

Chapter 9: Programming

A Quality Youth Justice Centre Has A Clearly Articulated Practice Framework

Relevant Terms of Reference

- Programs for education and training, health and wellbeing and rehabilitation
- Through care and aftercare services provided to detainees and CYJ clients

Relevant Human Rights Standards

- Protection of Family and Children (HR Act s.11, CROC arts 3, 19)
- Humane Treatment (HR Act s. 19)
- Right to Education (POJ r13, 38 and 39, CROC arts 28, 29, ICESCR art 13)
- Vocational Training and Work (POJ r43-46, 67)

9.1 Introduction

9.1.1 In the youth justice literature there is growing evidence to suggest that centres that are underpinned by particular philosophies and practice approaches are more successful in rehabilitating young people than centres that are not. For the purposes of this chapter we will talk about a Centre-wide program which encapsulates the vision and functioning of the Centre, with particular services and supports sitting below it. We will also discuss services related to education, health, mental health, and alcohol and other drug issues as they relate to this Centre-wide program.

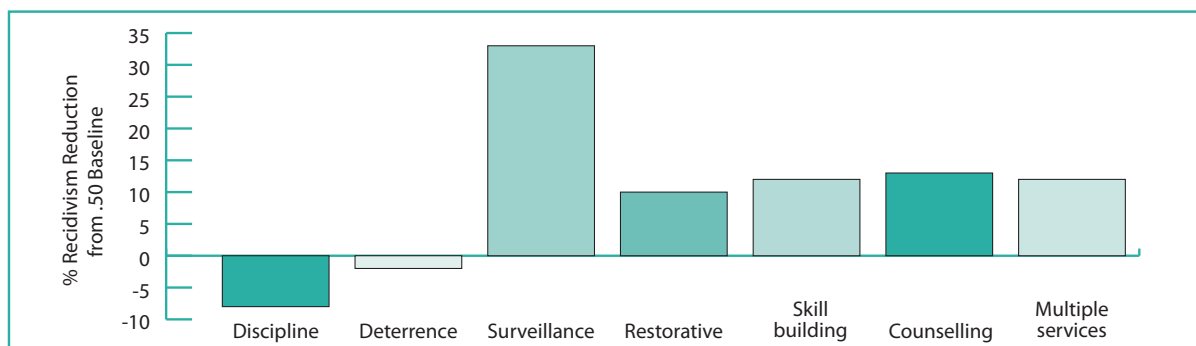
9.2 Good practice in programming

- 9.2.1 After evaluating and identifying the characteristics of effective youth justice systems in the US and abroad, David Roush points to the fact that Centres with clearly stated goals and strategies to implement the broad vision for the Centre are more effective.¹
- 9.2.2 Programs that are successful have core principles or assumptions that guide program development, decision-making and problem solving. These underpinning principles define the Centre's overarching purpose and then the way that individual program goals and content are developed, they articulate what the institution and its programs aim to accomplish and clarify the operations that it uses to accomplish these goals. These 'core values' also influence decisions about the facility, the levels of staff, and the training and the development needs staff have in implementing the program.
- 9.2.3 Although fundamental, Roush notes that:
'It is a seeming paradox that many institutions have fine programs, but no program.'
- 9.2.4 As discussed in Chapter 3 (embedded in community) it is the responsibility of the whole community to establish the overarching vision for the youth justice system. A set of program-level goals and objectives for implementing this vision is required.

1 David Roush, Juvenile detention programming (1993) 57 *Federal Probation* 20–33.

- 9.2.5 In his meta-analysis, Lipsey² found that, in general, program visions were shaped by an overarching philosophy, which enshrined *'the global approach to altering juvenile behaviour taken by the program'*. He distinguished two broad program philosophies. The first featured external control techniques for suppressing delinquency and included three categories:
- Programs oriented toward instilling discipline (e.g. paramilitary regimens in boot camps);
 - Programs aimed at deterrence through fear of the consequences of bad behaviour (e.g. prison visitation programs such as Scared Straight); and
 - Programs emphasising surveillance to detect bad behaviour (e.g. intensive probation or parole supervision).
- 9.2.6 The second contrasting philosophy facilitates personal development through improved skills development and encourages relationships and improved insight in its attempts to bring about behaviour change. This therapeutic philosophy included the following categories of programs:
- Restorative (eg restitution, victim-offender mediation);
 - Skill building (eg cognitive-behavioural techniques, social skills, academic and vocational skill building);
 - Counselling (eg individual, group, family; mentoring); and
 - Multiple coordinated services (eg case management and service brokering).
- 9.2.7 Lipsey's work suggests that models with a therapeutic, restorative and skill-building philosophy are more effective than those focused primarily on discipline, deterrence or surveillance.³ This is demonstrated in Figure 9.1, below.

Figure 9.1: Mean recidivism effects for the program categories representing control and therapeutic philosophies



9.3 A clearly articulated vision for Bimberi

- 9.3.1 It became clear in discussions with management at Bimberi that the management team had developed clear goals and ideals for the Centre, and had come some way in implementing these. Within this context, senior management spent some time considering what the Centre should achieve and reported that they wanted to create a physical environment that was conducive to positive growth and, through its programs *'create every opportunity for every young person to progress'*.
- 9.3.2 Although these goals and ideals include the rhetoric of therapy and rehabilitation, management reported difficulties in achieving demonstrable outcomes due to the fact that many young people were only at the Centre for short periods of time. It was their view, and one that seems to have permeated the operations at Bimberi, that young people who were on remand were less likely to achieve therapeutic or rehabilitative outcomes and that attempting to do so was not a priority.

