

Submission of the NSW Department of Justice to the Independent National Security Legislation Monitor

Review of the prosecution and sentencing of children for Commonwealth terrorist offences

Introduction

This is an officer level submission from the NSW Department of Justice in response to the Independent National Security Legislation Monitor's (**INSLM**) request for information. The paper intends to provide factual information to assist the INSLM's review. This paper is not to be taken as expressing a policy view on behalf of the NSW Government. The submission includes information from Juvenile Justice NSW (**JNSW**), Corrective Services NSW and Justice, Strategy and Policy Division. A further confidential letter from JNSW provided in response to a notice under s.24 of the *Independent National Security Legislation Monitor Act 2010 (Cth)* (**INSLM Act**) is at **Attachment A**. In addition to this response, the department provides:

- a copy of the JNSW Countering Violent Extremism Strategy at **Attachment B**. The plan sets out the activities being undertaken to ensure effective management of violent extremism within JNSW
- a copy of the JNSW process for transfer of offenders to adult correctional centres (**Attachment C**); and
- a copy of the JNSW Business Plan (**Attachment D**).

Background

The INSLM's review is considering:

- whether Commonwealth legislation should ensure a consistent approach to trial and sentencing of children charged with Commonwealth terrorism offences, and
- whether the minimum non-parole periods of at least three-quarters of the sentence of an offence should be amended for children convicted of Commonwealth terrorism offences.

Relevant to the INSLM's review is:

- section 15AA of the *Crimes Act 1914 (Cth)* (Crimes Act) which establishes a presumption against bail being granted to a person, including children, charged with a Commonwealth terrorism offence, other than an offence against section 102.8 of the *Criminal Code (Cth)* (Criminal Code) (associating with terrorist organisation);
- section 19AG of the Crimes Act which establishes a minimum non-parole period of at least three-quarters of the head sentence for a person convicted of a Commonwealth terrorism offence; and
- section 20C of the Crimes Act which provides that a child charged with a Commonwealth offence, including a Commonwealth terrorism offence, may be tried, punished or otherwise dealt with as if the offence was an offence against a law of a state or territory.

Section 77(iii) of the Constitution provides that the Commonwealth Parliament may make laws investing federal jurisdiction in State courts. Section 77(ii) of the Constitution allows the Commonwealth Parliament to make laws 'defining the extent to which the jurisdiction of any federal

court shall be exclusive of that which belongs to or is invested in the courts of the States'. In the exercise of that power, the Commonwealth Parliament has enacted s.39(2) of the *Judiciary Act 1903* (Cth) (the Judiciary Act) by which state courts are invested with federal jurisdiction in civil and criminal matters, excluding the limited exceptions provided for under the Act.

Section 68(1) and s.79(1) of the Judiciary Act enable state laws to apply so far as 'they are applicable' to a proceeding in federal jurisdiction. Section 68(1) applies state laws of criminal procedure to federal criminal offences and s.79(1) picks up state law generally. The comprehensive federal jurisdiction conferred upon State courts by virtue of s.39 is qualified in certain respects. The most important of those qualifications relates to State courts exercising federal jurisdiction 'within the limits of their several jurisdictions, whether such limits are as to locality, subject-matter, or otherwise'. That is, within the limits of NSW legislative capacity, NSW laws apply in federal jurisdiction as valid to the extent that they are rendered invalid by reason of inconsistency with Commonwealth laws (s.79(1) of the Judiciary Act).

NSW Department of Justice

The NSW Department of Justice delivers legal, court and supervision services to the people of NSW by managing courts and justice services, implementing programs to reduce crime and re-offending, managing custodial and community-based correctional services, protecting rights and community standards and advising on law reform and legal matters. JJNSW and Corrective Services NSW sit within the department. The department delivers a diverse range of essential services and supports to the community of NSW at the point in their lives where they come into contact with either the criminal or civil justice system. The department is responsible for:

- advising the government on law, justice and legal reforms
- administering courts, tribunals and community justice centres
- implementing effective intervention and diversionary programs to reduce re-offending risks, prevent crime and divert, support and rehabilitate young and adult offenders
- providing support services for victims of crime including counselling, compensation and court support
- delivering offence-specific programs relating to violence and sexual offending
- supervising and monitoring adult offenders
- providing secure, safe and humane management of juvenile and adult inmates
- supervising young people in custody, on bail, or sentenced to community based orders
- providing legal, professional and regulatory services
- recording life events, and
- providing responsive services to vulnerable members of the community requiring life management and decision-making support.

Sentencing and detention in NSW

Section 20C and s.19AG of the *Crimes Act 1914* (Cth)

The existing framework for sentencing juvenile Commonwealth terrorist offenders in NSW enables consistency with NSW sentencing principles while ensuring sentencing courts can have regard to sentences for federal offences imposed across other States and Territories. The administration of

criminal justice in NSW is appropriately a state responsibility. As previously noted, the Judiciary Act both (i) vests state courts with federal criminal jurisdiction and also (ii) applies state and territory procedural rules to federal criminal matters. NSW has made laws governing the prosecution of all offenders, which also covers NSW juvenile terrorism offenders. To the extent to which these NSW laws are not inconsistent with relevant Commonwealth laws, NSW laws apply to the prosecution of juveniles for terrorism offences.

Section 20C of the Crimes Act provides that a child or young person may be tried, punished or otherwise dealt with as if their offences were an offence against a law of NSW. This is a *permissive* provision, whereby the court does not have to operate under State or Territory law but may instead decide to sentence a child or young person charged with or convicted of a federal offence under Part IB of the Crimes Act. Judicial interpretation of Part IB of the Crimes Act clarifies that sentencing courts must have regard to sentences that are imposed in all States and Territories.¹

Section 20C does not exclude other sentencing options; that is, options are available to the court under both NSW and Commonwealth law. The provision is facilitative and allows a NSW court exercising federal jurisdiction to rely on any special NSW sentencing options available in the case of a juvenile, but does not compel it to do so. The maximum penalty for federal offences serves as a 'sentencing yardstick'² and the further federal mechanism restricting sentencing discretion is the requirement for a minimum non-parole period of 75% of the head sentence for certain terrorism offences under s.19AG. Outside of these, NSW juvenile terrorism offenders may be tried, punished or otherwise dealt with as if the offence was an offence against a law of NSW. This facilitative sentencing provision balances the competing tensions of consistency across federal sentencing frameworks and within NSW sentencing frameworks.

Case law has recognised the importance of internal consistency in sentencing federal offenders within a state. For example, the majority (Mason CJ, Brennan, Dawson and McHugh JJ) of the High Court in *Leeth v The Commonwealth of Australia* (1992) 174 CLR 451 at [470] noted that:

*It is obviously desirable that, in the sentencing of offenders, like offenders should be treated in a like manner. But such a principle cannot be expressed in absolute terms. Its application requires the determination of the categories within which equal treatment is to be measured. Its application in Australia is necessarily upon a State by State basis, for it has long been recognised that **sentencing practices may not be uniform from State to State but may be affected by local circumstances.***

The existing NSW and Commonwealth statutory sentencing framework recognises that courts need discretion to ensure consistency both across federal sentencing but importantly, also within the local State circumstance each court exercising federal jurisdiction operates.

¹ *The Queen v Pham* (2015) 256 CLR 550 at [23], [41]. The principle enshrined by the High Court in *Farah Constructions Pty Ltd v Say-Dee Pty Ltd* (2007) 230 CLR 89 (and since applied in *Hili v The Queen* (2010) 242 CLR 520 at [57] and *The Queen v Pham* (2015) 256 CLR 550 at [18], [36]) notes that sentencing courts should not depart from decisions in other jurisdictions 'on the interpretation of Commonwealth legislation or uniform national legislation unless they are convinced that the interpretation is plainly wrong'.

² *Markarian v The Queen* [2005] HCA 25; 228 CLR 357 at 372 [30]-[31].

In NSW, the *Crimes (Sentencing Procedure) Act 1999* (NSW) (the Act) lists the aggravating and mitigating factors that a judge or magistrate is to take into account before delivering a sentence (s.21A). Section 21A(3)(j) of the Act lists as a mitigating factor that *the offender was not fully aware of the consequences of his or her actions because of the offender's age or any disability*. This provision aligns with the common law in relation to the relevance of the offender's mental condition at sentence (*KT v R* (2008) 182 A Crim R 571 and *Muldrock v The Queen* (2011) 244 CLR 120).

