

Chapter 6: Evidence Based Practice

A Quality Youth Justice System Is Based On Evidence And Strives To Continuously Improve

Relevant Human Rights Standards

- Youth justice services should be systematically developed and coordinated with a view to improving, based on necessary research (BR rs.1, 30)

6.1 Introduction

6.1.1 The history of youth justice systems in Australia shows that policies and programs are often designed or reformed on the basis of ideology and assumptions, not facts and evidence. As Seymour stated:

*'In general, decisions affecting the treatment of young offenders in Australia have been based on personal and political ideologies and untested assumptions, rather than on information about how the various systems actually work.'*¹

6.1.2 The Commission hopes that this Review will assist the ACT Government and the other stakeholders in the youth justice system to develop evidence based practice.

6.1.3 This chapter is in three parts. It begins by outlining the literature relating to evidence based practice, and then discusses data collection and record keeping, two processes that directly inform the capacity of the system to capture and analyse evidence.

6.1.4 With commitment to evidence based practice, and appropriate reporting frameworks, the youth justice system will have greater success in preventing young people's involvement in the youth justice system, and assisting young people in the system to change their behaviour and improve their life outcomes. Without such commitment, Cohen's observation of the state of youth justice systems will continue to be relevant:

*'The intellectual poverty and total lack of imagination in our society's response to its adolescent trouble makers during the last twenty years, is manifest in the way this response compulsively repeats itself and fails each time to come to terms with the real 'problem' that confronts it.'*²

6.2 Evidence based practice within the youth justice system

Best practice

6.2.1 Rule 30 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) emphasises the need for jurisdictions to regularly evaluate their youth justice systems based on research. Rule 30.1 obliges jurisdictions to organise and promote research as a basis for effective planning and policy formulation. Rule 30 further requires efforts be made to review and appraise periodically the trends, problems and causes of youth delinquency and crime as well as the varying particular needs of young people in custody. Further, Rule 1 requires that services be systematically developed and coordinated with a view to improving and sustaining the competence of personnel involved in the services, including their methods, approaches and attitudes.

What is an evidence base?

6.2.2 In 1974, Robert Martison wrote one of the most influential papers on the effectiveness of offender rehabilitation programs, in which he found that *'with few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no*

1 John Seymour, *Dealing with Young Offenders* (1988), 430.

2 Stanley Cohen, *Folk Devils and Moral Panics* (1980).

appreciable effect on recidivism.³ Ever since Martinson's 'nothing works' claims were disproven, researchers, evaluators and criminal justice administrators have attempted to better understand what works in the treatment and rehabilitation of offenders. The imperative for doing so has ultimately been economic as administrators and policy makers recognise the significant financial and human costs of detaining offenders and supervising them in the community. With a growing recognition that interactions with the youth justice system can have long term costly and detrimental effects on young people, their families and the community, calls for evidence based practice in youth justice have increased in intensity.

6.2.3 At its most basic, evidence based policy and practice attempts to help:

*'people make well informed decisions about policies, programmes and projects by putting the best available evidence from research at the heart of policy development and implementation.'*⁴

6.2.4 It requires a systematic approach to sourcing evidence and to appraising its validity and its transferability to local contexts. A commitment to evidence based practice also implies a commitment to the routine development of programs that reflect the outcome research or evaluation results.

6.2.5 According to Mark Lipsey, a world expert on effective youth justice, and his colleagues, evidence based practice is developed in a number of key ways:

*'Three main approaches can be used to translate research evidence on effective programs into practice for everyday use by practitioners and policymakers. The first approach is direct evaluation of each individual program used in practice to confirm its effectiveness and, if it is found ineffective, to use that evidence to improve or terminate it. A second is to implement with fidelity a program from a list of model programs certified by an authoritative source as having acceptable evidence of effectiveness. A third approach is to implement a type of program that has been shown to be effective on average by a meta-analysis of many studies of that program type, but to do so in the manner that the research indicates will yield that average effect or better.'*⁵

The use and evaluation of individual programs that are not drawn from pre-existing models or certified by a credible source

6.2.6 In the ACT youth justice system, most programs appear to be developed by local practitioners to meet perceived local need. There is value in this approach in that such programs can be developed to match the key skills of workers in the system and reflect the perceived needs of young people. However, developing programs in such a way can also have limitations: they often rely on untested professional wisdom, their goals and intended outcomes are often unstated or unclear, and their impacts are generally tested unsystematically, if at all. Against a backdrop where it is now understood that programs can have unintended negative outcomes (that the practice wisdom that 'any intervention is better than no intervention' has been disproved) the development of programs in such a way has been seriously challenged.

6.2.7 To ensure that programs are effectively meeting the needs of young people and that these unintended negative outcomes are minimised, Lipsey argues that programs must be constantly evaluated and the findings of the evaluation used to modify the program or to shape an alternative approach. Lipsey et al observe:

*'A fully developed impact evaluation, therefore, not only assesses the program effects on the intended outcome but provides the basis for diagnosing shortfalls in those effects as well as guidance for program improvement.'*⁶

The need for clear program goals, outcomes and indicators

6.2.8 Inherent in a robust evaluative process of these types of programs is the need for: a clear vision for the program under review; clearly stated short, medium and long term outcomes and indicators; and a set of indicators that might be used to assess the impact that the program has for those it targets.

6.2.9 Currently, there is limited evidence that programs developed within the ACT youth justice system have a clear intent or articulated outcomes or indicators.

6.2.10 One way to develop an evaluation framework that encapsulates these dimensions is to use program logic. At its most basic program logic is:

'a picture of how a program is expected to work. It is a systematic, visual way to present a planned program with its underlying assumptions and theoretical framework. The 'program map' as it is sometimes called, describes the assumptions and operational theories which underpin the program and acts as a reference point for the evaluation.'

3 Robert Martinson, 'What works? Questions and answers about prison reform' (1974) 35 *The Public Interest*, 22–54.

4 Philip Davies, 'What is evidence based education?' (1999) 47 *British Journal of Educational Studies* 2.

5 Peter H. Rossi, Mark W. Lipsey, and Howard E. Freeman, *Evaluation: A Systematic Approach* (2004).

6 *Ibid.*

- 6.2.11 The Commission recommends that as a first step such a tool might be used by stakeholders in the youth justice system to develop clear goals, outcomes and indicators that might be used in evaluative processes.
- 6.2.12 In their 2010 Strategic Review of the NSW Juvenile Justice System, Noetic Solutions (Noetic) recommended that the NSW adopt a US *Model Programs Guide*, which they believed might be used to assist in the implementation of evidence based programs across the youth justice system. The proposed model provides a tool and a database is used to evaluate programs in relation to:
- The conceptual framework of the program;
 - The program fidelity;
 - The evaluation design; and
 - The empirical evidence demonstrating the prevention or reduction of problem behaviour; the reduction of risk factors related to problem behaviour; or the enhancement of protective factors related to problem behaviour.
- 6.2.13 Noetic observes that:
- ‘...the NSW Government would benefit from a similar model that provides a common method of evaluating programs. It would enable decision makers to compare the range of children and young people focused programs and pilots and make decisions based on common criteria. The research and development associated with developing such a framework could have applicability across a range of government service delivery areas.’*
- 6.2.14 The Commission is of the view that this type of program would also be of benefit in this jurisdiction but contends that other programs may exist that better meet local needs. The Community Services Directorate (CSD) informed the Commission that they are ‘developing an Evaluation Plan in accordance with the ACT Government Evaluation Policy and Guidelines’ which were released in December 2010. The Commission encourages CSD to ensure the aspect of the Evaluation Plan relating to youth justice services is tailored to this context.

Recommendation 6.1: The Community Services Directorate develop an evaluation framework, informed by the literature and by local experts, to assess the effectiveness of youth justice programs in meeting their goals, outcomes and key performance indicators.

The use and evaluation of existing evidence based programs

- 6.2.15 The second way that programs can be evidence based is where they are sourced from other jurisdictions and are implemented in the way that they were originally intended. Internationally, there is a series of programs that have demonstrated positive outcomes for young people, have reduced their further engagement with the youth justice system and supported young people’s desistance from crime.
- 6.2.16 According to Lipsey et al, the research ‘that supports the effectiveness of model programs is specific to the individual programs in the form in which they were delivered in that research’ and to ‘implement such a program... means following the same protocol that defined the program in those research studies.’⁷
- 6.2.17 One example of an evidence based program is the Changing Habits and Reaching Targets (CHART) Program, which has been purchased for use in Bimberi (and within Community Youth Justice and Turnaround). The program is discussed further in Chapter 9 (programming).

Systematic evaluations

- 6.2.18 To provide assurance that programs implemented locally are, in fact, effective as delivered in that context, the best strategy is to adopt them first on a pilot basis and evaluate their effects before expanding them. Such evaluations should closely examine fidelity to the program protocol as well as outcomes. This was the approach taken by the Washington State Institute for Public Policy when several research-based programs were implemented in Washington State. The results showed that these programs did produce positive effects when implemented locally under real-world circumstances, but only when the programs were competently delivered in accordance with the developers’ specifications.⁸

7 Lipsey et al, above n 5.

8 R Barnoski, ‘Outcome evaluation of Washington State’s research based programs for juvenile offenders’ (2004) Washington State Institute for Public Policy.

