their lack of attention to health care and treatment. As outlined elsewhere in this Report, it must be remembered that many of these young people are mere children and must rely on a responsible adult to ensure services such as health and medical care are accessed when required. Without such a person, the health of these young people is likely to deteriorate and may only be addressed when a custodial facility such as Rangeview becomes that responsible person for a period of time.

167 Rule No.701 (2.1.2).

168 Rule No.701 (2.1.3).

169 Rule No.701 (2.1.4).

170 Tinea and pityriasis being the most common skin infections present.



### Assessment, treatment and referrals

- 7.12 When a young person is admitted to Rangeview, nursing staff complete a Nursing Admission Health Data Sheet (NAHDS). This sheet is intended to provide the health service staff with knowledge of both the young person's medical profile and their family relationships and other support structures, including how these supports can be involved in the care of the young person while they are in custody. In its current form, the NAHDS does not provide space for any information other than the detainee's medical profile. If the form is to be used to plan for the involvement of family in the medical care of a young person, then it will need to be redesigned to allow the recording of this information.
- 7.13 Nursing staff perform physical and mental examinations on all new detainees within two hours of admission to Rangeview, including testing for blood-borne communicable diseases.<sup>171</sup> Such examinations are voluntary; however, staff will encourage the young person to agree to examinations in the interests of their own health. Discussions with staff evidenced a high number of sexually transmitted diseases (STDs) detected amongst detainees. This included both younger and older detainees. Urine testing is used to screen for STDs and treatment is provided when diseases are detected. In regard to reporting such issues, medical staff do not routinely notify DCD, nor do they refer detainees to the Princess Margaret Hospital's Child Protection Unit. This failure highlights the problems associated with the current voluntary reporting structure in this State in regard to sexual abuse, which operates in the absence of mandatory reporting legislation. More importantly, it raises serious concerns for the health and welfare of young people who may greatly benefit in terms of access to treatment, support and the prevention of further abuse, if intervention from such services was made.
- 7.14 The Department's current health policy in relation to sexual assault states that complaints of a recent sexual assault by a person in custody should be immediately referred to a medical officer, who will then refer the person to the Sexual Assault Referral Centre (SARC).<sup>172</sup> Once SARC has been contacted, they will only agree to see the person in custody if fully informed consent is given. This is arguably an inappropriate policy for young people who may not have the legal capacity to consent, emphasising the need to establish a relationship with PMH in assessing for and dealing with issues of this nature. While a continued relationship with SARC may be appropriate, the current policy in relation to referral needs to be redrafted to address the specific needs of young people in custody.

171 Medical practitioners examine detainees only on referral from the nursing staff due to the high turnover of young people and the availability of doctors.

172 Department of Justice, Health Services Policy, Protocols and Procedures, 3.10.

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*Recommendation 40*

*The Health Services Directorate conducts a review of the relationship with and referral policy to the Sexual Assault Referral Centre, with a view to establishing a process that reflects the position and needs of young people in custody, specifically in relation to issues of consent to medical care.*

- 7.15 There are two ‘sick lists’ per day whereby four detainees are seen in the medical centre at one time, with group workers providing both escort and security support to the nursing staff. Young people can refer themselves onto the sick list or can be listed by the nursing staff. The nursing staff see all those detainees who request to be seen on the one day. That is, the list continues throughout the day until all young people that have requested to be seen have been attended to. This commendable practice removes one of the largest causes of complaint by those detained in custody – delay in access to medical care. One concern however is that ‘sick lists’ often run over-time into educational classes, causing the young persons involved to miss parts of their daily lesson. Perhaps the scheduling of detainees according to their daily activities could be achieved. For example, scheduling those not attending education to the end of the daily sick list or ensuring teachers spend time recapping lessons that a young person may miss due to health consultations. Alternatively, perhaps detainees could nominate the degree of urgency of their health complaint in order to prioritise appointments according to need.
- 7.16 If detainees need to see specialists, they are referred to Fremantle Hospital and Health Service and are seen by either a paediatrician or an adult-trained specialist. Fremantle and Armadale Hospitals provide pathology and x-ray services and PMH is used very rarely, despite its specialised adolescent unit. Given that PMH is the only tertiary provider of child health services in Western Australia, it is surprising that a relationship between PMH and Rangeview (via Juvenile Custodial Services) has not been developed. Such a relationship would greatly assist in supporting Rangeview in their provision of age appropriate health care services and in the assessment, treatment and referral of child protection issues.

*Recommendation 41*

*Consideration is given to the development of a relationship between Juvenile Custodial Services and Princess Margaret Hospital for Children, with a view to the provision of comprehensive, age appropriate health care across services, for the benefit of young people in custody.*

**Self-harm and mental health care**

- 7.17 Seventy-two per cent of young people in custody at Rangeview at the time of this Inspection had a history of self-harm recorded in their medical files. While it seems that the processes in place for detection and assessment of at-risk young people is adequate, there is arguably room for the development of a relationship with the Adolescent Unit at PMH. Such a service could assist in dealing with the immediate needs of young people on admission and establish a system for ongoing health management on release from custody.

- 7.18 This Inspection revealed somewhat ad hoc mental health care for detainees. It would appear that the main resources in this area are aimed at the provision of intensive psychiatric care whereas many young people are likely to benefit from a service that addresses their social wellbeing as well as provides intensive psychiatric care to those who require it.

*Recommendation 42*

*A review is conducted of the mental health care provided to young people in custody, with a view to establishing a more holistic service, which aims to provide both intensive psychiatric care and more general mental health support to detainees.*

**Continuity of care**

- 7.19 Continuity of care is important for young people at Rangeview for two very important reasons. Identification, treatment and maintenance of their health care needs and reconnection to family and social supports on release from custody. The environments and social circumstances that young people at Rangeview come from provide a challenge to any attempt at discharge planning in relation to their health care, including the establishment and maintenance of links to community-based service providers. To the credit of the health service staff, when a young person attends a court hearing it is assumed that they may not return to the Centre and staff ensure that a discharge note and any medications are sent with the young person.

**Health promotion, prevention and education**

- 7.20 Health services staff appear to promote good health practices and provide health education on a one-to-one basis to detainees, rather than formally through a group or program. While there are programs offered at Rangeview addressing drug use, communicable diseases and safe sexual activity, the health services are not involved in the development or delivery of the programs. The development of a collaborative approach towards health education and promotion through the use of such programs, as well as education services and interactions between group workers and detainees in their daily living, may arguably assist in emphasising positive health care to young people throughout their remand period. Factors such as length of remand are likely to impact greatly on the ability of health services to realistically have an impact on the prevention of future health issues. However, a Centre with a focus on holistic health education and promotion across its services may in fact benefit its young people by reinforcing the benefits of positive health choices.
- 7.21 Concerns surrounding the high rates of diabetes amongst the Indigenous community were raised during this Inspection. Detention arguably provides an opportunity for the provision of education on the prevalence of this disease, risk factors and strategies for prevention. For example, linking with community organisations such as the Heart Foundation and providing activities such as ‘jump rope for heart’, which can be educational as well as enjoyable, may assist in addressing this serious health issue.

- 7.22 It is acknowledged that since this Inspection, Education Services have been working with the female detainees on nutrition issues. This is commendable and should be extended to male detainees and include other areas of health education.

*Recommendation 43*

*A collaborative approach to health education, promotion and prevention is developed across health services, education, programs and the daily management of young people, with a view to establishing a holistic focus within the Centre which reinforces the benefits of healthy choices and decision-making in relation to health issues.*

**Health Services Manual**

- 7.23 At the time of this Inspection, the Department's juvenile justice health policies were in the process of being drafted. While it is commendable to see policies of this nature being created, there is some concern that they are not specifically written in response to the health needs of young people. The manual appears to have been slightly amended from the adult framework with the adjustment of a few sentences. This level of policy drafting is 'not an appropriate or adequate way of reflecting the distinctive needs of young patients'.<sup>173</sup>

*Recommendation 44*

*The development of a Health Services Manual for juvenile justice health policies that focuses on the health care needs unique to young people.*

**Medical records**

- 7.24 The content of medical notes examined during this Inspection was generally well structured and informative. The practice in keeping medical records is that historical notes are kept separate from current ones. While in a practical sense this may be easier for medical staff in their daily treatment of young people, it arguably leaves open the potential for medical issues to be misunderstood or previous medical histories to be forgotten in diagnosis or treatment. While a computerised medical record would assist, ideally all medical records should be kept together for each detainee to ensure the medical staff give historical information appropriate consideration when dealing with current medical issues.

*Recommendation 45*

*A review of procedures for the storage of medical records is conducted with a view to compiling historical and current records of each young person, for easier access to accurate information and comprehensive, informed patient care.*

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173 Office of the Inspector of Custodial Services, 'Rangeview Inspection Exit Debrief' (25 June 2004), p. 12.

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## DRUG AND ALCOHOL ISSUES

7.25 AJJA Standard 6.5 states:

*A comprehensive alcohol and other drugs service, including assessment, education and intervention, assists young people to understand the issues arising from their use of alcohol or other drugs, and the measures they can take to safely manage or reduce their use of such drugs.*<sup>174</sup>

7.26 The use of substances by young people prior to being remanded in custody is common. Many binge on alcohol and cannabis and some of the older detainees have begun to use drugs intravenously. Unfortunately, many of these young people are likely to increase their substance abuse (particularly alcohol) with age, which will in turn cause further problems in their lives.

7.27 Although it is unrealistic to effect any significant change in the short time that detainees are at Rangeview, there is an opportunity for education sessions aimed at reducing some of the harm associated with substance use. The importance of substance abuse issues is acknowledged at Rangeview and considering the transient nature of the population, an excellent job is done in assessing the need for and providing short-term programs to address these issues. As stated by the Inspector:

*Rangeview has an impressive track record in this area. It might be useful for some of the adult prisons to study how they have managed to achieve this and adopt some of their processes.*<sup>175</sup>

### Patterns of alcohol and drug use

7.28 Fifteen of the 36 young people at Rangeview at the time of this Inspection had reported substance use in their medical assessment. As might be expected, the levels of alcohol and illicit drug use were higher than for the general population of a similar age. As many of the detainees had repeated admissions, it was possible to track the escalation of their drug use over time, and it was found that with time, most detainees had increased their use of all drugs including intravenous amphetamines.

7.29 The Inspectorate is concerned about the high number of young people reporting intravenous amphetamine use (20% of the total population) at Rangeview. Two of these users reported sharing needles. Volatile substance use including petrol sniffing was reported by 25 per cent of the total population. This high percentage reflects the disproportionately high levels of use by Aboriginal detainees, particularly those living in remote areas. Heroin use was found to be rare amongst the population.

174 Derived from Rules 51 and 54 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

175 Office of the Inspector of Custodial Services, 'Rangeview Inspection Exit Debrief' (25 June 2004), p. 10.

### Assessment, treatment and follow-up

- 7.30 As part of the induction process, all detainees receive a medical assessment by a nurse. This includes the gathering and recording of information regarding substance use. If a detainee is assessed as being at risk, the clinical psychologist conducts a further assessment.
- 7.31 Treatment for substance withdrawal is based on the needs of the individual, rather than on a set of protocols or procedures. As most detainees are binge users, serious withdrawal symptoms are rare and if they do occur, bed rest and liquids are usually adequate as treatment. Nursing staff are available 24 hours a day, seven days per week to ensure continual assessment and referral to medical care if required.
- 7.32 Detainees assessed as requiring observation are placed in the Multi-Purpose Unit cells. Issues surrounding the adequateness of supervision in this unit are explained in detail under 'Physical and Procedural Security' in Chapter 9.

### Staff training and qualifications

- 7.33 The staff of Rangeview, including the clinical psychologists and group workers, appear to have an adequate knowledge of alcohol and drug issues appropriate for their work with detainees. Several of the nursing staff who have the responsibility of assessing and managing substance issues have undertaken specialist training through the Drug and Alcohol Office.
- 7.34 At the time of this Inspection, none of the nursing staff had undertaken training in the management of opioid replacement pharmacotherapies ('PAST' training), although it is understood that this is planned for the near future.<sup>176</sup>

### Drug use within the centre

- 7.35 Rangeview does not have a large problem with illicit drug use. Security reports show that there were five seizures of small amounts of cannabis in 2003 and two seizures in 2004. A syringe was seized coming into the Centre in 1996 and one or two have been found in the Centre since. No powder drugs (including heroin or amphetamines) have ever been seized. All seized drugs are reported to the police and charges left to police discretion. To date, there have been no charges laid against a detainee.
- 7.36 A number of factors are considered responsible for the lack of illicit drugs in the Centre including, but not limited to:
- the secure nature of the facility;
  - the searches of detainees on admission and following visits;
  - the small number of visitors attending the Centre; and
  - the relatively short remand periods which limit the planning for drops.<sup>177</sup>

176 This is not a high priority for Rangeview as detainees are unlikely to either be on pharmacotherapy already or require this type of treatment.

177 The 'Rangeview Remand Centre Anti-Drugs Strategy' details comprehensively the other strategies which contribute to the maintenance of a largely drug free environment.

- 7.37 Rangeview does not conduct a regular urine testing program. It is thought that due to the short remand periods of many young people, testing would show positive results being attributed to drug use prior to entering the Centre. While this may be true, there is evidence that some young people are remanded in custody for periods of time that arguably would be conducive to the operation of a regular program of this nature.

#### **Information sessions, programs and counselling**

- 7.38 As outlined above, while long-term programs are unsuitable for the Rangeview population, information-based sessions can provide some benefit to detainees in relation to their substance use issues. The Drug and Alcohol Office facilitate the Drug Overdose Prevention Program (DROPP), an information and skills-based program to assist in the prevention of overdose and in emergency procedures to assist those who have overdosed.<sup>178</sup> While DROPP workers report that Rangeview staff are supportive of the program, there are some concerns that staff are referring detainees who have already completed the program. Rangeview staff admitted that they had referred detainees who had previously completed the program because they had nothing else for the detainees to do. There were also concerns that detainees are referred to the program too soon following admission and that they were consequently too anxious to benefit from the program or were otherwise suffering the effects of withdrawal from drugs.

#### *Recommendation 46*

*Rangeview and DROPP staff meet initially to clarify the criteria for eligibility for the program and then have regular meetings to discuss any issues arising from the detainees' involvement in the program.*

- 7.39 It appears that there are two issues of concern in relation to the provision of alcohol and drug programs at Rangeview. Firstly, the Department has not had a formal contract with any organisation for the running of programs since services provided by YIRRA (Mission Australia) ceased in 2003.<sup>179</sup> Secondly, unlike Banksia Hill, there is no individual counselling provided for detainees with substance abuse issues. While it is undisputed that programs of this nature are important for this population, the need for individual counselling is presently unclear. Ascertaining the extent of this need would greatly assist the Centre in securing a contract with a service provider who can provide appropriate services tailored to the needs of detainees.

#### *Recommendation 47*

*An assessment is conducted as to the need for individual counselling at Rangeview and steps are taken to secure a formal contract for the provision of ongoing program services.*

178 The DROPP program is run at Rangeview on Fridays from 11.00 a.m. until 12.00 p.m.

179 Palmerston currently conduct weekly groups on Wednesdays from 9.15 a.m. to 12.00 p.m. for an average of between five and seven detainees, usually males.

- 7.40 The Hepatitis C Council run the ‘Keeping Safe’ program, which provides information about safe sex, safe drug use and the prevention of blood-borne viruses, in particular Hepatitis C. It is understood that the program is currently being redesigned to better meet the needs of young people and that group workers will be trained and the program will be implemented at Rangeview when this process is complete. While Departmental funding for the program has been erratic in the past, it is hoped that on completion of the redesign process it will be given priority as an essential health education program for all detainees.
- 7.41 On release from Rangeview, Drug Arm, a Christian based accommodation and outreach service can provide a limited number of detainees with emergency housing and support with substance use issues. YIRRA (Mission Australia) also attends Rangeview to assess young people for their residential program.<sup>180</sup>

## FOOD AND NUTRITION

- 7.42 AJJA Standard 6.3 states:

*Young people are provided with a variety of foods of satisfactory quality in sufficient quantities; meals are nutritious, meet special dietary needs, and their choice and preparation is influenced by young people’s preferences.*<sup>181</sup>

- 7.43 The kitchen at Rangeview was found to be clean, well kept and staffed by enthusiastic and caring individuals who are ‘doing an excellent job in the difficult circumstances that characterise all mass institutional cooking’.<sup>182</sup> Having said this, the Head Chef appeared to have been given little decision-making power in relation to the types of foods produced in the kitchen.