2 Mark W. Lipsey, 'The primary factors that characterise effective interventions with juvenile offenders: A meta-analytic overview' (2009) 4, *Victims and Offenders* 125, 124–47

3 Mark W. Lipsey, James C. Howell, Marion R. Kelly, Gabrielle Chapman, Darin Carver, *Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice* (2010)

- 9.3.3 Staff at Bimberi were often able to articulate what they believed should be the purpose of the Centre (often being rehabilitation and supporting young people's growth) but did not always believe that this purpose was communicated, reinforced or enabled through training or in day-to-day operations (particularly during periods when staffing levels were low). A number of staff reported that the disconnect between their expectations of their job and the practical reality was significant and caused them to question their role.
- 9.3.4 The management team also reported challenges of motivating and enabling some youth workers to work in a way consistent with their vision, suggesting that some staff still maintained an authoritarian and punitive approach to working with young people.
- 9.3.5 At a broad level, it does not appear that rehabilitative and therapeutic goals were achieved at Bimberi for all residents. Some young people interviewed reported that the Centre was primarily a 'holding ground' and that although they often appreciated relationships formed with workers and achievements they made at school, they felt the Centre's focus was punitive rather than developmental. This view was shared by a number of staff, community partners and parents.

9.4 A focus on rehabilitation

- 9.4.1 Rehabilitation generally refers to the process of assisting offenders to change their behaviours and so preventing further offending. Day et al suggest that:
- 'Rehabilitation is used ... to refer to those types of practice in Juvenile Justice that are most directly aimed at reducing reoffending in young people and is used to refer to specific forms of intervention, rather than the social or administrative context in which interventions take place'.⁴*
- 9.4.2 Youth justice experts Altschuler and Brash stress the need to orient youth justice systems to achieve rehabilitation, and argue that programs provided in detention need to facilitate this outcome.⁵ This is in recognition of the fact that without the provision of rehabilitative programs, incarceration in and of itself may have long lasting consequences for young people and ultimately increase the likelihood of them committing further crime.
- 9.4.3 Halsey argues that this is a matter of children's rights: *'Formally, sentencing a juvenile to detention places an obligation on the state to do everything within its power to provide the structures and support believed to be integral to the rehabilitation of each resident (this much is stated in the... UN Convention on the Rights of the Child to which Australia is a signatory).'*⁶

Rehabilitation and Bimberi

- 9.4.4 Although there was a clearly articulated expectation that Bimberi would attempt to rehabilitate young people, there was a belief among many internal stakeholders that the Centre's capacity and practical commitment to do so was limited.
- 9.4.5 There was a view that Bimberi often only worked with young people for short periods of time and that rehabilitation was therefore not achievable. Bimberi management suggested that the broader system should be held more accountable for failures to rehabilitate young people realising that young people spent more time out of the Centre than within it. Some participants felt that Bimberi was judged unfairly by the failures of the broader system.
- 9.4.6 Although this might be true (most young people only spend days or weeks at the Centre) the Commission notes that many young people return to Bimberi for multiple stays over extended periods of time. As such, we believe that attempts to rehabilitate young people should be considered cumulative and that every opportunity should be taken to engage young people in rehabilitative activities.
- 9.4.7 In addition, although young people often spend short periods of time at Bimberi, they often spend years engaged with the broader youth justice system. Accordingly, rehabilitative goals need to be considered and addressed through care: while young people are incarcerated and within the community. This requires a joined-up approach to service delivery and shared responsibility for setting and achieving rehabilitative goals.
- 9.4.8 Secondly, there remains some debate about what programs were actually rehabilitative. When both current and former staff were asked about the effectiveness of Bimberi's rehabilitation programs, many asked *'what rehabilitation programs?'*

4 Andrew Day, Kevin Howells & Debra Rickwood, *The Victorian Juvenile Justice Rehabilitation Review* (2003) 1.

5 David Altschuler & Rachel Brash, *Adolescent and Teenage Offenders Confronting the Challenges and Opportunities of Reentry* (2004) *Youth Violence and Juvenile Justice* 2(1), 72-87

6 Mark Halsey, *Negotiating conditional release: Juvenile narratives of repeat incarceration* (2006) *Punishment and Society* 8(2) 147-81

- 9.4.9 Conversely, in the ACT Government's submission to the Review, programs focusing on transitions back into the community were seen as rehabilitative even though they generally did not address criminogenic need or consider the attitudes, criminal behaviours or environmental factors that might influence young people's reoffending. Although invaluable, these programs need to be extended to better understand and respond to rehabilitation needs.
- 9.4.10 Staff at Bimberi and in the community reported that mental health services provided at Bimberi do not, in general, consider the attitudes or beliefs that influence young people's criminality, nor do they consider ways that past experiences of abuse or trauma might relate to young people's behaviours and provide them with particular ways of coping with internal challenges. Family support is not utilised, even though programs such as multisystemic therapy has shown to have positive rehabilitative outcomes.
- 9.4.11 Although evidence based programs such as the Changing Habits and Reaching Targets (CHART) Program have been purchased for use in Bimberi (and within Community Youth Justice and Turnaround), staff reported that during 2010 the CHART Program was not consistently used because case managers did not have the time or resources to help young people work their way through the series of tasks required. The Commission was informed by CSD that in 2011 CHART is being provided to all young people at Bimberi and in Community Youth Justice who have the appropriate cognitive capacity, and who have admitted guilt. The Commission is encouraged by this development.
- 9.4.12 Despite the above, the Commission understands that young people who have not pleaded guilty or who have not yet been given a sentence, but who are remanded at Bimberi, do not participate in this program. While we recognise that the presumption of innocence warrants the exclusion of young people from offence-related programs, the Commission is of the view that programs that target psychosocial needs (which ultimately deal with criminogenic factors) rather than specific crimes may be of significant benefit to young remandees and should be sourced from other jurisdictions. This is in recognition of the fact that young remandees deserve the same level of assistance as those who are on committal and would benefit from programs that respond to their needs.
- 9.4.13 Broadly, the Commission is of the view that, in spite of its stated vision, Bimberi is not sufficiently oriented towards rehabilitation, and that significant investment is required for it to achieve rehabilitative outcomes. This view is consistent with those reported to the Review by young people, families, workers, CSD staff and members of the community:
- Young people were generally unconvinced that Bimberi had a rehabilitative function, recognising that they were there for committing crimes but highlighting that there weren't many services to help them change their behaviours. One young person said: *'The programs need to be constructive. There is no rehabilitation at all at Bimberi; they're not preparing people for the real world at all. It is like they're just marking time.'*
 - Parents also hoped for rehabilitation, with one parent remarking: *'As a parent all you want is the rehabilitation of your child. You have taken him away from us but what are you going to do with him?'* Parents felt that incarcerating children had a detrimental effect on young people's criminality, and that through the process of incarceration they became more detached and that they, as parents, were less able to help develop and nurture their child.
 - Community representatives advocated for a rehabilitative model of youth justice that helped young people to take responsibility for their criminal behaviour while providing them with opportunities to repair connections and prepare them for a positive reintegration back into their communities. As one group of providers commented: *'Rehabilitation shouldn't compound the idea that the young people are seriously wrong and need to be fixed. It needs to recognise that crime is an event and one that exists within a broader context.'* They believed that to achieve positive rehabilitation, staff should adopt a mentor-like role rather than using punitive and coercive approaches that are shown to be counter-productive. They believed that while staffing shortages continued, and while the dominant culture focused on control and containment, such rehabilitative approaches remained secondary.