Strategies for further developing Evidence based Capacity: The systematic collection of data

- 6.2.19 A commitment to evidence based practice implies a commitment to the routine development of programs that reflect the outcome research or evaluation results. Layton-McKenzie suggests that this rarely occurs in youth justice facilities, where little outcome data is routinely collected. As Layton-McKenzie notes, 'fewer than ten percent of 47 juvenile correctional facilities knew the answers to simple questions such as what happened to youth when they left their institutions', or how many returned to their neighbourhood school, found employment or were arrested.⁹
- 6.2.20 In seeking data for this Review it became evident that the data collecting activities at Bimberi and throughout the youth justice system are limited and that detailed analysis of this data as part of a robust evaluative frameworks is nonexistent. Basic information such as the numbers of young people with dual engagement in youth justice and care and protection, the number of young people with disabilities and mental health issues, and the numbers of life-persistent offenders in this jurisdiction are not currently captured. CSD was unable to draw together these statistics when requested.

Developing a critical friend relationship

- 6.2.21 In 2005 the ACT Government established the Institute of Child Protection Studies in response to the Territory as Parent Review (commonly called the Vardon Review). One of the objectives of the Institute is to promote good practice in care and protection policy and programs, and to create professional development opportunities and increase the skills of practitioners working with children, young people and families. In addition to these objectives, the Institute has provided the ACT Government and the community service sector with critical advice and has conducted extensive research and evaluations to better inform the provision of programs to some of the most vulnerable families in the ACT community. The Commission sees value in a similar commitment to local independent research in the field of youth justice.
- 6.2.22 There are several research centres and institutes in the ACT with expertise in youth justice issues, including the Australian National University, the University of Canberra, the Australian Catholic University, the Australian Institute of Criminology, and the Thomas Wright Institute. The Commission recommends that CSD establish an expert advisory group to support the development of evidence based practice and guide the development of robust evaluation processes. The panel could include expert practitioners from local services providing assistance to young people and their families.

Recommendation 6.2: The Community Services Directorate establish an expert advisory group with clear terms of reference to assist and guide the development of evidence based policy and practice. This advisory group should be made up of researchers, academics and youth justice experts as well as practitioners with expertise in the delivery of services to young people with offending behaviour and their families.

The communication of findings

- 6.2.23 There was a view among government and community stakeholders that to have optimal impact, findings from research and evaluation projects conducted by CSD and other agencies need to be communicated widely and be used to influence the development of policy and practice not only inside the department but also in other parts of government and community. These sentiments reflect those of a former Director-General of the NSW Department of Juvenile Justice who in a 1997 address argued that what is known about young people and offending should help shape community attitudes. He noted that:
- '...there must be an obligation from the Government, Government agencies and criminologists to effectively disseminate accurate information about the true extent and nature of juvenile crime to counterbalance media and political hype concerning youth lawlessness. The community has a role, too, in disregarding the hype. Only then, without scare mongering and political expediency driving government decisions, can level headed and rational juvenile justice policies be developed.'*¹⁰
- 6.2.24 Some government and community participants in the Review reported that CSD had, at times, been slow to release reports commissioned by the Directorate, even though these projects had sometimes required significant investment from government and community agencies, families, and/or children and young people, and the results of this research could help improve the quality of supports available to the broad ACT community.
- 6.2.25 The Commission understands that, in some cases, such research and evaluation projects might include sensitive material and that releasing them in their entirety might be inappropriate, compromise the privacy of individuals, or be detrimental to particular government areas or programs. However, the Commission supports greater transparency, and the wider distribution of research findings so that they may be used to guide service improvement across the sector.

9 Doris Layton-McKenzie, 'Evidence Based Corrections: Identifying What Works' (2000) *Crime & Delinquency* 46(4), 457-471.

10 Ken Buttram, 'Juvenile Justice: What works and what doesn't!' (1997) *Juvenile Crime and Juvenile Justice: Towards 2000 and Beyond* conference proceedings: Australian Institute of Criminology.

6.3 Data collection across the ACT youth justice system

Why data collection is important

- 6.3.1 Evidence based decision making must be supported by effective data collection. Data collection systems are important because they assist us to understand what is happening in the youth justice system, and identify areas for future improvement. Far from being peripheral, data collection is extremely powerful, because it determines what we know, which in turn determines what we do.
- 6.3.2 Well developed youth justice data has the potential to contribute to:
- A picture of the extent and nature of criminal behaviour by young people in the ACT;
 - A picture of young people who come into contact with the youth justice system in the ACT;
 - A picture of the youth justice system in the ACT;
 - A picture of young people's pathways through the youth justice system;
 - Measurement of performance against agreed indicators;
 - Examination of trends over time;
 - Comparison with other jurisdictions;
 - Monitoring and evaluation of youth justice policies and programs;
 - Identification of possible 'best practice'; and
 - The exploration of possible linkages with other related health, welfare, housing, employment, education and criminal data to obtain a more detailed view of young people in the youth justice system, their backgrounds, environment, outcomes and pathways.¹¹
- 6.3.3 Governments, policy makers, researchers and community groups could be more effective in their work if they knew more about young people involved in the youth justice system, including the extent of their involvement, the reasons for their involvement, and their experiences within it.¹² If the aim is to create an evidence base that can '*facilitate policy analysis, planning and decision making*', then organisations need to work together to establish efficient and integrated data collection systems. We need to have a clear understanding of what information is collected, why it is collected, the limitations of the data, and gaps in the data.¹³
- 6.3.4 In the ACT, data collection is governed by the privacy requirements of the *Privacy Act 1988* (Cth) and the *Health Records (Privacy and Access) Act 1997* (ACT).

Current data collection practices

Reporting by ACT organisations

- 6.3.5 A range of agencies including ACT Policing, the Director of Public Prosecutions, the Childrens Court, the Supreme Court, the Restorative Justice Unit and CSD collect information about young people who are involved with the youth justice system in the ACT. While each agency has different legislation, policies and data collection strategies, they report some information publicly each year. Such reporting presents some information to help us understand the operation of the local youth justice system. Table 6.1, below, outlines the data made publicly available each year.

11 A Broadbent, *Report on the development of a Juvenile Justice National Minimum Data Set* (2001) Australian Institute of Health and Welfare, Canberra.

12 Australian Institute of Health and Welfare, *Juvenile Justice: A new national collection* (2004) AIHW Bulletin issue 19; Australian Law Reform Commission, *Seen and heard: priority for children in the legal process* (1997).

13 Anna Stewart et al, 'Juvenile Justice Simulation Model' (2004) Justice Modelling @ Griffith, Griffith University, 79.

Table 6.1: Public reporting by agencies in the ACT youth justice system

Source	Data reported
ACT Policing <i>Annual Report 2009-2010</i>	<ul style="list-style-type: none"> • Number of juveniles referred to diversionary programs • Number of juveniles taken into custody under arrest (Indigenous and non-Indigenous, male and female) • Number of juveniles taken into custody under protective custody (Indigenous and non-Indigenous, male and female)
Director of Public <i>Prosecutions Annual Report 2009-2010</i>	<ul style="list-style-type: none"> • Number of charges in the Childrens Court • Number of charges proven
Childrens Court (ACT Government Dept of Justice and Community Safety <i>Annual Report 2009-2010</i>)	<ul style="list-style-type: none"> • Number of criminal cases over 6 months, and 12 months • Judicial officers, full time equivalent (number and rate per 100,000 population) • Clearance indicator – all criminal matters
Restorative Justice Unit (ACT Government Dept of Justice and Community Safety <i>Annual Report 2009-2010</i>)	<ul style="list-style-type: none"> • Referrals from ACT Policing, Childrens Court, DPP, OCYFS • Age and gender of young people referred to RJU • Number of conferences • Reasons victims did not participate in RJ • Reasons young offender did not participate in RJ • Offence type • Agreement outcome • Agreement compliance rate
CSD reporting through the ACT Government Budget process (ACT Dept of Treasury, Australian Capital Territory Budget 2011-2012)	<ul style="list-style-type: none"> • Recidivism rates • Number of custody days used annually • Number of Community Youth Justice clients • Average cost per Youth Services client (The average cost of managing and/or supporting a child or young person through one or more of the following services: Community Youth Justice; Turnaround; Adolescent Day Unit; Youth Connection; and the Bimberi Youth Justice Centre).

Nationally comparable data

6.3.6 In the past, there was more detailed and comprehensive data collection in the adult justice system than the youth justice system, however this situation has changed in the last ten years. State and Territory Governments and research institutions have made efforts to increase the scope and quality of data about youth justice services, and to develop nationally comparable data sets. There are now three main national data projects – implemented by the Australian Institute of Criminology (AIC), Australasian Juvenile Justice Administrators (AJJA) and Australian Bureau of Statistics (ABS), respectively – with a fourth under development by the Productivity Commission and AJJA.

AIC annual report on juveniles in detention

6.3.7 The AIC has produced snapshot data on the numbers of young people in detention centres around Australia since 1981. Data for this monitoring project is provided to the AIC by the youth justice authority in each State and Territory. A census count is taken in each youth justice facility on the last day of each quarter of the year (31 March, 30 June, 30 September and 31 December). The AIC reports on young people's age, sex, Indigenous status, legal status (remand or sentenced) and jurisdiction.¹⁴

6.3.8 The AIC data collection is particularly useful for examining some of the long-term trends in youth detention, as it has been collected on a reasonably comparable basis from all Australian jurisdictions for nearly three decades. However, the information collected is limited in scope and coverage and there are some problems with consistency across jurisdictions.¹⁵ In particular, this dataset focuses on young people in detention, not young people involved in the youth justice system in the community, and it does not help us understand young people's movement through the system, or the characteristics of young people in the broader youth justice system.

AIHW Youth Justice National Minimum Dataset

6.3.9 In 1999 the AJJA began plans for a national dataset to measure community based orders, the characteristics of young people in the youth justice system, and young people's pathways through the youth justice system. The resulting Juvenile Justice National Minimum Dataset (JJ NMDS) is managed by the Australian Institute of Health and Welfare (AIHW) on behalf of the youth justice authorities in each State and Territory.¹⁶

14 Kelly Richards, 'Trends in juvenile detention in Australia' (2011) Australian Institute of Criminology Trends & Issues in Crime and Criminal Justice no. 416.