### Nutrition and diet

- 7.44 If, as directed by the AJJA Standards, the choice and preparation of foods are to be influenced by the preferences of young people, detainees should be consulted to ascertain their wants and needs in relation to diet.
- 7.45 During this Inspection, detainees were very vocal about their likes and dislikes in relation to the food provided to them. Specifically, the girls complained that the foods were too fatty resulting in them gaining excessive amounts of weight during long remand periods, with one girl stating she had gained ten kilograms in two months. Comments about the food included that the food was ‘disgusting’, ‘horrible’ and ‘grotesque’, with one detainee stating that ‘they must put two litres of fat in the food’. These comments were consistent with staff views indicating ‘the poor health quality of the food’ and pointing out that the food is often ‘high in

180 YIRRA provides a substance abuse service for young people (12–18 years) and their families. The program offers motivational assessments, counselling and advice, family support, a therapeutic day program and linked residential placement.

181 Derived from Rule 37 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

182 Office of the Inspector of Custodial Services, ‘Rangeview Inspection Exit Debrief’ (25 June 2004), p. 13.



fat and carbohydrates' and inconsistent in quality. Many young people appeared to want more salads and raw foods that they could cook in the accommodation units. Some spoke of arrangements at Banksia Hill whereby detainees cook for themselves and wondered why this could not occur at Rangeview. This view must of course be balanced with the views of those who 'claim to be allergic to vegetables'<sup>183</sup> and therefore prefer more processed foods.

- 7.46 While satisfying the tastes and needs of young people is a difficult task, the views of the detainees in relation to fat content are consistent with the findings of the Departments of Health and Justice in their joint 'Dietary Review of Custodial Facilities in Western Australia'.<sup>184</sup> This review highlighted total saturated fat levels that far exceeded desired levels and recommended that modification of the cheese and milk intake of detainees could assist in reducing this level.
- 7.47 There is also some concern that the diet provided to detainees is high in refined sugars. It was apparently the decision of a former Superintendent that cake be served at morning tea, which has since become routine. A cooked sweet dish is also offered with the evening meal. This level of sugar appears excessive and the recommendations outlined in the 'Menu Review' conducted in 2004 in relation to this area appear more appropriate.<sup>185</sup>
- 7.48 A 'Menu Review' conducted by an independent Accredited Practising Dietician at Rangeview in 2004 was undertaken in response to the 'Dietary Review of Custodial Facilities in Western Australia'. The purpose of the menu review was to consider the nutritional adequacy of the menu and to provide recommendations to improve it where appropriate and necessary. What resulted was a series of recommendations of 'simple additions or substitutions to the original menu'<sup>186</sup> that would benefit the overall nutritional content of the young people's diet.
- 7.49 While both reviews appear comprehensive in terms of assessing the nutritional content of the foods provided at Rangeview, this process did not take into account the preferences of young people. While some indication of the dietary wants and needs of detainees was ascertained during this Inspection, a more detailed analysis would prove valuable in assisting the Centre in satisfying AJJA Standard 6.3 in relation to choice and preparation of foods.
- 7.50 There are currently no traditional Aboriginal foods offered at Rangeview despite the majority of the detainees being Indigenous (71%) and almost half of these being from regional and remote areas of the State (45.6%).<sup>187</sup> While it is unclear as to the extent to which this is a preference of this group of young people, a consultation process would assist in ascertaining this. As recommended in the recent Broome Regional Prison Inspection Report, this Office supports the provision of traditional foods of this nature to those in custody as well as:

183 Ibid.

184 Department of Health, Western Australia, *Dietary Review of Custodial Facilities in Western Australia: Nutrition and Physical Activity Series: No. 1*.

185 P. Montibeler, Rangeview Remand Centre for Juveniles Menu Review (August 2004), pp. 21 and 24.

186 Ibid., p. 16.

187 Juvenile Custodial Services, Department of Justice Statistics for April 2004.

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*accessible information about the origins of any non-commercially provided and/or prepared traditional foods so that that they are in a position to make an informed choice as to whether they wish to consume that food or not, and alternative meals must be available.*<sup>188</sup>

*Recommendation 48*

*The Centre conducts an internal dietary review through consultation with young people, with a view to providing a menu responsive to:*

- *The nutritional requirements recommended in the 'Dietary Review of Custodial Facilities in Western Australia' and the independent 'Menu Review';*
- *The special dietary needs of young people including their preferences in relation to food choice and food preparation; and*
- *The cultural needs of Indigenous young people with regard to access to foods that reflect cultural and spiritual traditions (for those who choose to).*

**Food preparation**

7.51 It is understood that due to the rostering of kitchen staff, meals often have to be partially cooked and then finished off or re-heated at a later time. As a result of this practice, detainees spoke of food being cold or not cooked properly. While staffing constraints may be unavoidable, it is recommended that expert advice is sought (possibly from the Department of Health) on the practice of partially cooking and re-heating food both in relation to its effect on nutritional value of foods and the risks associated with contamination.<sup>189</sup>

*Recommendation 49*

*Management seek expert advice regarding the practices associated with food preparation at Rangeview.*

7.52 Milk is provided to Rangeview in small plastic bags, as in most prisons in the State. Group workers indicated that young people are required to open the milk packets with their teeth because there are no scissors or knives available.<sup>190</sup> While the security reasons associated with the prohibition of sharp objects are understood, it is considered inappropriate for young people to be opening plastic bags with their teeth for hygiene, health and dental reasons. Perhaps milk bags could be opened by group workers or by kitchen staff (using scissors or a knife), poured into plastic jugs and then transported to accommodation units for young people access.

*Recommendation 50*

*A method of providing fresh milk to detainees is developed to eliminate the need for plastic milk bags to be opened by detainees.*

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188 Report No.27, *Report of an Announced Inspection of Broome Regional Prison* (Office of the Inspector of Custodial Services, Perth, 2005), pp. 40–42.

189 Neither the 'Dietary Review of Custodial Facilities in Western Australia', nor the 'Menu Review' conducted in 2004 appear to have considered the issue of food preparation.

190 Detainee comments were consistent with this.

# Chapter 8

## PERSONAL AND SOCIAL DEVELOPMENT OF YOUNG PEOPLE ON REMAND

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### EDUCATION SERVICES

- 8.1 The Inspectorate appreciates that there are many challenges involved in providing education services to juveniles in detention. In a recent report by HREOC the provision of education to children in immigration detention centres in Australia was discussed. A number of factors were highlighted as being ‘uniquely challenging’ of this environment, namely:
- differing cultural beliefs about appropriate levels of schooling according to the age and gender of the child;
  - disturbances within the detention facilities which result in the destruction of education facilities and/or result in an unsafe environment for both staff and children;
  - socialisation and learning difficulties associated with past torture and trauma; a suspicion of authority arising from experiences with other governments and their agencies; and
  - difficulties adapting to new environments.<sup>191</sup>
- 8.2 While these factors are obviously relevant to children detained in immigration centres, they are arguably not so removed from the difficulties faced by young people detained under the criminal justice system. For example, Indigenous and non-Indigenous young people may have different cultural beliefs about the importance of schooling; incidents within a detention centre may cause disruption to the provision of educational programs; young people may have difficulty socialising and learning due to traumatic life experiences; young people may have had negative past involvement experiences with educational staff causing a distrust or lack of motivation to engage; and clearly, a detention facility is a new environment, away from family, friends and support networks, which especially affects young people from regional and remote areas.
- 8.3 It is also acknowledged that young people on remand may have a number of other issues they are trying to deal with which may impact on their realistic educational outcomes, such as pending court hearings; family issues such as separation and funerals; health issues such as substance use and mental health problems; relationship issues both within and external to the Centre; lengths of stay; and literacy levels. As a result of the presence of these factors, significant improvements in academic performance can really only be achieved with longer term detainees and those with high levels of engagement and learning skills. This is not to say that young people who are at Rangeview for short periods of time or who have limited learning skills (for example), should be overlooked or under-catered for. It does mean however, that educational programs need to be tailored to meet the needs and abilities of students. All students attending education should be engaging in meaningful and appropriate educational programs, tailored to their individual learning needs and abilities.

191 Human Rights and Equal Opportunity Commission, *A Last Resort? National Inquiry into Children in Immigration Detention* (2004), p. 588.

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### The purpose of education - reading and writing or something else?

8.4 Education Services describe the following features of their student population:

- extremely low levels of literacy and education skills;
- dropped out of school during key transition points;
- alienated from education and learning, therefore reluctant to engage in an education setting;
- rejected education as mainstream teaching techniques and structure has not worked for them;
- not experienced 'taster' education as they have not been to high school;
- therapeutic and socialisation needs that often alienate them from mainstream education;
- inability to access vocational education and training due to low literacy and numeracy skills;
- surrounded by an extended network of young people and adults who are not in education and not working;
- lack of support networks of family or friends who could assist them to gain access to schooling or the labour market; and
- experienced alienation and rejection in mainstream education.<sup>192</sup>

8.5 This student profile raises obvious questions regarding the purpose of education at Rangeview and the type of education appropriate to meet the wants and needs of this population group. While it may be desirable to provide every student with the skills gained from a formal education, this may not be the only way to provide a valuable educational experience to young people on remand. For example, a formal education class may be of little use to a young person who has previously become alienated from mainstream education, a young person who has found mainstream education difficult to understand, or a young person who has little to no support structures encouraging them to attend school. A young person in any of these circumstances may benefit far more from a program which, for example, is focused on encouraging students to attend and participate in education; engage in positive interactions between students, teachers and peers; and one that discusses the benefits of education, such as choice, independence and self confidence. While it is acknowledged that some of these factors may be embedded within educational programs currently offered at Rangeview, there may be some benefit in formulating a program that deals solely with these factors, rather than one that attempts to teach formal education such as reading, writing and arithmetic to students who do not necessarily understand the reasons why such a program is being taught.

192 Department of Justice Education Services, *Detention Education: Young People at Educational Risk* (undated).

- 8.6 The appropriateness of an initiative of this nature obviously returns to the question: What are we hoping to teach young people during their remand period? While ‘reading and writing’ may be the answer to this question, at least for those young people who already have an appreciation of the benefits of education, for others who have perhaps been reluctant to engage in education it is enough to simply encourage an appreciation of education. It is only when this purpose is made clear that educational services can ensure they are being responsive to the realistic goals and needs of young people on remand.
- 8.7 From an international perspective, Article 28 of the *Convention on the Rights of the Child* states that every child should have access to primary education, secondary education and vocational information and guidance. Australia’s ratification of this international convention demonstrates its commitment to providing such access to all children, including those detained in custody. However, is this access to formal education premature for those young people who have no concept of either why they are being offered formal education or the potential benefit to their life if they accept an offer to participate in formal education? Arguably, if a young person understands the potential benefits of formal education, then they are more likely to engage, contribute and succeed in that education, rather than see it as a way of simply filling in time while on remand. Ideally, a young person who gains an understanding and appreciation of the potential benefits of education is more likely to be willing to engage in formal education when they are released from custody. This in turn may have a positive impact on reducing the young person’s involvement in the criminal justice system as he or she develops the practical skills and self-confidence to take control of his or her life choices and future directions.
- 8.8 In relation to Article 28, while it is clear that compulsory school-aged students at Rangeview have access to education it is questionable whether post compulsory school-aged detainees have unrestricted access to secondary and vocational education.
- 8.9 At a national level, AJJA Standard 4.2 states:

*The centre’s coordinated and varied educational and accredited vocational programs are suited to individual needs, interests and market-place opportunities, provide positive learning experiences, and systematically assess and improve the numeracy levels, literacy levels and the workplace knowledge, experience, and qualifications of young people.*<sup>193</sup>

On an initial read, the above standard would seem more able to be achieved in a facility such as Banksia Hill where detainees are held for significant periods of time. However, given the realistic time periods that young people are held on remand, such a standard is arguably attainable at Rangeview.

193 Derived from Rules 38, 39, 42, 43, 45 and 46 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

8.10 If the above standard is a true indication of the current purpose of education services at Rangeview, regrettably it was largely unsatisfied at the time of this Inspection. Education Services were found to be:

- compartmentalised and lacked planning, consultation and coordination;
- vocational programs were largely targeted at males, were limited and non-accredited; and
- there were limited opportunities for young people (especially older detainees) to engage in meaningful education aimed at achieving formal academic qualifications for use on release from custody.

8.11 Discussions with education staff during this Inspection found that their understanding of the key purposes of education at Rangeview were:

- participation;
- encouragement to engage in learning activities;
- promotion of educational opportunities; and
- formulation of productive working relationships between students and teachers.

While these factors are consistent with the idea of teaching young people about why they are being offered education and the ways in which they can appropriately participate in education, there is still some uncertainty in relation to how formal education fits into this purpose. That is, are subjects such as reading, writing and arithmetic of any use to young people if they do not understand the reasons why they may benefit from learning these subjects?

*Recommendation 51*

*Education Services develop a realistic, appropriate and consistent view of the purpose of education at Rangeview. This is achieved through consideration of the past educational experiences and the future educational needs of the client population.<sup>194</sup>*

**Adequacy of facilities and educational resources**

8.12 The physical facilities and educational resources at Rangeview were found to be adequate to support the educational services currently offered, although there were areas where improvements could benefit the delivery of educational programs to detainees.

8.13 Recent improvements in resources such as the establishment of a computing centre, upgrades to classroom computing equipment and the purchasing of a range of software applications and educational packages for student use, have valuably contributed to opportunities for

<sup>194</sup> In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department has advised that during the Rangeview teacher planning day on 2 August 2004, the issue of shared sense of purpose was discussed. It was agreed by the teaching staff that this is an issue that can be included in other documentation at staff meetings in regard to planning: Juvenile Custodial Services, Department of Justice, 'Juvenile Education Services: Rangeview Inspectorate Recommendations: Progress Report' (8 October 2004), p. 2.

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engagement, learning and variety for detainees. There is a need to provide additional educational resources that are high stimulus, low literacy and culturally appropriate.

- 8.14 The most apparent need for improvement in facilities was in relation to a multi- purpose undercover area located within the vicinity of classrooms. Teachers are currently 'locked in' to a classroom during class time and are reluctant to move outside. Having the option to mix up the school program by having flexibility in terms of physical space and resources would arguably assist teachers in keeping students engaged and behaving appropriately. This structure would also have benefits for recreational activities, as discussed in Chapter 5.
- 8.15 In relation to resources for education staff, there appeared to be a lack of computer support both in terms of Internet access for program planning and database access for detainee specific information. In relation to Internet access, while teachers stated they did not have access, the Department advises that teachers can facilitate access if they complete an application form.<sup>195</sup> Details regarding this are available in the Rangeview Teachers' Manual. While a full examination of the needs of teachers would need to be conducted to determine the extent of additional information technology support required, there is a potential for such support to assist in learning assessments, individual learning plans and progress monitoring, as well as providing a valuable source of comprehensive student information. Such a system could provide a source of valuable information flow from other service providers within the Centre to education staff, and between Rangeview and Banksia Hill education staff. Such a system would only operate within strict guidelines encompassing confidentiality and privacy considerations, however could assist staff in their teacher roles and equip them with detainee information that may assist in their management of individuals.

### Education staff

- 8.16 Teachers play a significant role in the functioning of Rangeview. Their teaching programs need to be age-appropriate, sensitive to a range of literacy levels and flexible enough to meet the needs of a changing classroom population. The high level of care and respect demonstrated by education staff towards students is outstanding. Staff expressed a common sense of purpose, focusing on learning and on building positive, purposeful and genuine relationships between students and teachers, as well as a recognition and support of the skills and abilities of students. Teachers reported that they felt safe and secure in classrooms and that there were very few incidents during class time, which is indicative of the non-confrontational manner in which classrooms are managed. On the rare occasion that external assistance was required, staff stated they were fully supported. They also felt well supported by management and confident in both their levels of supervision and degree of autonomy.

195 In response to the provisional recommendations made at the Exit Debrief by the Inspector that teaching staff have access to the Internet, the Department advised that: (i) education staff do have access to the Internet, this information is available in the Rangeview Teachers' Manual; and (ii) contracted teachers are to get Internet access forms in induction packages: Juvenile Custodial Services, Department of Justice, 'Juvenile Education Services: Rangeview Inspectorate Recommendations: Progress Report' (8 October 2004), p. 1.



- 8.17 All teaching staff (including the TAFE teacher) had formal qualifications and came from varied backgrounds, bringing a diversity of experience, skills and strength to their roles. They were generally employed on two-year contracts (commencing at the start of the year) and recruitment, succession planning and coverage of classrooms appeared to be very well catered for by the Department. Formal induction processes for teachers were being reviewed and developed at the time of this Inspection. Currently staff attend a minimum of one full day orientation visit to both Rangeview and Banksia Hill and must complete security protocol training before commencing in their role. One staff member has developed a reference file to assist new staff, something that should be provided by management. There is a need for a comprehensive induction file for teachers to refer to, and perhaps a supporting video. Nothing of this nature existed at the time of this Inspection.
- 8.18 There appear to be significant time restraints placed on teachers which arguably restrict their capacity to develop individual education plans, liaise and collaborate with other education staff regarding program provision and maintain essential student records. In total, full-time teachers at Rangeview are given five hours and thirty minutes per week to engage in duties other than teaching (DOTT time).<sup>196</sup> While the current structure of the week provides good opportunity for interaction between teachers one afternoon per week during DOTT time,<sup>197</sup> the remainder of DOTT time which is primarily at the commencement of each day is not particularly conducive to interaction between colleagues.<sup>198</sup> Arguably, by allowing teachers sufficient time away from the classroom, organised in a way that allows realistic time for collaboration and the addressing of professional and administration issues, the overall provision of educational programs would be improved.