9.5 Reintegration and throughcare

9.5.1 As rehabilitation is important, so is reintegration. In their review of the literature, Borzycki and Makkai stress the importance of continuity of care and throughcare. Continuity of care refers to the seamless provision of service as experienced by the consumer (i.e. that they feel as though supports and services are provided in a consistent and planned way, preferably by consistent and reliable workers), while throughcare refers to the period beginning at the young person's first contact with the youth justice system through to when they are exited (and sometimes beyond). As Borzycki and Makkai note:

*'Research now supports the notion that aftercare should commence before release (see Travis 2000), and so is more rightly called throughcare. In providing care that spans the gap between prison and community, gains from in-prison treatment are retained and can be applied, can be seen as relevant, and can be reinforced in daily life ...). This is especially true for drug-involved offenders ... It is optimal that the treatment and services offered in prison are continued (or at least mirrored) upon release, which includes ensuring that the treatment ethos is consistent between community and custody (see Fox 2002). Continuous care naturally requires enhanced links between custodial institutions and the broader community.'*⁷

9.5.1 Altschuler & Brash observe that reintegration:

*'... is the means by which institutional and community corrections can be bridged, for it takes into account both what happens when an offender is incarcerated and afterward. It also involves both offender change and offender ecology. The concept of reintegration rests on the premise that public safety is ultimately accomplished by offender reformation and opportunity. Accordingly, reintegration programs aim to develop offender competencies through various types of services and to guide offenders to crime-free lifestyles in the community. The central tenets of balanced and restorative justice (competency, public safety, and accountability) are compatible with reintegration.'*⁸

9.5.2 In their reports on corrections systems in Australia, Borzycki and Makkai identify a number of reasons why it is imperative for correction systems to focus on prisoner reintegration. Firstly, they recognise that there has been a steady increase in prisoner populations and that the costs related to incarcerating offenders are significant. They also note that the costs continue if an offender returns to the community and continues to commit crimes: the costs to victims, of policing, of adjudicating new offences and of administering new sanctions. They point to the fact that when positive reintegration is achieved, these costs are reduced as the rates of recidivism drop, the level of services needed to sustain offenders diminishes, and the level of monitoring required is also minimised.

9.5.3 Other writers have also recognised the human and social costs of crime to the offender and to the victim, but also to their families and communities. They recognise that without appropriate levels of pre-entry planning and support, each of these individuals and groups can experience unnecessary stress and conflict. Providing support to families and communities through the reintegration process has shown to reduce these issues and, in doing so, improve outcomes for the offender, the family and the broader community.

9.5.4 Incarceration can be an unsettling and disruptive experience for young people. As a result of their removal from the community, they often lose bonds and connections with informal support networks, with normalising activities such as school and work, and from the broad service system. However, during periods of incarceration they receive varying levels of support and stability and may be given opportunities to develop skills and abilities which are often missing in the community outside. In recognition of this, Roush comments that without transition and aftercare programs, any changes achieved during periods of incarceration are unlikely to have long-lasting effects.⁹ (Transition programs move young people back into the community gradually while aftercare programs are those provided to young people in the community.)

9.5.5 In taking these factors into account, Mears and Travis argue that the juvenile justice system must be re-oriented and adopt the goal of ensuring the successful re-entry of young offenders as its primary consideration. They argue that this reorientation requires that re-entry planning and services become the core part of delivery of justice, and begin as soon as the young person is incarcerated and continue after they return home.¹⁰

7 Maria Borzycki & Toni Makkai *Prisoner reintegration post-release* (2007), 142

8 David Altschuler & Rachel Brash, 'Adolescent and Teenage Offenders Confronting the Challenges and Opportunities of Re-entry' (2010) 2(1) *Youth Violence and Juvenile Justice* 72-87.

9 David Roush, *Juvenile detention programming* (1993) 57 *Federal Probation* 20-33.


10 Daniel Mears & Jeremy Travis *Youth development and reentry* (2004) *Youth Violence and Juvenile Justice* 2(1): 3-20.

Throughcare and continuity

- 9.5.6 As noted elsewhere in this report, Bimberi's general lack of community embeddedness and its siloing of services and supports may have had a detrimental effect on young people during and after periods of incarceration. Rather than capitalising on the fact that young people are often willing to engage with positive adults, to begin rehabilitative programs, and to make amends for their past offending, it would appear as though Bimberi has failed to minimise the disconnection that young people experience through periods of incarceration. Additionally, a number of organisational and procedural issues have kept both internal and external services from restoring or creating new networks for young people during their time at the Centre.
- 9.5.7 At the same time, the Commission found that there was a perception among Bimberi staff and young people that external services were not willing or able to provide ongoing assistance to young people during periods of incarceration and that it was normal practice to put young people 'on hold' while inside.
- 9.5.8 In their 2008 report *Lost in Transition*, the Institute of Child Protection Studies (ICPS) found that connections with informal and formal supports were generally strained during periods of incarceration, and that the level of assistance dropped dramatically post release. They pointed to the fact that this was often traumatic for young people who frequently understood this disconnection as a form of rejection: that those with whom they believed they should have an ongoing relationship but who failed to provide ongoing support had 'turned their back' and 'let them down'. We have identified a number of these challenges in Chapter 3 (community embeddedness) and in Chapter 8 (case management).
- 9.5.9 The Commission is of the view that services working with and for young people in the youth justice system should make a commitment to providing supports to young people regardless of their incarceration, and that every effort should be made to maintain these relationships. This may require flexibility in funding guidelines and additional resources to enable services to do effective outreach.
- 9.5.10 We are of the view that a mapping of each young person's formal and informal supports would help staff at Bimberi better facilitate ongoing support, as well as help young people to identify those people who can assist them during incarceration and beyond. Instilling a commitment to facilitating, strengthening and restoring connections in throughcare, and in all programming planning, is vital.
- 9.5.11 We would also argue that when considering what programs are offered at Bimberi, the need for a mirrored service in the community should also be taken into account so that any lessons learned during periods of incarceration can be reinforced and practiced in the community so that their efficacy is maximised. This requires community agencies to make an active commitment to supporting young people not only when they are at the Centre and a 'captive audience', but also when they are in the community and not always as easily accessed and supported. Unfortunately, the Commission heard that most services had not been able to provide this level of throughcare assistance.