15 Broadbent, above n 5.

16 E Kennedy and IJ Johnston, 'Juvenile Justice: A new national collection' (2004) Australian Institute of Health and Welfare Bulletin Issue 19.

- 6.3.10 The JJ NMDS provides nationally consistent data on young people's experience of youth justice supervision, both in the community and in detention. It was tested and refined during 2002 and 2003 and was implemented in 2004. The JJ NMDS was redeveloped in 2009 to include more detail on the supervision of young people. The first report containing data from the JJ NMDS was released in February 2006 and covered the periods 2000-01 to 2003-04. Annual reports have subsequently been published.¹⁷
- 6.3.11 The JJ NMDS contains information on all legal arrangements and orders supervised by youth justice agencies and all periods of detention in youth justice detention centres. For each period of supervision, data are collected on:
- Order or detention type;
 - Start date of the order or detention period;
 - End date of the order or detention period;
 - Reason the order or detention period ended, including whether the order was successfully completed or breached and whether the young person was released from detention on bail or parole; and
 - Suburb and postcode of the young person's last known home address.¹⁸
- 6.3.12 The JJNMDS also collects demographic information on young people under youth justice supervision.¹⁹

ABS report on criminal courts

- 6.3.13 The Australian Bureau of Statistics collects data from the criminal law jurisdiction in higher, magistrates and children's courts for all States and Territories in Australia. Children's court data has been included in the publication since 2006-07. Statistics are published on a national and State/Territory basis that allows for comparison of defendant characteristics across jurisdictions, and within jurisdictions over time.
- 6.3.14 The following information about children's courts is analysed:
- Defendants finalised;
 - Sentence outcomes;
 - Duration of cases adjudicated;
 - Federal defendants; and
 - Aboriginal and Torres Strait Islander defendants.

Productivity Commission report on Government Services

- 6.3.15 The Productivity Commission (PC) produces a Report on Government Services (ROGS) each year. For some years it has reported on court administration, thereby presenting data from the ACT Childrens Court, in a format that expands on the figures published in the JACS Annual Report, and allows the data to be compared with other jurisdictions.
- 6.3.16 Until recently ROGS did not include any data about youth justice services, and only reported on adult corrections services. However in 2009-10 the PC collaborated with the AJJA to design nationally comparable performance indicators for statutory youth justice authorities. The performance indicator framework is being developed in stages and is not yet fully implemented. Once operational it may expand our knowledge of the operation of youth justice services, and of young people's experiences in the system.²⁰

17 Australian Institute of Health and Welfare, 'Background to Juvenile Justice National Minimum Data Set' (www.aihw.gov.au/juvenile-justice-background)

18 Australian Institute of Health and Welfare, 'Juvenile Justice in Australia 2008-2009' (2011) *Juvenile justice Series No.7*.

19 Australian Institute of Health and Welfare, 'Metadata Online Registry' (<http://meteor.aihw.gov.au/content/index.phtml/itemId/378088>).

20 Productivity Commission, Steering Committee for the Review of Government Service Provision, *Report on Government Services* (2010).

Table 6.2: Report on Government Services coverage of youth justice systems in Australia²¹

Domain of reporting in ROGS	Data reported
Children's court reporting in ROGS	<ul style="list-style-type: none"> • Court expenditure • Court lodgement – criminal • Court finalisations – criminal • Backlog indicator – all criminal matters • Judicial officers, full time equivalent (number and rate per 100,000 population) • Attendance indicator – criminal • Clearance indicator – all criminal matters • Net expenditure per finalisation for children's courts
CSD reporting in ROGS	<ul style="list-style-type: none"> • Presentence reports completed • Group conferencing outcomes • Offending specific programs completed • Education and training attendance • Deaths in custody • Escapes • Absconds from unescorted leave • Assaults in custody • Self harm and attempted suicide in custody • Completion of orders • Case plans prepared • Cost per offender • Offender-to-staff ratio • Centre utilisation

A way forward

- 6.3.17 As mentioned above, the aim of data collection is to provide an evidence base from which to make informed decisions. There are a number of ways the ACT Government and independent agencies involved in the youth justice system can improve data collection, and they are discussed in this section.
- 6.3.18 During the Review the Commission engaged the AIC to provide specialist advice about current data collection processes in the ACT youth justice system, and areas for potential improvement. The full report from the AIC is attached at Appendix A. Extracts from this report are presented in italics below.

Police data

'In the ACT, like most jurisdictions, data are not published on both alleged juvenile offenders and distinct alleged juvenile offenders. Data on both of these variables would provide an insight into the proportion of alleged offenders who commit one offence and/or offences on one occasion only, compared with those who commit multiple offences and/or offences on multiple occasions. It has been well-documented that a small 'core' of juvenile offenders is responsible for a disproportionate amount of crime [reference omitted]. Data on distinct alleged juvenile offenders would indicate the proportion of juvenile crime that is committed by chronic repeat offenders. Furthermore, disaggregating these data may show variations in offending patterns by age, sex, Indigenous status and/or other demographic characteristics [reference omitted].

'While police data on alleged juvenile offenders in the ACT captures a range of key characteristics including juveniles' sex, age and Indigenous status, other characteristics, such as country of birth and ethnic background, are not reported. This is the case in most jurisdictions; only Victoria Police publishes such data.

'Police in the ACT categorise alleged juvenile offenders as either Indigenous or non-Indigenous. As is the case in other jurisdictions, however, it is unknown how police determine Indigenous status. Future research might explore how police determine Indigenous status in jurisdictions in which this is not based on appearance.

'Qualitative research could also provide an important and complementary insight into juveniles' contact with police in the ACT. For example, police decisions on the processing of juveniles who are diverted from the formal criminal justice system could be explored in more detail. There has been little published on how police make decisions about whether a particular juvenile should be warned, cautioned or referred to a restorative justice conference; qualitative research could provide an insight into this important area.²²

²¹ Ibid.

²² Kelly Richards, Lisa Rosevear and Mathew Lyneham, 'Juvenile's contact with the criminal justice system in the ACT' (2011) Australian Institute of Criminology, printed in full at Appendix A.

Childrens Court data

'Data on juveniles' contact with the ACT Childrens Court are not disaggregated by Indigenous status (as is the case in other jurisdictions). It is therefore unclear what proportion of juveniles adjudicated in the Childrens Court is Indigenous. In addition, the lack of court data on juveniles' Indigenous status has resulted in limited knowledge on the following issues:

- The offence types for which Indigenous juveniles are adjudicated in court, in comparison with non-Indigenous juveniles;
- Sentencing outcomes for Indigenous juveniles compared with non-Indigenous juveniles;
- The age at which Indigenous juveniles first appear before the Childrens Court, in comparison with non-Indigenous juveniles;
- Rates of acquittal and conviction by Indigenous status; and
- The combined influence of age, sex, Indigenous status and offence type on juveniles' court outcomes [reference omitted].

'More detailed analysis of the Indigenous status of juveniles appearing in the childrens courts is important given the over-representation of Indigenous juveniles in detention. A closer examination of court data would provide an insight into the stage of the criminal justice system at which the over-representation of Indigenous juveniles becomes entrenched.

'A high proportion of adjudications in the ACT Childrens court are withdrawn, in comparison with the national average. As highlighted in this report, nearly one-third of adjudications in the ACT Childrens court are withdrawn, in comparison with the national figure of 10 percent. Further consideration could be given to why this is the case, and any implications of this apparent anomaly.

'The ACT is unique in publishing data on how juveniles plead in the Childrens [C]ourt. The impacts of juveniles' pleading behaviours on sentencing outcomes is an important area that could be explored in more detail.²³

Corrections data

'Like all jurisdictions except the Northern Territory, data on juvenile corrections in the ACT lacks a focus on offence type [reference omitted]. That is, the offence types for which juveniles are placed under either community- or detention-based supervision are largely unknown. These data, disaggregated by demographic characteristics such as age, sex and Indigenous status, would provide a more detailed picture of juvenile corrections in the ACT. It is important to note, however, that the very small numbers of juveniles in detention in Australia as a whole, and in the ACT in particular, is likely to make the collection of such data difficult, due to the need to maintain juveniles' privacy.

'Considering the relationship between offence type and sentencing outcomes is particularly important in relation to understanding rates of over-representation of Indigenous juveniles under community-based and custodial supervision.²⁴

Recidivism data

'The AIC recently undertook a research project that focused on best practice in measuring juvenile recidivism in Australia [reference omitted]. A number of 'best practice' principles on measuring juvenile recidivism emerged from this research [reference omitted], including that:

- Individual juveniles (rather than offences, convictions, or sentences) should be the primary counting unit;
- Juvenile recidivism should be measured prospectively rather than retrospectively;
- Juveniles should be tracked into the adult justice system (ie to assess whether juveniles recidivate after they have attained majority status);
- Minor offences should be excluded from measures of juvenile recidivism;
- Technical breaches of supervised orders should be excluded from measures of juvenile recidivism;
- Restorations of suspended sentences should be excluded from measures of juvenile recidivism;
- Data from specialty courts (eg youth drug and alcohol courts) should be included in measures of juvenile recidivism;
- Pseudo-recidivism should be excluded from measures of juvenile recidivism; [Pseudo-reconvictions are 'convictions which occur during the follow-up period, but which result from offences committed prior to the sentence of interest']²⁵
- The offence date (rather than the conviction or sentencing date) should be used in measures of juvenile recidivism;
- Offences committed while a juvenile is serving a community-based order (but not a detention-based order) should be counted as recidivism; and
- The frequency and/or severity of offending should be considered in measures of juvenile recidivism.

