

Custody Inspection Report

Inspection of Youth Custodial Services in
Tasmania, 2018

August
2019



Produced by the Tasmanian Custodial Inspector

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Contents

From the Custodial Inspector	1
Acknowledgements	2
Executive Summary	3
Summary of Recommendations	5
About Ashley Youth Detention Centre	8
Inspection Methodology	10
Inspection Standards	12
Reception and Admission	13
Induction	16
Infrastructure	18
Daily Routine	22
Security	23
Complaints	36
Behaviour, Incentive and Incident Management	38
Emergency Management, Maintenance and Workplace Health and Safety	41
Transport	43
Telephone Calls and Access to Legal Representatives	46
Use of Force and Restraint	48
Isolation	53
Appendix 1 - Glossary of Terms and Acronyms	56
Appendix 2 - The Inspection Standards	57
Appendix 3 - AYDC Booklet - Information for Young People and Families	76
Appendix 4 - Sample AYDC Daily Program Sheet	95
Appendix 5 - Communities Tasmania Response to Recommendations	96

From the Custodial Inspector

I was appointed inaugural Custodial Inspector effective from 31 January 2017 following the passing and proclamation of the *Custodial Inspector Act 2016*. That Act requires me as Inspector to carry out a mandatory inspection of each custodial centre in the State at least once every three years and to report to the responsible Minister and Parliament. “Custodial centre” is defined in the Custodial Inspector Act to include a prison within the meaning of the *Corrections Act 1997* and a detention centre within the meaning of the *Youth Justice Act 1997*.

As I have noted in my Annual Reports, because Tasmania is a small jurisdiction, to meet my legislative obligations using the limited resources available, the Custodial Inspectorate undertakes themed inspections of custodial centres focussing on particular inspection standards. At the end of a three year cycle, all facets of custodial centres will have been inspected against the full set of inspection standards.

I am required by section 15 of the Custodial Inspector Act to prepare an inspection report on my findings in relation to each mandatory inspection to the Minister. I am required to include in any report such advice or recommendations as I consider appropriate including recommendations relating to the safety, custody, care, wellbeing and rehabilitation of prisoners and detainees, and information relating to education and programs to assist in the rehabilitation of prisoners and detainees. I report directly to the Minister responsible for the custodial centre and the responsible Minister is required to table a copy of my inspection report in each House of Parliament. In this way, the findings and recommendations relating to inspections become a matter of public record.

In February 2018, the second theme based inspection of Ashley Youth Detention Centre (AYDC) was undertaken, focussing on custody. I am now pleased to present this report of that inspection.

Prior to publication of this report, the Department of Communities Tasmania (CT), the department responsible for the management of Ashley Youth Detention Centre, was consulted and invited to correct any factual inaccuracies in the report. Appendix 5 details the response of CT to the recommendations.

Richard Connock

Custodial Inspector

August 2019



Acknowledgements

I would like to acknowledge the contributions of the previous Inspector of Custodial Services in Western Australia, Professor Neil Morgan and Mr Jim Bryden from that office. Professor Morgan agreed to Mr Bryden providing consultancy services for this inspection. I sincerely thank them both for their expert advice and assistance, which adds greatly to the work of my office.

Acknowledgment and appreciation is also extended to all staff at Ashley Youth Detention Centre and the Department of Communities Tasmania who supported the inspections.



Executive Summary

The inspection standards for young people in detention relating to custody cover a broad range of areas including:

- admission to custody;
- infrastructure;
- security;
- complaints;
- transport of young people in detention;
- use of force;
- use of isolation; and
- emergency management.

The standards relating to custody of young people in detention are directed to the treatment of young people, and the conditions in which they are kept while in custody, as well as the services provided to support positive behaviour. For the most part, compliance with the standards was considered through observation by the inspection team during an onsite visit to AYDC on 26 February 2018.

AYDC is managed by Children and Youth Services (CYS), an operational unit of CT.¹ CYC is responsible for providing care and custody, at various levels of security, for young people detained and remanded in custody in Tasmania.² CYC is also responsible for providing secure transport for young people in detention to and from AYDC, and other approved offsite locations such as health facilities and courts.

During the inspection, a number of relevant considerations and sources of information were used to assess AYDC against the inspection standards. These included: onsite visits; meetings with CT senior management; individual interviews with AYDC staff; review of documentation; desktop audit of AYDC policies, procedures and registers; and observation by inspectors and experts. Discussions were also held with a number of young people at AYDC.

The management of, and interactions with, young people by AYDC staff was observed at inspection to be positive and conducted with respect and politeness. It was noted, however, that reporting practices and procedures are vulnerable as they are mostly by hard copy paper trails, which do not provide 'real time' reporting and are open to being misplaced. The current practice makes it difficult to measure outcomes accurately, evidence of compliance is therefore difficult and untrustworthy. Electronic reporting should be implemented to address these issues.