Section 19AG of the Crimes Act establishes a minimum non-parole period of at least three-quarters of the head sentence for a person convicted of most terrorism offences. This is a higher non parole period than applies for NSW offences under the NSW sentencing framework. Under s.44(2) of the Act, when a court is setting the non-parole period, 'the balance of the term of the sentence must not exceed one-third of the non-parole period for the sentence, unless the court decides that there are special circumstances for it being more' (in which case the court must make a record of its reasons for that decision). The Court may decline to set a non-parole period (s.45).

In NSW, children who are sentenced 'according to law' for serious children's indictable offences, or for other indictable offences dealt with in higher courts, can be sentenced to imprisonment. The sentencing court may make an order under s.19 of the *Children (Criminal Proceedings) Act 1987* (NSW) (CCPA) directing that the whole or any part of the term of the sentence of imprisonment be served as a juvenile offender (s.19(1) of the CCPA). However, for serious children's indictable offences, the court must be satisfied that there are special circumstances justifying detention of the person as a juvenile offender [s .19(3)], and the person's youth alone is not a special circumstance [s. 19(4A)]. Despite any s.19 order, JJNSW can also still administratively transfer a juvenile offender to an adult prison [s.28, *Children (Detention Centres) Act 1987* (NSW)].

Sentencing options

In NSW, there are different sentencing options available for children than for adults (and children dealt with 'according to law'). A child who turns 18 and is dealt with 'according to law' (that is, is sentenced like an adult) can access home detention or intensive corrective orders (ICOs) whereas a child who is dealt with in the Children's Court cannot. The NSW Parliament passed sentencing reforms last year which revised the community based sentencing options available to adult offenders [see the uncommenced *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017* (NSW)]. These reforms are scheduled to commence in late 2018.

The Children's Court is empowered with the following sentencing options for those sentenced as children, in accordance with s.33 of the CCPA:

- Dismissing the charge with or without caution;
- A good behaviour bond of 2 years or less;
- A fine of no more than 10 penalty units, or the maximum fine for the offence, whatever is the lesser;
- A fine and a bond;
- Release on condition of complying with the outcome plan of a conference under the *Young Offenders Act 1997*;

- A Griffiths-type remand (adjourning proceedings against the person for up to 12 months for the purpose of assessing the person's capacity and prospects for rehabilitation or allowing the person to demonstrate that rehabilitation has taken place);
- A release on probation for a period not exceeding 2 years;
- A community service order of up to 100 hours if the child is under 16 or up to 250 hours (depending on the maximum penalty for the offence) if the child is 16 or over;
- A suspended sentence of up to 2 years; or
- A detention order of up to 2 years.

NSW Children's Court Jurisdiction

The NSW Children's Court has jurisdiction to hear and determine proceedings in respect of any offence, other than serious children's indictable offences and certain traffic offences. The information available to us indicates that there are only a small number of Commonwealth terrorism offences that come within the Children's Court's jurisdiction. A serious children's indictable offence must 'be dealt with according to law' (s.17, CCPA). Magistrates can also send indictable matters to higher courts under s.31. A serious children's indictable offence is defined to mean (s.3 CCPA):

- a homicide;
- an offence punishable for life or for 25 years (see below for terrorism offences not in this category);
- an offence, or attempt to commit an offence, under s.61J or s 61K of the *Crimes Act 1900* (NSW) (aggravated sexual assault or assault with intent to have sexual intercourse);
- an offence under the *Firearms Act 1996* punishable by 20 years imprisonment;
- an indictable offence prescribed in the regulations (sexual assault by forced self-manipulation which the victim of the offence was under the age of 10 years when the offence occurred)

Terrorism offences within the Children's Court's jurisdiction

As noted above, the NSW Children's Court does not have jurisdiction to deal with offences punishable for life or for 25 years. This covers a large majority of the Commonwealth terrorism offences. Terrorism offences which do not fall in this category include:

- The NSW offence of membership of terrorist organisation – s.310J *Crimes Act 1900* (NSW) (punishable by 10 years imprisonment);
- Section 101.2(2) Criminal Code receiving training (punishable by 15 years imprisonment);
- Section 101.4 Criminal Code – possessing things connected with terrorist acts (punishable by 10-15 years imprisonment);
- Section 101.5 Criminal Code – collecting/making documents likely to facilitate terrorist acts (punishable by 10-15 years imprisonment);
- Section 102.2(2) Criminal Code –directing activities of terrorist organisation (and being reckless to fact it's a terrorist organisation) (punishable by 15 years imprisonment);
- Section 102.3 Criminal Code – membership of terrorist organisation (punishable by 10 years imprisonment);
- Section 102.6(2) Criminal Code – being reckless to getting/giving funds to terrorist organisation (punishable by 15 years imprisonment);
- Section 102.7(2) Criminal Code – being reckless to providing support for terrorist organisation (punishable by 15 years imprisonment);

- Section 102.8 Criminal Code – associating with terrorist organisation (punishable by 3 years imprisonment);
- Section 119(2) Criminal Code – entering or remaining in declared areas (punishable by 10 years imprisonment); and
- Section 119.7 Criminal Code – recruiting persons to serve in or with an armed force in a foreign country (punishable by 10 years imprisonment).

Sentencing principles which bind the Children’s Court

The following principles apply to the Children’s Court (s.6 CCPA):

- Children have rights and freedoms before the law equal to those enjoyed by adults, and in particular a right to be heard and a right to participate in the processes that lead to decisions that affect them.
- Children who commit offences bear responsibility for their actions but because of their state of dependency and immaturity, require guidance and assistance.
- It is desirable, wherever possible, to allow the education or employment of a child to proceed without interruption.
- It is desirable, wherever possible, to allow a child to reside in his or her own home.
- The penalty imposed on a child for an offence should be no greater than that imposed on an adult who commits an offence of the same kind.
- That it is desirable that children who commit offences be assisted with their reintegration into the community so as to sustain family and community ties.
- That it is desirable that children who commit offences accept responsibility for their actions and, wherever possible, make reparation for their actions.
- That, subject to the other principles described above, consideration should be given to the effect of any crime on the victim.

Sections 15AA — application of bail requirements in relation to NSW juvenile offenders

Section 15AA of the Crimes Act establishes a presumption against bail being granted to a person, including children, charged with a terrorism offence. The presumption may be rebutted if the court is satisfied that ‘exceptional circumstances’ exist to justify bail, but this term is not defined in the Crimes Act. New South Wales case law has considered the exceptional circumstances test for terrorism charges and found that this threshold is not easily overcome. Justice Hall in *R v NK* [2016] NSWSC 498 at [26] noted that the following principles may be derived from the case law:

- (i) The section creates a rebuttal presumption against bail being granted but does not prohibit bail.
- (ii) The presumption is only rebutted if the applicant establishes that exceptional circumstances exist to justify bail.
- (iii) The ‘exceptional’ threshold is an extremely high hurdle.
- (iv) The concept of exceptional circumstances is nonetheless flexible and may be constituted by a combination of matters taken together.
- (v) The combination of matters may include features that are subjective to the applicant; features which bear on the nature of the alleged offence and whether the applicant will answer bail.

During proceedings in *R v NK*, the Crown had submitted that the youth of an offender should not be a consideration given s.15AA does not make a distinction between an adult and a child and applies 'despite any other law of the Commonwealth'. The Court rejected this reasoning and considered that the age of a person when charged is a relevant circumstance to be taken into account for exceptional circumstances. The Court noted [at 49] 'the vulnerability arising from the youth of the applicant did exist in this case and independently provides the basis for the finding I have made as to the existence of exceptional circumstances'.

In *R v Naizmand* [2016] NSWSC 836, the exceptional circumstances test was not overcome. In coming to its decision in relation to the exceptional circumstances criteria, the Court noted at [41-43] that Mr Naizmand's subjective case (including family hardship, custodial conditions and case delays) were not particularly unusual and 'widespread and commonplace. They are not exceptional'. The Court did note at [43] that Mr Naizmand's 'relative youth and relatively unremarkable criminal history are mismatched to incarceration as a suspected terrorism offender' but ultimately was unable to conclude that this justified a finding of exceptional circumstances.