'It is important to note that these principles represent an ideal. They comprise a best practice framework that jurisdictions across Australia are currently unlikely to be able to adhere to in practice. Jurisdictions may, however, adopt these principles to the extent

23 Ibid.

24 Ibid.

25 Kelly Richards, 'Measuring Juvenile Recidivism in Australia' (2011) Australian Institute of Criminology Technical and Background Paper No.44.

possible and/or strive to become aligned with them in the future. Like all other jurisdictions, the ACT does not currently measure juvenile recidivism in accordance with these principles, but has endorsed the principles as best practice.

'The purpose of the following sections, therefore, is not to compare the ACT's current practice unfavourably with the 'best practice' framework, but to provide an insight into how juvenile recidivism is currently measured in the ACT and how current methods could potentially be improved in the future.

'The ACT's current approach to measuring juvenile recidivism meets many of the 'best practice' principles [reference omitted]. Others, however, are not currently feasible.

'Areas in which ACT does not meet best practice principles for measuring juvenile recidivism:

- *Juvenile recidivism is currently measured retrospectively (ie what proportion of juveniles currently serving an order has previously served an order?) rather than prospectively (ie what proportion of juveniles currently serving an order returns to serve another order?)*
- *Juveniles are not currently tracked into the adult criminal justice system for the purposes of measuring recidivism.*
- *Technical breaches of supervised orders are not excluded from measures of juvenile recidivism; In the ACT, failure to appear on bail is considered an offence.*
- *Restorations of suspended sentences should be excluded from measures of juvenile recidivism.*
- *The conviction or sentencing date is used in measures of juvenile recidivism rather than the offence date. The ACT does not capture data on offence date or use these data in calculations of juvenile recidivism.*

'Perhaps the key limitation of the approach taken in the ACT, however, is the current lack of capacity to measure juvenile recidivism across community-based and custodial orders. That is, the current approach only captures juveniles serving a custodial sentence who have previously served a custodial sentence, and juveniles currently serving a community-based sentence who have previously served a community-based sentence. It has been well-documented, however, that juveniles often move between community-based and custodial orders. A key factor in improving data collection on juvenile recidivism in the ACT would therefore be to address this limitation.'²⁶

Recommendation 6.3: ACT Policing:

- Publish data on both alleged young offenders and distinct alleged young offenders
- Disaggregate data about alleged young offenders according to age, sex, Aboriginal or Torres Strait Islander status and other demographic characteristics
- Report the country of birth and ethnic background of alleged young offenders
- Report how they determine Aboriginal or Torres Strait Islander status
- Publish data on diversion rates by status, gender and Aboriginal or Torres Strait Islander status.

Recommendation 6.4: The ACT Childrens Court disaggregate data by Aboriginal or Torres Strait Islander status, including offence types, sentencing outcomes, age of first appearance before the court, and rates of acquittal and conviction.

Recommendation 6.5: The Community Services Directorate:

- Record offence types for which young people are placed under community based or detention based supervision
- Disaggregate data on offence types by demographic characteristics such as age, sex and Aboriginal or Torres Strait Islander status
- Consider ways to improve the current measure of recidivism to meet best practice standards.

Recommendation 6.6: The ACT Government:

- Conduct qualitative research into the operation of police discretion to warn, caution, charge or refer a young person to diversionary programs
- Examine why nearly one third of adjudications in the ACT Childrens Court are withdrawn, in comparison with a national figure of 10 per cent.

6.3.19 The Commission suggests the ACT Government improve local data collection and evidence based decision making by focusing on the following nine strategies:

- National collaboration in data collection;
- Local collaboration in data collection;
- Designing effective performance measures;
- Investment in technology;
- Measuring longitudinal pathways;
- Connecting data between sectors;
- Research capability;
- Making data collection easy and efficient; and
- Privacy protection for young people and families.

National collaboration in data collection

6.3.20 It is widely accepted that governments and researchers would benefit from improved comparability of data across youth justice jurisdictions.²⁷ The recent efforts to develop comparable national data and performance measures in youth justice is likely to continue, and the Commission expects that CSD will continue to play a part in this dialogue through AJJA.

6.3.21 The Commission encourages the ACT Government to support CSD in engaging with AJJA, and to provide adequate resources to allow CSD to improve data collection systems in line with national best practice.

6.3.22 The following have been identified as areas of key national interest in youth justice research:

- A measure of recidivism (such as repeat contacts with the youth justice department and repeat periods of detention);
- Alternatives to detention (including cautioning, conferencing);
- Youth justice clients and their characteristics;
- Offences - trends in the types and number of offences committed by young people;
- Sentences - trends and variations in the types of sentences served;
- Outcomes for young people in the system; and
- Youth detention centres - size, location, programs offered, escapes, etc.²⁸

6.3.23 Although the ACT is a small jurisdiction with limited resources, any future policy and program development in the ACT youth justice system should be implemented in a way that deliberately contributes to and draws from national knowledge about these issues.

Local collaboration in data collection

6.3.24 While the ACT Government continues to collaborate in data collection at a national level through AJJA, it should also direct efforts towards local collaboration in data collection.

6.3.25 It would be useful if agencies could communicate about their data collection measures, and identify ways to integrate datasets between organisations. In reviewing data collection methods in the ACT, the AIC concluded:

*'A key limitation of data on youth justice in the ACT (as in other jurisdictions) is that data are not linked across the domains of policing, courts and corrections. It is therefore not possible to gain an insight into the pathways of individual young people through the youth justice system.'*²⁹

6.3.26 It would also be helpful if agencies in the youth justice system could monitor the pathways into and away from their organisation. The Commission suggests agencies endeavour to record and report the characteristics of the young people who are engaged with their agency, and the circumstances under which they enter and leave. Such monitoring and evaluation needs to be in compliance with privacy legislation, and take place in collaboration with the other agencies in the youth justice system:

*'There is an increasing recognition of the need for a more coordinated criminal justice system. Each section of the criminal justice system has its own policies, data collection strategies, and legislation. However, the complex inter-dependent nature of the criminal justice system means that any change in one section of the system could have substantial flow on effects to other parts of the system.'*³⁰

27 Australian Bureau of Statistics, 'Information Paper: Improving Statistics on Children and Youth: An Information Development Plan' (2006).

28 Broadbent, above n 5.

29 Richards et al, above n 22.

30 Stewart et al, above n 7.

- 6.3.27 More detailed and integrated data could provide the ACT Government and individual agencies with better information on which to base decisions about legislation, policy, and program design.

Designing effective performance measures

- 6.3.28 A fundamental component of evidence based practice is to measure outcomes of policies and programs, and report on performance.

*'Performance measurement (the use of empirical indicators to measure outcomes that government services are supposed to achieve) has emerged in recent years as a strategy to assist governments assess the impact of their operations, improve service provision and effectively target resources.'*³¹

- 6.3.29 Performance measures can assist agencies in the youth justice system, particularly CSD, to:

- Identify problems as they arise and take action to address problems;
- Identify whether particular policies or actions are effective;
- Evaluate programs;
- Track progress towards achieving goals, and
- Target resources.³²

- 6.3.30 Currently the primary performance measure for CSD youth justice services (Bimberi and Community Youth Justice; CYJ) is recidivism. In the ACT budget process CSD reports against the strategic indicator 'Provision of services that address the needs of young people involved with Youth Justice Services':

*'...the OCYFS measures recidivism by calculating the proportion of all juveniles currently in custody (on sentence) that had served part or all of a different episode of custody following sentence within the previous two years or during the current year, and the proportion of all juveniles currently serving a community-based order that had been subject to a different community-based order within the previous year or during the current year.'*³³

- 6.3.31 However, as explained by AIC in Appendix A, many measures of recidivism are problematic, and the measure used in the ACT has significant limitations. As stated above, the Commission recommends that CSD consider ways to improve the current measure of recidivism to move towards best practice standards.

- 6.3.32 In the meantime the Commission suggests that CSD also explore other measures to assess the performance of Bimberi and CYJ. Performance management is discussed further in Chapter 4 (vision), and the Commission makes several recommendations to improve the performance management system within youth justice services. In the context of this discussion of data collection, the Commission notes the comment by Cuneen and Luke, that:

*'measuring re-offending is important and it needs to be done as effectively as possible. However...it should not stand as a substitute for all other outcome measures.'*³⁴

- 6.3.33 Youth justice agencies in other jurisdictions measure success in a range of ways. Some report on reoffending as their key measure, others look at intermediate factors that may contribute to rehabilitation, such as education, employment and health (see Table 6.3, below).