¹ At the time of the inspection, AYDC was an operational unit of the Department of Health and Human Services which ceased to exist on 1 July 2018. The responsibilities and functions have since been split between the Department of Communities Tasmania and the Department of Health.

² Note: For the purposes of this report, a reference to the terms 'detainee' and 'resident' means young people that are lawfully detained in custody at AYDC and includes both those that are remanded and those that are sentenced.



The inspection also highlighted that youth workers, who have front line supervision of young people at AYDC, cannot enter case notes directly into the Youth Custodial Information System (YCIS) to record information about those young people. The inspection team questions how youth workers can have the most up to date information about young people at AYDC without the ability to do this.

As a general comment, it was noted that many of AYDC's Standard Operating Procedures are outdated and well past their review date. In these situations, the inspection team could not make confident judgements without further requests for information from CT.

Other concerns identified by the inspection are highlighted in the report.

Recommendation:

That CT implements electronic reporting and recording systems and processes at AYDC to provide an accurate and trustworthy reporting mechanism.

Recommendation:

That CT reviews all AYDC procedures to ensure that the information they contain is current and up to date, and that processes at AYDC reflect those procedures.

Recommendation:

That CT provides youth workers at AYDC with complete access to YCIS to enable up to date information about young people at AYDC to be readily available to all staff.

Summary of Recommendations

Recording and Reporting Systems and Processes

It is recommend that Communities Tasmania:

1. Implements electronic reporting and recording systems and processes at AYDC to provide an accurate and trustworthy reporting mechanism.
2. Provides youth workers at AYDC with complete access to YCIS to enable up to date information about young people at AYDC to be readily available to all staff.
3. Reviews all AYDC procedures to ensure that the information they contain is current and up to date, and that processes at AYDC reflect those procedures.

Induction

It is recommend that Communities Tasmania:

4. Reviews the AYDC induction process for young people and implements changes which result in a more informative and reliable process, including a tour of the Centre.

Infrastructure

It is recommend that Communities Tasmania:

5. Provides signage on the highway to indicate the entrance to AYDC.
6. Moves the boom gate at AYDC closer to the highway and provides a turnaround bay at this point.
7. Provides better signage for visitors to AYDC to indicate the entrance gate, processes for entry and the behaviour expected of visitors.
8. Reviews all current recording practices at AYDC and implements changes to provide a robust electronic reporting and record keeping system for incidents and risk assessments.

Security

It is recommend that Communities Tasmania:

9. Erects or attaches signs on AYDC's boundary fence line to identify land use, displaying 'No Entry' and possible penalties for unauthorised access.
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. Investigates and implements a drug strategy at AYDC.
14. Implements measures to ensure that AYDC records all area searches.
15. Ensures that AYDC undertakes background checks, including obtaining police clearance, prior to granting contractors entry to AYDC.



16. Rather than undertaking personal unclothed searches of young people on a routine basis, carries out these searches on the basis of a rigorous risk assessment to prevent contraband entering AYDC.
17. Considers best practice processes for conducting personal searches of young people including providing clear information to young people, including illustrations, about how the search will be performed.
18. [REDACTED]
19. [REDACTED]
20. Implements a central register of contraband detected at AYDC, and undertakes analysis of trends and statistics in regard to the introduction of contraband.
21. [REDACTED]
22. Ensures that suitable AYDC staff are appropriately trained to relieve the Fire, Safety and Security Manager.
23. Implements a security policy at AYDC which meets the requirements of the inspection standards.

Complaints

It is recommend that Communities Tasmania:

24. Reviews the AYDC complaints mechanism and implements changes to protect the confidentiality and, when necessary, the anonymity of young people who wish to make a complaint about their treatment and/or conditions without disclosing their identities. This mechanism should:
 - be robust in its procedures and recording of complaints;
 - provide a trusted and accountable way for young people to put forward complaints with confidence;
 - allow complaints to be made and not read by AYDC staff where applicable;
 - not jeopardise a young person's safety or wellbeing; and
 - provide young people access to the complaints system without fear of discrimination, punishment or reprisal.

Emergency Management, Maintenance and Workplace Health and Safety

It is recommend that Communities Tasmania:

25. Ensures all AYDC staff undertake regular refresher training in emergency management.
26. Establishes an incident control room at AYDC for emergency situations.
27. Maintains a record of maintenance checks of outdoor equipment at AYDC.