Transitional planning and release

- 9.5.12 As we note in Chapter 8 (case management), transition planning is fundamental to achieving positive outcomes and increasing the potential for sustained desistance post-release. Although there is evidence that transition plans for young people are developed prior to their release from Bimberi, there are a number of programming issues that were reported by stakeholders that warrant further attention, including:
- Independent living skills training;
 - Opportunities for young people to develop their confidence in living independently: in managing their behaviours, in practicing new skills, in looking after themselves, in forming and building new relationships;
 - Opportunities for young people to connect or reconnect with education and employment prior to exiting, in preparation for reintegration;
 - Opportunities for young people to establish new accommodation options and to gradually experience independent living (often for the first time);
 - Involvement of families and informal support people in the development of transition plans: in identifying potential risks, in coming up with strategies that respond to the young person's environment and family needs, and in capitalising on the skills, resources and opportunities available; and
 - A shared vision for post-release services and supports by young people, families, external service providers, community youth justice and others.

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- 9.5.13 While in Bimber, young people are not required to undertake routine living skills such as grocery shopping, paying bills, or putting the bins out. Particularly for young people who have been in custody for a long period of time, they need preparation to adjust to the change they will experience on release into the community. Additionally, some of the young people in Bimber have also grown up in environments where they did not have the opportunity to learn more complex living skills, such as relationship skills, handling conflict, and budgeting. There is an opportunity to assist them to develop these skills while they are in Bimber.
- 9.5.14 The Commission agrees with the participants in the Review who reported a need for a transition unit between Bimber and independent living, and is aware that a wing of one of the existing units has recently been established to meet this need. A number of participants reported that this unit should be located outside of Bimber and, ideally, within the community.

Promising Practice: A wing of one of the units has been painted, refurbished and re-established as a transition unit for young people prior to their release. Young people in this unit are given extra privileges and participate in unit meetings where they give input in the way that things are run on a day-to-day basis. It is understood that young people in this unit will be given opportunities to plan, budget for and cook meals and be given more opportunities to engage with the broader community.

Aftercare

- 9.5.15 Aftercare assistance is fundamental to sustaining positive outcomes. Altschuler and Brash refer to the Seven Domains of Reentry: family and living arrangement, peer groups, mental and physical health, education, vocational training and employment, substance abuse, and leisure and vocational interests. Altschuler and Brash argue that when risks are identified and redressed in relation to these domains and supports and services are put in place to achieve goals related to each of them, sustained benefits are achieved.¹¹
- 9.5.16 The Review heard numerous stories of young people being released from Bimber to apparently inadequate or unsupported situations. While we cannot confirm all of the accounts that were reported to us, they do indicate a widespread belief that all players in the youth justice system need to provide better support for young people in the transition from Bimber to the community and post-release to ensure that positive outcomes are achieved.
- 9.5.17 In relation to pre-release planning, participants reported a number of concerns to the Review, including:
- For some young people with complex needs, participants reported that there are no appropriate services available to meet their needs post-release;
 - For other young people, who did have prior connections with community based support services before custody, participants reported difficulty gaining permission to visit Bimber to maintain a relationship with the young person during their detention; and
 - For those young people who are introduced to new support services when they are released from Bimber, participants felt they should be engaged much earlier in the preparation for release, and be permitted to develop a relationship with the young person over several weeks or months before release.
- 9.5.18 In *Lost in Transition*, the ICPS further considered the challenges post-release, and noted that service delivery models were not always effective or responsive to young people's needs. In particular, they noted that a lack of outreach, a lack of services available after hours and on weekends, and an expectation that young people will seek supports and will do so during the first few weeks after leaving detention were detrimental to achieving sustainable outcomes. They argued that services need to be more assertive, more accessible and more flexible to ensure that young people are able to receive support when and where they need it, and have established relationships prior to release so that young people trust workers, understand what supports are available and have confidence that programs will meet their needs.
- 9.5.19 Although aftercare support may not be the primary responsibility of Bimber, aftercare needs to be integrated into its program planning and be further reflected in the overarching youth justice framework.

¹¹ David Altschuler & Rachel Brash, *Adolescent and Teenage Offenders Confronting the Challenges and Opportunities of Reentry* (2004) *Youth Violence and Juvenile Justice* 2(1), 72-87