*Recommendation 52*

*A significant increase in time is made available to teachers to allow them to collaborate with colleagues in the planning of their educational and individual programs, complete necessary record-keeping activities, deal with professional issues and engage in service review. Localised leadership is essential to support this.*<sup>199</sup>

- 8.19 Greater opportunity is needed for staff to share their expertise and skills with their colleagues and attend 'in house' professional development activities. Professional development currently offered by the Department, both for teachers as individuals and as a group, is limited to one

196 Department of Justice Education Services, *Rangeview Teacher's Timetable* (undated). This amount of DOTT time is the same for full-time teachers at Banksia Hill. Part-time teachers are given a certain amount of DOTT time per day. Duties may include program planning, writing student reports, ordering educational materials, collaboration with other teachers or professional development.

197 That is, on Wednesdays between 1.00 p.m. and 3.00 p.m.

198 Being Monday to Friday between 8.30 a.m. and 9.00 a.m. and Monday, Tuesday, Thursday and Friday between 1.00 p.m. and 1.15 p.m.

199 In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department has advised the following changes: (i) a fortnightly meeting to be held with the Principal or Senior Education Officer; (ii) an on site coordinator to be appointed one day per week; and (iii) DOTT time allocation to be specified in manual of operations: Juvenile Custodial Services, Department of Justice, 'Juvenile Education Services: Rangeview Inspectorate Recommendations: Progress Report' (8 October 2004), p. 2.



day per year. Staff are given the opportunity to request permission to attend additional activities, however such a request is rare, and personal development activities are unsupported by Education Services. These arrangements are considered inadequate and out of touch with the mainstream education system, which gives teachers seven 'student free days' per year<sup>200</sup> for the purpose of professional development, four of which are designated by the Department of Education and Training and five of which are school based days. In addition to this, there are funds available for staff to attend professional development by request. In conjunction with access to professional development opportunities, there was little evidence of self-assessment and review by teaching staff as a team. Assessment of this nature would arguably assist in determining professional development priorities.

*Recommendation 53*

*Education staff are given increased opportunities to attend professional development activities as a group and as individuals, to bring in line with the general provisions within the teaching profession.*

*Recommendation 54*

*Teachers become involved in the development of program planning (both generally and for individual students), assessment, monitoring and evaluation so that it becomes part of the operational culture of educational services.*

*Recommendation 55*

*A culture of self-assessment and review by education staff as a team is developed and encouraged.*<sup>201</sup>

### Service provision

- 8.20 There is an opportunity for services at Rangeview such as education, programs and health to complement each other, providing detainees with a holistic remand experience that draws on the strength of dedicated staff and well thought through program delivery. At the time of this Inspection, services across the Centre were compartmentalised, with little to no integration between them. This was particularly evident with regard to education and highlighted the potential benefits for individuals and groups of students, if program planning and delivery was integrated into other activities within the daily lives of detainees.
- 8.21 To achieve this, greater communication and information sharing across the Centre is required, as well as the development of collaborative strategies focused on the health, wellbeing, social skills and personal responsibility of students. Examples of such integration may include:

200 Number for the 2005 school year (Department of Education and Training).

201 In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department has initiated the following: (i) teachers are in the process of developing definitions for staff on self assessment and review; and (ii) the process of review is now on the fortnightly meeting agenda: Juvenile Custodial Services, Department of Justice, 'Juvenile Education Services: Rangeview Inspectorate Recommendations: Progress Report' (8 October 2004), p. 1.

- A student who works well, engages and achieves during school class time is recognised and reinforced through explicit or intrinsic rewards that occur both inside and outside the classroom. This strategy would assist in building continuity of behaviour expectations and consequences.<sup>202</sup>
- Staff providing recreation and education services share learning activities and work towards common goals. In the classroom, physical health and skill development, sportsmanship, teamwork skills, coaching and umpiring are taught in the classroom by teachers, carried out in practice by recreation officers and reinforced by group workers in accommodation units.

8.22 Collaborative strategies such as these, which cater for the individual student in a holistic manner, need to be developed and continually monitored. Ideally, each of the different areas of service provision should be aware of what the others are doing so that reinforcement is achieved across the boundaries of responsibility.

8.23 There are some issues in relation to access to detainee information and the keeping of appropriate student records that require attention at Rangeview. Access to information regarding educational backgrounds of juveniles both in the community<sup>203</sup> and in custody, as well as other relevant information such as court hearing dates is limited. Student work is kept in individualised envelopes for a period of time; however, there is no formal monitoring system reflecting program purpose and outcome. Apart from telephone conversations between Centres relating to longer-term students, there does not appear to be any formal transfer of educational records from Rangeview to Banksia Hill. At the time of this Inspection, a formal protocol agreement for a link back to mainstream education was being reviewed. A similar agreement between centres should also be encouraged. The introduction of a system to collect and evaluate such information is essential to both strengthen teaching and learning and inform evaluation and review.

*Recommendation 56*

*An appropriate structured record keeping system is implemented to strengthen teaching and learning and inform evaluation and review, and strategies are implemented to integrate all areas of service provision.<sup>204</sup>*

202 It is acknowledged that any initiative of this nature would need to be implemented carefully so as not to further marginalise those young people who may not achieve or engage as much as others.

203 A small number of students retain links with their 'home school' community. This is well supported by Rangeview.

204 In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department has advised that: (i) education staff have developed a new model of classroom record-keeping and rewards. Students will receive a 'report' that recognises their school achievement that they can show to unit managers and other centre staff; (ii) teachers will undergo training in YPDP, protective behaviours and PASH programs to enable them to use and support materials across programs and psychological services, manuals of programs will be available for teaching staff; and (iii) information required by teachers from other areas of the Centre will be made available to them daily, this will be followed up and assessed by the on site coordinator: Juvenile Custodial Services, Department of Justice, 'Juvenile Education Services: Rangeview Inspectorate Recommendations: Progress Report' (8 October 2004), p. 1.

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### Young people of compulsory school age

- 8.24 In 2003/2004, 51 per cent of detainees at Rangeview were of compulsory school age, that is, 15 years or younger.<sup>205</sup> Classes have a maximum of eight students, a size which supports effective teaching.
- 8.25 The curriculum taught at Rangeview is the Certificate of General Education for Adults (CGEA), an adult program that is generally taught through TAFE. The rationale for using this adult curriculum is the belief (held by Education Services) that the next significant contact juveniles are most likely to have with education outside Rangeview or Banksia Hill is some form of TAFE course. Therefore, engaging juveniles in this curriculum while on remand or in detention will arguably assist them in their transition into TAFE-based education in the future. However, there does not appear to be any evidence to support this rationale. While the CGEA program has a strong focus on literacy and numeracy, which is considered appropriate given the perceived low literacy levels of the student population,<sup>206</sup> the Inspectorate does have some concerns with the narrowness of the program and the appropriateness of an adult curriculum being taught to students of compulsory school age. Rule 38 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* states that '[j]uveniles who are illiterate or have cognitive or learning difficulties should have the right to special education'. It is unlikely that the CGEA curriculum would be regarded as special education in relation to the way it addresses the special learning needs of young people.
- 8.26 Perhaps more important than the choice of curriculum is the selection of engaging activities for students that are aimed at identified needs and build on the strengths of individuals. Students were observed working on computer software packages, however there was little evidence to support their selection and use as learning activities in the classroom. There is clearly a need for development in this area of program provision.
- 8.27 Rule 38 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* states that special attention should be given to the education of juveniles 'of foreign origin or with particular cultural or ethnic needs'. While there were some claims by staff that the educational needs of Indigenous students were accommodated including preferred learning styles, there was no substantive evidence of this. It is the view of the Inspectorate that the current educational system at Rangeview would also struggle to meet the needs of students who are not competent with English or those with particular disabilities.

205 Department of Justice Education Services, 'Detention Education: Young People at Educational Risk' (undated).

206 As stated by the Principal of Juvenile Education Services in an email to the Inspectorate (29 July 2004): 'we could certainly not be able to be exact about the percentages of young people who are illiterate at Rangeview. Teachers for young people on remand do an assessment in the classroom to determine the level of work they are capable of'. However, it has been observed by the Department of Justice Education Services that, 'Educationally, the majority of young people in detention have extremely low levels of literacy and numeracy': Department of Justice Education Services, 'Detention Education: Young People at Educational Risk' (undated).

### Young people of above compulsory school age

- 8.28 The *Convention against Discrimination in Education*, of which Australia is a signatory, prohibits the deprivation of 'any person or group of persons of access to education of any type or level'.<sup>207</sup> In addition, Rule 39 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* states that 'juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programs'. This Inspection found that opportunities were severely limited for detainees of above compulsory school age, a number that is almost half (49.1%)<sup>208</sup> of the Rangeview population. This arguably contravenes the *Convention against Discrimination in Education*.
- 8.29 While there is opportunity for these detainees to attend an unaccredited TAFE woodwork course or join a cleaning or gardening group, there were no opportunities for engagement in academic programs such as primary, secondary or tertiary education. If a post compulsory school-aged detainee requested involvement in education of this nature, he or she would only have access to a class if the numbers of compulsory school-aged detainees were low enough to produce a spare seat. Given that class numbers are restricted to eight and numbers of detainees fluctuate frequently, it is unlikely that a post compulsory school-aged detainee would be allowed to attend an academic class frequently enough for their involvement to be considered 'access to education'. The main argument surrounding the lack of options for this group appears to be based on the idea that detainees are not in the Centre very long. However, as outlined previously in this Report, this is not always the case.
- 8.30 Detainees involved in woodwork were generally positive about the classes, commenting on the good equipment, knowledgeable staff and individualised training. This attitude was reflected in the picture frames and other impressive items that were being made by the detainees. There were some aspects of this course, however, which were of concern:
- There appeared to be a lack of choice by detainees in relation to their participation in the course. Detainees stated that they were 'put into TAFE' and removed only if requested. This seems to be a reflection of the lack of options for this older group within educational services generally.
  - There is no certification for those participating in the course. While it may be argued that detainees are not at Rangeview long enough to complete the course, one must remember those who stay at the Centre for many months and who could greatly benefit vocationally by having certification of their completion of an accredited course. The Department has stated: 'It is a misnomer to discuss Accredited Training with post compulsory aged young people in detention'. This statement is based on the idea that due to low levels of literacy, numeracy, socialisation and maturity, and the therapeutic treatment needs of detainees, they cannot engage in accredited training.<sup>209</sup>

207 Article 1.

208 Percentage of detainees for the 2003/2004 period: Department of Justice Education Services, 'Detention Education: Young People at Educational Risk' (undated).

209 S. Rose, 'Juvenile Education Services General Information: Banksia Hill Education Centre, Rangeview Education Centre, Community Services' (Department of Justice, undated), p. 9.

- Woodwork may not be either an attractive nor appropriate option for some females. Rule 42 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* states ‘every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment’. While it cannot be said that females will not pursue employment in carpentry or similar professions, it is more likely that males will benefit from this vocational course, the only one offered at Rangeview. This lack of vocational options for females is further indicative of the focus of the Centre up until now and arguably is in contravention of Article 42.
- Male detainees stated that they would like vocational options other than woodwork, such as metalwork or motor mechanics. While there are obvious funding issues associated with bringing in additional skilled teachers and equipment, plus some safety issues surrounding the use of solvents for these activities, a range of options would provide detainees with variety in both activity and the development of practical skills to be continued and developed in the community on release.
- While it is acknowledged that there are many benefits in restricting the TAFE class to eight people, this also means that some post compulsory school-aged detainees may miss out on the opportunity to engage in a course and be forced to partake in the only other options for this group – cleaning or gardening.
- The constant turnover of students requires the TAFE teacher to undertake the duties of both training participants in occupational health and safety (OH&S) and monitoring project work. An additional staff member would assist greatly in allowing each instructor to concentrate on one duty, either OH&S or project work, which arguably would provide a safer and more intensely instructional class for students.

8.31 While spending long periods of time on remand may be seen as a good opportunity for older detainees to engage in formal education or an accredited course to assist them vocationally, the only provision in the current educational structure at Rangeview for this to occur is if there is a space available which a compulsory school-aged student is not filling. This arrangement is totally inadequate. It was evident from speaking with older detainees that some do want to be involved in some form of schooling. Whether it be learning to read and/or write for the first time, re--engaging in school work after a break from formal education, or undertaking studies linked to vocational skills such as horticultural studies while in the gardening group, some detainees do see custody as a time to develop their skills. It is disappointing that this group of juveniles, however small they may be, are unable to do so.

*Recommendation 57*

*Programs for post compulsory school-aged students are expanded to provide variety, choice and to accommodate the needs of both male and female detainees; and post compulsory school-aged students be able to access academic programs or support for at least a part of the week.<sup>210</sup>*

210 In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department has advised the following: (i) two days will be allocated for post compulsory school-aged students who want to access education; and (ii) allocation will be made to staff time to monitor and record the needs of post compulsory school-aged young people: Juvenile Custodial Services, Department of Justice, ‘Juvenile Education Services: Rangeview Inspectorate Recommendations: Progress Report’ (8 October 2004), p. 3.

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## PROGRAM SERVICES

8.32 The programs at Rangeview, coordinated by psychological services, are based on the following philosophy:

*Many youths at Rangeview come from broken homes and chaotic lives, having experienced abuse and neglect. Many youths display delinquent and risk taking behaviour, which jeopardises their future. Some kids may be admitted once and never again, and others return repeatedly, spending much of their adolescence in custody. Many youths face seemingly insurmountable problems. Their path to early adulthood appears vastly divergent from the path of mainstream youth. Whilst there often seems little we can do to change the adversity in the circumstances of Rangeview kids, our aim is to best prepare them with skills to deal with the challenges they face and to improve their prospects as they approach adulthood.<sup>211</sup>*

### Case management

8.33 Formal case management at Rangeview occurs when a young person is:

- on remand for more than three weeks;
- frequently placed on remand for short periods of time;
- admitted to Rangeview for the first time; or
- very young.

8.34 The aim of case management in these instances is to establish or strengthen external supports for the young person. While it would be ideal to provide case management for all young people on remand, it is understood that current resources make this difficult. As a result, it seems appropriate that those who do receive this more intensive planning are those who are remanded in custody for long periods of time (or are frequently remanded in custody) and those who are new to the system and those who are very young.

### Programs

8.35 It became apparent during this Inspection that alterations to the programs area had recently taken place, possibly to coincide with the Inspection. There also seemed to be a focus on Banksia Hill as opposed to Rangeview in the provision of programs, impacting on resources, research and evaluation of programs generally. For example, the Programs Manager had not been able to attend Rangeview on a regular basis resulting in the Centre psychologist having to assume responsibility for coordinating, developing and monitoring programs, as well as conducting detainee risk assessments.

8.36 The following programs are offered at Rangeview:

- Young Persons' Development Program (YPDP);<sup>212</sup>
- Promoting Adolescent Sexual Health (PASH);<sup>213</sup>

211 Department of Justice, 'Better Prospects for Rangeview Youth' (undated).

212 Developed and facilitated by the Department of Justice.

213 Developed and facilitated by the Family Planning Unit, with the aim of reducing unsafe sexual behaviours and encouraging healthy sexual choices. It runs over a four session program at Rangeview.

- Drug Overdose Prevention Program (DROPP);<sup>214</sup>
- Protective Behaviours;<sup>215</sup>
- Keeping Safe ;and <sup>216</sup>
- Palmerston Program.<sup>217</sup>

8.37 While fairly wide ranging, there is arguably room for a program specially run or targeted at Indigenous participants, given the high numbers of Indigenous detainees at Rangeview. The YPDP has undergone recent modifications to its content so that it now targets Aboriginal youth and ‘revolves around a storyline [that] has Aboriginal characters’;<sup>218</sup> however, arguably a specific program developed by Indigenous people for Indigenous youth (rather than one adapted) would also greatly assist young people. Any such initiative would obviously need to be carefully planned, trialled and evaluated with staff trained to facilitate it.

*Recommendation 58*

*Consideration is given to establishing a program at Rangeview that is specifically designed to meet the needs and experiences of Indigenous young people. International initiatives such as ‘The Outdoor Classroom’<sup>219</sup> should be considered when establishing such a program.*

**The Young Persons’ Development Program**

8.38 The main program offered to detainees at Rangeview is the Young Persons’ Development Program (YPDP).<sup>220</sup> Conducted as an education program rather than a group therapy program, it aims to

*introduce remandees to ideas and skills that may help them reduce risk taking behaviour and cope with the challenges they face in the community.*<sup>221</sup>

8.39 As acknowledged by the Inspector in his Exit Debrief:

*A strength is that it [YPDP] is not directed at detainees because of their status as offenders, but because of their role as young human beings needing to develop their personal coping mechanisms and social skills.*<sup>222</sup>

214 Developed and facilitated by Drug and Alcohol Office for detainees with high-end drug use and/or users of opiates. Sessions are conducted at Rangeview once per week.