Transport of Young People in Detention

It is recommend that Communities Tasmania:

28. Ensures young people who are being transported from AYDC undergo a prior medical assessment to determine their fitness to travel.
29. Develops a Memorandum of Understanding with Tasmania Police with respect to scheduled and unscheduled transport stops at Police stations and lockups for the use of bathroom facilities and other reasons that may arise.
30. Implements procedures to protect young people at AYDC from media exposure during transports, and includes these in the contract with secure transport service provider/s.

Telephone Calls and Access to Legal Representatives

It is recommend that Communities Tasmania:

31. Considers options for installing private spaces with appropriate confidential settings in each unit at AYDC for young people to make professional and personal telephone calls.

Use of Force and Restraint

It is recommend that Communities Tasmania:

32. As a priority, ensures all AYDC staff are up to date with training in use of force and de-escalation techniques.
33. As a priority, implements processes to ensure that use of force at AYDC is reported as provided in the CYS Procedure *Use of Physical Force*.
34. As a priority, implements processes to ensure reviews of use of force at AYDC are conducted as provided in the CYS Procedure *Use of Physical Force*.
35. Reports all use of force at AYDC to the Custodial Inspector.

Isolation

It is recommend that Communities Tasmania:

36. Implements processes to ensure reviews of use of isolation at AYDC are conducted as provided in the CYS Procedure *Use of Isolation*.
37. Implements processes at AYDC to ensure accurate recording of observation times on observation records.
38. Reports all use of isolation at AYDC to the Custodial Inspector.



About Ashley Youth Detention Centre

CYS is responsible for providing care and custody for young people detained and remanded by the courts. AYDC is the only youth detention facility in Tasmania.³ It is located on the outskirts of Deloraine in northern Tasmania, approximately 230 kilometres from Hobart, on approximately 36.5 hectares of land, some of which is run as a small farm.

AYDC houses young offenders of all genders aged from ten to 18 years and has the capacity to accommodate 50 young people at one time. The centre runs 24 hours a day and its 50 bed capacity is spread across four accommodation units. The centre is staffed to cater for the number of young people in detention at any particular time.

The purpose of AYDC is to provide secure care and custody for young people detained or remanded by the courts, through the provision of rehabilitative programs in accordance with the principles of the *Youth Justice Act 1997*. The Act places requirements on CYS to ensure AYDC rehabilitates young people in conflict with the law and protects the community from illegal behaviour.

Recreational facilities for young people at AYDC include an indoor gym, which has a basketball court and a fitness area; an outdoor swimming pool, open seasonally; an outdoor basketball court; cricket nets; and a barbeque area.

In 2017-18 in Tasmania, on an average night:

- 62% of young people in detention were on remand – that is, awaiting the outcome of their court matter - or found guilty and awaiting sentencing. 38% of young people in detention were serving a sentence.⁴
- Twelve males and one female were held in detention with four young people identifying as Aboriginal or Torres Strait Islander.⁵

The statistics in the table below are taken from the Department of Health and Human Services Annual Report 2017-18:⁶

	2014-15	2015-16	2016-17	2017-18
Average daily young people in Custodial Youth Justice	10.3	9.2	10.7	11.4
Distinct number of young people in Custodial Youth Justice	52	33	65	58

³ The *Youth Justice Act 1997* provides that by notice published in the Gazette, the Minister may establish or abolish detention centres, or declare premises to be or not be detention centres. In addition to AYDC, the Minister has declared the Hobart and Launceston Remand Centres, Risdon Prison and Ron Barwick Centre to be detention centres for young people. In practice, however, it would be extremely rare for a young person to be detained for any significant length of time in an adult custodial centre.

⁴ Young people may be on sentenced and unsentenced orders at the same time and are counted as sentenced.

⁵ <https://www.aihw.gov.au/getmedia/55f8ff82-9091-420d-a75e-37799af96943/aihw-juv-128-youth-detention-population-in-Australia-2018-bulletin-145-dec-2018.pdf.aspx?inline=true>

⁶ https://www.dhhs.tas.gov.au/_data/assets/pdf_file/0005/355577/DHHS_Annual_Report_2017-18.pdf

The young people at AYDC come from all parts of the State. Generally, they face major social and developmental challenges and most have experienced abuse or trauma. Risky behaviours are common in young offenders including: smoking; alcohol misuse; illicit drug use; and risk-taking sexual behaviours.

Studies have found that young people on remand have:

- poorer mental and physical health;
- higher occurrence of suicidal thoughts and behaviours;
- more family difficulties;
- poorer school attendance; and
- emotional and behavioural problems interfering with schooling and social activities;

than most young people in the general community.⁷

Young people in the justice system are likely to have experienced more than one of the following:

- disabilities;
- abuse;
- neglect;
- substance misuse; and
- mental health issues.