31 Richards, above n 25.

32 Ibid.

33 Richards et al, above n 22.

34 Cunneen and Luke cited in Richards, above n 25.

Table 6.3: Measures used by other youth justice agencies to assess performance³⁵

Category	Measure
Reoffending	<ul style="list-style-type: none"> • Reoffending rates for specified groups of offenders after release from custodial or community sentences • Follow-up periods were 12 months, 18 months, 2 or 3 years • Offender groups included offence, gender, ethnicity, sentence or penalty, age at first commitment, county or region • Law abiding behaviour (rather than reoffending)
Education and employment	<ul style="list-style-type: none"> • Rate of young offenders in full-time education, training or employment at the end of a sentence • Rate of young offenders in an appropriate school placement • Rate of young offenders who dropped out of school following release from a residential program
Numeracy and literacy	<ul style="list-style-type: none"> • Rate of young people improving by one skill level in literacy and numeracy tests • Rates of youths in custody over six months whose reading and maths scores increased between admission and discharge
Housing	<ul style="list-style-type: none"> • Young people subject to community interventions or being released from custody have satisfactory accommodation
Health	<ul style="list-style-type: none"> • Rate of positive drugs screening tests • Resistance to drug and alcohol use • Rate of youths in custody whose physical fitness assessments increased between admission and discharge
Risk assessment	<ul style="list-style-type: none"> • Rate of youths in custody who receive a higher score on their social skills assessment on release
Client satisfaction	<ul style="list-style-type: none"> • Rate of victim and parental satisfaction

- 6.3.34 When the NSW Auditor General examined NSW Juvenile Justice in 2005, they found it difficult to assess the efficiency and effectiveness of services supporting rehabilitation of young people in the youth justice system, because of limitations in outcome and performance measures. A similar conclusion was made following an audit of the youth justice system in Victoria in 2008.³⁶
- 6.3.35 Following the audit assessment, NSW Juvenile Justice changed its performance measures, and since 2006 it has recorded outcomes in three areas of post release support: living in safe and appropriate accommodation, participating in education and training or participating in employment, and participating in community activities.³⁷
- 6.3.36 It is possible to assess outcomes for young people in the areas of life skills, housing, education, health and wellbeing, employment skills, risk taking behaviours, or social interactions. These indicators are likely to impact on young people's offending in the longer term and may therefore provide a better assessment of the performance of youth justice services.³⁸
- 6.3.37 CSD could identify similar intermediate measures suitable for the ACT context, to assess the performance of youth justice services in supporting young people in areas such as housing, education or employment, and health. This issue is discussed further in Chapter 4 (vision). Given the small size of this jurisdiction it should be feasible, for example, to measure the number of young people who transition successfully from Bimberi to suitable housing and education or employment. However, this information is not currently recorded.

Investment in technology

- 6.3.38 The Youth Justice Information System (YJIS) is the database used to record and maintain information about CYJ and Bimberi clients. However, YJIS does not provide CSD staff with capacity for data collection and analysis. For example, the Commission requested non-identifiable demographic information about the group of young people that have lived in Bimberi since September 2008. However, CSD were unable to produce even basic aggregated reports of demographic data from YJIS. It is concerning that the Review could not examine demographic data about young people in detention, but it is more concerning that CSD cannot examine such information when designing policies and programs to meet the needs of these young people. To improve the capacity for research and analysis, CSD urgently needs to purchase or develop a more suitable database. NSW Juvenile Justice is developing a new database, which will provide greater capacity for analysis and reporting of information, and will also connect with the court database, and child protection database.³⁹

³⁵ NSW Auditor-General, *Managing and measuring success: Department of Juvenile Justice* (2005).

³⁶ Ibid; Victorian Auditor-General, *Services to young offenders* (2008).

³⁷ Noetic Solutions, *A Strategic Review of the NSW Juvenile Justice System* (2010).

³⁸ Australian Bureau of Statistics, above n 27; Richards, above n 25.

³⁹ Ibid, 133.

Measuring longitudinal pathways

- 6.3.39 Longitudinal data on children and young people in the youth justice system would provide very useful information. 'Such data not only allow causal pathways and outcomes to be identified, but also enable the identification of at-risk populations'.⁴⁰
- 6.3.40 The recent developments in nationally comparable data collection in youth justice are likely to result in improved longitudinal data in future years. The Commission encourages CSD to continue engagement with youth justice authorities in other jurisdictions through AJJA, and to bring CSD data collection in line with best practice wherever possible.

Connecting data between sectors

- 6.3.41 Research institutions are interested in exploring the possibility of linking data sets from related sectors, including child protection, crisis accommodation, mental health services, drug and alcohol services, disability, housing, community legal services, education and health services. This would allow researchers to identify causal pathways and outcomes for young people, which would inform policy development work.⁴¹
- 6.3.42 For example, the youth justice, child protection and Supported Assistance and Accommodation Program (SAAP) data collections are all maintained by the AIHW. The AIHW suggests that linking them would enable the analysis of the movements between these sectors and the characteristics of young people who are involved in more than one sector. Further, it would:
*'...provide valuable information for the improvement of services for young people and the implementation, monitoring and evaluation of targeted intervention strategies across sectors. In particular, a data set that contained information for a number of years would enable the analysis of the movements of young people over time between these three sectors.'*⁴²
- 6.3.43 Such discussions will take place at a national level, however, the Commission encourages the ACT Government to consider ways to promote information sharing between ACT Government agencies in the best interests of young people in the youth justice system. This issue is discussed further in this chapter, in the section on record keeping.

Research capability

- 6.3.44 The ACT is a small jurisdiction, which poses challenges when analysing statistical trends over time, as 'small changes in the number of juveniles in detention may produce large fluctuations in proportions and rates'.⁴³ However, a benefit of this situation lies in the potential for qualitative research projects to inform our knowledge of the youth justice system and the young people involved in it.
- 6.3.45 For example, NSW Juvenile Justice (NSW JJ) has a Research and Information Unit consisting of four people. They developed a research agenda to identify priority areas for establishing a research base for evidence based decision making, which currently includes:
- Prevention and early intervention with specific focus on secondary/selected intervention for young people in early contact with the Criminal Justice System;
 - Bail and remand;
 - Comparative cost-benefit analysis of interventions;
 - Effective engagement and practice for working with young people with specific focus on Aboriginal and Torres Strait Islander young people; and
 - Building evidence base about what works with young offenders in NSW.
- 6.3.46 The research agenda is overseen by a committee comprising NSW JJ, Bureau of Crime Statistics and Research, Justice Health and Corrective Services.⁴⁴
- 6.3.47 While resources in the ACT may not extend to a specialist research unit, there is potential for CSD to develop partnerships with other research professionals and institutions, as discussed earlier in this Chapter, in the section on evidence based research.

Data collection needs to be easy and efficient

- 6.3.48 One of the most challenging aspects of data collection is the process by which it is sourced and gathered. To be confident in the quality and accuracy of data, agencies must ensure that data entry systems are robust and efficient.

40 Australian Bureau of Statistics, above n 27.

41 Australian Bureau of Statistics, above n 27; Broadbent, above n 5.

42 Australian Institute of Health and Welfare, 'Linking SAAP, child protection and juvenile justice data collections: a feasibility study' (2008).

43 Richards et al, above n 22.

44 NSW Juvenile Justice, 'Research Agenda' (<http://www.djj.nsw.gov.au/research.htm>).

- 6.3.49 The Commission is aware that, in recommending that CSD develop improved performance indicators for youth justice services, this will require people to record information. It may be possible to build on current record keeping processes, or it may be necessary to conduct additional record keeping.
- 6.3.50 The Commission is conscious of the time required to complete 'paperwork' in Bimberi and CYJ. To minimise resource impacts on the staff who record data, data collection needs to be streamlined and integrated with daily practice; it should be an easy and natural part of people's work, and they need to be provided time and resources to complete it. Data should be entered directly on an electronic database, to ensure data is not lost and to minimise double handling. The people at the beginning of the process should be informed and engaged with the end result of the process, so they understand the meaning and relevance of the data, and can identify problems or improvements in the process. Similarly the people analysing the data at the end of the process need to understand the process from the beginning (with appropriate privacy protections) to ensure information is not lost or misinterpreted.
- 6.3.51 If data collection is difficult or complex it will not happen properly. These issues are discussed further in the following section on record keeping.

Protection for young people and families

- 6.3.52 At all times when discussing data collection the Commission is conscious of the need to protect the privacy of individual young people and their families. The systemic interest in sharing information to support evidence based practice must be balanced with individuals' right to privacy.

6.4 Record keeping in Bimberi

Importance of good record keeping systems

- 6.4.1 Many youth workers told the Review that they chose to work at Bimberi to make a difference in the lives of a group of vulnerable young people. Indeed staff at Bimberi have an extremely important role communicating with young people, and supporting them. For some staff the 'paperwork' at Bimberi is frustrating and burdensome, and a distraction from their primary purpose.
- 6.4.2 The paperwork or record keeping at Bimberi is an essential part of the work conducted at the Centre. If the right information is recorded, if it is recorded clearly and accurately, if it is stored appropriately, and if it is accessible to the right people at the right time, then Bimberi will operate safely and successfully. Some of the problems at Bimberi that have been highlighted in this report came about because information was not recorded properly, or was not accessible to people who needed to know about it.
- 6.4.3 There is already a large amount of record keeping at Bimberi. Record keeping in Bimberi is governed by the *Territory Records Act 2002* and the *Children & Young People Act 2008* (the CYP Act). Historically youth workers have not had time on shift to read emails and write reports, and report staying back after their 12 hour shifts to complete their paperwork. The Commission is not suggesting that staff be asked to spend more time on paperwork. Rather, the record keeping system needs to be easier, more streamlined and, above all, digitalised. The aim is to set up efficient systems so that essential information is recorded and accessible to those who need it.