The NK criteria were considered in *AB v R (Cth)* [2016] NSWCCA 1042. AB had subjective circumstances unique to AB, including that he had a mild cognitive disability, a major depressive disorder, and Aspergers' Syndrome. In this case the court found exceptional circumstances, but bail was refused because the court found that AB posed an unacceptable risk of committing a serious offence and endangering the safety under NSW bail legislation [s 19 of the *Bail Act 2013 (NSW)*]. Similar findings were made by the Court of Criminal Appeal following a further release application by AB. The Court of Criminal Appeal that exceptional circumstances existed, but still refusing bail given community safety considerations.³

Juvenile offenders in JJNSW and Corrective Services' custody

The cohort of NSW juvenile offenders falling within scope of the INSLM's review (aged between 10 to 17 years old at the time of sentencing) is small. There are five juvenile offenders under the age of 21 years old in the custody of JJNSW either sentenced or before the courts for Commonwealth terrorist offences. Of these, only one offender was aged between 10 and 17 years old at the time of sentencing (at the time of writing). This one offender received a custodial sentence of 13 years and six months, with a non-parole period of 10 years and one month. There are an additional two NSW offenders in the custody of Corrective Services NSW who were aged 21 or under at the time of sentencing for a Commonwealth terrorism offence.

Juvenile Justice NSW practices

JJNSW has responded to the specific INSLM queries in a confidential letter at **Attachment A**. It is noted that there is a small but increasing number of young people in JJNSW custodial and community settings who have been charged with, or convicted of, terrorism related offences and/or are of national security interest. JJNSW is engaged with State and Federal security, intelligence, law enforcement and other government agencies in relation to social cohesion initiatives addressing the upstream indicators of radicalisation as well as initiatives to counter the risk of violent extremism

³ *AB v R (Cth)* [2016] NSWCCA 191, [32], [48] (Hoeben CJ at CL, Campbell and Button JJ agreeing).

within NSW. JJNSW has established a temporary Countering Violent Extremism (CVE) team to develop organisational capability and ensure a coordinated response in relation to these offenders and the broader issues of violent extremism.

The JJNSW CVE Strategy at **Attachment B** provides the overarching direction, governance and actions JJNSW has developed to counter violent extremism in both custodial and community settings. It also details the overarching principles for managing all forms of violent extremism within JJNSW facilities. The delivery of assessment tools, intervention programs and services are core objectives of the CVE Strategy. This covers the full spectrum for the effective management of violent extremism in JJNSW, including the rehabilitation and reintegration of young people convicted of terrorism related offences and the diversion of young people at risk of radicalisation to violent extremism.

JJNSW liaises closely with partner agencies across the NSW Government including NSW Police, Corrective Services NSW, Department of Education, Department of Premier and Cabinet (DPC) and Multicultural NSW in ensuring a whole-of-government approach to the management of young terrorism related offenders in NSW. JJNSW is engaged with Commonwealth Government agencies such as the Australian Security Intelligence Organisation (ASIO) and the Australian Federal Police (AFP) as well as international stakeholders such as the International Centre for Counter Terrorism. JJNSW also works closely with Commonwealth partner departments and agencies to assist in providing relevant information to support parole hearings and facilitate consideration of any post sentence options being considered. JJNSW engages with Commonwealth agencies in relation to offenders when appropriate. This is determined by individual factors and can include in relation to parole or HRTO matters or to request information to assist JJNSW in completing assessments and making decisions regarding management strategies.

A Juvenile Justice offenders' status as federal offender has no impact on operational or management decisions made in relation to those offenders. All offenders are managed primarily on a risk and needs basis. In this regard a federal offender would have the same options available that would be available to equivalent state offenders.

In certain circumstances, a JJNSW offender may be transferred from a JJNSW detention centre to a correctional centre administered by Corrective Services NSW. The legislative framework governing this process is set out at s.28 of the *Children (Detention Centres) Act 1987* which provides that the Secretary may, by order in writing made with the consent of the Commissioner of Corrective Services, direct the transfer of an older detainee from a detention centre to a correctional centre (s.28(1)). **Attachment C** sets out the administrative framework and procedures governing this process.

[Corrective Services NSW practices](#)

The INSLM's review into the sentencing of children and the interaction with s.15AA, s.19AG and s.20C of the Crimes Act do not have an immediate impact on the operations of Corrective Services NSW (**CSNSW**). Notwithstanding that, children convicted of, and sentenced for, terrorism offences may be transferred to the adult correctional system between the ages of 18-21.

CSNSW acknowledges that a balance needs to be achieved between upholding the security of the correctional system and the public, and ensuring the right of all persons to be incarcerated in a humane manner in accordance with internationally agreed guidelines and practices. CSNSW applies a risk-based approach to its management of all offenders, both custodial and community-based. This means that each and every offender in the correctional system is assessed in terms of his or her risk to the security of the correctional system. When an offender has been sentenced, he or she is also assessed in terms of his or her risk of re-offending.

These risk assessments inform every inmate's security classification, security designation, and placement. They also inform the inmate's case plan. The inmate's security classification, security designation, placement and case plan are mandated by the *Crimes (Administration of Sentences) Act 1999*, and the *Crimes (Administration of Sentences) Regulation 2014*. Provisions exist for the regular review of an inmate's classification, placement and case plan. This enables an inmate to be progressed through the correctional system and to participate in a wider range of criminogenic programs and services to assist transition into the community on release.

Generally, CSNSW adopts a position that one factor alone will not determine the way in which an inmate is classified, designated, and placed. This extends to the age of the inmate. An inmate will not be subject to a less stringent management regime by virtue of his or her age alone. Only the risk assessment will determine how an inmate will be managed. Notwithstanding that, CSNSW does not disregard the age of the inmate. The age will form part of the risk assessment process, and will be taken together with other factors to make an informed decision about the way in which the inmate will be managed.

With respect to the management of an inmate charged with, or sentenced for, terrorism who has been transferred from JJNSW, as is the process for all inmates who enter the adult correctional system, the inmate will be subject to a risk assessment which will determine all of the management factors mentioned above.

Inmates charged with, or convicted of, terrorist offences will likely be classified as AA/Category 5 (the highest security classification in the NSW correctional system), and may or may not be designated as Extreme High Risk Restricted (the highest security designation in the NSW correctional system).⁴ This classification usually requires an inmate to be held in the High Risk Management Correctional Centre (**HRMCC**) on the Goulburn Correctional Complex. However, this is not applied indiscriminately, and the risk assessment process may determine that such an inmate can be managed in another maximum security correctional centre.

Currently, the majority of inmates charged with terrorism offences are held in the HRMCC. There is currently limited capacity for a terrorist inmate to progress from the HRMCC into the mainstream correctional population. Inmates in the HRMCC have limited access to services and programs owing to the high-level security needs and the strict association requirements which do not allow more

⁴ Part 3, Division 1, *Crimes (Administration of Sentences) Regulation 2014*.

than two inmates to associate at any one time. This prohibits the introduction of group-based therapy.

CSNSW is reviewing its offender management principles and practices in relation to the extremist cohort. Among other enhancements to the current operational regime, CSNSW is driving the development of additional infrastructure options to accommodate terrorist offenders. The HRMCC and a secure unit at Goulburn Correctional Centre are being refurbished to provide additional capacity in, highly secure units in which terrorist offenders will be housed. HRMCC will remain the primary accommodation for inmates who require the highest level of security. Inmates will have limited association with one another, and access to criminogenic programs.

It is proposed that a second area will accommodate those inmates who have demonstrated a commitment to disengage from extremist behaviour, inmates who are most at risk of radicalisation, and inmates whose day-to-day security requirements are not as high. A broad range of therapeutic interventions, associations, and increased out-of-cell hours will be available. The Proactive Integrated Support Model (PRISM), a CSNSW-developed program which encourages disengagement from extremist behaviour, will continue to be available across the rest of the prison system.

Placement will depend on a risk assessment. Inmates can be progressed and regressed between areas based on risk assessment, participation in therapeutic interventions, and behaviour. Progression to mainstream correctional centres remains an option. This model is an incentivised management regime and provides a clear pathway of progression from radicalisation to disengagement. Notwithstanding this, all areas of the HRMCC will remain highly secure maximum security facilities, separated from the mainstream correctional population.