To meet the needs of these young people services are provided by a range of organisations including Correctional Primary Health Services (CPHS), which is responsible for healthcare provision, the Department of Education which is responsible for the Ashley School, and other relevant government and non-government organisations.

⁷ Australian Institute of Health and Welfare, *National data on the health of justice-involved young people: a feasibility study 2016–17*, page 7. Refer <https://www.aihw.gov.au/getmedia/4d24014b-dc78-4948-a9c4-6a80a91a3134/aihw-juv-125.pdf.aspx?inline=true>



Inspection Methodology

Inspection provides independent, external evaluation of a custodial centre, and includes an analysis of what is working well and areas that require improvement. It is based on gathering a range of evidence that is evaluated against an inspection framework.

All inspections of custodial centres are conducted against the Custodial Inspector's published inspection standards. The inspection standards are based, amongst other things, on international human rights standards, and cover matters considered essential to the safe, respectful and purposeful treatment of young people in detention.

The standards specify the criteria for inspection. As noted, the inspection team obtains data from multiple sources. By collecting data from multiple sources, the inspection team is able to validate the information it collects through cross verification and test the consistency of findings. In most cases, the information is collected from at least three different sources. These sources are conversations, observations, and documentation:

- Conversation includes communication with detainees, staff and service providers in an informal, less structured way. Conversations can take place as the inspection team walks around custodial centres or in organised meetings and focus groups.
- Observations are made during onsite visits at custodial centres. Observations can be documented using check lists or contemporaneous notes.
- Documentation is tangible material, such as AYDC's policies, procedures, registers and spreadsheets etc.

Other sources of evidence were also used to assess AYDC against the standards, including individual interviews with staff, group discussions with young people and, where relevant, external expert consultants. In addition, desk-based research and data analysis was carried out.

Inspection reports are tabled in Parliament after an inspection is completed. Prior to publication of the report the responsible Secretary is consulted, and invited to correct any factual inaccuracies in the report. Ultimately, the report is delivered to the Minister responsible for the custodial centre who has opportunity to respond to, but not change, the report. The responsible Minister must table a copy of my inspection report in each House of Parliament, but not before 30 days after the report is delivered have elapsed.

How will the inspection team make judgements?

The inspection team will ensure that its judgements are:

- **secure** - based on sufficient evidence;
- **first-hand** - based on direct observation of processes, young people and staff⁸;
- **reliable** - based on the criteria in the inspection standards;

⁸ First-hand wherever possible, and if not a direct observation the information relied on will be fact checked and confirmed by another reliable source (triangulation of evidence).

- **valid** - accurately reflecting what is achieved and provided; and
- **corporate** - they reflect the collective view of the inspection team.



Inspection Standards

The *Inspection Standards for Young People in Detention in Tasmania* provide the structure for reviewing and assessing the performance of AYDC in relation to the treatment, and conditions, of young people in detention.

The standards were developed taking into account the range of relevant international treaties and covenants, the *Australasian Juvenile Justice Administrators Juvenile Justice Standards 2009*, and the Australian Children's Commissioners' and Guardians' *Statement on Conditions and Treatment in Youth Justice Detention November 2017*.

The standards are based on the *Inspection Standards for Juvenile Justice Custodial Services in New South Wales*. I consulted with CT and the then Acting Commissioner for Children and Young People and his staff when drafting and finalising the inspection standards.

Independent monitoring and assessment is important to ensure custodial services are meeting these standards. An independent perspective can identify issues – both shortcomings requiring improvement and strengths that can be better utilised – that may not be obvious to the custodial centre, thereby providing a continuous improvement framework.

The standards relating to custody are located under a number of subject headings. For reference, they have been included in this report at Appendix 2. The inspection standards in their entirety are publicly available on the Custodial Inspector's website www.custodialinspector.tas.gov.au.

1 Reception and Admission

Inspection Standards – 1.1, 3.3

The inspection standards relating to the admission process for young people at AYDC require that relevant checks are made to ensure young people are: only held in detention under a legal order; undergo rigorous risk assessment; and released at the earliest opportunity.

At the onsite inspection, AYDC staff displayed extensive knowledge and understanding of the admissions process and it was clear that identifying risks to young people and keeping them safe was a priority.

In respect of admissions, AYDC receives notification that a young person will arrive from one of the following sources:

- the Hobart Reception Prison;
- the Launceston Reception Prison;
- a Community Youth Justice worker;
- Tasmania Police;
- the Magistrates or Supreme Court; or
- the Transfer Assessment Panel (chaired by the Director of Corrective Services)⁹.