Current record keeping systems at Bimberi

Concerns raised about record keeping at the former Quamby Youth Detention Centre

- 6.4.4 One of the problems with the former Quamby Youth Detention Centre (Quamby) was inadequate record keeping. During an inquest into the death of a young person in detention in 1996, the Coroner called for a review of record keeping systems: *'The evidence is clear that there is a substantial [sic] overload in relation to pieces of paper which are created at Quamby. The control room log, the handover sheets, incident reports and manager's reports are amongst those that are very significant in the day to day running of Quamby. It is clear from the evidence that many of these documents are inaccurate or inadequate. It may be that serious consideration needs to be given to the compulsory use of an appropriate data base so that all of the information relevant to an individual detainee or resident can be kept in the one place. This would involve a greater access for all staff members to computer equipment and additional expense in training. However, it would appear on balance that these expenditures would ultimately achieve a more useful purpose than the ongoing system continuing...*

...There needs, in my view, to be a reassessment of the procedures followed at Quamby to ensure that there is a process of

*adequate record keeping and also a process whereby the records are easily accessible to all those members of staff who need to know about individual detainee's requirements.*⁴⁵

- 6.4.5 The human rights audit of Quamby in 2005 (the 2005 Quamby Audit) raised concerns about the lack of an electronic database for record keeping, and recommended that:

*'...the file management process and procedures should be reviewed to ensure that information is comprehensive and up-to-date for all detainees and can be accessed easily and quickly when required. An electronic database should be established for this purpose.'*⁴⁶

Overview of record keeping systems at Bimberi

- 6.4.6 Record keeping practices have improved since Quamby. There is now a policy on 'Records and Reporting', which aims to:

*'...address requirements for the recording of information related to operations at a detention place, including statutory requirements to record information in registers and to report certain incidents affecting safety and security to higher administrative authorities and oversight persons and agencies.'*⁴⁷

- 6.4.7 Since the 2005 Quamby Audit, the Youth Justice Information System (YJIS) database has been put in place, however, this system does not address the need for an electronic database for use in the detention centre. It is an information system used across Bimberi and CYJ to assist with case management, court reporting and community supervision. Youth workers at Bimberi do not have ability to record information on the system.

- 6.4.8 Currently each young person at Bimberi has four separate hardcopy files: an administration file, case management file, education file and health records file. Each of these files are maintained by different people, and are kept in different buildings on the Bimberi site. The administration file is maintained by operational staff and includes records about admission, classification, risk assessments, approved phone and mail contact, incentive points and purchases, and behaviour management records. The case management file is maintained by the Bimberi case managers, and is shared with CYJ when the young person leaves Bimberi. The health file is maintained by Corrections Health, and there is a further electronic file maintained by Forensic Mental Health Services.

- 6.4.9 There are several other record keeping processes that occur daily at Bimberi. In the administration building there are hardcopy files relating to incidents and segregation. In each of the units there are hardcopy files documenting use of force, and searches. Also in the units are paper diaries in which staff write handover notes and observations about young people at the end of their shift. Staff circulate operational 'case notes' about young people by email. They inform other workers of incidents or observations of behaviour or issues to be aware of. Bimberi management also issue instructions and briefings to staff via email. A daily information sheet is circulated each morning to the youth workers and teachers, summarising information such as unit/room allocation, security status, and observation classification.

Limitations of the record keeping systems at Bimberi

- 6.4.10 Despite the improvements to record keeping that have been made since the closure of Quamby, the Commission has concerns about the way information is managed at Bimberi.

- 6.4.11 In late 2010 an independent investigation into a serious self harm incident at Bimberi expressed concern about the management of records, and information sharing. This investigation recommended changes to record management and information sharing at Bimberi.⁴⁸ For further discussion of information sharing, see Chapter 13 (health).

- 6.4.12 Another independent investigation following a critical incident in Bimberi in early 2011 recommended a review of the management of all documentation relating to young people to ensure an integrated reporting system. The investigator could not locate information to assess a particular young person's history, and observed inconsistency in staff record keeping practices and skills.⁴⁹

- 6.4.13 The ongoing absence of an effective electronic database at Bimberi is a significant problem. As one worker said, *'there are lots of bits of paper floating around'*. According to reports from staff, significant information is stored on managers' and youth workers' local electronic drives or email accounts. Currently there is no accountability system to ensure case notes, incident reports or complaints are formally recorded in a centralised database, so there is a risk that corporate information will be lost when workers leave Bimberi.

45 The Coroners Court in the ACT, Inquest into the Manner and Cause of Death of Mark Robert Watson (1996).

46 ACT Human Rights and Discrimination Commissioner, *Human Rights Audit of Quamby Youth Detention Centre* (2005).

47 Bimberi Youth Justice Centre, 'Records and Reporting Policy'.

48 Ibid.

49 Ibid.

- 6.4.14 Further, Bimberi management circulate instructions, briefings or 'special management directions' to staff by email. While email is an appropriate form of communication in the workplace, the Commission saw no documentation to indicate a process for archiving instructions or new operational procedures. If procedures are not recorded centrally, they cannot be reviewed, and it is difficult to train new staff in current procedures. Accordingly, poor record keeping practices have contributed to the current situation where the staff report that official policy documents do not reflect the practice on the ground.
- 6.4.15 The fact that each young person may have multiple separate files in Bimberi means it is difficult to integrate information to ensure Bimberi meets young people's needs.
- 6.4.16 Incident reports and records of use of force are stored in hardcopy folders meaning that every time the Legislative Assembly requires an answer to a question (eg. about the response to a particular incident, or the number of self harm incidents, or the number of times a young person climbed the roof) the information is not to hand, and staff must spend time manually searching records in order to retrieve information. The inability to pull up automated electronic reports, and the requirement for manual counting is clearly wasteful and inefficient, and creates risks of inaccurate reporting.
- 6.4.17 Finally it is difficult to guarantee accuracy or security of information when there is no centralised database. When information is stored at different locations with no accountability in filing processes, there is a risk information will be inadvertently lost, or deliberately destroyed. A centralised database with time stamping and restrictions on deleting information would ensure accuracy and security of information. In summary, in the words of one worker, record keeping at Bimberi 'is a nightmare'.

Particular problems areas

Report writing practices and skills

- 6.4.18 Most staff at Bimberi have reasonable report writing skills. However, some staff display poor report writing skills, and need further training. After reviewing incident reports and client files, the Commission made the following conclusions about report writing practices at Bimberi:
- A small number of staff refer to young people as 'detainee' or by his/her room number (eg. 'Detainee 1210'). This is not acceptable, and staff should always refer to a young person using his/her name.
 - A small number of staff need assistance or training to be able to describe a sequence of events in a clear way.
 - Some youth workers and managers do not constrain themselves to factual statements in reports, but express personal or unqualified opinions about young people and the reasons for their behaviour.
 - Some staff fail to describe the actions they have taken. Workers state that they 'used force as a last resort', or 'used approved restraint techniques', or 'followed procedure' without insight into the fact that they are required to describe their actions, and allow management to assess whether their actions were appropriate.
 - Some staff adopt a militaristic tone in their reports. This type of language is not necessary; plain language is adequate, and dot points are adequate.
 - On several occasions witness statements have been directly copied from the statement of the staff member writing the main incident report. On one occasion two staff wrote a statement together and signed it jointly. It seems that youth workers and team leaders have access to each other's statements before writing their own. This is not appropriate, and staff should be writing their accounts independently, to ensure accuracy and to avoid accusations of collusion.
 - Some witness statements are unsigned.
 - Some statements are signed, but the name of the officer is not printed clearly, so their identity is unclear. This includes the senior manager, operations manager and director; the people in these positions do not routinely identify themselves.
 - The Commission was told some staff 'don't tick the right boxes on the forms', which makes it difficult to complete quarterly reports accurately.
 - During 2010, when completing incident reports, youth workers often ticked the box on the report form marked 'significant disturbance to the good order of the centre'. A manager then routinely deleted this notation using his signature. The CSD informed the Commission that this was done to ensure accurate record keeping. However, the continuation of this practice over an extended period of time could indicate several problems, including that staff feel significantly impacted by incidents; that staff are unclear of procedure and need further training on what constitutes a significant disturbance; or that Bimberi management feel under pressure to minimise the number of 'significant disturbances'.

Promising Practice: Most staff at Bimberi display reasonable report writing skills, and appear to take seriously their responsibility to complete records of incidents, searches and use of force.

Young people register

- 6.4.19 The CYP Act requires Bimberi to maintain a register of young detainees.⁵⁰ There is an admission form titled 'register of young detainees' which is completed when a young person arrives at Bimberi. However, these documents are stored on each young person's administration file, not a centralised register. Under the CYP Act external oversight agencies have access to this register, but in practice to inspect it they would have to search each individual file. There should be a central register in addition to placing information on an individual young person's file.

Incident reports

- 6.4.20 There are two types of reportable incidents at Bimberi, as detailed in Table 4, below.

Table 6.4: Category of incidents under the Bimberi Records and Reporting Policy⁵¹

Category 1 reportable incidents	Category 2 reportable incidents
Death or attempted suicide	Assaults
Serious injury or health complaint	Threats
Escape or attempted escape	Use of force
Serious assault	Contagious diseases
Major breach to detention place security	Minor breach of security
Direction for a body search	Significant disturbance to the good order of a detention place
	Incidents involving contraband
	Motor vehicle accident
	Possession of a prohibited thing at a detention place by a staff member

- 6.4.21 Following an incident a staff member must complete an incident report using a template form. Other staff members who were present during the event must provide a witness statement. The relevant unit manager conducts a review of the incident, and provides a brief report summarising their conclusions. The operations manager, senior manager and director review the material and provide comment. In principle this is a suitable process to ensure transparency and accountability. However, in practice full evidence is not being recorded following serious incidents, for example CCTV footage and young people's version of events, and therefore the director is forming a view of incidents based on limited information.
- 6.4.22 Under the current system, impartial and thorough investigation by the unit manager is vital to the credibility of the incident reports. Some unit managers display excellent investigation into incidents, and clearly play an important advisory role for the operations manager, senior manager and director. However other unit managers demonstrate very poor practice. Poor practice includes:
- Routinely failing to examine CCTV footage, and therefore relying only on the accounts of staff members to make judgements about staff practice;
 - Failing to invite young people who were present at the time of an incident to provide a witness statement or describe their version of events;
 - Failing to follow up with staff to ensure all staff witness statements are provided;
 - Routinely stating that staff actions were 'appropriate' without providing reasons for their assessment;
 - Making personal or unqualified judgements about young people and the motivations for their behaviour (eg. stating that a young person is 'manipulative', or 'sneaky', or 'derives a sense of satisfaction from his actions'); and
 - Failing to list the actions they have taken (eg. whether they informed a young person's family of an incident, or whether a young person was offered medical assistance).