Juvenile Justice Centres

Procedures, forms and resources

You're in: [Home](#) | [Procedures](#) | [Movements](#) | [Transfer to Adult Corrections](#)

Transfer to Adult Corrections

When to use this procedure

This procedure is used when:

1. The Centre Manager, in consultation with the Manager, Court Logistics, Classification and Placements assesses that a detainee meets the criteria and is suitable for consideration for transfer to an adult correctional centre *or*
2. A detainee 18 years and older requests a transfer to an adult correctional centre *or*
3. * A detainee 18 years and 1 month or older, is admitted into a juvenile justice centre and has previously been detained as an inmate in an adult correctional centre for a period of, or periods totalling, more than 4 weeks *or*
4. * An inmate who is currently, or has previously been, detained as an inmate in a correctional centre (other than a juvenile correctional centre) for a period of, or periods totalling, more than 4 weeks

* It is envisaged that the number of detainees in the above 2 categories will decrease in line with changes to Section 9A of the *Children (Detention Centre) Act 1987*.

Before using this procedure

Criteria for determining the suitability of the transfer of older detainees from detention centres to correctional centres

Process for detainees who have previously been, detained as an inmate in a correctional centre (other than a juvenile correctional centre) for a period of, or periods totalling, more than 4 weeks

Process for persons who are, detained as an inmate in a correctional centre (other than a juvenile correctional centre) for a period of, or periods totalling, more than 4 weeks

Note: If a detainee is transferred from court to an adult correctional facility the Assistant Manager Client Services (AMCS) or Duty Manager in the absence of the AMCS, is to within 24 hrs:

- Ensure that all sections of the [Operations Detainee Transfer Notification – Discharge Summary \(JJ-A072\)](#) are completed and forwarded to representatives of the Department of Corrective Services

Start using this procedure

Your responsibilities

Find your role. Find what you need to do.

Role	When required	Responsibilities
All Staff	Always	All steps
Admissions	Always	All Steps
Unit Manager	Always	All Steps
Centre Psychologist	Always	All Steps
Assistant Manager (Generalist)	Always	All Steps
Assistant Manager (Client Services)	Always	All Steps
Centre Manager	Always	All Steps
Manager, Court Logistics, Classification and Placements	Always	All Steps
Chief Executive	Always	All Steps

Procedural steps

Role	Responsibilities
All staff	<p>See Flowchart</p> <p>Criteria for determining the suitability of the transfer of older detainees from detention centres to correctional centres</p> <p>Note:</p> <ul style="list-style-type: none"> The Chief Executive is the only person delegated to make such an order. Assessment does not indicate a view by the Chief Executive. No one is to express a view as to what the Chief Executive may or may not decide. Juvenile Justice staff involved in supporting and or assisting the detainee during this process must not express their personal opinion on possible outcomes to the detainee. It is the detainee's legal representative's responsibility to provide advice and support to the detainee in this process. <p>Process for detainees being considered for transfer to an adult correctional centre (at the detainees written request).</p> <ul style="list-style-type: none"> This section applies to a person, 18 years of age or older, subject to a detention order currently on remand or subject to a control order. Under this section the detainee can make a request to the Chief Executive for a transfer to an adult correctional centre. Where a detainee requests to be transferred to an adult correctional centre, this request must be taken seriously and dealt with expediently. The detainee must be provided with the support necessary to gain an understanding of the ramifications of their request before the

	<p>transfer is formalised.</p> <ul style="list-style-type: none"> • This support includes access to a Juvenile Justice Officer/Counsellor or Key Worker. <p>Detainee Transfer Notification-Operations-Discharge Summary</p> <p>Upon confirmation of transfer, this notification is to be completed and forwarded to the adult correctional facility in which the detainee is being transferred.</p>
Centre Manager	<p>See Flowchart</p> <p>Criteria for determining the suitability of the transfer of older detainees from detention centres to correctional centres</p> <ul style="list-style-type: none"> • Inform the Manager Court Logistics, Classification and Placements, which detainees are considered suitable to be assessed for transfer to an adult correctional centre and those who are not considered suitable. <p>NOTE: The Centre Manager must ensure detainees who meet the criteria do NOT possess a significant vulnerability; this includes mental health and intellectual disabilities. Detainees who are considered vulnerable must not be progressed for further assessment.</p> <p>Process for detainee consideration</p> <p>1) The Centre Manager, in consultation with the Manager, Court Logistics, Classification and Placements assesses that a detainee meets the criteria and is suitable for consideration for transfer to an adult correctional centre</p> <p>Once a detainee meets the criteria for consideration for transfer to an adult correctional centre:</p> <ul style="list-style-type: none"> • ensure the detainee is given every opportunity to participate throughout the process whereby the detainee: <ul style="list-style-type: none"> ○ receives written confirmation as soon as possible that they are being considered for a transfer to an adult correctional centre <ul style="list-style-type: none"> ■ is explained the process and kept informed in all stages of the process ■ has legal representation ■ has access to family and significant others ■ is informed in writing that they are being considered for transfer ■ is given the opportunity to watch the DCS dvd "Your first 24 hours" ■ is given every opportunity to make a written submission

to the Chief Executive of their view on the transfer at any time during the process

- is given the opportunity to speak directly with the Chief Executive to express their view on the possible transfer (via AVL if more practical) prior to the Chief Executive making the final decision.
- a case conference is organised

Case Conference

- ensure copies of all relevant documentation that will be discussed at the case conference is provided to all participants
 - ensure all information is presented at the case conference including
 - detainee's progress at the centre and response to centre routines
 - participation and commitment to programs whilst in custody
 - potential pathways for the detainee in an adult correctional centre

After the Case Conference, ensure:

- the details of the Centre Report and the psychological report are discussed with the detainee by the relevant authors
- the detainee's legal representative is provided with a copy of the reports
- the detainee is informed that the reports will be submitted to the Chief Executive for his or her information
- these reports are submitted to the Chief Executive through the Manager Court Logistics, Classification and Placements within 3 days of the completion of the case conference.
- the detainee is given a further opportunity to write to the Chief Executive
- the detainee has the opportunity to speak directly with the Chief Executive to express their view on the possible transfer (via AVL if more practical) prior to the Chief Executive making the final decision.

Note: Juvenile Justice staff involved in supporting and or assisting the detainee during this process **must not** express their personal opinion on possible outcomes to the detainee. It is the detainee's legal representative's responsibility to provide advice and support to the detainee in this process.

2) A detainee 18 years and older requests a transfer to an adult correctional centre

On being made aware that a detainee would like to transfer to an adult

correctional centre:

- Ensure the detainee discusses their request with a range of people (JJO/C, Key Worker, family or significant others, legal representative, etc.)
- Ensure the detainee is given the opportunity to watch the DCS dvd "Your first 24 hours".

If the detainee wants to formalise their request,

- that the detainee completes a Detainee Request Transfer form
- that a Centre Manager Transfer Report – Correctional Centre form is completed
- that both forms are forwarded to the Manager Court Logistics, Classification and Placements

If recommending a transfer, ensure:

- a briefing note is submitted to the Chief Executive recommending that the detainee be transferred to an adult correctional centre
- Ensure the briefing note is endorsed by the Manager Court Logistics, Classification and Placements, the Director Transport, Placements and Drug Intelligence Branch, and the Deputy Chief Executive (Operations)

3) A detainee 18 years and 1 month or older, is admitted into a juvenile justice centre and has previously been detained as an inmate in an adult correctional centre for a period of, or periods totalling, more than 4 weeks

If a person, 18 years and 1 month or older, is admitted into a juvenile justice centre:

- determine if this detainee has previously been detained as an inmate in an adult correctional centre for a period of, or periods totalling, more than 4 weeks.
- ensure that the Department of Corrective Services' Sentence Admin section is contacted to determine this information.