The CYS Procedure *Admission of a Young Person to Ashley Youth Detention Centre* outlines the comprehensive steps AYDC staff follow when admitting a young person into custody. These include, initially, establishing the identity of the young person and confirming the appropriate authority for their admission to detention is in place. An appropriate authority is either:

- a warrant of remand or a commitment to detention;
- a copy of a relevant entry in the Tasmania Police charge book;
- a copy of a transfer arrangement for interstate transfer; or
- a Transfer from Tasmania Prison Service document.

The authority is verified by the Centre Manager or delegate, who ultimately approves the young person's admission into custody.

The admissions area at AYDC consists of two processing rooms; one includes a toilet and shower and the other is a dry room¹⁰. At the time of inspection, it was considered that the admissions area was fit for purpose and provided a confidential environment for discussions to take place.

After identifying the young person, AYDC staff collect relevant information and documentation, including a photograph, for entry into the Youth Custodial Information System (YCIS).

⁹ The Transfer Assessment Panel is comprised of staff from AYDC and the Tasmania Prison Service. The Panel determines administrative transfers of young people charged, convicted or sentenced with offences under the *Sentencing Act 1997* or the *Youth Justice Act 1997* between AYDC and Tasmania Prison Service facilities.

¹⁰ This room does not have any plumbing facilities such as toilet, basin or shower.



All arrivals are subject to an unclothed search to ensure that they are not carrying any contraband. The search also provides an opportunity for AYDC staff to note and assess any visible injuries, and take action if any injury requires immediate medical attention. Searching procedures are discussed further at 7.4 Security.



The Admissions entrance at AYDC

Risk assessment is undertaken using AYDC's *Young Person Risk Questionnaire* which explores topics including physical and mental health history, alcohol and drug history, and questions to determine risk of self-harm and suicide. Importantly it also provides an opportunity for staff to document their observations as to the mental state of the young person. On admission, initial medical and psychological assessments of physical and mental wellbeing follow. These assessments are undertaken by appropriate professional staff within 24 hours of a young person's admission and again provide opportunity for conditions and illnesses that require attention to be immediately addressed.

The inspection team was advised that the risk assessment also determines where the young person will be accommodated - for example, if there are association risks for the young person with other detainees at AYDC - and where the young person will initially be placed on AYDC's Behaviour Development System (BDS). The BDS is an incentives and earned privileges program discussed further at 7.7.

When the admission process is completed, the young person is escorted to AYDC's induction unit to undertake the AYDC induction program.

Staff identify and obtain contact details for the young person's parent or guardian for entry into YCIS. AYDC then generates a letter to the parent/s or guardian/s of the young person to inform them of the young person's admission to AYDC. If the young person is known to the Child Safety Service and subject to an order under the *Children, Young Persons and their Families Act 1997*, an email notification will be sent to CYS' Manager Child Safety within two days of admission. If, during the admission process, it becomes evident that there are no existing care arrangements for the young person in the community, staff make contact with

the Strong Families Safe Kids Advice and Referral Line. The referral is managed by the Advice and Referral Line and includes, if necessary, organising a case conference with all concerned parties to consider the young person's living arrangements in the community.

Upcoming court appearances for the young person are then scheduled, as well as tasks required for those appearances. These include preparation of appropriate paperwork and booking secure transports. The AYDC Procedure sets out comprehensive instructions for these tasks to ensure that detention documentation required for court is provided in a timely manner.

Transports are discussed in detail at 7.9.

For a period of time after admission, young people are subject to close supervision and frequent observations. Based upon information obtained from the admission questionnaire and subsequent assessments, AYDC staff - in conjunction with CPHS staff - determine the initial observation schedule for the young person.



2 Induction

Inspection Standards - 1.2, 3.4

The expectation of the inspection standards is that young people understand their rights and responsibilities during their time in custody, as well as the routine at AYDC and how to access available services and support.

The CYS Procedure *Induction Program for Young People* sets out the actions taken once a young person arrives at the AYDC induction unit. A youth worker delivers the induction program, and completes the CYS Form Induction Program Checklist to ensure all required topics are covered. The induction program includes a 'living skills assessment' which covers such things as personal hygiene, bed making and basic chores which the young person will be required to undertake once they are moved to an accommodation unit. Where the assessment indicates the young person needs help with any of these tasks, the youth worker demonstrates the task to the required standard.

The induction program also includes an explanation of rights and responsibilities by means of handing out, and if necessary reading out, the AYDC booklets *Information for Young People and Families* and the *AYDC Unit Rules*. These booklets provide comprehensive details about AYDC's daily routine including programs, education and reintegration activities as well as services such as health, chaplaincy and advocacy available to young people. The booklets also detail the AYDC complaints process, rules for visits and telephone calls and policies relating to bullying and sexual harassment. The *Behaviour Development System* document is also explained to young people as part of the induction program so that they understand expected behaviours and the consequences for not displaying those behaviours.