⁵⁰ Children and Young People Act 2008.

⁵¹ Bimberi Youth Justice Centre, 'Records and Reporting Policy'.

Promising Practice: Some unit managers display excellent investigation skills following incidents, and clearly play an important advisory role for Bimberi management and the Director of OCYFS.

Use of CCTV footage

- 6.4.23 Although significant areas of Bimberi are covered by CCTV cameras, the footage is only available for a finite period. Unless footage is downloaded and saved onto the hard drive, it will be automatically deleted after one month.
- 6.4.24 The policy in relation to downloading CCTV is:
*'On receiving a report (Schedule 1, Reportable Incident) the Manager is to consider the need to download the relevant audio and video records of the incident.'*⁵²
- 6.4.25 However, in practice the task of downloading CCTV footage falls to the unit manager while they are reviewing an incident. Some unit managers appear to regularly download CCTV and review it as part of their investigation process. However, according to statements in incident reports, other unit managers are less consistent, and one particular unit manager has never downloaded CCTV footage following an incident.

Recording young people's version of events

- 6.4.26 When reporting incidents the Records and Reporting Policy requires Bimberi staff to record the young person's views:
*'A report must be made of all Schedule 1, Reportable Incidents, accurately documenting and recording the incident, where relevant including the young detainee's views and any medical opinions, the parties involved and all actions and decisions undertaken.'*⁵³
- 6.4.27 However, the Commission has identified only a few occasions when a youth worker or unit manager spoke with a young person following an incident, and reported their version of events in the incident report.

Use of force register

- 6.4.28 Before April 2010 Bimberi staff were not reporting use of force when young people were placed in mechanical restraints to be escorted between buildings. Following advice by the Human Rights & Discrimination Commissioner this was rectified and, according to the ACT Government submission to the Review, proper record keeping now occurs in these situations.
- 6.4.29 Due to shortcomings with the design and use of the forms, and the record keeping practices of Bimberi staff, any descriptive background information about an occasion of use of force is contained in the 'incident report', but not the 'use of force register' that relates to the same incident.
- 6.4.30 In particular, the use of force register does not give adequate explanation of:
- The reason for the search or use of force;
 - The circumstances leading to the search or use of force;
 - The justification for the decision to undertake a search or use of force; and
 - The manner in which the search or use of force was carried out, and the actions taken by staff to fulfill their statutory obligations during a search or use of force (such as whether they offered a young person the opportunity to have a support person present, and what steps they took to avoid the use of force).
- 6.4.31 This may occur because staff complete the incident report and use of force register at the same time, and are probably unaware that the documents are later separated. However, the outcome is that the use of force register cannot be properly audited without reference to the incident reports. The Commission has concerns about oversight and monitoring processes at Bimberi, and further discussion and recommendations on this topic are contained in Chapter 15 (management & oversight).

52 Ibid.

53 Ibid.

Search register

- 6.4.32 The Commission has concerns about the documentation of strip searches and room searches. When completing the search register, staff rarely explain the reasons for the search, or the circumstances leading to the search.
- 6.4.33 In the section on the report form which asks the reason for the search, most staff record 'suspicion of contraband' or something similar, without explaining the grounds for their suspicion. Therefore the reports cannot be properly audited. Staff rarely follow the instruction on the search register form to describe the conversation between the resident and the searching officer. This section is nearly always left empty, or people write 'as per protocol'. Staff may provide background information if there is an incident form relating to the search, but the forms are not stored together, so cannot easily be compared. There are problems with the design of the 'search register' form, and it appears to have changed over time. For example, for a particular time period there was no box to nominate 'strip search' so staff were using the 'cabin search' box incorrectly. The design of the form needs to be reviewed to ensure it addresses all relevant information, and it is efficient and useable for staff.

Segregation register

- 6.4.34 Segregation is an extremely serious action, but unfortunately the state of the segregation register does not reflect the gravity of the decision. The register does not appear to be thorough or comprehensive. The time periods of segregation directions do not appear to match with young people's reports of their time in segregation. Reasons for segregation decisions are not always stated in detail, limiting the ability of oversight agencies to scrutinise the decision. For further discussion of these issues see Chapter 14 (conditions of detention).
- 6.4.35 Further, the Commission is concerned that the segregation register does not accurately reflect the amount of time that young people are required to be detained in their rooms. The widespread use of 'time out' as a behaviour management technique is not included in the ACT Government's definition of 'lockdown' and is therefore not reported in those figures. In the ROGS, adult detention centres report to the Productivity Commission on a measure called 'time out of cells', defined as the average number of hours in a 24 hour period that prisoners are not confined to their cells or units. The use of 'time out' is discussed further in Chapter 14 (conditions of detention). The Commission makes recommendations including improving the recording of the use of 'time out'.

Complaints from young people, staff and families

- 6.4.36 The record keeping system for complaints is inadequate. There is no documentation to indicate that Bimberi routinely collates all verbal and written complaints in a register or centralised database. For further discussion of these issues see Chapter 15 (complaints).

Behaviour management and risk assessments

- 6.4.37 Bimberi management occasionally restricts young people's access to education and other programs following incidents in which young people were alleged to display aggressive behaviour. Bimberi management say such decisions are not a punishment for behaviour, but a risk management strategy. These issues are discussed further in Chapter 14 (behaviour management).
- 6.4.38 The Commission is concerned that these significant decisions are made without full documentation of the process of the risk assessment, and the reasons for the decision. Lack of documentation makes it difficult to review such decisions, and it means young people are unclear of where they stand, and what they need to do to regain access to programs. If a decision is really based on a risk assessment, rather than punishment, it should be documented, not only for accountability and transparency, but also to provide evidence that the decision was legitimate.

Health, education and recreation programs

- 6.4.39 The Commission asked for a list of all programs that had been provided in Bimberi by external government or community services. To provide this information, Bimberi staff had to manually check the log books in which people had signed in at Bimberi reception, and extrapolate from this list. Manually counting the entrance register is an inefficient and inaccurate process by which to obtain this information. Programs should be planned and scheduled in advance, and fully documented on an electronic register which is able to generate reports as required.

Communication between staff

- 6.4.40 Staff in each residential unit write handover notes or shift reports in A4 diary books. In these 'handover diaries', staff record information about the events of the day and each young person's behaviour. Such a process is an easy and accessible way to transfer information to the next shift. However, it is not clear whether someone monitors these records over time to identify young people's needs and other significant information.
- 6.4.41 Staff circulate 'case notes' to their colleagues via email, informing the group of young people's behaviour, or disseminating information they want other staff to be aware of. Again, while some of these case notes are recorded on the young person's administration file, it is not clear whether this information feeds into processes for identifying young people's needs and planning for service provision.

Respect towards young people

- 6.4.42 The Review has seen examples of youth workers' record keeping practices in case notes, daily handover diaries, and incident reports. Some workers are factual, balanced and respectful. However, a small number of staff seem to be tired, judgemental and disrespectful towards young people. As mentioned above, in several incident reports workers referred to young people by their room number (eg. 'Detainee 1210') instead of their name, which is unacceptable. The Commission has seen documents in which several workers describe young people using other inappropriate language such as '*a challenge as always*', '*a difficult young person*', or '*terrible until medication kicked in*'.

A way forward

- 6.4.43 In this section the Commission outlines a range of actions that Bimberi and CSD could take to improve record keeping at Bimberi:
- Review and overhaul record keeping systems;
 - Invest in an electronic database;
 - Standardise use of a shared electronic drive;
 - Provide staff with training on report writing skills;
 - Make record keeping easy;
 - Clarify procedures for investigating incidents;
 - Provide unit managers with training on investigation skills;
 - Invite young people to record their version of events;
 - Facilitate young people's access to their files;
 - Download and save CCTV footage after every incident;
 - Upgrade CCTV system to allow for audio recording; and
 - Improve information sharing between ACT Government agencies.

Review and overhaul record keeping systems

- 6.4.44 The Commission recommends a comprehensive review of record keeping systems at Bimberi. It is unlikely that Bimberi management can conduct such a review with the current staffing resources available, and CSD should commit additional resources for this purpose. The audit should examine what information is recorded, storage of information, access to information, information sharing, protection of privacy, and design of forms and registers, and design improvements. As one worker told the Review, '*we need fresh eyes to look at the whole thing*'.
- 6.4.45 CSD could establish an advisory group to assist the audit, bringing together workers from all levels and across all staff groups at Bimberi, including health professionals, case managers, teachers, corporate staff, youth workers, team leaders, unit managers, and senior managers. This would ensure the audit is useful for all staff, and that each staff group is engaged and participates in the changes following the audit.
- 6.4.46 The review of record keeping systems may need to be integrated with the wider review of procedures that the Commission has recommended in Chapter 15 (management & oversight). Some workers have suggested that it would be helpful for a policy officer to be based at Bimberi full time, to ensure the filing system is in order, and assist with preparing the necessary range of briefs, reports and statistics that are produced for the Government.

Recommendation 6.7: The Community Services Directorate undertake a comprehensive review of all record keeping systems at Bimberi and establish a plan for implementing improvements.

Invest in an electronic database

- 6.4.47 Bimberi clearly and urgently needs an electronic database to help manage information. An electronic database is more efficient than hardcopy files, it allows aggregated reporting, avoids constant manual counting, ensures information is not lost, and facilitates quality assurance. At a minimum the system must be capable of recording, monitoring and analysing incidents, use of force, segregation, searches, risk assessments, behaviour management plans, disciplinary actions, and complaints.
- 6.4.48 In relation to incidents, searches and use of force, the system should incorporate the following features:
- Simple data entry;
 - The ability to aggregate data according to various fields, such as date, young people involved, staff involved, location, type of incident, injuries, factors contributing to the incident;
 - The ability to produce reports, to prompt the agency to monitor trends;
 - Date stamped entry with no ability to delete information; and
 - No ability for staff to read each other's witness statements before writing their own.