If it has been determined that the detainee meets this criteria and you are recommending that the detainee be transferred to an adult correctional centre,

- Ensure a briefing note is prepared for the Chief Executive.
- Ensure the briefing note is be endorsed by the manager Court Logistics, Classification and Placements, the Director Court logistics, Placements and Security & Intelligence, and the Deputy Chief Executive (Operations).
- Ensure The Manager Court Logistics, Classification and Placements is to ensure that the following documents are attached to the briefing note:

	<ul style="list-style-type: none"> ○ Order for the transfer of a classified person to prison ○ Consent for an Order to transfer a classified person to prison ○ Draft letter for the Chief Executive's signature to the Commissioner DCS if approved. <p>4) An inmate who is currently, or has previously been, detained as an inmate in a correctional centre (other than a juvenile correctional centre) for a period of, or periods totalling, more than 4 weeks</p> <p>Refer to process</p>
<p>Assistant Manager (CS)</p>	<p>See Flowchart</p> <p>1) The Centre Manager, in consultation with the Manager, Court Logistics, Classification and Placements assesses that a detainee meets the criteria and is suitable for consideration for transfer to an adult correctional centre</p> <p>If a detainee is assessed as suitable for consideration for transfer to an adult correctional centre:</p> <ul style="list-style-type: none"> ● Ensure the detainee is provided with written advice from the Centre Manager that informs the detainee that they are being considered for transfer ● Ensure that the detainee's legal representative or legal Aid/ Aboriginal Legal Services are advised that the detainee is being considered for transfer to an adult correctional centre. ● Liaise with the Manager Court Logistics, Classification and Placement in relation to the scheduled date for the case conference to occur ● Advise the Unit Manager responsible for the detainee, and relevant counsellors / psychologists that a case conference will be organised and information in relation to the detainee's progress and participation in programs/counselling will need to be provided at the meeting ● Ensure the detainee is notified of the case conference and determine who they would like to attend ● Ensure that the detainee's legal representative or legal Aid/ Aboriginal Legal Services is advised of the case conference ● Ensure that family and significant others and the Juvenile Justice Officer are notified of the case conference ● Attend the case conference and document the information presented at the case conference in preparation for completing the Centre Report. <p>Case Conference</p> <p>Note: The Manager Court Logistics, Classification and Placements (or delegate) in consultation with the Centre Manager is responsible for ensuring that a case conference is held.</p>

- Organise and notify participants to attend the meeting.

After the Case Conference

- Collate information discussed at the case conference and complete the Centre Report

This report must provide information on the following areas:

- detainee's behaviour in custody
- education and training undertaken during period of custody
- medical history
- family support
- possible pathway options available within the Department of Corrective Services
- other relevant material/issues discussed at the meeting.
- Submit the Centre Report to the Centre Manager for their signature, prior to the report being forwarded to the Chief Executive for his or her information
- Ensure a copy of the sentencing comments and antecedents are attached to the Centre Report
- Ensure a full psychological report on the detainee is attached to the Centre Report.

Note: The Centre Report and the psychological report must NOT contain any recommendations on the possible transfer of the detainee to an adult correctional centre.

After a decision has been made in writing by the Chief Executive:

- Notify detainee, family and significant others, legal representatives, and Unit Manager of the decision.

If approval has been given by the Commissioner DCS and the Chief Executive for the transfer of the detainee to an adult correctional centre:

- Discuss at the next CSM meeting (if time permits) in preparation for the detainee's transfer
- Ensure all detainee information is updated and any concerns or outstanding issues are followed up
- Notify the Manager, Classification, Transport and Placements in consultation with the Centre Manager that the discharge planning is completed
- Ensure the Unit Manager checks all casework information is updated, and placed in the Casework File
- Ensure that all sections of the [Operations Detainee Transfer Notification – Discharge Summary \(JJ-A072\)](#) are completed and available for

representatives of the Department of Corrective Services

- If there are any particular concerns in relation to casework with the detainee, contact support / welfare personnel at the correctional centre where the detainee is being transferred and ensure all necessary information is passed on, including all current Alerts
- Ensure all casework documentation is in the Casework File, and that the file is attached to the D File for transfer to Clients Records
- Inform the Centre Nurse to prepare appropriate documentation and forward to Justice Health Corrections.

2) A detainee 18 years and older requests a transfer to an adult correctional centre

On being made aware that a detainee would like to transfer to an adult correctional centre:

- Discuss at CSM and obtain information and/or documentation that would assist the Centre Manager in making a decision on whether to support or not support the detainee's request for transfer such as disability or mental health issues.

If the transfer is supported:

- Inform the detainee that their request is being processed
- Inform the Unit Manager to monitor the detainee's behaviour and risk to self and others whilst the transfer is being considered
- Ensure that the Unit Manager checks that all casework information is updated, including the current case plan and intervention plan (if the detainee has been in DJJ custody for over 2 months)
- Ensure all relevant information is updated on CIMS including current Alerts
- Ensure that all sections of the [Operations Detainee Transfer Notification – Discharge Summary \(JJ-A072\)](#) are completed and available for representatives of the Department of Corrective Services
- Ensure an appropriate case plan is developed report if the detainee has been in DJJ custody for over 2 months.
- Ensure a full psychological report is completed if the detainee has been in DJJ custody over 2 months
- Ensure that a current Psychological Appraisal Summary is completed and VRI's, etc are available if the detainee has been in DJJ custody less than 2 months
- Ensure all casework documentation is in the Casework File, and that the file is attached to the D File for transfer to Client Records.

If the transfer is not supported by the CSM based on health/disability concerns:

- Ensure the detainee is informed of any concerns and attempt to negotiate with the detainee about remaining in JJC

- Ensure a risk assessment is conducted based on any potential violence or threats towards others and if necessary develop a Detainee Management Plan (refer to Detainee Management Plan Procedure)
- Liaise with Justice Health and the centre psychologist in relation to the management of the detainee.

If the detainee continues with their request after consultation with centre staff, legal advice and family/significant others:

- Inform the Centre Manager of the detainee's decision to continue to request to transfer to an adult correctional centre
- Follow the procedure as if the transfer had been supported.

If approval has been given by the Commissioner DCS and the Chief Executive for the transfer of the detainee to an adult correctional centre:

- Discuss at the next CSM meeting (if time permits) in preparation for the detainee's transfer
- Ensure all detainee information is updated and any concerns or outstanding issues are followed up
- Notify the Manager, Classification, Transport and Placements in consultation with the Centre Manager that the discharge planning is completed
- Ensure the Unit Manager checks all casework information is updated, and placed in the Casework File
- If there are any particular concerns in relation to casework with the detainee, contact support / welfare personnel at the correctional centre where the detainee is being transferred and ensure all necessary information is passed on, including all current Alerts
- Ensure all casework documentation is in the Casework File, and that the file is attached to the D File for transfer to Clients Records
- Inform the Centre Nurse to prepare appropriate documentation and forward to Justice Health Corrections

3) A detainee 18 years and 1 month or older, is admitted into a juvenile justice centre and has previously been detained as an inmate in an adult correctional centre for a period of, or periods totalling, more than 4 weeks

An inmate who is currently, or has previously been, detained as an inmate in a

correctional centre (other than a juvenile correctional centre) for a period of, or periods

totalling, more than 4 weeks

If approval has been given by the Commissioner DCS and the Chief Executive for the transfer of the detainee to an adult correctional centre:

- Discuss at the next CSM meeting (if time permits) in preparation for the detainee's transfer

	<ul style="list-style-type: none"> • Ensure all detainee information is updated and any concerns or outstanding issues are followed up • Ensure the Unit Manager checks all casework information is updated, and placed in the Casework File • Ensure that all sections of the Operations Detainee Transfer Notification – Discharge Summary (JJ-A072) are completed and available for representatives of the Department of Corrective Services • If there are any particular concerns in relation to casework with the detainee, contact support / welfare personnel at the correctional centre where the detainee is being transferred and ensure all necessary information is passed on, including all current Alerts • Ensure all casework documentation is in the Casework File, and that the file is attached to the D File for transfer to Clients Records • Inform the Centre Nurse to prepare appropriate documentation and forward to Justice Health Corrections. <p>4) An inmate who is currently, or has previously been, detained as an inmate in a correctional centre (other than a juvenile correctional centre) for a period of, or periods totalling, more than 4 weeks</p> <p>Refer to process</p> <p>5) A detainee is discharged from court to an adult correctional facility</p> <ul style="list-style-type: none"> • Ensure that all sections of the Operations Detainee Transfer Notification – Discharge Summary (JJ-A072) are completed and immediately forwarded to representatives of the Department of Corrective Services
<p>Manager Court Logistics, Classification and Placement</p>	<p>See Flowchart</p> <p>1) The Centre Manager, in consultation with the Manager, Court Logistics, Classification and Placements assesses that a detainee meets the criteria and is suitable for consideration for transfer to an adult correctional centre</p> <p>If a detainee is assessed as suitable for consideration for transfer to an adult correctional centre:</p> <ul style="list-style-type: none"> • Liaise with the Assistant Manager (Client Services) to ensure that the case conference is organised <p>Note: The Assistant Manager (Client Services) is responsible for organising and notifying participants to attend the meeting.</p> <p>If a detainee is assessed as suitable for consideration for transfer to an adult correctional centre:</p>

- Liaise with the Assistant Manager (Client Services) to ensure that the case conference is organised
- Contact the DCS State Coordinator Young Adult Offender Programs (YAOP) and inform them of the consideration for transfer and the details of the scheduled case conference
- Attend and chair the case conference or delegate (where practical).