The induction checklist allows for completion dates for each task in the induction program to be recorded, with the youth worker and young person signing off on each task. The checklist also provides for reasons to be recorded should the induction program not be completed.

When a young person is admitted to AYDC, particularly for the first time, it is likely they will be upset, frightened and possibly affected by drugs and/or alcohol. The induction program may prove to be an overload of information for a young person in such a state. To address this, the induction program can be completed over a number of days, and printed booklets are provided to young people to read once they are settled. The inspection team considers there should be some follow up by staff with the young person after a few days, to ensure the young person has understood the information provided and is accessing all services and areas of the Centre they are permitted to. At the time of inspection, this was not occurring.

The inspection team found that the induction program does not include a tour of the entire facility. The inspection team is of the view that staff should conduct a tour of the facility with the young person to point out important locations for the young person's daily routine, and to outline areas that are out of bounds.

The AYDC booklet *Information for Young People and Families* is included with the Admission letter to parents or guardians to inform them of a young person's rights, responsibilities and expected behaviours while in custody. General information about AYDC is also included in the booklet, as well as rules regarding visiting and telephone contact. A copy of the booklet is located at Appendix 3.

Recommendation:

That CT reviews the AYDC induction process for young people and implements changes which result in a more informative and reliable process, including a tour of the Centre.



3 Infrastructure

Inspection Standards – 3.1, 3.10 to 3.12, 6.1, 6.2, 9.8

The expectation of the inspection standards is that detention centres for young people are not overly oppressive, imposing or institutional, but rather they should meet contemporary community standards of decency and humanity. The detention centre should be able to be used flexibly to accommodate fluctuating numbers of detainees and address their needs. This includes spaces for living, education, programs, visits, interviews and recreation activities.

AYDC is purpose built for housing young people. It is the only youth detention facility in Tasmania and accommodates fluctuating numbers of young people, with a 50 bed capacity across its four accommodation units.

Young offenders aged from ten to 18 years, sentenced and on unsentenced orders, are accommodated at AYDC. Given the low numbers of young people in detention on an average day, it would not be feasible to house sentenced and unsentenced young people separately without significant issues arising – for instance isolation and difficulty in providing separate routines. All young people at AYDC are therefore allowed the same access to services, activities and amenities regardless of whether they are sentenced or unsentenced.

Adult prison facilities in Tasmania are gazetted as youth detention centres and young people are held in these facilities on an 'as needs' basis and for the shortest possible period of time. AYDC is operated independently of adult prison facilities and the Tasmania Prison Service.

The four accommodation units at AYDC are: Bronte, Huon, Liffey and Franklin. Each unit is secure in its own right. Bronte and Huon are the units most often used to accommodate young people. Huon is a separate unit with its own central office. Liffey is used as the induction unit and Franklin is a higher security unit with a secure yard attached. Any occupied unit is staffed by at least one youth worker 24 hours per day.

The inspection team was advised that historically the Bronte unit was regarded as housing for 'better behaved' residents, however, operational requirements have resulted in this unit being used for various cohorts of young people at AYDC at any one time.

Every young person has their own room, which has an intercom so that they can call unit staff for assistance if needed. The intercom system has a visual and audible alarm on the unit control room console. If unit staff are in the unit control room when an intercom button is pressed, the room number is displayed on a digital display board. Intercom calls are not recorded, nor are telephone calls.

Rooms in all units provide adequate living space for young people in detention and all units are of the same standard. Rooms are subject to monthly safety checks by staff and evidence of these checks was provided to the inspection team.

All units have a kitchen area where youth workers cook for residents. Depending on where they are placed on the BDS, young people can access the kitchen area to do some cooking for themselves. As noted, the BDS is explained at 7.7.

There is a lounge area in each unit where young people can watch television and play approved electronic games. The lounge area fit-out provides space for young people to sit or lie down.

Recreational facilities for young people include an indoor gym, basketball court, fitness area, outdoor swimming pool, outdoor basketball court, cricket nets, and a barbeque area. Young people can access the library at the Ashley School.

The facilities at AYDC including accommodation, catering, education, recreation and health facilities are well maintained. Cleanliness is kept to a high standard. AYDC's Unit Rules set out the responsibilities for young people with regard to room cleanliness, personal hygiene, clean clothing and completion of chores. This encourages young people to keep themselves and their rooms clean and tidy as contract progression or regression pursuant to the BDS – including additional incentives or lesser privileges –takes into account, amongst other things, how well a young person is fulfilling his or her responsibilities. The BDS includes a colour scheme relating to earned privileges.

Natural light and fresh air is available in all buildings and onsite inspections indicate that the facility has adequate heating and cooling.