9.6 The unintended consequences of incarceration

- 9.6.1 In addition to providing young people with new attitudes and beliefs and behavioural responses, criminologists argue that quality programs acknowledge and try to minimise, overcome and provide prisoners with opportunities to deal with the inevitable and unintended consequences of incarceration. They do so in recognition of the fact that without responding to these issues, young people will not achieve positive outcomes, and that the efficacy of programs provided during and post-care will be severely hampered if these issues are not resolved. Some of the negative impacts of incarceration include:
- Institutionalisation (which has been characterised as a dependence on institutional structure);
 - Hypervigilance, interpersonal distrust and suspicion;
 - Emotional over-control, alienation, and psychological distancing;
 - Social withdrawal and isolation;
 - Incorporation of exploitative norms of prison culture;
 - Diminished sense of self-worth and personal value; and
 - Post-traumatic stress reactions to the pains of imprisonment.
- 9.6.2 In his influential book *From Prison to Home: The Effect of Incarceration and Re-entry on Children, Families, and Communities*, Craig Haney suggests that programs attempting to better deal with these challenges must respond to a number of truths:
- The goal of penal harm must give way to a clear emphasis on prisoner-oriented rehabilitative services;
 - The adverse effects of institutionalisation must be minimised by structuring prison life to replicate, as much as possible, life in the world outside prison. A useful heuristic to follow is a simple one: 'the less like a prison, and the more like the free world, the better';
 - Prisons that give inmates opportunities to exercise pockets of autonomy and personal initiative must be created;
 - Safe correctional environments that remove the need for hyper vigilance and pervasive distrust must be maintained, ones where prisoners can establish authentic selves, and learn the norms of interdependence and cooperative trust;
 - A clear and consistent emphasis on maximising visitation and supporting contact with the outside world must be implemented, both to minimise the division between the norms of prison and those of the free world, and to discourage dysfunctional social withdrawal that is difficult to reverse upon release;
 - Program rich institutions must be established that give prisoners genuine alternative to exploitative prisoner culture in which to participate and invest, and the degraded, stigmatised status of prisoner transcended. Prisoners must be given opportunities to engage in meaningful activities, to work, and to love while incarcerated;
 - Adequate therapeutic and habilitative resources must be provided to address the needs of the large numbers of mentally ill and developmentally disabled prisoners who are now incarcerated; and
 - The increased use of supermax and other forms of extremely harsh and psychologically damaging confinement must be reversed. Strict time limits must be placed on the use of punitive isolation that approximate the much briefer periods of such confinement that once characterised American corrections, and prisoners must be screened for special vulnerability to isolation and carefully monitored so that they can be removed upon the first sign of adverse reactions.¹²

The unintended consequences of incarceration at Bimberi

- 9.6.3 In *Lost in Transition*, the ICPS reported that young people at Quamby experienced a number of unintended consequences of incarceration. Young people in that study often reported feeling institutionalised and were fearful about their return to the community. As one young person reported:
- 'You lose everything inside. You get out and you don't know how to do shit anymore. And everyone expects you to do stuff for yourself and you're like really wanting to do it but sometimes you just don't know how. And it freaks you out and you start stressing and then you get all angry at yourself and then you can't do stuff even if you wanna. You kinda need someone just saying, 'yeah that's it', not doing it for you but like letting you know you're doing the right thing or going 'how about you try this' and helping you cos its completely different out, hey. Nothing like inside. And the longer you're in the harder it is.'*
- 9.6.4 Young people who spoke with the Review reported similar concerns: that they felt as though they were losing their skills while inside, and that they needed opportunities to develop and learn. Others were fearful of their return to the community, believing that they didn't know how to relate to others anymore and that were afraid of how they might respond to people on the outside.

12 Craig Haney, *From Prison to Home: The Effect of Incarceration and Re-entry on Children, Families, and Communities* (2002)

- 9.6.5 One worker told us that a young person had asked them whether it was possible to ask the court not to release them because they didn't want to go home. The young person said that they could better manage their feelings inside Bimberi because there were limits in place, and that if they acted out there would be immediate consequences. They didn't believe that they could deal with stressors in the community. The young person reported that although they were unhappy with being in detention, at least they understood the environment.
- 9.6.6 Young people need to be provided opportunities to gradually return to the community, to sustain and foster new relationships with adults and peers who can sustain them through their engagement with the system and out of it and provide them opportunities to develop and practice skills that can alleviate these impacts and help them cope with the challenges outside.

9.7 Informed by effective assessments

- 9.7.1 In line with the What Works principles, Roush¹³ argues that in completing its broad vision, a jurisdiction must identify the characteristics of its juvenile offender population and target programs and services that are best suited to the group of young people it is working with.
- 9.7.2 Assessment is therefore a key task in ensuring the best match between offender needs and facility programs and services. As assessment of individuals should shape case planning, an assessment of the needs of the target population provides the Centre with a good picture of what types of services might be needed and a framework on which to assess the Centre's success. As Day et al note:
- 'Information from the risk/needs assessments should be used not only to plan individual service plans, but also to identify levels of need in specific groups in the juvenile justice client population. This would offer important information about areas of unmet need, which could then be mapped against existing service provision. Mapping unmet need will be of particular value in developing services for young women, younger boys, Indigenous and disabled juvenile justice clients. The development of an information management system that includes details of the assessment would assist this task of population monitoring.'*¹⁴

The implementation of needs assessment

- 9.7.3 At present there is limited evidence that assessment of young people's criminogenic needs at the individual level occurs, let alone at the population level. As discussed in Chapter 15 (management and oversight), data collection in Bimberi is limited, which has meant that rigorous analysis has not been possible. Instead, it would appear as though broad needs assessment has been based on intuition rather than on any systematically gathered evidence.
- 9.7.4 The Commission notes that CSD has purchased the Youth Level of Service / Case Management Index (YLS/CMI)¹⁵ tool to better inform the assessment of young people and is encouraged that it is slowly being used in practice. According to the Government Submission:
- 'A significant practice change occurred in youth justice practice in the ACT in 2009/2010 with the implementation of the Youth Level of Service/Case Management Inventory (YLS/CMI). The YLS/CMI is an evidence-based risk assessment tool designed to measure a range of static and dynamic factors known to be related to recidivism which also includes psychosocial factors such as prior and current offences/dispositions, family circumstances/parenting, education/employment, peer relations, substance abuse, leisure/recreation, personality/behaviour and attitude/orientation. The results of the YLS/CMI provide a rating (low, moderate, high) for each of the eight criminogenic needs which, in conjunction with the young person's strengths, other needs, any special considerations, provides an overall estimation of the young person's likelihood of re-offending.'*

13 David W. Roush, Construction, Operations, and Staff Training for Juvenile Confinement Facilities (2000)

14 Andrew Day, Kevin Howells & Debra Rickwood, The Victorian Juvenile Justice Rehabilitation Review (2003)

15 The Youth Level of Service/Case Management Inventory (YLS/CMI) is a risk/needs assessment and a case management tool combined into one convenient system. According to its creators, the YLS/CMI helps probation officers, youth workers, psychologists, and social workers identify the youth's major needs, strengths, barriers, and incentives; select the most appropriate goals for him or her; and produce an effective case management plan.