After the Chief Executive has received the Centre Report, the psychological report, and spoken with the detainee (via AVL if more practical):

- Advise the Centre Manager that a briefing note is required if they are going to recommend that the detainee be transferred to an adult correctional centre
- Prepare briefing note containing all relevant documentation for the information of the Chief Executive.
- Ensure that the briefing note does not contain any recommendation.

If approval has been given by the Commissioner DCS and the Chief Executive for the transfer of the detainee to an adult correctional centre:

- Contact the Centre Manager and inform them that the approval for the transfer to adult correctional centre has been endorsed by the Chief Executive and the Commissioner, and request that the detainee be prepared for transfer
- Arrange transport to facilitate the detainee's transfer to the adult correctional centre as advised by DCS.

2) A detainee 18 years and older requests a transfer to an adult correctional centre

On receiving documentation confirming that a detainee has requested a transfer to an adult correctional centre:

- Contact the DCS State Coordinator Young Adult Offender Programs (YAOP) and inform them of the detainee's request to transfer and the current location of the detainee.
- Advise the Centre Manager that a briefing note is required if they are going to recommend that the detainee be transferred to an adult correctional centre
- Endorse briefing note recommending that the detainee be transferred to an adult correctional centre
- Attach the following documents to the briefing note

ü A signed copy of the Detainee Request Transfer form

ü Order for the transfer of a classified person to prison

ü Consent for an Order to transfer a classified person to prison

ü Draft letter for the Chief Executive's signature to the Commissioner DCS if approved.

If approval has been given by the Commissioner DCS and the Chief Executive for the transfer of the detainee to an adult correctional centre:

- Contact the Centre Manager and inform them that the approval for the transfer to adult correctional centre has been endorsed by the DG and the Commissioner, and request that the detainee be prepared for transfer
- Arrange for transport to facilitate the detainee's transfer to the adult correctional centre as advised by DCS.

3) A detainee 18 years and 1 month or older, is admitted into a juvenile justice centre and has previously been detained as an inmate in an adult correctional centre for a period of, or periods totalling, more than 4 weeks

On receiving confirmation that a detainee, 18 years and 1 month or older, has been an inmate in an adult correctional centre for a period of, or periods totalling, more than 4 weeks:

- Contact the DCS State Coordinator Young Adult Offender Programs (YAOP) and inform them of the possible transfer
- Advise the Centre Manager that a briefing note is required if they are going to recommend that the detainee be transferred to an adult correctional centre
- Endorse briefing note recommending that the detainee be transferred to an adult correctional centre
- Attach the following documents to the briefing note
 - Order for the transfer of a classified person to prison
 - Consent for an Order to transfer a classified person to prison
 - Draft letter for the Chief Executive's signature to the Commissioner DCS if approved.

If approval has been given by the Commissioner DCS and the Chief Executive for the transfer of the detainee to an adult correctional centre:

- Contact the Centre Manager and inform them that the approval for the transfer to adult correctional centre has been endorsed by the DG and the Commissioner, and request that the detainee be prepared for transfer
- Arrange for transport to facilitate the detainee's transfer to the adult correctional centre as advised by DCS.

4) Process for persons who are, detained as an inmate in a correctional centre (other than a juvenile correctional centre) for a

	<p>period of, or periods totalling, more than 4 weeks</p> <p>On being advised an inmate that is currently being detained in an adult correctional centre has outstanding juvenile matters:</p> <ul style="list-style-type: none"> ● Contact the DCS Sentence Admin section to determine if this inmate is currently, or previously been, in an adult correctional centre for a period of, or periods totalling, more than 4 weeks ● Ensure a briefing note is prepared recommending that the inmate remain in an adult correctional centre for the duration of their juvenile matters ● Attach the following documents to the briefing note ● Order for the transfer of a classified person to prison ● Consent for an Order to transfer a classified person to prison ● Draft letter for the Chief Executive's signature to the Commissioner DCS if approved. <p>If approval has been given by the Commissioner DCS and the Chief Executive for the inmate to remain in adult correctional centre:</p> <p>Ensure the signed s28 orders are sent to the Department of Corrective Services.</p>
<p>Chief Executive</p>	<p>After taking all the available information into account</p> <ul style="list-style-type: none"> ● make a decision on the recommendation to transfer the detainee to an adult correctional centre. ● Provide a determination with be in writing to the detainee.
<p>Centre Counsellor</p>	<ul style="list-style-type: none"> ● Provide any relevant information from psychological appraisals/assessments/reports to the Assistant Manager (Client Services) ● Provide support to the detainee if requested or where necessary.
<p>Unit Manager</p>	<p>Case Conference</p> <p>In preparation for the case conference:</p> <ul style="list-style-type: none"> ● Liaise with Unit staff in relation to the detainee's participation in programs, education, general behaviour and response to centre routine <p>Ensure that the detainee is provided with assistance if the detainee requests to write a letter or speak to the Chief Executive about being considered for</p>

	transfer.
Assistant Manager (G)	<p>Procedures for the process for detainees being considered for transfer to an adult correctional centre</p> <p>If a detainee is approved to be transferred to an adult correctional centre:</p> <ul style="list-style-type: none"> • Inform the detainee that they will be transferred and advise them which adult correctional centre they will transferred to_ • Inform the Unit Manager responsible for the detainee, and ensure that they inform Unit staff • Ensure all court mandates are attached to the signed section 28 orders when the detainee is transferred
Admissions Staff	<p>Procedures for the process for detainees being considered for transfer to an adult correctional centre</p> <p>If a detainee is approved to be transferred to an adult correctional centre:</p> <ul style="list-style-type: none"> • Arrange for the transfer of detainee property (PERSONAL PROPERTY OF DETAINEES) • Ensure that all documentation and reports such as the Section 28 Orders, legal orders, etc are given to the transport staff • Complete a Departmental Transfer Note (DTN). If directed, ensure the detainee D file, with all current information is sent to Client Records • Enter discharge details in CIMS.

Legislation

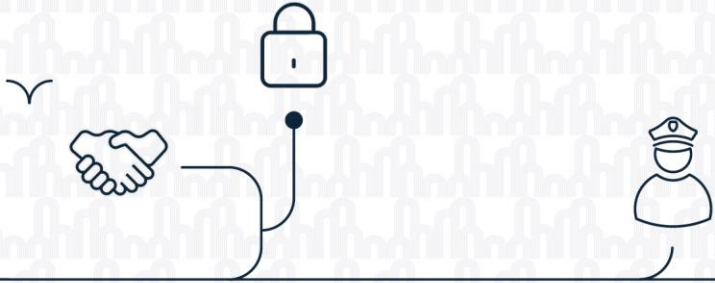
Legislation

CHILDREN (DETENTION CENTRES) ACT 1987

[S.28\(A\) CERTAIN CHILDREN MAY BE REMANDED IN CORRECTIONAL CENTRES](#)

Change log

Date	Reason for change	Details of change
11/02/10	Detainee Transfer Notification-Operations-Discharge Summery	This form, to be completed every time a detainee is transferred to an adult correctional facility, is to provide information in regards to any risks/alerts associated with the young person.



Department of Justice
Juvenile Justice
Business Plan
2017-18



**SAFE,
JUST,
US**



Justice Corporate Plan 2017-2020

Creating a safe and just NSW.



Our strategic themes

Results

Delivering on what we have promised to do

Service

Improving services and operations

Partnerships

Investing in critical relationships

Sustainability

Supporting the longevity of our business

People

Attracting, developing and retaining the best for an inclusive workplace

Leadership

Enabling our leaders to inspire, innovate and work as one

Division overview

Division vision

To empower young people to fulfil their potential without offending

Division overview

Juvenile Justice NSW (JJNSW) is a division of the NSW Department of Justice. The JJNSW purpose is: 'to empower young people to fulfil their potential without offending'.

With a budget of \$178.5 million, approximately 1,200 staff undertaking a wide range of functions including staffing 34 community offices and six Juvenile Justice Centres, JJNSW is small, yet complex. The key components of the system include management of young people in custody, at Children's Courts and in the community through casework supervision and the administration of Youth Justice Conferencing, as well as collaborating with non-government service providers to deliver early intervention and other support services to young people in contact with the criminal justice system.