215 Developed and facilitated by the Department of Justice, aimed at teaching young people skills for identifying abusive or otherwise dangerous personal situations and finding protection from such situations. This program had not commenced at the time of this Inspection.

216 Facilitated by the Hepatitis C Council, aimed at preventing the spread of communicable diseases. The program is presented as a single session for Rangeview detainees, however is currently being amended to cater for juveniles.

217 Palmerston were also providing one-to-one drug counselling, however this program has been in abeyance for the last nine months.

218 Juvenile Custodial Services, Department of Justice, ‘Programs, Services and Initiatives for Aboriginal Youth in Juvenile Custodial Services’ (March 2004).

219 Canadian program for Indigenous youth who are at risk of offending: see [www.outdoorclassroom.org/](http://www.outdoorclassroom.org/).

220 Formerly the *Young Offender Personal Development Program (YOPDP)*. The name was recently changed to remove any reference to ‘offending’ given that the participants of the program are on remand and have consequently not been convicted of any offence.

221 Department of Justice, Psychological Services & Juvenile Custodial Services, ‘YOPDP’ (5th ed., 2003).

222 Office of the Inspector of Custodial Services, ‘Rangeview Inspection Exit Debrief’ (25 June 2004), p. 9.



- 8.40 To be eligible for YPDP, a young person must:
- be at Rangeview for at least three days;
  - not have completed the program in the last 90 days; and
  - not be charged with an offence of a sexual nature.
- 8.41 YPDP is organised into short modules, which allow short-term detainees to complete parts of the program during their remand period. The modules cover stress and anger management, sadness and loss, problem solving, building friendships and refusal skills. Although not offence specific, YPDP discusses problems that may contribute to offending behaviour. This content of the program appears meaningful and is presented in a colourful, simple way using written group exercises, open discussions and role-plays. This arguably assists in retaining the attention and interest of participants and provides a range of learning styles to meet the varied needs of young people.
- 8.42 Interested group workers undertake three days training to enable them to become facilitators in YPDP. Given the often complex and demanding role of group facilitation, there is some concern that there is no ongoing or additional training apart from the initial three days. In addition to this, there appears to be little to no supervision provided to program facilitators. Formalised, regular supervision, coupled with ongoing training would provide a forum for direct feedback concerning styles and techniques of facilitation and enable group workers to develop their skills in a guided and structured way.
- 8.43 The involvement of group workers in program facilitation has benefits in that detainees know the facilitators and may have developed a rapport with them prior to their involvement in programs, assisting with trust within the group process. However, there is some concern regarding the potential conflict of roles that group workers are performing by being involved in the delivery of programs as well as carrying out their general welfare and security responsibilities. Structured supervision and ongoing training may assist in this area by supporting group workers to appropriately balance their varied roles.
- 8.44 While two group workers are generally present during the delivery of a module, it appears that one group worker leads the group while the other prepares for the following session. This is not good practice as it leaves the management of the group to one person – a task that has the potential to become extremely challenging given the nature of some of the issues being discussed in the group. It would be preferable for group workers to co-facilitate with a psychologist or an experienced facilitator to ensure that the group process is managed appropriately.
- 8.45 Facilitators reported during this Inspection that access to the YPDP Program Manual was limited and that this placed restrictions on when group workers could prepare for program sessions. Facilitators stated that they would like to be able to take a program manual home with them to be able to prepare for sessions and familiarise themselves with session content in the evenings. While this is certainly an option, it would seem more appropriate to give facilitators time during work hours to prepare for program sessions.

- 8.46 Limited discussion appears to take place between facilitators and participants on the purpose of the YPDP. During one session observed by the Inspectorate, participants stated they didn't know why they were required to be in the group, that 'we are sent to obs [the observation area] if we don't do it' and 'not asked if I want to do it'. The same participants stated they preferred the group when the psychologist facilitated, as 'she knew what she was talking about'. These comments highlight the need for education of participants regarding the purpose of the program,<sup>223</sup> as well as supervision of facilitators to ensure they are clear about the content they are presenting. Changes at this level would assist with the integrity of the program and may also benefit detainees in developing confidence in the facilitators, the program content and their role within this process.
- 8.47 The environment in which the program is facilitated appears restrictive. Participants sit behind desks in the library, providing an immediate distraction and giving a sense of a school-type environment, which does not support positive group dynamics. Alternative ways of setting up the room such as having the facilitators and participants sitting on cushions on the floor would be advantageous. Alternatively, a room specifically designed for programs would be ideal as it would not restrict other young people accessing the library during program times and would not require furniture to be moved before and after each session.
- 8.48 While it is understood that at the time of this Inspection YPDP was being evaluated, much of the emphasis seems to be on the delivery of the program at Banksia Hill. It is important that any evaluation include the experience at Rangeview also.

*Recommendation 59*

*Arrangements for the delivery of the YPDP be urgently re-examined with a view to providing proper support and supervision to facilitators and allowing sufficient time for facilitators to prepare sessions, to maximise the value of the program.<sup>224</sup>*

**Service Integration**

- 8.49 The Inspectorate recognises the potential for integration between psychological services, health services, education and group worker roles in the development of programs generally across the Centre. As noted above, current education services (including programs) operate in a compartmentalised way with little to no integration between areas. While each area within the Centre has its own specialty, it is clear that each is functioning towards a common goal. As a result, the possibility of working in a more collaborative way, across disciplines, may produce outcomes that have positive benefits for both detainees and professionals.

223 Including the process of feeding back details of detainee participation to Juvenile Justice Officers for inclusion in court reports.

224 In response to the provisional recommendations made at the Exit Debrief by the Inspector the Department has advised that: (i) a request has been submitted for an additional Programs Officer in 2005/06; and (ii) regular program meetings to be held to examine options: Juvenile Custodial Services, Department of Justice, 'Announced Inspection of Rangeview Remand Centre by the Inspector of Custodial Services: Progress Report' (8 October 2004), p. 10.

8.50 To achieve this, greater communication and information sharing across the Centre is required, as well as the development of collaborative strategies focused on educating Centre staff on the content of programs such as YPDP and linking this content with detainee behaviour outside structured sessions. Education Services have responded to a provisional recommendation in this area by stating that they plan to train all their teachers in YPDP content. This initiative is greatly encouraged, as it would enable teachers to reinforce positive behaviours learnt by detainees in their YPDP sessions. Further examples of such integration may include:

- When supervising young people, group workers ask detainees to recognise their behaviour and relate it back to YPDP content they have recently completed. For example, when a young person is verbally abusive, after they have been settled, a group worker asks, 'How does what you just did relate to what you learnt in YPDP yesterday?'
- Putting posters or banners on the walls in accommodation units promoting positive behaviours, such as the benefits of anger or stress management.
- Teaching all group workers (including those who are not program facilitators) the YPDP content so that all those directly supervising detainees are speaking in language reflective of the program. This may assist in reinforcing the content of the program throughout the Centre and help detainees make connections between their behaviour and what they are learning.

*Recommendation 60*

*Consideration is given to developing strategies to integrate the content of programs into other areas of service provision within the Centre.*

# Chapter 9

## SECURITY AND SAFETY

### 9.1 AJJA Standard 8.1 states:

*Security measures promote the safe operation of the centre and assure the orderly completion of young people's custodial terms. Unless there is proper authorisation, young people always remain within designated areas on the grounds of the centre, and access by the general public is prevented.*<sup>225</sup>

9.2 Rangeview's security system is based on a concept of external containment. This comprises an external barrier and fence of mesh and razor wire, a microwave and sentrax security system (managed and monitored by computer and CCTV) and an internal fence of mesh and cowling. This level of security, for a detention facility is considered maximum.

9.3 When the Centre was originally designed, razor wire was considered inappropriate based on a welfare philosophy of the management of young people in custody. However, when the [then] Ministry of Justice took over the management of juvenile justice and implemented a justice-based model, 'a significant security weakness was seen in the original perimeter fence brief'.<sup>226</sup> As a result, razor wire was installed in an attempt to ensure community protection.

## PHYSICAL AND PROCEDURAL SECURITY

### The control room

9.4 The Inspectorate has some serious concerns regarding both the technology and processes used to monitor the security of the Centre. For example, the computer monitoring equipment is more than ten years old and needs to be re-set each time a vehicle goes through the main gate, it is operated with a mouse which is time consuming rather than with the immediate response of touch screen technology, and the camera set up evidences some blind spots. The operation of this inefficient technology is complicated by the arduous task expected of the person managing the control room. Their monitoring role includes perimeter security, gate control, alarm management, radio management and emergency response control, telephone response during certain hours and the observation of detainees in the Multi-Purpose Unit holding cells, many of whom may be under the influence of substances or at risk of self-harm or suicide. As stated by the Inspector:

*It is also potentially unsafe for detainees, because it is physically impossible for the control room officer to watch these cells whilst concentrating on his core work in that he must have his back to them whilst looking at his control panel and video screens.*<sup>227</sup>

### Recommendation 61

*A review is conducted of the technology processes, tasks and staffing of the control room to bring it in line with contemporary standards, ensuring security, safety and efficient movement control.*<sup>228</sup>

225 Derived from Rule 84 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* and Rule 28.2 of the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*.

226 Western Australia, Parliamentary Debates, Legislative Council (17 August 1994), p. 3703.

227 Office of the Inspector of Custodial Services, 'Rangeview Inspection Exit Debrief' (25 June 2004), p. 3.

228 In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department advised of steps taken toward a detailed review of the control room: Department of Justice, 'Action List Update by Rangeview Superintendent' (received by the Inspector 19 July 2004).

- 9.5 Discussions with Rangeview staff in April 2005 indicated that a new control room will be installed in the Centre by the middle of May 2005. Training of staff in the operation of the new equipment will be provided both prior to the instalment of the equipment and before the completion of the installation. This is in an attempt to ensure all staff using the new facilities are confident in its operation, so as not to compromise the safety and security of detainees and staff.

### Population count

- 9.6 It is essential for all custodial services to conduct regular population counts of those within the facility. Rangeview is no different. During the day, there are five population counts conducted by group workers, who informally record the counts in a logbook in the accommodation units. These figures are then telephoned through to the control room where the count is confirmed with a shift manager and entered onto TOMS. The practice at night appeared somewhat concerning as there are no entries in a logbook or onto TOMS as required by Standing Order Number 15.<sup>229</sup>

#### *Recommendation 62*

*The process of population counting is reviewed and simplified with a view to establishing an efficient and well-documented procedure. All staff are trained in the new procedures.*

### Incident reporting

- 9.7 Monitoring of the Department of Justice 'situation reports' for just less than 12 months has indicated that Rangeview staff generally report all high or reportable incidents through the incident and situation report process. Evidence has shown the appropriate reporting of incidents to the IIU where necessary, indicating responsible and professional practices by senior management.

## STRATEGIES FOR MANAGING YOUNG PEOPLE

- 9.8 Rangeview staff use a variety of strategies to manage the behaviour of young people. While supervision, incentive schemes and anti-bullying strategies may be preferable forms of management, the use of force, mechanical restraints and searches is also permitted, subject to certain conditions.

### Supervision of young people

- 9.9 The management of young people at Rangeview is based on the central concept of supervision. This intensive role is primarily the responsibility of group workers; however, potentially all staff of the Centre who have direct contact with detainees hold the same responsibility. Detainees are managed on a detainee to staff ratio of 8:1. If the population goes over this figure, additional staff are brought in to manage the numbers. Without this intensive

229 Population count reported to shift manager at 9.30 p.m. on TOMS.

supervision and management, the Centre is at risk of breaching their legal duty of care towards detainees.

- 9.10 The accommodation units record all occurrences and hand over information in a logbook. This informal method of information sharing appears to work well, giving group workers a reasonable understanding of the occurrences in their units during their absence from the unit.
- 9.11 The Centre is equipped with a night cell call system, which allows detainees to call for assistance if required. There are some concerns with this set up as there does not appear to be any documentation of cell calls and calls are not audio recorded as per the adult system. In adult prisons, cell calls are recorded on a duplicated document detailing the time and nature of the call, the action taken and the officer who took the action. The crucial nature of this form of supervision may be seen by reference to an incident at Roebourne Prison where the cell call monitoring system was turned off and no documentation was made (because officers believed the prisoner in the cell was being a nuisance). The prisoner suicided during the time that the cell call monitor was turned off and the next scheduled check of the prisoner.<sup>230</sup>

*Recommendation 63*

*A documentation process is introduced as well as audio recording of all detainee calls for assistance through the night cell call system.*

**Incentive scheme**

- 9.12 AJJA Standard 7.2 states:

*The Centre's incentive scheme reinforces socially acceptable behaviours and encourages participation in programs through appropriate rewards.*<sup>231</sup>

- 9.13 The incentive system at Rangeview operates on the premise that detainees are extended privileges<sup>232</sup> on admission and that access to privileges can be suspended or withdrawn at any time by the Superintendent or a shift manager for misuse or abuse.<sup>233</sup> Discussions with staff indicated that a suspension of an incentive is generally sufficient to manage a detainee and rarely is it necessary to totally withdraw a privilege. Detainees generally agreed that the decision to suspend or withdraw privileges was in response to their good or poor behaviour in the Centre.

230 A coronial inquiry into the death was held in January 2000.

231 Derived from Rules 83 and 67 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

232 Privileges include, but are not limited to, cell television and radio, canteen items, social telephone calls, unit passive recreational equipment and facilities, unit sporting equipment, unit trampoline, swimming pool, access to basketball courts, 'gold cell' accommodation, access to oval and Centre functions and contact visits: Standing Order Number 8.

233 Standing Order Number 8.

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### Disciplinary practices and procedures

9.14 AJJA Standard 7.3 states:

*Disciplinary responses to unacceptable behaviour are in accordance with international principles, local laws, and the centre's policies and procedures, which are applied in an impartial and fair manner.*<sup>234</sup>

9.15 Unlike in the adult prison system, penalties can be applied to a young person and restitution claimed from a young person without a charge or formal hearing process. This means that any Rangeview staff member can recommend a loss of privilege in respect of a detainee, which the shift manager or Superintendent approve, as a form of penalty for unacceptable behaviour. While the lack of requirement for a formal charge or hearing is supported, the imposition of an amount for restitution seems unreasonable given that detainees are not paid gratuities for the first three days of their remand period. While it is undisputed that there is a lesson to be learnt in the payment of restitution for property damage, this must be relative to the capacity of the person to pay the penalty.

### Managing difficult behaviours program

9.16 One of the training programs offered to group workers is the 'Managing Difficult Behaviours Program'. This program

*provides the skills and knowledge for staff to manage difficult and challenging behaviours and clearly sets out the Department's expectations of staff in responding appropriately in particular circumstances.*<sup>235</sup>

9.17 The program appropriately covers a range of areas including, but not limited to, the causes of detainee behaviour, Departmental principles and policy,<sup>236</sup> relevant legislation,<sup>237</sup> communication, the individual needs of detainees, inappropriate behaviour, negotiation and conflict resolution, supervision, consequence considerations, loss of privileges, physical contact and use of force.

9.18 While ideally all group workers would be trained in this program, results of a survey of Rangeview staff indicated that staff were eager to receive more training in the management of the behaviours of young people, suggesting that either not all group workers are being trained in this area, or ongoing training in this area is lacking.

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234 Derived from Rules 1, 66, 67, 87(a), 69, 70 and 71 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

235 Department of Justice, 'Managing Difficult Behaviours Group Worker Training, Rangeview' (undated) p. 1.

236 Including the AJJA Standards, the Operational Procedures Manual for Juvenile Custodial Centres, the Juvenile Custodial Rules and Standing Orders.

237 Including the *Young Offenders Act 1994*, *Young Offenders Regulations*, and the *Occupational Health and Safety Act 1984*.



*Recommendation 64*

*All group workers receive initial and ongoing training in the Managing Difficult Behaviours Program to assist them in appropriately responding to the behaviour of young people in custody. Continual evaluation of the program is conducted to ensure it is responsive to the needs of the Centre.*

**Use of force and mechanical restraints**

9.19 AJJA Standard 7.7 states:

*Force or instruments of restraint are used on a young person only in response to an unacceptable risk of escape, immediate harm to the young person, or immediate harm to others, and are used for the shortest possible period of time, and in such a way as to avoid or minimise feelings of humiliation or degradation.<sup>238</sup>*

9.20 The policies relating to the use of physical force and mechanical restraints on young people at Rangeview are clear. In order to be authorised to use physical force on a young person, 'the detainee must be presenting a risk of physical injury to himself, other detainees or staff and it must be a time of active danger to justify the use of any form of physical force'.<sup>239</sup> In addition to this, the use of physical force is limited to the minimum force required to control the young person's behaviour.<sup>240</sup> Similarly, mechanical restraints are only authorised to be used on a young person:

- to prevent a detainee injuring himself or any other person;
- on medical grounds; or
- to prevent escape of a detainee through their movement to and from a Detention Centre or during their temporary absence from a Detention Centre.<sup>241</sup>

9.21 While the above policies appear adequate to satisfy the AJJA Standard, the practical operation of these policies is not as clear. The Inspectorate was concerned to learn from a young female detainee that handcuffs were used on her during an intimate medical consultation off-site. While the need to prevent the escape of young people during their absence from the Centre is understandable, this situation arguably 'does seem to have gone too far'<sup>242</sup> and is unlikely to 'avoid or minimise feelings of humiliation or degradation' in respect of the young person concerned.