- 9.7.5 The Commission is of the view that when the YLS /CML tool has been implemented more broadly, Bimberi will have a better understanding of emerging trends. While such tools are not being used, it would appear as though programs are developed based on the interests, skills and abilities of the current staff or external providers supporting the Centre rather than on the needs of the particular client group. The Commission understands that only one staff member at Bimberi is currently accredited to administer YLS/CML, yet also understands that more staff are to be trained in 2011.
- 9.7.6 As discussed in Chapter 6 (evidence based): better processes of information dissemination would also help Bimberi, and the broader youth justice system, to more adequately respond to young people's needs.

Targeting of services to those most likely to benefit from supports

- 9.7.7 There is strong evidence to suggest that youth justice systems and youth justice centres that target their programs to those most at risk are most successful. As Lipsey comments:
- 'In practical terms, juvenile justice systems will generally get more delinquency reduction benefits from their intervention dollars by focusing their most effective and costly interventions on higher risk juveniles and providing less intensive and costly interventions to the lower risk cases.'*¹⁶
- 9.7.8 In recommending a best model for rehabilitation of young people in Victoria, Day et al¹⁷ suggest that a hierarchy of support needs to be developed which includes a differentiated response for young people with different levels of risk and need. The model (see Table 9.1 below) is cumulative (all young people should be provided with support at Level 1, then those with more needs at Level 2 and so on) and recognises that those young people who are most high risk, need their basic health and social needs to be met before more intensive programs can be effective. Day et al argue that effective programs recognise that such supports need to be provided so that a basic level of functioning necessary for offence-focussed rehabilitation can take place. They also argue that for higher risk offenders these broader needs should be prioritised before criminogenic-focused interventions are delivered.
- 9.7.9 In this model, the first level of service delivery focuses solely on sentence or order administration for those young people who are assessed as being low-risk offenders. This group of young people, who generally do not end up in detention for extended periods of time, are most unlikely to reoffend but are most susceptible to experiencing detrimental effects of engagement with the system if their involvement is significant.
- 9.7.10 These low-risk offenders will only require supervision and monitoring (Level 1) from the youth justice system, but will sometimes need family support to achieve positive outcomes. In some circumstances young people will also need assistance in integrating into their communities (Level 2), with programs addressing issues that might be obstructive: such as employment, accommodation, education and leisure.

Table 9.1: Framework for rehabilitation

Level of Case Management Service Delivery	Support Needs
Level One	Sentence administration
Level Two	Social integration programs
Level Three	Offence focussed criminogenic programs for medium/high risk
Level Four	Intensive programs for serious and persistent offenders

- 9.7.11 For those young people who are medium or high risk of offending, interventions at Levels 3 or 4 are required. Programs at these levels should aim to reduce the risk of offending and explicitly target criminogenic needs. Examples of these needs include substance abuse, pro-offending attitudes, criminal associations, and negative family influence. Day et al argue that, as a minimum, systematic interventions should target these needs.

¹⁶ Mark W. Lipsey, James C. Howell, Marion R. Kelly, Gabrielle Chapman, Darin Carver *Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice* (2010)

¹⁷ Andrew Day, Kevin Howells and Debra Rickwood, *The Victorian Juvenile Justice Rehabilitation Review*. Melbourne, Victoria: Department of Human Services, Victorian Government. (2003).

- 9.7.12 In Day et al's hierarchy, only the highest risk and most persistent offenders should be provided with interventions at Level 4, which will generally target particular offending groups such as serious and persistent violent or sexual offenders.

Targeting of programs at Bimberi

- 9.7.13 Due to limited assessment and program planning processes within Bimberi, there is little evidence to suggest that rehabilitative programs are targeted to the needs of specific groups of young people. The Commission recognises that in a small jurisdiction like the ACT developing programs that are both targeted but cost efficient can be costly, but would suggest that more collaborative approaches to service delivery might be useful. Engaging young people who might have experienced sexual assault in community based counselling programs might be an example of this type of approach.

9.8 Development of an ample program at Bimberi

- 9.8.1 The most effective Centres are those where programs are 'ample' and where young people are involved in positive, prosocial activities for as many as 14 hours a day¹⁸. In addition to being enjoyable, the most effective programs are physically and emotionally challenging and foster a sense of mastery and belonging¹⁹ among participants (young people and staff alike). They are purposeful, educational and helpful and provide positive outlets for young people's energy.
- 9.8.2 Programs that mix leisure and sports programs with education and vocational sessions are shown to be effective. According to Day et al, *'Leisure/sports programs are aimed at fostering socially-valued skills, increasing self-esteem, self-discipline, responsibility and respect for rules. Another rationale is that these types of activities can provide youth with an acceptable outlet for releasing energy and pent-up frustration, thus reducing their need to offend. However, meta-analyses suggest that these types of programs are not very effective in reducing recidivism amongst participants.'*²⁰
- 9.8.3 According to the Government Submission:
'Central to a young person's experience at Bimberi is a structured day that reflects as closely as possible accepted standards in the broader community. Young people leave their units (residence) in the morning and spend the day at programs (school or vocational training). Morning tea, lunch, [and] afternoon tea are all held within the town square rather than in individual units. The 'day' also includes recreational and physical activities. As far as possible, disruptions to a young person's education and programming are minimised by structuring visits after school hours.'
- 9.8.4 At Bimberi, young people are engaged in school-based programs for six hours each day. We will discuss the nature of this involvement in Chapter 12 (education) but recognise that the Murrumbidgee Education and Training Centre is well valued by young people in the Centre.
- 9.8.5 In addition, a number of limited services and supports are provided to young people in the areas of health, alcohol and other drugs, cultural literacy and art, music and recreation. However, the Commission would make the observation that other than the educational programs, there are not many opportunities for young people to engage in programs which respond to their criminogenic or psychosocial needs or prepare them for positive re-entry into the community. This observation was reflected in submissions from young people, families, staff and community organisations.
- 9.8.6 The Commission recognises that in 2011 a number of programs (primarily a program run by Nutrition Australia and the barista course run internally) were implemented, and that there was an increase in the number of organisations entering the Centre. However, the programs that were offered were often only made available to a small group of young people for short periods of time and rarely addressed risks or needs.²¹

18 David W. Roush *Construction, Operations, and Staff Training for Juvenile Confinement Facilities* (2000) U.S. Department of Justice Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention: Washington

19 Jeffrey Butts, Gordon Bazemore & Aundra Saa Meroe *Positive youth justice—Framing justice interventions using the concepts of positive youth development* (2010)

20 Andrew Day, Kevin Howells & Debra Rickwood, *The Victorian Juvenile Justice Rehabilitation Review* (2003)

21 In July 2011, DCS provided the Commission with a list of organisations that entered Bimberi in 2010-11 but there was no detail as to what these organisations provided. The Commission is aware, in fact, that many of the listed organisations do not provide programs, per se, and is of the view that their involvement at the Centre was often related to meetings with Centre staff and participation in case conferences. Although this involvement is beneficial to the Centre it does not relate to the discussion here.