Key priorities

Juvenile Justice has identified four priority areas for focus over the next three years:

- Safety, culture and practice
- Accountability
- Aboriginal engagement
- Continuous improvement

Each year, up to ten key initiatives, will be identified for focus and then delivered. Each initiative will contribute to one or more of the above priority areas.

Division Overview

Key priorities - continued

Safety, culture and practice:

- Our people feel safe and have what they need to succeed.
- We support, encourage and develop our people.
- Our programs make life better for young people, their families and community members.
- We include families in our decision making.
- We are leaders in delivering evidence based programs and services to young people involved with the criminal justice system.

Accountability:

- We have rights-based systems that support and respect young people.
- We respect and support victims of crime.
- The young people with whom we work understand the responsibilities they have as members of the community.
- We reduce recidivism.
- Our clients receive quality, coordinated services.
- We intervene early to connect young people with family, education, accommodation and health support.
- Our programs are sensitive to individual and cultural needs.

Aboriginal engagement:

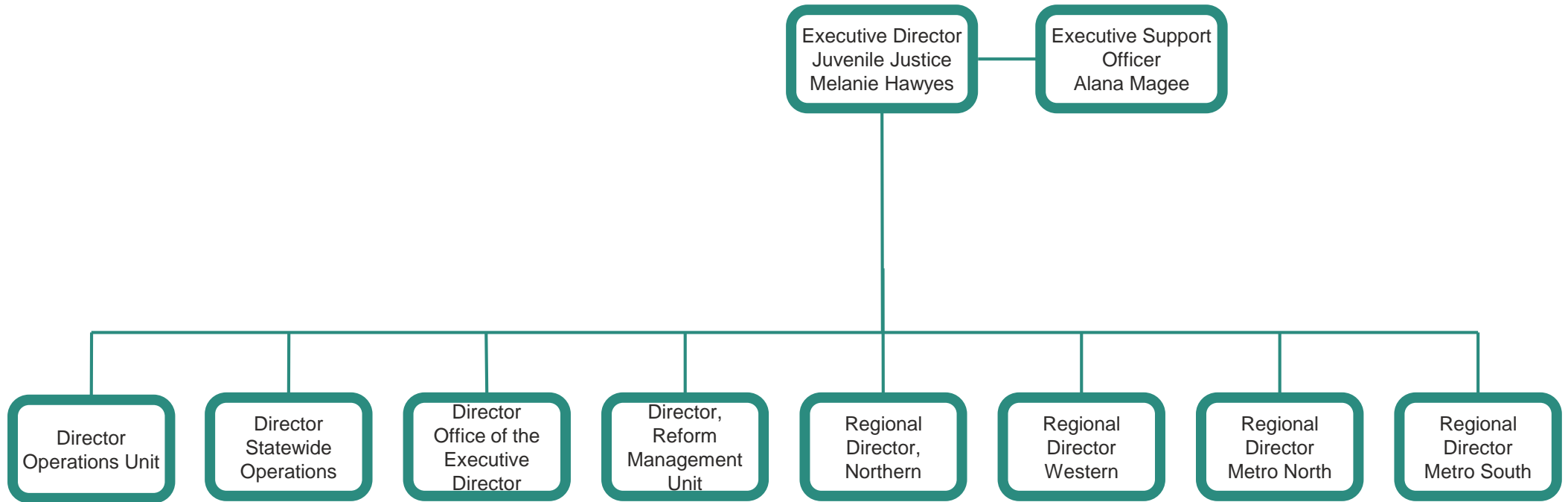
- Fewer Aboriginal young people are in custody or on community orders.
- More Aboriginal young people are participating in early intervention and diversion programs.
- We have more Aboriginal staff, particularly in senior and leadership roles.
- Aboriginal issues and needs are addressed and embedded across Juvenile Justice.
- We are culturally competent.

Continuous improvement:

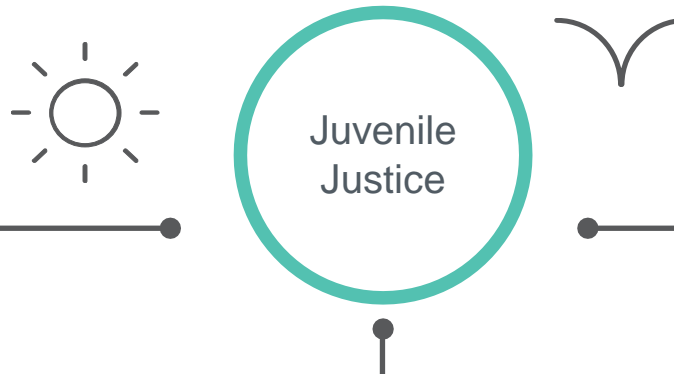
- Our operations are sustainable and respond to fluctuating demand.
- Our technology and resources enable us to get the job done.
- Our structure, systems and culture encourage people to speak out and share ideas for improvement

Division structure

High level division organisation chart

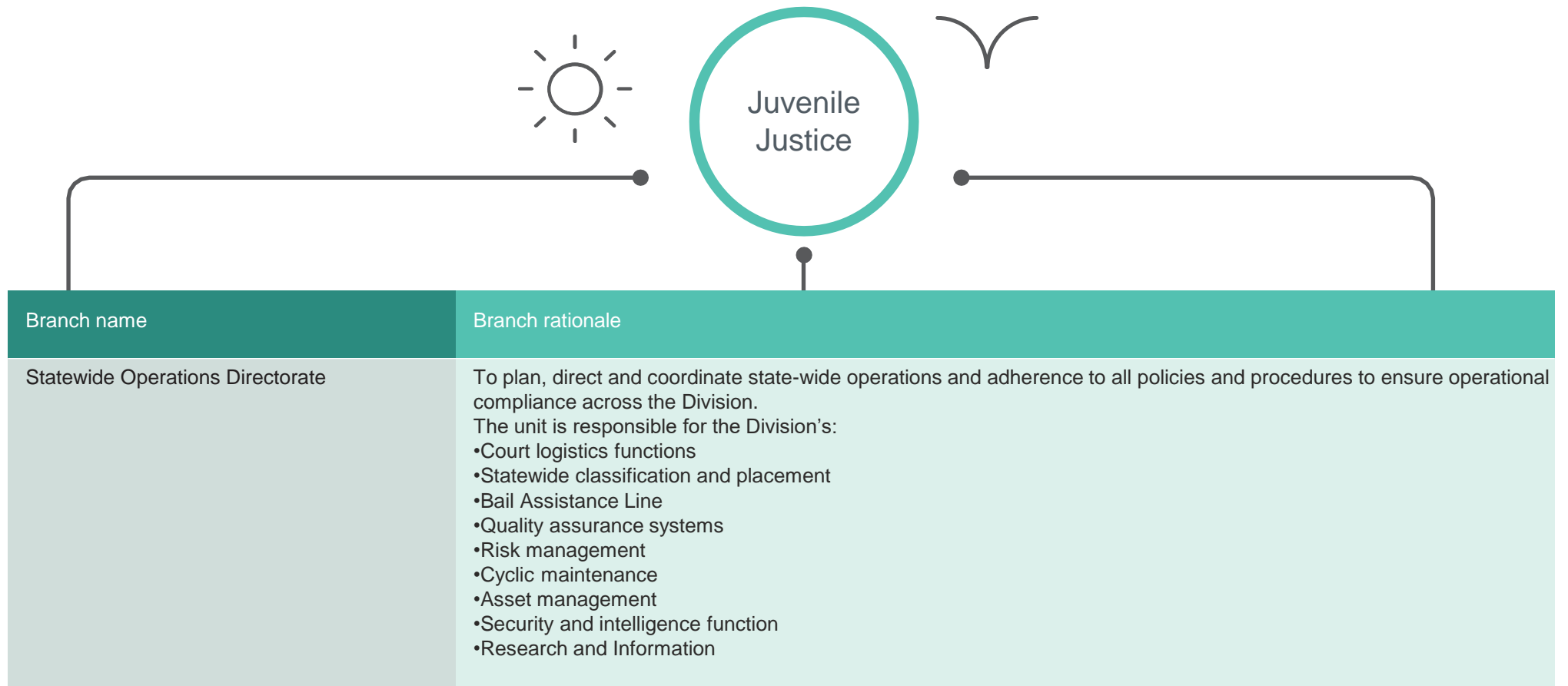


Division structure (branches and accountabilities)