Recommendation 6.8: The Community Services Directorate provide Bimberi with an electronic database to help manage information.

Standardise use of a shared electronic drive

- 6.4.49 Like any other ACT Government agency, Bimberi has a shared electronic drive (commonly called the G:\ drive) which stores information centrally so staff can archive or access documents when appropriate. Under the *Territory Records Act 2002*, staff should be trained in record keeping procedures, to ensure they store official records appropriately. The Commission heard reports that documents from Bimberi were lost or unavailable because information was stored on employees' local drives or email accounts but not on the shared drive. While it is not possible for us to confirm these reports, we encourage CSD to provide staff training and ensure proper practice in this area.

Training on report writing skills

- 6.4.50 Report writing skills should be a component of the induction training for staff at Bimberi, and it should be a component of annual refresher training for operational staff. When staff are promoted to team leader or unit manager positions, they should receive training on the record keeping requirements of their new position.
- 6.4.51 Youth workers at Bimberi told the Commission they find it difficult to complete paperwork because they are busy during their shift, and are tired after 12 hours on the floor. Other workers indicated that they felt they did not have the necessary background or training to be good at report writing.
- 6.4.52 Staff should be provided with clear expectations and standards for report writing, to which they can be held accountable. They should not feel they are being asked to do something complex or difficult; they are expected to write simple factual statements in plain language, and to be detailed, balanced and non-judgemental in their description of events. The Commission recommends in Chapter 5 (staffing) that staff at Bimberi receive training on report writing skills.
- 6.4.53 Bimberi management has acknowledged that some youth workers are not fully trained in policies and procedures, and how to write reports. The Commission understands that team leaders are now receiving training on report writing so they can help youth workers. Bimberi management say they are telling staff when reports are not good enough, and there are indications that this has been occurring recently.

Make record keeping easy

- 6.4.54 As mentioned above, the primary role of youth workers at Bimberi is to engage with and support young people. Record keeping is a fundamental part of this work, and it needs to be made as easy and convenient as possible. Record keeping needs to be simple and integrated into daily shift work. Youth workers report working overtime after their 12-hour shift to do their paperwork because they have no time during the shift. Working conditions at Bimberi should be flexible enough to allow staff to complete paperwork within the 12-hour shift. Adequate staffing levels and increased access to computers would enable youth workers to complete their reporting requirements during their shift. Forms may need to be redesigned based on feedback from youth workers; as they are the people regularly completing the forms, they may have suggestions for making them simpler or easier to use.

Clarify procedures for investigating incidents

- 6.4.55 Unit managers should be provided with detailed procedures for investigating reportable incidents. It should be clear to them that their role is not to justify their team's actions, but to provide an impartial assessment to the senior managers and director. It should also be understood that statements by staff do not automatically hold any more weight than statements by young people.
- 6.4.56 The Records and Reporting Policy should specify the requirements on the unit manager to investigate and report incidents, including:
- Download CCTV (there should be no element of discretion; CCTV footage for any reportable incident must be downloaded and saved securely for future access);
 - Ensure young people who were involved in or witnessed the incident have the opportunity to provide a statement if they wish;
 - Ensure the incident report is properly completed by the staff member involved;
 - Confirm in writing that they have completed appropriate tasks (eg. informing parents/carers, ACTIA reporting, mandatory reporting, staff debriefing, debriefing of young people, medical assistance provided to all involved, etc); and
 - Present evidence to support any conclusions they make.

Recommendation 6.9: The Community Services Directorate develop operational procedures to provide guidance to unit managers in Bimberi when investigating reportable incidents.

Training on investigation skills

- 6.4.57 As discussed above, impartial and thorough investigation by the unit manager is vital to the credibility of the current system of incident reports. Some unit managers display excellent investigation into incidents, and clearly play an important advisory role for the operations manager, senior manager and director. However, other unit managers display poor practice and require training, support and guidance in independent investigation skills. In Chapter 5 (staffing) the Commission recommends that CSD provide training for unit managers on investigation and reporting skills.

Invite young people to record their version of events

- 6.4.58 As mentioned above, the Records and Reporting Policy requires that young people have the opportunity to provide a witness statement, or outline their version of events, following an incident.
- 6.4.59 The Commission has seen evidence of one occasion when a staff member provided a report of a conversation with a young person following an incident. The staff member apparently discussed the young person's version of events, how the young person was feeling, and the reasons for the young person's behaviour, and presented this information as a quasi-witness statement. However, unfortunately this is an isolated occurrence.
- 6.4.60 Bimberi is not complying with the Records and Reporting Policy, in failing to provide young people with the opportunity to express their version of events following incidents.
- 6.4.61 In England and Wales the external inspector of prisons applies the following benchmark under international and UK human rights standards:

*'Children and young people are always given the opportunity to talk about their experience with a trusted and impartial member of staff when they have calmed down and as soon as possible after the use of force. This is fully documented and retained in their personal file. Young people are offered the opportunity to make a complaint if they feel that it is justified... The use of force policy or the behaviour management policy should include a requirement to debrief children and young people. There is a pro forma or agreed procedure for such debriefs which includes the opportunity for them to make a written contribution to the incident report. Records of discussions after the use of force are present in individual wing files.'*⁵⁴

- 6.4.62 The Commission suggests Bimberi adopt this approach. Debriefing following use of force is discussed further in Chapter 14 (conditions of detention).

Recommendation 6.10: The Community Services Directorate comply with the Bimberi Records and Reporting Policy, and provide young people with the opportunity to record their version of events following reportable incidents.

Facilitate young people's access to their files

- 6.4.63 Under international human rights standards young people in Bimberi have the right to contest any fact or opinion on his/her file; and there should be procedures in place to enable this to occur.⁵⁵
- 6.4.64 Having viewed the range of documents created about young people in Bimberi, the Commission is conscious that they almost universally present the views and opinions of staff members, and it is likely that in many cases young people would have a different point of view.
- 6.4.65 Young people should be informed of the records that are kept about them while living in Bimberi, and they should be informed of the process they can follow if they wish to see these documents. If a young person disagrees with a staff member about an incident or behaviour breach they should be provided the opportunity to have the record changed, or at least have their own comments added to the record.

Download and save CCTV footage after every incident

- 6.4.66 In their submission to the Review, the ACT Government stated that:
*'...security technology is used to strengthen and support operations through ensuring suitable monitoring, effective deterrence and detection, and, if necessary delay to breaches of security. Electronic security records also ensure accountability of operations.'*⁵⁶
- 6.4.67 As mentioned above, the current procedures around use of CCTV at Bimberi are inadequate; CCTV footage is not downloaded as a matter of routine following every reportable incident.

Recommendation 6.11: The Community Services Directorate amend the Bimberi Record and Reporting Policy to require that all relevant CCTV footage be downloaded and saved following any reportable incident.

- 6.4.68 The Commission also suggests the Director of Youth Directorate should view CCTV more frequently when he/she reviews incident reports, to ensure he/she can make an independent assessment of incidents.
- 6.4.69 In the recent independent report into the first year of operation of the Alexander Maconochie Centre (AMC), Knowledge Consulting found there was a similar problem with CCTV footage being automatically deleted if it is not downloaded and saved within one month. They recommended 12 months' storage of CCTV footage to ensure any future complaints could be properly investigated. It was estimated the cost of such an upgrade would be \$600,000, and in their view this was a reasonable expense to achieve that outcome in the adult justice system.⁵⁷

54 Her Majesty's Inspectorate of Prisons, Criteria for assessing the treatment and conditions for children and young people held in prison custody (2009), 195.

55 Rules 19-20 Protection of Juveniles; Rule 21 Beijing Rules.

56 ACT Government submission

57 Knowledge Consulting, Independent Review of Operations at the Alexander Maconochie Centre, ACT Corrective Services (2011).

Upgrade CCTV system to allow for audio recording

- 6.4.70 CCTV footage has been used to investigate several past incidents at Bimberi. Some of them involved assaults by staff on young people, and some involved assaults by young people on staff or other young people. While in many situations the visual footage provides clear indication of events, on several occasions the lack of audio on the footage makes it difficult to interpret the circumstances leading to the incident.

Recommendation 6.12: The Community Services Directorate upgrade the CCTV system at Bimberi to allow all footage to be kept for a period of 12 months, and to enable the system to include audio coverage.

Improve information sharing between ACT Government agencies

- 6.4.71 Many young people living in Bimberi have had previous contact with other ACT Government agencies, including Care and Protection Services, Child at Risk Health Service, Child and Adolescent Mental Health Service, Forensic Mental Health Service, Disability ACT, and Housing ACT.
- 6.4.72 If carefully regulated, and in compliance with privacy legislation, authorised information sharing between ACT Government agencies could assist in identifying young people's needs while in Bimberi, maintaining young people's connections with existing service providers, and preparing young people for release. In other words, it could help ensure staff at Bimberi have adequate information to make decisions.
- 6.4.73 Such a model of information sharing is being developed in Victoria. The Victorian Department of Human Services provides disability, health, housing, child protection and youth justice services in that state. It is piloting a new data system to improve staff access to information across the various divisions of the Department. The new system incorporates data on youth justice, disability, mental health, child protection. Front-end data from these areas will be available to all staff, including staff working with young people in detention centres.⁵⁸ In Chapters 8 (case management) and 11 (housing) the Commission further discusses the need for improved communication between Bimberi, CYJ, Care and Protection Services, and ACT Health.

58 NSW Auditor-General, above n 36.