Young people reported sporting activities (primarily playing football); vocational activities (such as the Barista course, bricklaying and construction); art; music; metalwork; and woodwork classes as being some of the best programs they completed while at the Centre.

- 9.8.7 However, almost 90% of the young people reported that there were not enough things to do at Bimberi (n=16). Some reported wanting more cooking and life-skills courses, while others reported wanting opportunities to do science and youth work classes.
- 9.8.8 More than half of young people reported that they were able to spend time out-doors, use the pool, read the paper, and watch the news each day. All young people reported that they were never able to access the internet, with most reporting that they were unable to use computers or to play table tennis.
- 9.8.9 Parents reported that they did not believe that programs were sufficient during the school term, with their children acting up as a result of feeling bored and unoccupied. They also reported that during school holidays, when educational programs were generally not offered, young people were left for hours with little to do. Parents reported that they recognised that this may be the result of low staffing levels, but suggested that critical incidents would be reduced significantly if programs that enable teamwork, a sense of collective responsibility and strong relationships between staff and young people were provided.

9.9 Relationship-based practice

- 9.9.1 There is a growing body of literature that asserts the importance of relationship-based practice in youth justice. As noted in Chapter 5 (staffing), having a safe and secure group of adults who can help guide, challenge and support young people during incarceration and on return to the community is vital in achieving positive outcomes and is seen as the most valued characteristic of programs and workers identified by young people.²²
- 9.9.2 The rehabilitative function of relationships has been well considered by youth justice expert Dr Larry Brendtro and members of the Reclaiming Youth International network, who assert that to be able to learn new strategies for dealing with pain-based stressors (which are often clustered around the young people who are part of the youth justice system) and to have the confidence to draw from them, young people need to have strong mentors who both model the behaviour, beliefs and attitudes being promoted and provide them with the rationale for adopting them²³.
- 9.9.3 Meta-analyses reflect this view. They generally find that staff in effective programs are active: they model behaviours and skills, demonstrate prosocial attitudes and beliefs and affirm young people as they achieve tasks, demonstrate positive interactions and work effectively with others. The relationship between workers and young people, which is sometimes called a 'working alliance',²⁴ is fundamental and is the cornerstone of rehabilitative efforts. Workers must have faith in young people and constantly reassure them that success is possible.
- 9.9.4 As McIvor and Barry found in 1998 (as illustrated in Figure 9.2, below), these characteristics are supported by prisoners of all ages.

22 Shawn Marsh & William Evans 'Personal and Social Characteristics Associated with Perceived Likelihood of Success in Incarcerated Youth', *Residential Therapy for Children and Youth* 27, (2010) 304-313

23 Alistair Lemmon 'The bleedin' obvious: Long-term support reconnects at-risk young people' (2008) 27(1), *Youth Studies Australia*, 9-16; Larry Brendtro, Martin Brokenleg & Steve Van Bockern *Reclaiming youth at risk: Our hope for the future* (1990)

24 Ros Burnett and Fergus McNeill 'The place of the officer-offender relationship in assisting offenders to desist', *Probation Journal* 52 (2005) 221

Figure 9.2: Offenders' perceptions of the helpful and unhelpful features of the social worker²⁵

Helpful			
Practical Support	Gave me options	Easy to talk to	Emotional support
	Put things in perspective	Calm, relaxed, friendly	
	Knowledgeable	Treated as equal/with respect	
	Influential	A good listener	
	Inexperienced	Tactful/trustworthy	
	Did not understand the problem	A friend	
	Too 'empowering'	Straightforward	
		A motivator	
		Domineering	
		Too busy	
		Too intrusive	
		Treated as a child	
		Did not care	
Unhelpful			

Relationship-based practice at Bimberi

9.9.5 Throughout the Review, the Commission was impressed by the positive nature of relationships demonstrated between most Bimberi youth workers and young people.

Promising Practice: In a trip in 2009, international youth justice expert Dr Larry Brendtro was reported in saying that Bimberi demonstrated the type of relationships that all youth justice workers should aspire to develop and that the culture was conducive to therapeutic outcomes.

9.9.6 However the Commission was concerned to note that a small number of staff and staffing practices did not reflect this approach.

9.9.7 Workers at Bimberi, parents, government and non-government providers and community members also pointed to the limitations in helping young people develop and sustain relationships with positive adults outside of the Centre and saw this as a major weakness within the program. Service providers who had positive relationships with individual young people reported that they often were not invited to sustain their work and that this had a detrimental impact post-release.

9.9.8 These stakeholders also reported feeling unsupported by Bimberi in their attempts to connect and remained connected to young people during periods of incarceration. Many suggested that by providing programs to young people while inside relationships were forged and the likelihood that young people would seek them out post exiting would be increased substantially. This view was not supported by former management who appeared ambivalent about the value of services visiting the Centre primarily to meet young people, to build rapport and to communicate programs that might be available on the outside.

25 Monica Barry, 'The Mentor/Monitor Debate in Criminal Justice: 'What Works' for Offenders' *British Journal of Social Work* 30 (2000), 575–595

- 9.9.9 Parents also reported that it was difficult to support young people through their engagement with Bimberi and that they faced challenges in having some of the children's natural support networks (including coaches, trusted family members, teachers etc) maintain an ongoing relationship for similar reasons.