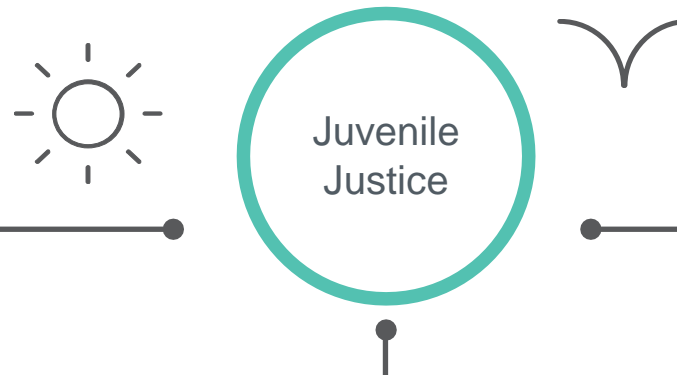


Branch name	Branch rationale
Office of the Executive Director	<p>The Office of the Executive Director (OED) supports the Executive Director and the Executive Leadership Team in the day to day management of Juvenile Justice.</p> <p>The Unit is responsible for the Division's:</p> <ul style="list-style-type: none"> •Corporate services governance •Budget and expenditure oversight •Corporate planning and reporting •Aboriginal Strategic Coordination •Funded services, including Youth on Track •Strategic projects, including NDIS and diversity •Internal and external communications, including media •Ministerial and parliamentary liaison •Interface with department and interdepartmental committees and meetings

Division structure (branches and accountabilities)

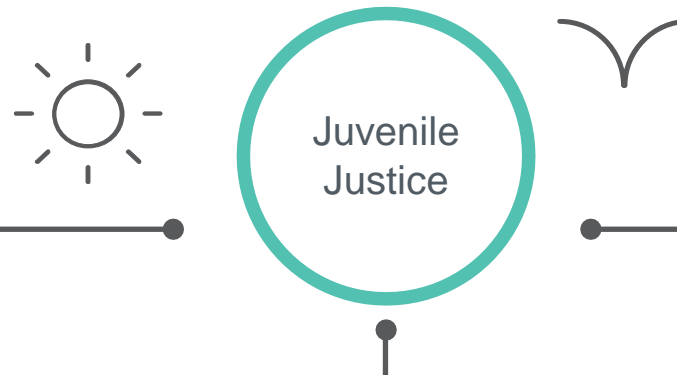


Division structure (branches and accountabilities)



Branch name	Branch rationale
Operations Unit	<p>The Operations Unit sets the practice and operational direction of JJ through the development and implementation of policy, procedure, practice guidelines, and other operational documents.</p> <p>The Operations Unit also supports day to day practice through project teams, psychological services and operational training.</p> <p>The unit is responsible for:</p> <ul style="list-style-type: none"> •Policy and procedure development and implementation across community, custody and Youth Justice Conferencing •Operationalising contemporary best practice in youth justice interventions •Maintaining knowledge of contemporary evidence-based best practice across jurisdictions and related fields •Statewide psychological services •Operational training
Reform Management Unit	<p>To drive the JJ reform agenda and develop implementation and change plans to ensure future operations are rehabilitative, client focused, safe, secure and sustainable.</p> <p>The unit is responsible for:</p> <ul style="list-style-type: none"> •Coordinating the JJ reform program •Implementation of the JJ Performance Management Framework •Leading and supporting JJ reform projects and project boards

Division structure (branches and accountabilities)



Branch name	Branch rationale
<p>Regional Directorates:</p> <ul style="list-style-type: none"> •Metropolitan North •Metropolitan South •Western •Northern 	<p>Regional Directorates are responsible for administering youth justice conferences and for supervising young offenders who receive community-based orders, custodial sentences or are remanded in custody.</p> <p>The Regions are responsible for:</p> <ul style="list-style-type: none"> •Supervising young people sentenced to community-based or custodial orders •Supporting young people meeting the conditions of bail •Supervising young people remanded in custody pending court matters •Preparing reports for consideration by the courts in determining sentences •Administering Youth Justice Conferences •Supervising the Work and Development Order scheme •Stakeholder engagement •Supporting frontline staff to deliver quality interventions •Contract management for funded services •Quality Assurance

Delivery in 2017-18

Key Initiatives	Theme	Who	Outcome
<p>myPerformance</p> <p>All employees have a myPerformance agreement in place.</p> <ul style="list-style-type: none"> •JJ will clarify the supervisory structure in Juvenile Justice Centres to ensure that staff on all shifts are supported in the development of their myPerformance agreement. 	People	All Directors and all Managers	Improved employee engagement.
<p>Our Values</p> <ul style="list-style-type: none"> •All JJ workplaces have a workplace behaviour charter. •The JJ Leaders Group will develop the JJ Workplace Charter for implementation in all workplaces in JJ. 	People	All Directors and all Managers	Employee behaviour is aligned to our corporate values, delivering improved workplace culture, enhanced employee wellbeing and engagement and better client service delivery.
<p>Aboriginal engagement</p> <ul style="list-style-type: none"> •Aboriginal Strategic Plan 2017-2020 delivered. •Aboriginal Implementation Plan delivered. 	Partnerships	Director, Office of the Executive Director	Culturally responsive Juvenile Justice.

Delivery in 2017-18

Key initiatives	Theme	Who	Outcome
<p>Caseworkers in Custody and Reintegration Outcomes</p> <ul style="list-style-type: none"> •22 custodial caseworker positions established. •JJ Caseworker (Custody) Operating Manual finalised. •All young people leaving custody have a comprehensive exit plan. •Reintegration outcomes measurement tools are implemented in collaboration with BOCSAR. 	<p>Services</p> <p>Results / Partnerships</p>	<p>Director Reform Management Unit</p> <p>Director Operations</p> <p>Regional Directors</p> <p>Director Statewide Operations</p>	<p>Enhanced case management practice across JJNSW, to promote a seamless transition between the community and custody.</p>
<p>Countering Violent Extremism Strategy</p> <ul style="list-style-type: none"> •REAP staff education and awareness package developed in collaboration with the Australian Multicultural Foundation and delivered to staff. •VERA 2R (risk assessment tool) “train-the-trainer” training conducted with five JJ psychologists. •Report delivered detailing options for intervention with young people who have been radicalised and/or are at risk of engaging in violent extremism. 	<p>Results</p>	<p>Director Statewide Operations</p>	<p>Prevent and reduce violent extremism and radicalisation of juveniles.</p>

Delivery in 2017-18

Key Initiatives	Theme	Who	Outcome
<p>Operational, Management and Leadership Training</p> <ul style="list-style-type: none"> •Review overall JJNSW training function. •Report detailing the Juvenile Justice training and development requirements. •Strategic training and development plan. •Managing Actual or Perceived Aggression train – the – trainer sessions delivered to 20 JJ trainers. •Protective tactics refresher training delivered to frontline staff. 	People / Leadership	Director Operations	Improved management of juveniles in custody and in the community.
<p>Technology</p> <ul style="list-style-type: none"> •333 new iPhones and 70 new laptops deployed to operational staff. •25 new DX80 AVL units deployed in JJ Community Offices. 	Results	Director, Office of the Executive Director	More efficient service delivery.
<p>Forecasting model</p> <ul style="list-style-type: none"> •Model of future service demand is delivered in consultation with BOCSAR. 	Sustainability	Director Statewide Operations	Improved planning to enhance future service delivery.

Delivery in 2017-18

Key Initiatives	Theme	Who	Outcome
<p>Frontline Recruitment</p> <ul style="list-style-type: none"> •Recruit and induct staff with rigour and transparency. •Introduce Assessment Centres for recruitment of frontline staff. •Change recruitment practices through offering ongoing roles. 	<p>People</p> <p>Sustainability</p>	<p>Director Reform Management</p> <p>Director Strategic HR</p>	<p>A motivated and engaged workforce.</p>
<p>Juvenile Justice Centres – consistent practices</p> <ul style="list-style-type: none"> •Design a consistent staffing model that achieves safe and secure JJ Centres. •Design consistent structures, functions and practice across all JJ Centres. •Embed robust operational governance and clear accountability of tasks across JJ Centres. •Progress the capacity for rehabilitative practice that is responsive to emerging trends and client needs within JJ Centres. •Continue progress towards efficient and sustainable operation across all six JJ Centres. 	<p>Sustainability</p>	<p>Director Reform Management</p>	<p>Efficient and effective Juvenile Justice Centres into the future via a clear model of the structures, functions and practice required.</p>