Signage

The inspection team noted some infrastructure concerns during the onsite inspection, particularly with signage.

For visitors driving to AYDC, its location is not sign posted and it is difficult to find. There is an entrance road for the Centre, however there is no signage to indicate this is an entrance to a Detention Centre until a vehicle is actually on the entrance road. A vehicle would have to navigate a u-turn on the narrow entrance road or reverse out onto the highway if its driver was not intending to visit AYDC. There is a boom gate situated some way down the entrance road, however the inspection team cannot recall ever seeing the boom gate closed on any of the numerous occasions it has visited the Centre. A boom gate at the entrance, with adequate signage, would be more appropriate.

The entrance road leads to a sally port and a carpark area. There is very little signage to assist visitors to proceed to the Admissions Unit and visits area, although the obvious entrance is the gate alongside the sally port's roller doors. At the time of the onsite inspection, the gate had three intercoms with one located on the left hand side and two located on the right. All intercom panels included an instruction 'push the button'. The number of intercoms, all with the same instruction, was confusing for inspection team members who had been to AYDC before and first time visitors could also be easily confused.





The AYDC sally port



Camera on the AYDC sally port



Signage at the entrance gate

Recommendation:

That CT moves the boom gate at AYDC closer to the highway and provides a turnaround bay at this point.

Recommendation:

That CT provides better signage for visitors to AYDC to indicate the entrance gate, processes for entry into AYDC and the behaviour expected of visitors.

Recommendation:

That CT provides signage on the highway to indicate the entrance to AYDC.

IT Infrastructure – Electronic Recording and Reporting

Concerns relating to the lack of electronic recording and reporting by front line supervisors at AYDC are noted in the Executive Summary and the inspection team identified similar issues with respect to recording and reporting incidents and risk assessments.

All paperwork for risk assessments and incidents appears to be completed in hard copy format and placed on the relevant young person's file. Written notes in diaries facilitate handovers between staff shifts. The inspection established that AYDC does not have an electronic system for information to be entered into for recording and reporting.

The inspection team was advised that there is work being undertaken on CT's electronic records and document management system to enable incident reports to be entered, however the person responsible had resigned and at the time of inspection, had not been replaced.

Details for young people in detention are recorded in the electronic YCIS system. YCIS is a database adapted from the Custodial Information System (CIS), which is used by the Tasmania Prison Service in the adult custodial environment. It appeared to the inspection team though that staff rely on what they know about the young people in their custody from their interactions with them, and what is in the young person's hard file, rather than YCIS. This type of system is open to human error where notes and reports are not read, are misplaced or overlooked. Such a mistake could endanger the health and safety of a young person, a youth worker, other AYDC staff and/or the community.

Recommendation:

That CT reviews all current recording practices at AYDC and implements changes to provide a robust electronic reporting and record keeping system for incidents and risk assessments.



4 Daily Routine

Inspection standards 9.8, 3.12

Inspection standard 9.8 requires that young people in detention should have a minimum of ten hours per day out of their room, and these hours should involve education, programs and recreation.

Inspection standard 3.12 also relates to AYDC's daily routine and requires that it be conducive to the rehabilitation and positive development of young people, and that it includes regular work, training and study activities during the week, with a more relaxed routine on weekends.

AYDC's daily routine for young people – both during the week and on weekends - is outlined in its booklet *Information for Young People and Families* which is at Appendix 3. During the week, the routine generally begins at 7:45am at the earliest when young people are woken, and finishes at 7:30pm when young people who are on the Red colour level – the level representing the highest risk and poorest behaviour - on the BDS are returned to their rooms. All young people are therefore out of their room for more than ten hours per day.

The Programs Coordinator compiles a daily program sheet for the information of staff and young people. An example of the daily program sheet is at Appendix 4.

AYDC's daily routine places high importance on education and programs, which are tailored to the needs of the individual young people. The Ashley School, which is the responsibility of the Department of Education, operates all year. The programs offered at AYDC aim to address rehabilitation and development needs, and provide life skills. Programs include:

- physical fitness and team sports;
- technology and development;
- cooking;
- art and craft;
- work around the AYDC site such as gardening;
- work offsite at the AYDC farm;
- drug and alcohol information and counselling; and
- anger management counselling.

Recreation time is also included in the daily routine. As noted above, from Monday to Friday, residents are woken at 7:45am. On Saturday and Sunday residents can sleep later. Depending on their colour pursuant to the BDS, all young people have a set time to return to their room, where they are secured until woken the next morning.

The Centre's daily routine applies to both sentenced and unsentenced young people and is such that lockdowns for extended periods are rare.