238 Derived from Rule 64 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

239 Juvenile Custodial Services, Department of Justice, 'Juvenile Custodial Rules' (July 2000) Rule 207.

240 Ibid.

241 Ibid., Rule 208.

242 Office of the Inspector of Custodial Services, 'Rangeview Inspection Exit Debrief' (25 June 2004), p. 3.

*Recommendation 65*

*Rangeview management, the Department of Justice and AIMS (whilst it remains responsible for medical escorts of juvenile detainees and other external escorts) should review and amend their practice in relation to the use of force and mechanical restraints during escorts and appointments.<sup>243</sup>*

- 9.22 Discussions with detainees during this Inspection indicated their unhappiness about the use of force by group workers when enforcing an order on a young person. Described by detainees as ‘being dropped’, this practice appears to involve having a group worker twist a detainee’s arm behind their back, and make the detainee either bend down to the ground or walk. Young people spoke of this practice causing them pain, especially pain to the breasts of the female detainees when their bodies reached the floor. Discussions with group workers suggested that while this practice does occur, it involves a detainee being ‘put on the ground rather than ‘being dropped’. While the descriptions of this practice may be different, it seems clear that a form of physical restraint is regularly occurring at Rangeview to control the behaviour of detainees. The Inspectorate is therefore interested in the basis of this practice, the circumstances in which the practice is used, the mechanisms in place to authorise and supervise the practice and the impact of the practice on young people. It appears that the practice used is that which is taught in the Managing Difficult Behaviours Program, that the decision to physically restrain a detainee is reviewed by a shift manager, that the use of the practice is reported as an incident on the TOMS system and that the group worker involved in the practice is debriefed.
- 9.23 In relation to the impact of this practice on young people, it was obvious from speaking with detainees during this Inspection that they generally do not like ‘being dropped’ or ‘put on the ground’ and that some of them claim to suffer pain and minor injury from the practice. The Juvenile Custodial Services Rules make clear that:

*In all cases where physical force or other restraint has been used against a detainee, the detainee shall be examined by the medical staff as soon as practicable after the incident.<sup>244</sup>*

This requirement is essential to ensure the physical force used in this practice is not adversely impacting on the health of detainees. Having said this, while a nurse or doctor can readily see the physical impact (such as the existence of bruising) of the practice, the psychological impact on young people may not be as easily identified.

243 In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department has advised that: (i) Juvenile Custodial Services are now conducting all medical, funeral and court escorts in the metropolitan area; and (ii) the Director Juvenile Custodial Services is consulted for approval of ‘non-restraint’ medical escorts in specific circumstances, particularly in regard to female detainees: Juvenile Custodial Services, Department of Justice, ‘Announced Inspection of Rangeview Remand Centre by the Inspector of Custodial Services: Progress Report’ (8 October 2004), p. 3.

244 Juvenile Custodial Services, Department of Justice, ‘Juvenile Custodial Rules’ (July 2000) Rule 207.

### Anti-bullying strategies

9.24 Rangeview has an anti-bullying strategy that appears comprehensive in theory and effective in practice. The model engages perpetrators in counselling with the Centre Psychologist and may impose consequences such as loss of privilege, increased work time or segregation in the Multi-Purpose Unit.<sup>245</sup> Discussions with staff indicated both their knowledge and confidence in the anti-bullying policy and Inspections staff trust that staff responses to bullying are carried out according to Centre policy. Anti-bullying posters are visible in all the accommodation units and in the library and the orientation video also covers this issue.

## EMERGENCY MANAGEMENT

### Fire safety

9.25 AJJA Standard 8.3 states:

*Comprehensive emergency procedures have the protection of life as their first priority.*<sup>246</sup>

9.26 Discussions with staff during this Inspection indicated adequate training and supervision during emergency exercise procedures.<sup>247</sup> A fire drill conducted on 18 February 2004 was generally well-executed with some minor improvements recommended.<sup>248</sup>

9.27 The Fire and Emergency Services Association of Western Australia (FESA) and the Department conducted an audit on fire and related procedures and resources at Rangeview (and Banksia Hill) in 2004. The subsequent report published the following results:

*[T]he standards for fire awareness and procedures for both centres is generally of a very high standard. The fire detection systems throughout the centres appear adequate. Processes and procedures also meet the requirements for the relevant response to fire emergencies. Generally staff have a reasonable knowledge of these emergency procedures and with very few exceptions the first strike fire equipment such as extinguishers, fire blankets and hydrants were in good order and correctly maintained.*

There were, however, 30 recommendations made by FESA and the Department in relation to Rangeview which, when implemented, will reduce the risks associated with fires and other emergencies.

245 Rangeview Remand Centre, 'Anti-bullying Strategy' (undated), 5.3.

246 Derived from Rule 32 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.

247 Discussions with security staff, training staff and group workers.

248 These included: the time taken in obtaining a correct count had caused unnecessary delay; fire wardens be issued with high visibility vests; and instead of walking in front, the officer escorting the vehicles on site rides in or on the vehicle.

*Recommendation 66*

*Local management reassess Rangeview's fire prevention procedures and practices and the applicability of the FESA/Department of Justice review. A review is conducted of Rangeview's fire prevention, fire fighting and fire rescue needs both in terms of equipment and training, and seek the necessary resources from the Department to bring these systems up to standard.<sup>249</sup>*

**BUILDINGS AND INFRASTRUCTURE**

9.28 AJJA Standard 9.1 states:

*The centre provides a physical environment that is safe and secure and has due regard to the rehabilitative expectations of custodial care, in accordance with the recommendations of the Royal Commission into Aboriginal Deaths in Custody and the Design Guidelines for Juvenile Justice Facilities in Australia and New Zealand.<sup>250</sup>*

9.29 Since opening in 1994, the Rangeview site has undergone some structural changes to meet the needs of the Centre in the management of young people. These have included a new accommodation unit (Jeealia) and a TAFE vocational training centre (converted from the original gymnasium). The building of Jeealia Unit was in response to the increasing population within the Centre and provided an incentive style of accommodation which has proven positive for detainees spending reasonably long periods of time on remand. It has also provided a positive management tool for staff, who can now separate detainees rather than lay charges. In relation to the vocational training centre, as stated by the Inspector:

*It was sensible and necessary, we can see, to convert the previous gym into the TAFE area, but it was an elementary oversight not to provide some alternative covered outside space. This must now urgently be rectified, and so we recommend.<sup>251</sup>*

9.30 The buildings, accommodation areas and fixtures within the Centre are in a reasonable condition, given their ten-year history. They appear to be well-maintained and devoid of any significant graffiti or damage which one may expect from a facility housing juveniles. The gardens are very well kept and show the hard work performed by the full-time gardener and the detainees involved in the gardening group.

249 In response to the provisional recommendations made at the Exit Debrief by the Inspector, the Department has advised that the recommendations from the FESA/Department of Justice review have been taken on board by management and worked through in terms of priority: Juvenile Custodial Services, Department of Justice, 'Announced Inspection of Rangeview Remand Centre by the Inspector of Custodial Services: Progress Report' (8 October 2004), p. 3.

250 Derived from Rules 31, 30, 32, 33 and 34 of the *United Nations Rules on the Protection of Juveniles Deprived of their Liberty*.

251 Office of the Inspector of Custodial Services, 'Rangeview Inspection Exit Debrief' (25 June 2004), p. 5.

# Chapter 10

## RECOMMENDATIONS

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The following recommendations should be read in conjunction with the supporting text, above.

### **Staff selection and training**

1. Strategies for the recruitment of women and Indigenous professionals are reviewed, with a view to increasing the numbers of staff from these groups.
2. Staff training modules are reviewed in consultation with group workers with a view to providing a program that is responsive to staff needs and provides balanced training in security/emergency procedures and cultural/developmental areas of young people.

### **At-risk assessment**

3. Centre management provides training in assessments and suicide prevention for all staff who:  
(i) are currently engaged in the initial assessment of young people and who have not received this training; (ii) are currently engaged in the initial assessment of young people and who have received training in the past but require a refresher course; and (iii) are new staff.

### **Infrastructure and detainee supervision**

4. Consideration is given at a Departmental level to the building of an assessment area specifically designed for that purpose, when resources permit.
5. A review of rostering is undertaken particularly in regard to the workload of group workers in the evenings and on weekends when initial assessment as well as supervision duties may conflict, with a view to ensuring more adequate staff coverage during these periods.

### **Orientation process**

6. The Rangeview Orientation Video is shown routinely to all young people on admission to the Centre. Young people are encouraged to view the video again post-admission and staff facilitate this access at all times.

### **Transfers to Banksia Hill Detention Centre and adult prisons**

7. The processes surrounding the transfer of personal information from Rangeview to adult prisons are reviewed and where necessary, strategies are put in place to ensure information sharing is confidential, thorough and timely.

### **The Regional Supervised Bail Program**

8. The Department consolidates its community links with a view to reinvigorating the Regional Supervised Bail Program.

### **Inter-agency care and coordination**

9. The Memorandum of Understanding between the Department and DCD be strengthened so as to address the identified problems.

## RECOMMENDATIONS

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### **Access to legal advice and representation**

10. Rangeview management liaises strongly with legal service providers with the view to developing a program of attendance at the Centre to ensure all young people have regular access to comprehensive legal advice and representation.

### **Aboriginal Welfare Officers**

11. The Department must ensure that sufficient Departmental vehicles are made available to ensure that AWOs can meet the demand placed on them for transport services provided by them to young people and their families.
12. Education is provided through staff and detainee orientation programs on the role of the AWO with a view to ensuring that all detainees requiring welfare services have sufficient access.
13. Juvenile Custodial Services conduct a review of the resources allocated to the AWO positions at Rangeview and develop (in consultation with AWOs) a training and orientation package that includes ongoing structures for supervision and professional development.

### **Complaints system**

14. Clear and simple information is available in Perspex holders (fixed to the wall at a height accessible to all age groups) in each of the accommodation units, to assist detainees in the lodgement of written complaints through internal or external processes.
15. Rangeview management commence regular forums allowing detainees to voice their concerns and grievances. Issues raised by detainees to be recorded, considered, addressed and the detainee informed of the outcome within a reasonable period of time, taking into consideration the short term remand periods of some detainees.

### **Confidential mail**

16. The confidential yellow envelopes are redesigned to: (i) provide space for the name of a legal practitioner or MP to be inserted, to ensure that it does not require opening to determine the recipient; (ii) include the Office of the Inspector of Custodial Services and the Office of Health Review in the list of recipients; and (iii) correctly list the Corruption and Crime Commission of Western Australia in the list of recipients, replacing the Anti-Corruption Commission.
17. Juvenile Custodial Rule 605 is amended to include the Office of the Inspector of Custodial Services, the Office of Health Review and the Corruption and Crime Commission of Western Australia.
18. Education is provided to staff and detainees during their orientation periods on the purpose and processing of confidential mail.

## RECOMMENDATIONS

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### Telephone access

19. Detainees are given direct telephone access to at least the Ombudsman and the Office of Health Review to allow them to make verbal external complaints.
20. The role of the AWO is emphasised to detainees at the time of admission and during their remand period, to ensure they know who they can go to for assistance, especially in relation to telephone access to families.
21. Maintenance is urgently undertaken on the existing detainee telephone to ensure its reliability and the provision of an additional telephone is considered to alleviate some of the pressures associated with telephone access.
22. The telephone time allowance is reviewed to ensure that detainees have adequate opportunity to call family and significant others located in remote communities across the State.
23. It is communicated to detainees, during the orientation process and during their remand period, that they have a right to purchase additional telephone calls if required.
24. Group workers are trained in adding pin and phone numbers to the Centre telephone system to ensure that detainees are not restricted in their ability to contact family and significant others at times when they are distressed and vulnerable.

### Interpreter services

25. Consideration is given to engaging with community-based service providers to assist with providing interpreter services for Indigenous young people from traditional language groups, with a view to ensuring that all young people, regardless of language, are able to communicate their needs, understand information provided to them and access services.

### Constructive day

26. Centre management urgently review the constructive day program for all detainees, giving particular attention to the needs of post compulsory school-aged and female detainees.

### Recreation

27. An adequate undercover recreation area is provided to rectify the loss of the gymnasium during the redevelopment of the Centre in 2001. If there are considerable delays, a short-term stop gap measure is considered.
28. Local management, in consultation with the Recreation Officers and female detainees, develops a program of coordinated physical, passive and leisure activities for females, which is reviewed on a regular basis.
29. The Centre confirm and enhance the involvement of community groups in activities offered at Rangeview through consultation with detainees as to their recreational interests and needs.



## RECOMMENDATIONS

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### **Clothing**

30. Centre management urgently replace existing issued underwear with personalised issued items. No communal underwear is issued by the Centre and detainees are not required to purchase their own underwear while in custody.

### **Female young people on remand**

31. Centre management urgently address the following practices for female young people in the Centre: (i) the use of recycled underwear; (ii) the use of unsuitable see-through polo shirts; (iii) the absence of Centre-issued sleepwear; (iv) the restrictions placed on access to sanitary items; and (v) the absence of Centre-issued deodorant.

### **Access to culturally appropriate services**

32. Rangeview management consider introducing an Indigenous Speakers' Program into the Centre to provide young people with access to individuals who may act as role models in their engagement with the community.

### **Transportation of young people from regional Western Australia to Perth**

33. Management of Juvenile Custodial Services develops and maintains a strong working relationship with the Western Australian Police Service based on agreed protocols and practices in line with police security policies and the aims and objectives of the Department. Such an agreement is to include the transportation of young people both within the metropolitan area and from regional Western Australia to custodial facilities.

### **Personal visits**

34. Rangeview consider a trial bus service one day per week (ie. Sundays) to transport families and significant others from a central location to and from the Centre.

### **Community visits**

35. Young people are educated on the role of the AVS both during their Orientation to the Centre and throughout their period on remand. This may occur through the use of videos, posters or brochures or through more interactive means such as regular presentations by the AVS or Centre staff on the role of the service.

### **The involvement of the community with young people on remand**

36. The policy governing outside community in-reach is examined and some pilot initiatives are identified and tested in consultation with the young people at Rangeview.

### **Health care facilities**

37. Consideration is given to achieving sufficient ventilation in accommodation units (particularly in cells) to reduce the impact of extreme weather conditions on the health and wellbeing of detainees.

## RECOMMENDATIONS

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### **Health care staff**

38. Increased resources for the assessment of detainees by medical practitioners as soon as possible after admission and a review of medical officers with particular attention to the existence of skills and experience in adolescent and mental health issues.
39. The appointment of an Aboriginal Health Worker to provide health care to Indigenous young people and connect with Aboriginal community service providers and families in relation to the health and medical needs of young people in custody.

### **Assessment, treatment and referrals**

40. The Health Services Directorate conducts a review of the relationship with and referral policy to the Sexual Assault Referral Centre, with a view to establishing a process that reflects the position and needs of young people in custody, specifically in relation to issues of consent to medical care.
41. Consideration is given to the development of a relationship between Juvenile Custodial Services and Princess Margaret Hospital for Children, with a view to the provision of comprehensive, age appropriate health care across services, for the benefit of young people in custody.

### **Self-harm and mental health care**

42. A review is conducted of the mental health care provided to young people in custody, with a view to establishing a more holistic service, which aims to provide both intensive psychiatric care and more general mental health support to detainees.

### **Health promotion, prevention and education**

43. A collaborative approach to health education, promotion and prevention is developed across health services, education, programs and the daily management of young people, with a view to establishing a holistic focus within the Centre which reinforces the benefits of healthy choices and decision-making in relation to health issues.

### **Health Services Manual**

44. The development of a Health Services Manual for juvenile justice health policies that focuses on the health care needs unique to young people.

### **Medical records**

45. A review of procedures for the storage of medical records is conducted with a view to compiling historical and current records of each young person, for easier access to accurate information and comprehensive, informed patient care.

### **Drug information sessions, programs and counselling**

46. Rangeview and DROPP staff meet initially to clarify the criteria for eligibility for the program and then have regular meetings to discuss any issues arising from the detainees' involvement in the program.

## RECOMMENDATIONS

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47. An assessment is conducted as to the need for individual counselling at Rangeview and steps are taken to secure a formal contract for the provision of ongoing program services.