Fostering positive peer cultures

- 9.9.10 Recognising the important part that peers play in the life of young people but also their value in challenging and providing young people with socially acceptable ways of responding to challenges, researchers have promoted peer-based programs²⁶. These recognise that young people are more motivated to behave appropriately when other young people are involved in decision-making about an intervention and when (using positive strategies) they keep each other accountable to achieving positive outcomes. Through this process, young people develop a greater sense of self-worth when they help each other and are given opportunities for their skills and knowledge to be validated within a social setting. In regards to effectiveness, Lipsey showed that group counselling and mentoring were well placed.
- 9.9.11 In the international arena, there is growing evidence to support group-based programs for young people in youth justice settings. Such programs can prevent negative subcultures and create environments within which young people can constructively participate in their treatment.
- 9.9.12 Larry Brendtro's Positive Peer Culture program, which has been implemented in a number of US correctional facilities, has shown to counter the powerful influence of negative peers by providing young people with the opportunities to develop effective social and conflict resolution skills. Staff in this program hold young people responsible for caring for themselves and their peers and reinforce effective habits by modelling caring behaviours and providing them with experiences where they can have their skills affirmed within a safe and secure environment. Young people often engage in volunteer programs and group sessions which continue post-release to ensure that lessons are reinforced and any early challenges overcome.
- 9.9.13 At present there is little evidence to suggest that positive peer interactions are supported at Bimberi at the Centre level. However, the move towards Unit-based program delivery is promising with many opportunities for smaller groups of young people to meet and to participate in group decision-making and problem-solving. The Commission understands that Dr Larry Brendtro, youth justice expert, has offered to meet with Bimberi staff to consider how positive peer cultures might be developed at the Centre and encourages CSD to consider how these might be facilitated.

Instilling these characteristics into practice

- 9.9.14 Implementing a Centre-wide program that responds to these principles and characteristics may be considered a daunting task, but it is one that can have multiple positive system-wide effects. In Missouri, for example, the youth justice system made a significant commitment to instilling in all of its Centres a culture that enabled its overarching philosophy to be ingrained in practice at all levels and graphically showed how these changes influenced long-lasting change. Centres in Missouri had less numbers of critical incidents, achieved better educational outcomes, cost less per young person and ultimately had more success in regards to reducing rates of incarceration and sustaining positive psychosocial outcomes for young people.
- 9.9.15 Underpinning their approach is a number of core beliefs including:
- *Every young person wants to succeed—and can succeed.* No matter how serious their past crimes, and no matter how destructive their current attitudes and behaviours, all youth hunger for approval, acceptance, and achievement.
 - *Change can only result from internal choices made by the young people themselves.* Delinquent youth can't be 'scared straight'; they cannot be reformed through a military-style boot camp; and few will be deterred from crime by fear of punishment. Rather, change happens through a process that helps them to adopt more positive behaviours, seek out more positive peers, and embrace more positive goals.
 - *Relationships are critical to overcoming resistance and fostering positive change.* Young people respond best and overcome resistance most readily when they know that staff members care about them and expect them to succeed. Young people also benefit enormously both from helping and being helped by other young people in the treatment group.
 - *Young people are more likely to succeed in a safe, nurturing, and non-blaming environment.* It is critical that young people be listened to and guided by trusted adults, encouraged to try out new behaviours, and treated with patience, acceptance, and respect.

26 Larry Brendtro, L.K., and Ness Re-educating Troubled Youth: Environments for Teaching and Treatment. (1983); Wilson Wasmund 'The social climates of peer group and other residential programs'. 17 (1988) Child & Youth Care Quarterly, 146–155

- *Every young person is unique.* Each young person has fallen into delinquent behaviours in response to his or her own individual circumstances, and each will make the decisions to change and grow, or not to, for his or her own personal reasons.
- *Many young people lapse into delinquency as a coping mechanism in response to earlier abuse, neglect, or trauma.* These underlying difficulties must be acknowledged and addressed before change is likely to occur.
- *Delinquent young people typically suffer from a lack of emotional maturity.* They have an absence of insight into their own behaviour patterns; an inability to distinguish between feelings and facts, perception and reality; along with an underdeveloped capacity to communicate their feelings clearly and express disagreement or anger responsibly.
- *All behaviour, no matter how maladaptive or destructive, has an underlying emotional purpose.* Therefore, the emotions expressed by young people during treatment should not be judged, lest young people withhold their feelings and lose out on crucial opportunities for personal growth.
- *Most young people entering custody have very low confidence in their ability to succeed as students, or adults, and lack exposure to mentors or positive role models.* Enabling young people to taste success in the classroom and to develop trusting relationships with staff (and other caring adults) can provide an invaluable impetus for them to embrace healthy attitudes and adopt a law-abiding lifestyle.
- *Parents and other family members remain the most crucial people in young people's lives, and the keys to their long-term success.* Families retain enormous influence over young people, for good or ill. Rebuilding family relationships is a powerful motivator for virtually every young person who enters a facility:²⁷

9.9.16 In Chapter 4 (vision) the Commission recommended that CSD develop a statement of purpose for Bimberi, and that the statement be translated into a Bimberi practice framework with outcome measures and performance indicators. The Commission recommends that this practice framework includes a 'program framework' for Bimberi which articulates the range of targeted, evidence based, and rehabilitative programs available in Bimberi, and which:

- Clarifies the vision for the program and links it with other relevant policy and program plans;
- Outlines the values and principles that underlie an approach to working with young;
- Describes specific approaches and techniques considered fundamental to achieving the desired outcomes. This might include 'evidence based' approaches, promising practices and/or approaches believed to be effective through practice based experience;
- Identifies and describes the way that partners will work together to achieve the vision and to integrate values and principles; and
- Articulates how services and programs at Bimberi will:
 - Promote rehabilitation and positive reintegration throughcare
 - Redress negative impacts of incarceration
 - Include quality needs assessment processes
 - Respond to needs and risks
 - Target those most likely to benefit from assistance
 - Ensure that the program is ample and engaging
 - Support relationship based practice
 - Foster positive peer relationships
 - Ensure continuity of care

Recommendation 9.1: The Community Services Directorate develop a 'program framework' for Bimberi which sits within the Bimberi practice framework (see recommendation 4.11).

27 The Anne E Casey Foundation, *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders* (2010)