### **Nutrition and diet**

48. The Centre conducts an internal dietary review through consultation with young people, with a view to providing a menu responsive to:
- the nutritional requirements recommended in the 'Dietary Review of Custodial Facilities in Western Australia' and the independent 'Menu Review';
  - the special dietary needs of young people including their preferences in relation to food choice and food preparation; and
  - the cultural needs of Indigenous young people with regard to access to foods that reflect cultural and spiritual traditions (for those who choose to).

### **Food preparation**

49. Management seek expert advice regarding the practices associated with food preparation at Rangeview.
50. A method of providing fresh milk to detainees is developed to eliminate the need for plastic milk bags to be opened by detainees.

### **The purpose of education – reading and writing or something else?**

51. Education Services develop a realistic, appropriate and consistent view of the purpose of education at Rangeview. This is achieved through consideration of the past educational experiences and the future educational needs of the client population.

### **Education staff**

52. A significant increase in time is made available to teachers to allow them to collaborate with colleagues in the planning of their educational and individual programs, complete necessary record-keeping activities, deal with professional issues and engage in service review. Localised leadership is essential to support this.
53. Education staff is given increased opportunities to attend professional development activities as a group and as individuals, to bring in line with the general provisions within the teaching profession.
54. Teachers become involved in the development of program planning (both generally and for individual students), assessment, monitoring and evaluation so that it becomes part of the operational culture of education services.
55. A culture of self-assessment and review by education staff as a team is developed and encouraged.

### **Education service provision**

56. An appropriate structured record-keeping system is implemented to strengthen teaching and learning and inform evaluation and review, and strategies are implemented to integrate all areas of service provision.

### **Young People of above school age**

57. Programs for post compulsory school-aged students are expanded to provide variety, choice
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## RECOMMENDATIONS

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and to accommodate the needs of both male and female detainees; and post compulsory school-aged students be able to access academic programs or support for at least a part of the week.

### **Programs**

58. Consideration is given to establishing a program at Rangeview that is specifically designed to meet the needs and experiences of Indigenous young people. International initiatives such as 'The Outdoor Classroom' should be considered when establishing such a program.

### **The Young Persons' Development Program**

59. Arrangements for the delivery of the YPDP be urgently re-examined with a view to providing proper support and supervision to facilitators and allowing sufficient time for facilitators to prepare sessions, to maximise the value of the program.

### **Service integration**

60. Consideration is given to developing strategies to integrate the content of programs into other areas of service provision within the Centre.

### **The control room**

61. A review is conducted of the technology processes, tasks and staffing of the control room to bring it in line with contemporary standards, ensuring security, safety and efficient movement control.

### **Population count**

62. The process of population counting is reviewed and simplified with a view to establishing an efficient and well-documented procedure. All staff are trained in the new procedures.

### **Supervision of young people**

63. A documentation process is introduced as well as audio recording of all detainee calls for assistance through the night cell call system.

### **Managing Difficult Behaviours Program**

64. All group workers receive initial and ongoing training in the Managing Difficult Behaviours Program to assist them in appropriately responding to the behaviour of young people in custody. Continual evaluation of the program is conducted to ensure it is responsive to the needs of the Centre.

### **Use of force and mechanical restraints**

65. Rangeview management, the Department of Justice and AIMS (whilst it remains responsible for medical escorts of juvenile detainees and other external escorts) should review and amend their practice in relation to the use of force and mechanical restraints during escorts and appointments.

### **Fire safety**

66. Local management reassess Rangeview's fire prevention procedures and practices and the applicability of the FESA/Department of Justice Review. A review is conducted of Rangeview's fire prevention, fire fighting and fire rescue needs both in terms of equipment and training, and seek the necessary resources from the Department to bring these systems up to standard.

# Appendix 1

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>1 Staff selection and training</b> Strategies for the recruitment of women and Indigenous professionals are reviewed, with a view to increasing the numbers of staff from these groups.</p>	<p><b>Agree/Moderate</b></p> <p>Through expanded advertising opportunities in the print media and culturally focused networking and briefing sessions, female applicant numbers have remained high over the last two recruitment drives and Aboriginal group worker applications have increased, although, in this latter group, numbers are still low. Strategies to improve application numbers have been through:</p> <ul style="list-style-type: none"><li>• First aid requirement being moved to part of the Induction Course;</li><li>• Medical assessment costs being met by Department of Justice;</li><li>• Fitness testing adjusted to be more age and gender appropriate</li></ul> <p>The most recent Induction Course was gender balanced with equal numbers of men and women graduating to entry-level group workers. The need to attract greater numbers of Indigenous applicants remains high and will only be improved through securing appropriate funding to:</p> <ul style="list-style-type: none"><li>• enhance community and regional development networking opportunities</li><li>• research and develop appropriate culturally-sensitive supervisory roles within the custodial environment;</li><li>• provide culturally-specific traineeships and/or scholarships; and</li><li>• expand recruitment advertising options, such as television and radio broadcasting.</li></ul>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>2 Staff selection and training</b></p> <p>Staff training modules are reviewed in consultation with group workers with a view to providing a program that is responsive to staff needs and provides balanced training in security/emergency procedures and cultural/developmental areas of young people.</p>	<p><b>Agree/Moderate</b></p> <p>The group worker entry-level Induction Course continues to be refined through evaluation and consultation with group workers, training officers and senior management. It is intended entry-level training will move towards a fully-accredited competency based programme. Funding for a training needs analysis to fast-track this and provide a training gap analysis has been rejected in the current budget bid, but this is hoped to be realised in the next budget round.</p> <p>JCS is progressing toward all permanent staff being on-line for performance management. The current process for fixed-term contract group workers has recently been revisited and discussed at senior management level with an agreement in principal by the Director that should see all qualified and appropriately assessed fixed-term contract group workers being made permanent within 12 months of their commencement on shift. Efficient and timely performance management is a Directorate priority; it will identify both short and long-term training requirements and contribute to the Directorate's overall workforce and succession planning.</p>
<p><b>3 At-Risk assessment</b></p> <p>Centre management provides training in assessments and suicide prevention for all staff who: (i) are currently engaged in the initial assessment of young people and who have not received this training; (ii) are currently engaged in the initial assessment of young people and who have received training in the past but require a refresher course; and (iii) are new staff.</p>	<p><b>Agree/Moderate</b></p> <p>The Centre management will continue to provide at-risk assessment/suicide awareness training during induction and as a component of the training calendar.</p> <p>Furthermore, centre management, working with JCS Psychological Services, are developing a more comprehensive package. This will be delivered to all staff, starting with shift managers, unit managers and admission and discharge officers.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>4 Infrastructure and detainee supervision</b> Consideration is given at a Departmental level to the building of an assessment area specifically designed for that purpose, when resources permit.</p>	<p><b>Agree/Low</b> The assessment area was designated for this purpose with the change of focus to a residential/transitional operation following the construction of Unit 4 (Jeealia) in 2001. Consideration of a dedicated assessment area could be incorporated into the Rangeview gate-house proposal.</p>
<p><b>5 Infrastructure and detainee supervision</b> A review of rostering is undertaken particularly in regard to the workload of group workers in the evenings and on weekends when initial assessment as well as supervision duties may conflict, with a view to ensuring more adequate staff coverage during these periods.</p>	<p><b>Agree in Part/Low</b> The management of Rangeview regularly review the rosters through the roster committee. Management regularly review workload of staff and make necessary adjustments to staffing levels and roles to ensure a safe, productive and efficient work environment. The nature of our core business dictates constant vigilance and dynamic management. A pool of suitably qualified and trained casual employees is currently being addressed to assess viability. This may alleviate the need for short notice, shift specific coverage</p>
<p><b>6 Orientation process</b> The Rangeview Orientation Video is shown routinely to all young people on admission to the Centre. Young people are encouraged to view the video again post-admission and staff facilitate this access at all times.</p>	<p><b>Agree/Low</b> Detainee orientations are recorded on the TOMS system and audited daily. The orientation and reorientation of detainees occurs each morning with a designated staff member. Unit staff &amp; unit managers have access to the orientation video in units. This is regularly used as a management tool to reinforce centre expectations and the detainees understanding of what is happening while they are in Rangeview.  Rangeview are currently reviewing the orientation video for content and for relevance.</p>



## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>7 Transfers to Banksia Hill Detention Centre and adult prisons</b> The processes surrounding the transfer of personal information from Rangeview to adult prisons are reviewed and where necessary, strategies are put in place to ensure information sharing is confidential, thorough and timely.</p>	<p><b>Agree/High</b> Rangeview and Banksia Hill have reviewed detainee transfer procedures between centres and the transfer of personal information regarding detainees. Rangeview have written protocols to ensure information relevant to the management of ex-detainees is readily available to prisons on request. These protocols include phone and fax contact instigated by the relevant prison. A pro-forma is completed and faxed to the prison within an agreed time frame.</p> <p>Prison transfers, via JCS submission through the courts, provide a far more systematic process and preliminary management of information.</p>
<p><b>8 The Regional Supervised Bail Program</b> The Department consolidates its community links with a view to reinvigorating the Regional Supervised Bail Program.</p>	<p><b>Agree/Moderate</b> There is an ongoing commitment to explore and to implement regional supervised bail options throughout the State. This will include setting up support networks for families, communities and setting up specific Supervised bail facilities in partnership with identified communities.</p>
<p><b>9 Inter-agency care and coordination</b> The Memorandum of Understanding between the Department and DCD be strengthened so as to address the identified problems.</p>	<p><b>Agree/Moderate</b> Dialogue has commenced between DCD and Director JCS. Correspondence being prepared by DCD to Director General Department of Justice.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

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<b>Recommendations</b>	<b>DOJ Response/Risk Rating</b>
<p><b>10 Access to legal advice and representation</b> Rangeview management liaises strongly with legal service providers with the view to developing a program of attendance at the Centre to ensure all young people have regular access to comprehensive legal advice and representation.</p>	<p><b>Agree in Part/Low</b> The Rangeview Liaison Unit liaise with relevant legal service providers on a daily basis. The purpose of this liaison is to ensure legal services are aware of admissions, to advocate on behalf of detainees with regard to legal issues and to clarify detainees' status. The liaison unit, as a component of case planning regularly advocate with legal representatives on behalf of detainees for early listing and for bail variations. Legal representatives are aware and are encouraged to attend the centre and/or to make phone contact. Rangeview management will always accommodate detainees' access to legal advice and representation.</p>
<p><b>11 Aboriginal Welfare Officers</b> The Department must ensure that sufficient Departmental vehicles are made available to ensure that AWOs can meet the demand placed on them for transport services provided by them to young people and their families.</p>	<p><b>Agree/Moderate</b> There is no expectation that Aboriginal Welfare Officers use their own vehicles; there are vehicles made available through the liaison unit for AWOs to use. On rare occasions AWOs have chosen to use their own vehicles to drop off documents on their way home. This practice is not encouraged. AWOs do not transport clients of JCS in their private cars, this is because the road-worthiness of individuals' cars have not been tested and there are other forms of transport available.</p>

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## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>12 Aboriginal Welfare Officers</b> Education is provided through staff and detainee orientation programs on the role of the AWO with a view to ensuring that all detainees requiring welfare services have sufficient access.</p>	<p><b>Agree/Low</b> All staff are informed of the role and functions of AWOs during their induction. Further to this all staff are expected to develop functional relationships with the AWOs to ensure detainees' wellbeing and culturally secure mechanisms of service delivery. All detainees are orientated as to the role of the AWOs and other support mechanisms. To reinforce this relationship, The training officer at Rangeview has included provision for AWOs to meet with staff during the allocated training periods to discuss issues, concerns and developments.</p>
<p><b>13 Aboriginal Welfare Officers</b> Juvenile Custodial Services conduct a review of the resources allocated to the AWO positions at Rangeview and develop (in consultation with AWOs) a training and orientation package that includes ongoing structures for supervision and professional development.</p>	<p><b>Agree in Part/Low</b> The AWOs at Rangeview have a clearly defined job description (JDF) which outlines structures for supervision. The AWOs participate in structured Performance management appraisals. This process identifies training needs and developmental issues that require resources. The Aboriginal Welfare Officers receive day-to-day supervision and support with their line manager. The need for an orientation package for new people coming into this position has been identified and will be initiated</p>
<p><b>14 Complaints system</b> Clear and simple information is available in Perspex holders (fixed to the wall at a height accessible to all age groups) in each of the accommodation units, to assist detainees in the lodgement of written complaints through internal or external processes.</p>	<p><b>Agree/Low</b> All detainees have access to this information as requested</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

<b>Recommendations</b>	<b>DOJ Response/Risk Rating</b>
<p><b>15 Complaints system</b></p> <p>Rangeview management commence regular forums allowing detainees to voice their concerns and grievances. Issues raised by detainees to be recorded, considered, addressed and the detainees informed of the outcome within a reasonable period of time, taking into consideration the short term remand periods of some detainees.</p>	<p><b>Agree/Moderate</b></p> <p>The Assistant Superintendent will facilitate this group on a weekly basis. Participants will be encouraged to work with Rangeview management staff and detainees to ensure the centre is a safe, secure and supportive environment for all detainees and for all staff. Participants will have the scope and support to prepare verbal and/or written feedback with regard to what is happening in Rangeview, future developments, and to address any concerns or issues as they arise.</p>
<p><b>16 Confidential mail</b></p> <p>The confidential yellow envelopes are redesigned to: (i) provide space for the name of a legal practitioner or MP to be inserted, to ensure that it does not require opening to determine the recipient; (ii) include the Office of the Inspector of Custodial Services and the Office of Health Review in the list of recipients; and (iii) correctly list the Corruption and Crime Commission of Western Australia in the list of recipients, replacing the Anti-Corruption Commission.</p>	<p><b>Agree/Moderate</b></p> <p>New envelopes have been ordered to incorporate the requested inclusions</p>
<p><b>17 Confidential mail</b></p> <p>Juvenile Custodial Rule 605 is amended to include the Office of the Inspector of Custodial Services, the Office of Health Review and the Corruption and Crime Commission of Western Australia.</p>	<p><b>Agree/Moderate</b></p> <p>The Juvenile Custodial Rules are currently being reviewed. This recommendation has been forwarded for inclusion with the Director of Juvenile Custodial Services' CS endorsement</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>18 Confidential mail</b> Education is provided to staff and detainees during their orientation periods on the purpose and processing of confidential mail.</p>	<p><b>Agree/Low</b> The first operation module in the entry-level group worker Induction Course is on 'Confidentiality'. As part of this module, students are instructed on Juvenile Custodial Rule Nos: 605 "Special Communications" and 603 "Mail written by or addressed to detainees".</p> <p>All staff and detainees will be orientated with regard to the purpose and processing of confidential mail. This process will be reinforced formally and informally through training, supervision and detainee/staff interaction.</p>
<p><b>19 Telephone access</b> Detainees are given direct telephone access to at least the Ombudsman and the Office of Health Review to allow them to make verbal external complaints.</p>	<p><b>Agree/Moderate</b> This feature has been added to the detainee phone system</p>
<p><b>20 Telephone access</b> The role of the AWO is emphasised to detainees at the time of admission and during their remand period, to ensure they know who they can go to for assistance, especially in relation to telephone access to families.</p>	<p><b>Agree/Moderate</b> The importance of family contact and involvement is reinforced on admission, during orientation and throughout a young persons stay at Rangeview. The Aboriginal Welfare Officers review detainee phone records to ensure detainees are in contact with their families. The Family Liaison Unit work with the detainees, and community resources to facilitate family contact and input in the event that either the detainee phone system is unsuitable and/or circumstances dictate longer timeframes, a more private environment for a call of the support of a staff member during a call.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>21 Telephone access</b></p> <p>Maintenance is urgently undertaken on the existing detainee telephone to ensure its reliability and the provision of an additional telephone is considered to alleviate some of the pressures associated with telephone access.</p>	<p><b>Agree/Moderate</b></p> <p>The detainee telephone system has been upgraded to ensure reliability. Detainees currently have access to twelve specified detainee phones in all unit wings and outside the education building and the Jeealia living areas. The possibility of a second phone in the education area will be investigated.</p>
<p><b>22 Telephone access</b></p> <p>The telephone time allowance is reviewed to ensure that detainees have adequate opportunity to call family and significant others located in remote communities across the State.</p>	<p><b>Disagree/NA</b></p> <p>The importance of family contact and involvement is reinforced on admission, during orientation and throughout a young persons stay at Rangeview. The Aboriginal Welfare Officers review detainee phone records to ensure detainees are in contact with their families. The Family Liaison Unit work with the detainees, and community resources to facilitate family contact and input in the event that either the detainee phone system is unsuitable and/or circumstances dictate longer timeframes, a more private environment for a call of the support of a staff member during a call.</p>
<p><b>23 Telephone access</b></p> <p>It is communicated to detainees, both in the orientation process and during their remand period, that they have a right to purchase additional telephone calls if required.</p>	<p><b>Agree/Low</b></p> <p>The opportunity to purchase phone calls is reinforced at orientation and when young people attend canteen. Detainees have designed posters for display in the canteen to draw attention to this right.</p>
<p><b>24 Telephone access</b></p> <p>Group workers are trained in adding pin and phone numbers to the Centre telephone system to ensure that detainees are not restricted in their ability to contact family and significant others at times when they are distressed and vulnerable.</p>	<p><b>Disagree/NA</b></p> <p>The unit managers process phone call applications, approve phone calls and placed the calls on the system. This task is prioritised, the system in place dictates all requested numbers be approved by the detainee's parent or care giver. Any delays in gaining permission are referred to the Family Liaison Unit to ensure contact is made with available family members.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>25 Interpreter services</b></p> <p>Consideration is given to engaging with community-based service providers to assist with providing interpreter services for Indigenous young people from traditional language groups, with a view to ensuring that all young people, regardless of language, are able to communicate their needs, understand information provided to them and access services.</p>	<p><b>Agree/Low</b></p> <p>Rangeview actively work to ensure that the needs of all detainees are suitably met. On occasion, utilising the valuable services of the Aboriginal Visitors' Scheme, Rangeview have facilitated visits, telephone calls and video link-ups, from relevant community members to ensure particular detainees are being appropriately supported. The engagement of interpreter services for Aboriginal people is extremely difficult as such services are only available in the Kimberley. In practice we continue to rely on the AVS who have good knowledge of who is in Perth from the region and attempt to arrange a visit. It is rare but has been effective.</p>
<p><b>26 Constructive Day</b></p> <p>Centre management urgently review the constructive day program for all detainees, giving particular attention to the needs of post compulsory school-aged and female detainees.</p>	<p><b>Agree/Moderate</b></p> <p>A tender was advertised in March 2004 to invite submissions from external agencies/companies/individuals for the provision of rehabilitative and personal development programs for young people in the two juvenile custodial centres. The tender is still in process but on completion contracts will be negotiated for the provision of services to address the needs of young people in the juvenile custodial centres with the aim of providing more fulfilling and constructive day programs for all detainees. Community links are currently being made with Indigenous and non-Indigenous groups and role models to assess the availability and accessibility of other services and programs to meet the needs of young people in Rangeview.</p> <p>Following the completion of the tender other agencies/companies/individuals and community groups which did not submit for the tender will be invited to provide programs and services including recreational activities for young people at Rangeview. Community links are already being generated to foster relationships, which may</p>



## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

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<b>Recommendations</b>	<b>DOJ Response/Risk Rating</b>
	benefit the young people in Rangeview. The Coordinator Centre Activities and Re-entry Programs will survey young people at Rangeview to determine their recreational interests and needs.
<b>27 Recreation</b> An adequate undercover recreation area is provided to rectify the loss of the gymnasium during the redevelopment of the Centre in 2001. If there are considerable delays, a short term stop gap measure is considered.	<b>Agree/Moderate</b> A proposal and costing has been developed and put forward for consideration and possible funding in the 2005/2006 budget.
<b>28 Recreation</b> Local management, in consultation with the Recreation Officers and female detainees, develops a program of coordinated physical, passive and leisure activities for females, which is reviewed on a regular basis.	<b>Agree/Moderate</b> Recreational officers have been engaged to develop and to deliver gender-specific recreational activities for young women. This has been done with ongoing consultation and input from the young women in custody.
<b>29 Recreation</b> The Centre confirm and enhance the involvement of community groups in activities offered at Rangeview through consultation with detainees as to their recreational interests and needs.	<b>Agree/Moderate</b> Rangeview will continue to actively encourage the involvement of community groups. The acceptance of groups will continue to be based on benefit to the detainee group whilst respecting their rights to confidentiality and anonymity.

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## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>30 Clothing</b> Centre management urgently replace existing issued underwear with personalised issued items. No communal underwear is issued by the Centre and detainees are not required to purchase their own underwear while in custody.</p>	<p><b>Agree in Part/Moderate</b> Female detainees are issued with new underwear on admission. Detainees are supplied with their own laundry bag for washing of their underwear. Soaking/disinfectant agent is also supplied. There is <b>NO RECYCLING</b> of female underwear at Rangeview. The issued items of underwear remain the property of the detainees on discharge. Based on the 402 female admissions to Rangeview in 2003/2004 the supply of female underwear will cost Rangeview an additional \$10,050 per annum. Male detainees are issued with freshly laundered underwear daily.</p>
<p><b>31 Female young people on remand</b> Centre management urgently address the following practices for female young people in the Centre: (i) the use of recycled underwear; (ii) the use of unsuitable see-through polo shirts; (iii) the absence of Centre-issued sleepwear; (iv) the restrictions placed on access to sanitary items; and (v) the absence of Centre-issued deodorant.</p>	<p><b>Agreed/Moderate</b> All female polo shirts have been replaced with non-see-through fabric. Light cotton and silk pyjamas are available for female detainees to wear if they wish. All detainees are issued with deodorant on admission. Sanitary items are freely available in the female unit when required.</p>
<p><b>32 Access to culturally appropriate services</b> Rangeview management consider introducing an Indigenous Speakers' Program into the Centre to provide young people with access to individuals who may act as role models in their engagement with the community.</p>	<p><b>Agree/Moderate</b> Rangeview has had indigenous speakers attend the centre on a number of occasions and will continue, through the Programs Unit to focus on this avenue despite limited availability and considerable cost.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>33 Transportation of young people from regional Western Australia to Perth</b> Management of Juvenile Custodial Services develops and maintains a strong working relationship with the Western Australian Police Service based on agreed protocols and practices in line with police security policies and the aims and objectives of the Department. Such an agreement is to include the transportation of young people both within the metropolitan area and from regional Western Australia to custodial facilities.</p>	<p><b>Noted/NA</b> Rangeview have a sound, functional relationship with the Western Australian Police Service. The policies and practices of the Police Service with regard to the transportation of juveniles is within their jurisdiction and subject to their checks and balances. There is provision for input and comment with regard to issues around transportation as concerns arise.</p>
<p><b>34 Personal visits</b> Rangeview consider a trial bus service one day per week (ie. Sundays) to transport families and significant others from a central location to and from the Centre.</p>	<p><b>Disagree/NA</b> Rangeview facilitate visits as required, on a needs basis. There is access to public transport which stops on Murdoch drive directly in front of the Centre. The number of visitors to a juvenile remand centre is varied but in general very limited with often very few families visiting at any one time. Individual needs are considered and taxi vouchers are provided in approved circumstances.</p>
<p><b>35 Community visits</b> Young people are educated on the role of the AVS during their Orientation to the Centre and throughout their period on remand. This may occur through the use of a videos, posters or brochures or through more interactive means such as regular presentations by the AVS or Centre staff on the role of the service.</p>	<p><b>Agree/Low</b> This information is available in the orientation video and discussed with individuals during the orientation process.  This recommendation has been forwarded to the coordinator of the AVS for implementation.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>36 The involvement of the community with young people on remand</b> The policy governing outside community in-reach is examined and some pilot initiatives are identified and tested in consultation with the young people at Rangeview.</p>	<p><b>Disagree/Low</b> No policy exists which needs to be examined. Rangeview has always had a strong commitment to promote and utilise community in-reach programs and in the past many initiatives have been piloted. It is standard practice to utilise community in-reach programs when they are deemed to provide for the needs of the young people in Rangeview whilst considering the importance of maintaining the confidentiality of the young people within the Centre.</p> <p>Rangeview have chosen not to actively encourage the involvement of community groups. The rationale for this is to protect detainees from being identified and/or labelled as offenders that require some reintegration with the community.</p>
<p><b>37 Health care facilities</b> Consideration is given to achieving sufficient ventilation in accommodation units (particularly in cells) to reduce the impact of extreme weather conditions on the health and well-being of detainees.</p>	<p><b>Noted/NA</b> The ventilation units in all areas are serviced according to the manufacturer's recommendations. This includes testing the air flow in designated areas and cells to ensure sufficient ventilation.</p>
<p><b>38 Health care staff</b> Increased resources for the assessment of detainees by medical practitioners as soon as possible after admission and a review of medical officers with particular attention to the existence of skills and experience in adolescent and mental health issues.</p>	<p><b>Agree/Moderate</b> Any and all young people who require medical intervention are treated according to their needs. Forward planning will enable the provision of an additional structured doctors list once a week. The Nurse Manager is currently researching available and applicable training for medical officers in areas of mental health and adolescent health issues.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>39 Health care staff</b></p> <p>The appointment of an Aboriginal Health Worker to provide health care to Indigenous young people and connect with Aboriginal community service providers and families in relation to the health and medical needs of young people in custody.</p>	<p><b>Agree/Moderate</b></p> <p>Recent appointment of an Aboriginal Registered Nurse compliments the medical centres service provision.</p> <p>The Department's Health Services have submitted funding proposals for the provision of Aboriginal Health Workers to all prisons and detention centres. While strongly supported by the Department these proposals have not been approved by the Department of Treasury and Finance. They will be resubmitted for consideration for FY 06/07.</p>
<p><b>40 Assessment, treatment and referrals</b></p> <p>The Health Services Directorate conducts a review of the relationship with and referral policy to the Sexual Assault Referral Centre, with a view to establishing a process that reflects the position and needs of young people in custody, specifically in relation to issues of consent to medical care.</p>	<p><b>Agree/Moderate</b></p> <p>The Health Services Directorate has been establishing service relationship with the Department of Health and its agencies over the past two years. This has been achieved by way of Service Level Agreements. Due to resource constraints, Service Level agreements with particular agencies are being phased in based on priority, need and availability of the service to be provided.</p>
<p><b>41 Assessment, treatment and referrals</b></p> <p>Consideration is given to the development of a relationship between Juvenile Custodial Services and Princess Margaret Hospital for Children, with a view to the provision of comprehensive, age appropriate health care across services, for the benefit of young people in custody.</p>	<p><b>Agree/Low</b></p> <p>The Health Services Directorate has been establishing service relationship with the Department of Health and its agencies over the past two years. This has been achieved by way of Service Level Agreements. Due to resource constraints, Service Level agreements with particular agencies will be phased in based on priority, need and availability of the service.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p data-bbox="228 488 675 521"><b>42 Self-harm and mental health care</b></p> <p data-bbox="264 544 778 768">A review is conducted of the mental health care provided to young people in custody, with a view to establishing a more holistic service, which aims to provide both intensive psychiatric care and more general mental health support to detainees.</p>	<p data-bbox="834 488 1166 521"><b>Agree in Part/Moderate</b></p> <p data-bbox="834 521 1361 1559">At Rangeview we currently have 24 hour nurse coverage, masters trained psychologists, a contracted child and adolescent psychiatrist, a GP and other staff trained in the assessment and care of young people presenting with mental health issues. Rangeview staff are committed to providing information to the mental health professionals and general practitioners involved with the young people admitted and on their release from Rangeview to ensure their continuity of care. When required Rangeview is able to transfer acutely mentally ill young people to the appropriate hospitals for inpatient care. When a young person is released from Rangeview ongoing mental health support is offered and available via the Department's masters trained psychologists, Juvenile Justice Officers and other staff. The Rangeview contracted consultant child and adolescent psychiatrist also makes referrals for a young person if they require follow-up assistance following their release. These referrals are typically made to the most appropriate child and adolescent clinics or to the PMH Adolescent Unit. It is recognised that there is a general lack of resources in the mental health area and JCS accesses all available resources possible.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

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Recommendations	DOJ Response/Risk Rating
<p><b>43 Health promotion, prevention and education</b> A collaborative approach to health education, promotion and prevention is developed across health services, education, programs and the daily management of young people, with a view to establishing a holistic focus within the Centre which reinforces the benefits of healthy choices and decision-making in relation to health issues.</p>	<p><b>Agree/Moderate</b> Many of the programs provided to young people in the centres are provided by external service providers deemed to be the experts in their particular area (e.g., Family Planning WA, the WA AIDS Council, Palmerston Inc, Mission Australia, Drug and Alcohol Office, etc). All programs provided to young people at Rangeview must be reviewed, commented on and endorsed by the Juvenile Custodial Services Programs Committee, which meets on a monthly basis. This committee includes the Assistant Superintendents, Manager Case Planning, Manager Programs, Principal Clinical Psychologist, Principal Education Services, Rangeview psychologist, Manager Supervised Bail Program and Manager Young Offender Development. JCS Health Services have not been represented on this committee as in the past their level of resourcing has precluded them from attendance. Due to the current recommendation, an invitation will be extended to the Clinical Nurse Manager JCS for representation on the committee. If Health Services are unable to provide representation on the committee then when new programs are reviewed by the committee the Clinical Nurse Manager JCS will be provided with the opportunity to review, comment on and endorse any new programs.</p>
<p><b>44 Health Services Manual</b> The development of a Health Services Manual for juvenile justice health policies that focuses on the health care needs unique to young people.</p>	<p><b>Agreed/Moderate</b> Plans are underway to formulate this. A juvenile policy manual is on Justnet.  Juvenile Policy &amp; Procedures Manual – 1.1 Admission and Transfer of Offenders.</p>

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## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

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<b>Recommendations</b>	<b>DOJ Response/Risk Rating</b>
<p><b>45 Medical records</b> A review of procedures for the storage of medical records is conducted with a view to compiling historical and current records of each young person, for easier access to accurate information and comprehensive, informed patient care.</p>	<p><b>Agree/Moderate</b> This process is now being implemented. Eventually all prisoner and detainee medical records will be stored electronically and therefore be more accessible. The procurement of an electronic health information system is in process. In addition, existing medical records are being scanned and stored onto the TRIM system. This process will take some time.</p>
<p><b>46 Drug information sessions, programs and counselling</b> Rangeview and DROPP staff meet initially to clarify the criteria for eligibility for the program and then have regular meetings to discuss any issues arising from the detainees' involvement in the program.</p>	<p><b>Agree/Low</b> In the past, discussions were held between the Rangeview A/Superintendent and a DROPP representative who stated that it was appropriate for young people in Rangeview to repeatedly participate in DROPP as this would strengthen and reinforce their learning. Generally, young people are not re-referred to a program until a minimum of 90 days has passed since they last completed the program. Referral processes are currently being refined at Rangeview for all programs and processes are in place for regular feedback to be obtained.</p> <p>The process of allocation has been linked to existing mechanisms of case management. Rangeview staff have determined the eligibility and meet regularly with DROPP staff to address any concerns issues or changes to eligibility.</p>

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## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>47 Drug information sessions, programs and counselling</b> An assessment is conducted as to the need for individual counselling at Rangeview and steps are taken to secure a formal contract for the provision of ongoing program services.</p>	<p><b>Agree/Moderate</b> Individual drug and alcohol assessment and counselling is provided by Mission Australia (YIRRA) on a weekly basis. Young people are assessed as to their needs with determinations made regarding the young person's suitability for the YIRRA residential program, individual counselling whilst at Rangeview and/or follow-up appointments in the community. At the time of the inspection, this service was not being provided to Rangeview as Mission Australia experienced difficulty employing staff following the unexpected resignation of a staff member. Attempts by the Manager Programs to have another agency complete short-term individual drug and alcohol assessment and counselling at Rangeview in the absence of Mission Australia were unsuccessful. This situation has been rectified as Mission Australia are again providing individual drug and alcohol assessment and counselling services to Rangeview on a weekly basis. Palmerston Inc has been providing group-based drug and alcohol education programs for some time and was doing so at the time of the inspection of Rangeview. Palmerston Inc facilitates a three-hour group on a weekly basis and this is ongoing. The Drug and Alcohol Office facilitate the Drug Overdose Prevention Program (DROPP) a 1.5 hour group session on a weekly basis and this is ongoing. A tender was advertised in March 2004 to invite submissions from external agencies/companies/individuals for the provision of rehabilitative and personal development programs for young people in the two juvenile custodial centres including drug and alcohol counselling. The tender is still in process but on completion contracts will be negotiated for the provision of services to address the drug and alcohol assessment and counselling needs of young people in the juvenile custodial centres.</p>

Recommendations	DOJ Response/Risk Rating
<p><b>48 Nutrition and Diet</b></p> <p>The Centre conducts an internal dietary review through consultation with young people, with a view to providing a menu responsive to:</p> <ul style="list-style-type: none"> <li>- the nutritional requirements recommended in the 'Dietary Review of Custodial Facilities in Western Australia' and the independent 'Menu Review';</li> <li>- the special dietary needs of young people including their preferences in relation to food choice and food preparation; and</li> <li>- the cultural needs of Indigenous young people with regard to access to foods that reflect cultural and spiritual traditions (for those who choose to).</li> </ul>	<p>A counsellor from the YIRRA program attends Rangeview on a weekly basis for individual counselling sessions with detainees, this program is ongoing.. Staff and counsellors from other agencies attend Rangeview on request for individual counselling and assessment of detainees.</p> <p><b>Agree/Moderate</b></p> <p>An Accredited Practicing Dietician was engaged to review meal construction versus nutritional requirements for young people. The recommendations have been put into place.</p> <ul style="list-style-type: none"> <li>• Low-fat yoghurts and 'dairy desserts are now provided for all detainees on weekends as a treat.</li> <li>• Salad boxes and pita rolls are now part of Rangeview's lunchtime menu.</li> <li>• Rangeview's evening meal menu has been modified to cater for the over supplies from the meat group being replaced with fish, chicken and pasta dishes – red meat only being served three times per week.</li> <li>• Culturally appropriate food – this is an extremely difficult issue to find a balance on. Although a large percentage of young offenders are Aboriginal there are very few who actually prefer traditional food. It is interesting to note that even on days such as NAIDOC when traditional food is available it is only the older relatives of detainees and people trying the food as a novelty, rarely the detainees themselves. We would of course provide traditional food to any Aboriginal detainees if appropriate in the same way that we would provide for the particular needs of Muslim or similar cultures.</li> <li>• Comprehensive dietary review available on request.</li> </ul>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>49 Food preparation</b> Management seek expert advice regarding the practices associated with food preparation at Rangeview.</p>	<p><b>Agree/Moderate</b> Rangeview is Food Safe approved and kitchen staff follow the procedures recommended.  Meals are prepared and placed in hot boxes for no longer than ten minutes prior to pick up by Recovery for delivery to units.</p>
<p><b>50 Food preparation</b> A method of providing fresh milk to detainees is developed to eliminate the need for plastic milk bags to be opened by detainees.</p>	<p><b>Agree/Moderate</b> All unit staff have scissors available to facilitate the opening of the plastic milk bags.</p>
<p><b>51 The purpose of education - reading and writing or something else?</b> Education Services develop a realistic, appropriate and consistent view of the purpose of education at Rangeview. This is achieved through consideration of the past educational experiences and the future educational needs of the client population.</p>	<p><b>Agree/Low</b> The program at Rangeview is one that includes art activities, technology activities and other educational activities according to need. All of these programs encourage and support skills of social interaction. Almost all compulsory school-aged young people who are engaged in school or return to school from detention return to a formal education program in the Department of Education.  Reading and writing and other educational activities are a vehicle of engagement.  The following is the statement of purpose for Rangeview education:</p> <ul style="list-style-type: none"><li>• Appropriate interpersonal skills necessary to healthy relationships and a healthy lifestyle:</li><li>• Practise socially acceptable skills and respond appropriately when interacting with familiar people.</li><li>• Practise basic communication and cooperation skills.</li><li>• Practise using communication and cooperation skills to achieve basic needs.</li></ul>

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
	<ul style="list-style-type: none"> <li>• Practise communication and cooperation skills that contribute to group interpersonal and group interaction.</li> <li>• Practise communication and cooperation skills to actively participate in making and evaluating interpersonal and group decisions to achieve goals.</li> </ul> <p><b>Teachers provide:</b></p> <ul style="list-style-type: none"> <li>• Literacy, numeracy and subject work according to student levels of ability.</li> <li>• High interest schoolwork.</li> <li>• Culturally and developmentally appropriate classroom work.</li> <li>• Opportunities to explore art, cooking, computing and other subject areas.</li> </ul> <p>Formal consultation with the Department of Education (Canning District Office) on Rangeview programs to occur in Term 3, 2005.</p>
<p><b>52 Education staff</b></p> <p>A significant increase in time is made available to teachers to allow them to collaborate with colleagues in the planning of their educational and individual programs, complete necessary record-keeping activities, deal with professional issues and engage in service review. Localised leadership is essential to support this.</p>	<p><b>Agree/Low</b></p> <p>Teachers in the Centre are given the same Duties Other Than Teaching Time (DOTT) as a secondary teacher in the Department of Education. Secondary DOTT time is 320 minutes per week. (A primary teacher is given 200 minutes a week in the Department of Education.) Teachers in the detention centres undertake many of the same duties as teachers in the Department of Education except detention centre teachers have no duty of care responsibility during lunchtime and recess, as would a teacher in a high school or primary school. Teachers in the Department of Justice also do not have the marking load of a secondary teacher. Teachers in Justice are not required to do any internal relief that may impact on their DOTT time as in schools.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

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Recommendations	DOJ Response/Risk Rating
<p><b>53 Education staff</b> Education staff are given increased opportunities to attend professional development activities as a group and as individuals, to bring in line with the general provisions within the teaching profession.</p>	<p>Time has been allocated for one of the teachers to support professional educational activities, manage record keeping, interview post compulsory young people and manage statistical information at Rangeview. Teachers at Rangeview have chosen a shared leadership model with administration time.</p> <p><b>Agree/Low</b> Four days of whole staff professional development have been allocated in 2005 (being two days in February and two days in June). Staff are encouraged and funded to attend professional development that is relevant to their teaching position. Professional development is and always has been well supported by Education Services. All teachers' requests are approved unless the development is a personal development that does not contribute in any personal or professional way to the teaching role. There is a substantial budget allocated for professional development, which has been used to develop teachers each year. The professional development that teachers at Rangeview access is Education Department sanctioned professional development. Education Services is now able to access professional development opportunities through the Cannington District Office as Juvenile Education Services is now included in the District.</p>
<p><b>54 Education staff</b> Teachers become involved in the development of program planning (both generally and for individual students), assessment, monitoring and evaluation so that it becomes part of the operational culture of education services.</p>	<p><b>Agree/Low</b> Education Services has a representative on the Programs Committee at Rangeview that ensures that education is involved in programs in the Centre. Literature, curriculum and access to professional development on programs are accessible to teaching staff so that the program content can be supported in the classrooms.</p>

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## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>55 Education staff</b> A culture of self-assessment and review by education staff as a team is developed and encouraged.</p>	<p><b>Agree/Low</b> Teachers at Rangeview are being in serviced in the Department of Education model of competency frameworks for teachers and self-assessment and review. This is part of regular education meetings at Rangeview with the education staff. The teachers in the Centre are developing a model for self-assessment and review.</p>
<p><b>56 Education service provision</b> An appropriate structured record-keeping system is implemented to strengthen teaching and learning and inform evaluation and review, and strategies are implemented to integrate all areas of service provision.</p>	<p><b>Agree/Low</b> A more through system of structured record-keeping has been implemented at Rangeview as a result of the Inspectorate's recommendation. Teachers have cooperatively worked to develop a model that will meet the needs of young people in the school at Rangeview.</p>
<p><b>57 Young People of above school age</b> Programs for post compulsory school-aged students are expanded to provide variety, choice and to accommodate the needs of both male and female detainees; and post compulsory school-aged students be able to access academic programs or support for at least a part of the week.</p>	<p><b>Agree/Low</b> The administration teacher at Rangeview has interviewed young people of post compulsory school age in the Centre during the 2005 school year. Most young people who are of post compulsory school age do not feel ready to engage in formal academic programs until their sentence is finalised. Most are emotionally unprepared to engage in academic programs. Post compulsory young people opt for Art and Computing, which is provided for them up to four times a week depending on numbers in the Centre.</p> <p>Many of the young people in detention have never been in a workshop situation and must learn basic skills before attending an accredited training course. There must be certain levels of competence met before undergoing post compulsory accredited training in any RTO or school. Year 11 accredited training in a school requires a young person to have completed year 10 at an appropriate level. It is not automatic that accreditation is available if a young person cannot meet the requirement of the training.</p>



Recommendations	DOJ Response/Risk Rating
<p><b>58 Programs</b></p> <p>Consideration is given to establishing a program at Rangeview that is specifically designed to meet the needs and experiences of Indigenous young people. International initiatives such as 'The Outdoor Classroom' should be considered when establishing such a program.</p>	<p><b>Agree in Part/Moderate</b></p> <p>The Young Offender Personal Development Program (YOPDP) was developed by Psychological Services staff in conjunction with group workers including Indigenous group workers, Aboriginal Welfare Officers, teachers and in consultation with DoJ Aboriginal Affairs, Aboriginal representatives of the Supervised Release Review Board, as well as representatives from Derbal Yirrigan AMS, the Aboriginal Justice Council and the Aboriginal Studies unit from Curtin University. YOPDP was then piloted with detainees at Banksia Hill Detention Centre including Indigenous detainees. Following approximately five years of development and refinement YOPDP was then adapted to meet the needs of the young people at Rangeview. Contrary to statements made in point 8.37, YOPDP and YPDP have from their inception been targeted at the needs of Indigenous young offenders and these programs have been developed with the assistance of departmental and external Indigenous people. Other local programs to address the needs of Indigenous young offenders are currently being investigated for use in Rangeview.</p>
<p><b>59 The YPDP</b></p> <p>Arrangements for the delivery of the YPDP be urgently re-examined with a view to providing proper support and supervision to facilitators and allowing sufficient time for facilitators to prepare sessions, to maximise the value of the program.</p>	<p><b>Agree/Moderate</b></p> <p>Since December 2004 a Senior Programs Officer (Juvenile Custodial Services) was appointed for a six month period and this has recently been extended for a further 12 months. The person recruited for this position has extensive experience in facilitating group-based programs and, in particular, facilitation with young offenders. The role of this position is to co-facilitate group-based programs, including YPDP, with a group worker and to provide group worker facilitators with support and supervision. In addition, preparation time has been increased just prior to the facilitation of groups.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>60 Service integration</b></p> <p>Consideration is given to developing strategies to integrate the content of programs into other areas of service provision within the Centre.</p>	<p><b>Agree/Moderate</b></p> <p>Some integration of program content such as YOPDP,YPDP, Protective Behaviours and drug counselling has occurred as the Education Services Unit has made links between these programs and their overarching learning outcomes. Past training in YOPDP,YPDP and Protective Behaviours has included places for staff from Education Services, Health Services and Case Planning but often work demands have precluded staff attendance. Future training on programs including YOPDP,YPDP, Protective Behaviours and other relevant programs will offer places to the Education Services Unit, Health Services Unit and Case Planning Unit. Also, training other staff to increase their understanding of the content of certain programs (e.g., YOPDP,YPDP, Protective Behaviours, Let's Talk About Sex, etc) so that they are able to integrate these concepts into their contact with remandees can be achieved during centre lock-down periods.</p>
<p><b>61 The control room</b></p> <p>A review is conducted of the technology processes, tasks and staffing of the control room to bring it in line with contemporary standards, ensuring security, safety and efficient movement control.</p>	<p><b>Agree/High</b></p> <p>The control room has been extensively remodelled to bring it in line with contemporary standards.</p> <p>The new control room will be operational on or around 17 June 2005.</p> <p>All control operators are undergoing extensive training to accommodate the changes. Operational procedures have been adapted to ensure security, safety and efficiency in monitoring the centre and the Multi-Purpose Unit.</p>

## RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p><b>62 Population count</b> The process of population counting is reviewed and simplified with a view to establishing an efficient and well-documented procedure. All staff are trained in the new procedures.</p>	<p><b>Agree/Moderate</b> The population count will be recorded on TOMS at 12.00 midnight and 4.00 p.m.</p>
<p><b>63 Supervision of young people</b> A documentation process is introduced as well as audio recording of all detainee calls for assistance through the night cell call system.</p>	<p><b>Agree/High</b> All calls on the cell call system are audio recorded.</p>
<p><b>64 Managing Difficult Behaviours Program</b> All group workers receive initial and ongoing training in the Managing Difficult Behaviours Program to assist them in appropriately responding to the behaviour of young people in custody. Continual evaluation of the program is conducted to ensure it is responsive to the needs of the Centre.</p>	<p><b>Agree/Moderate</b> Group workers have had the opportunity to participate in a five-day training package on managing difficult behaviours and ongoing refresher training.</p>
<p><b>65 Use of force and mechanical restraints</b> Rangeview management, the Department of Justice and AIMS (whilst it remains responsible for medical escorts of juvenile detainees and other external escorts) should review and amend their practice in relation to the use of force and mechanical restraints during escorts and appointments.</p>	<p><b>Agree/Moderate</b> A review of escort procedures and practices initiated a change in Rangeview Standing Order 9 with regard to escorting pregnant detainees to medical appointment.</p>
<p><b>66 Fire safety</b> Local management reassess Rangeview's fire prevention procedures and practices and the applicability of the FESA/Department of Justice Review. A review is conducted of Rangeview's fire prevention, fire fighting and fire rescue needs both in terms of equipment and training, and seek the necessary resources from the Department to bring these systems up to standard.</p>	<p><b>Agree/High</b> These recommendations have been addressed. A copy of the response is available as required.</p>

## Appendix 2

### THE GOVERNANCE FRAMEWORK FOR THE 2005 RECOMMENDATIONS

Recommendation Number	Type of Recommendation	Solutions			Acceptance		
		Short term < 1 yr	Medium term < 3 yrs	Long term > 3yrs	Agreed	Disagreed	Partially
1	Staffing Issues	•			•		
2	Staffing Issues		•		•		
3	Staffing Issues	•			•		
4	Care and Wellbeing			•	•		
5	Staffing Issues	•					•
6	Care and Wellbeing	•			•		
7	Care and Wellbeing	•			•		
8	Correctional value-for-money		•		•		
9	Administration and accountability of DoJ		•		•		
10	Racism,Aboriginality & Equity	•					•
11	Racism,Aboriginality & Equity	•			•		
12	Racism,Aboriginality & Equity	•			•		
13	Racism,Aboriginality & Equity		•				•
14	Care and Wellbeing	•			•		
15	Care and Wellbeing	•			•		
16	Care and Wellbeing	•			•		
17	Care and Wellbeing	•			•		
18	Care and Wellbeing	•			•		
19	Care and Wellbeing	•			•		
20	Care and Wellbeing	•			•		
21	Care and Wellbeing	•			•		
22	Care and Wellbeing	•				•	
23	Care and Wellbeing	•			•		
24	Care and Wellbeing	•				•	
25	Racism,Aboriginality & Equity	•			•		
26	Rehabilitation	•			•		
27	Care and Wellbeing		•		•		
28	Care and Wellbeing	•			•		
29	Care and Wellbeing	•			•		

THE GOVERNANCE FRAMEWORK FOR THE 2005 RECOMMENDATIONS

Recommendation Number	Type of Recommendation	Solutions			Acceptance		
		Short term < 1 yr	Medium term < 3 yrs	Long term > 3yrs	Agreed	Disagreed	Partially
30	Care and Wellbeing	•					•
31	Care and Wellbeing	•			•		
32	Racism,Aboriginality & Equity		•		•		
33	Administration & Accountability of DoJ		•			•	
34	Care and Wellbeing	•				•	
35	Racism,Aboriginality & Equity	•			•		
36	Rehabilitation	•				•	
37	Health			•		•	
38	Health		•		•		
39	Health	•			•		
40	Health		•		•		
41	Health		•		•		
42	Health		•				•
43	Health		•		•		
44	Health		•		•		
45	Health	•			•		
46	Rehabilitation	•			•		
47	Rehabilitation	•			•		
48	Health	•			•		
49	Health	•			•		
50	Health	•			•		
51	Rehabilitation	•			•		
52	Staffing Issues	•			•		
53	Staffing Issues	•			•		
54	Staffing Issues	•			•		
55	Staffing Issues	•			•		
56	Rehabilitation	•			•		

THE GOVERNANCE FRAMEWORK FOR THE 2005 RECOMMENDATIONS

<i>Recommendation Number</i>	<i>Type of Recommendation</i>	<i>Solutions</i>			<i>Acceptance</i>		
		<i>Short term &lt; 1 yr</i>	<i>Medium term &lt; 3 yrs</i>	<i>Long term &gt; 3yrs</i>	<i>Agreed</i>	<i>Disagreed</i>	<i>Partially</i>
57	Rehabilitation		•		•		
58	Rehabilitation		•				•
59	Staffing Issues	•			•		
60	Rehabilitation		•		•		
61	Custody and Security	•			•		
62	Custody and Security	•			•		
63	Custody and Security	•			•		
64	Staffing Issues	•			•		
65	Custody and Security	•			•		
66	Administration and Accountability of DOJ	•			•		

# Appendix 3

## INSPECTION TEAM

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### Office of the Inspector of Custodial Services Staff

Professor Richard Harding	The Inspector of Custodial Services
Mr Bob Stacey	Director of Operations
Ms Suzie Ward	Inspections and Research Officer
Ms Leonie Sinclair	Inspections and Research Officer
Dr Jeannine Purdy	Inspections and Research Officer
Mrs Erin Sweeny	Project Manager, Health Review
Mr John Acres	Inspections and Research Officer
Mrs Diane Broadby	Manager Community Relations
Mr Joseph Wallam	Community Liaison Officer

### Specialist Staff

Mrs Dace Tomsons	Senior Policy Officer The Drug and Alcohol Office WA
Ms Sherry Armstrong	Investigations Officer Ombudsman WA
Ms Helen Shurven	Investigations Officer Office of Health Review
Mr Alan Dodson	Acting Manager School Performance Department of Education and Training WA
Ms Jenny Nunn	School Psychologist Department of Education and Training WA
Dr Peter Barratt	Department of Health WA
Ms Jocelyn Jones	Department of Health WA
Mr Mike Hepburn	District Manager Department for Community Development WA

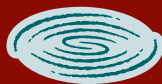




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