5 Security

Inspection Standards – 1.5.4, 3.2, 8.1 to 8.5

These inspection standards relate to custodial infrastructure and strategies to keep AYDC and its staff and residents safe and secure. These strategies include security procedures, searches and intelligence gathering. AYDC security should control physical security, procedural security, dynamic security and reporting of staff misconduct.

To assess how AYDC meets these standards, the inspection team conducted interviews with relevant staff onsite, inspected facilities, reviewed applicable procedures, and thoroughly examined maintenance registers for security equipment.

Access to AYDC for Visitors and Contractors

Access to AYDC for visitors is through the gate alongside the sally port roller doors. Visitors proceed to the Admissions Unit to sign in, and are then directed to the visits area.

At the onsite inspection, the inspection team was met by the Centre Manager and escorted through to the gatehouse to sign in. The security briefing/induction consisted of the team being shown a small printed sign that indicates what to do if an emergency code is called. Emergency codes are discussed further at 8 Emergency Management.

An evacuation point was mentioned, however, its location was not disclosed. As indicated previously, some inspection team members had visited AYDC before but some had not. Regardless, it is considered that a thorough induction for any visitor to AYDC is required and should include the location of the evacuation point.

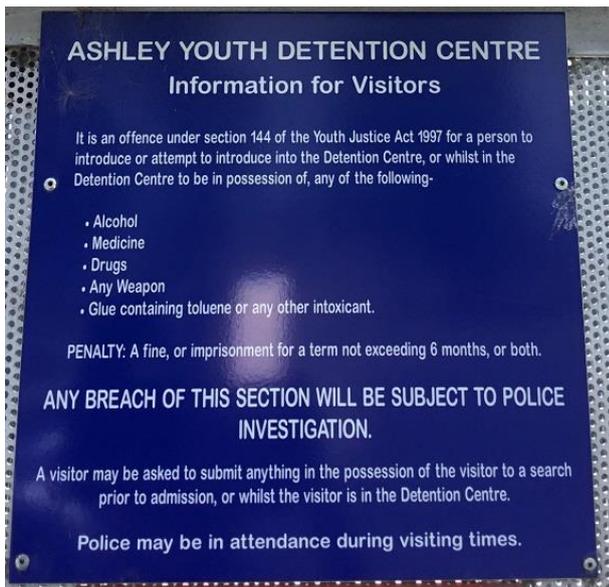
Inspection standard 1.5.4 requires that appropriate checks are made on visitors to ensure they are genuine and suitable to visit with young people. Visits must be pre-booked and visitors are vetted and approved before any visit is booked.

All visitors to AYDC – personal and professional - are required to sign a visitor log and must wear a visitor identification badge during the visit.

The inspection team noted that staff in the gatehouse area were polite and helpful.

Lockers are provided for visitors' personal property including items prohibited from being brought into AYDC, such as mobile phones. Prohibited items are listed for the information of visitors at the entrance to AYDC, and inside the Admissions unit, as indicated in the photographs over page.

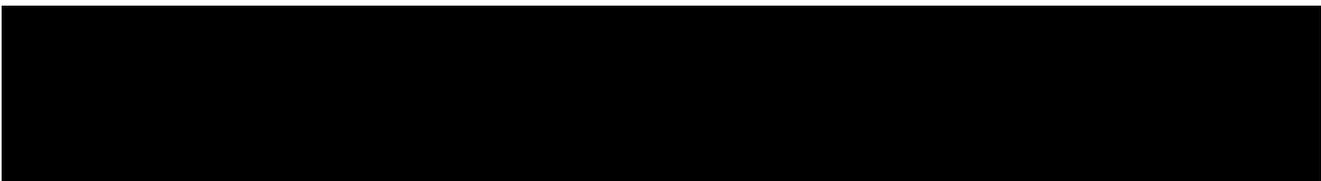




Visitor information signs outside the AYDC Visitors' entry (above) and inside the Admissions Unit (below)



Contraband items are also listed in the AYDC booklet *Information for Young People and Families*.



Contractors must have the prior approval of the Fire, Safety and Security Coordinator or the Operations Coordinator to enter AYDC. All contractors receive an induction and must sign the visitor log and use lockers for personal items. AYDC's *Site Regulations Contractor Handbook* is also provided to contractors. The Handbook outlines the contractor's responsibilities and expected behaviours whilst onsite.

Items that are usually prohibited, but are required as part of the contractor's duties, must also have prior approval to be brought in.

Boundary Fence

The location of AYDC and its proximity to roads both at the front and rear of the property makes the Centre easily accessible by foot. The boundary fence at AYDC is a ring lock farming fence that does not carry signage to identify the land use, or that it belongs to AYDC.

It does not display a 'No Entry' sign.

Further, the Youth Justice Act creates offences with penalties for unauthorised entry to a detention centre.

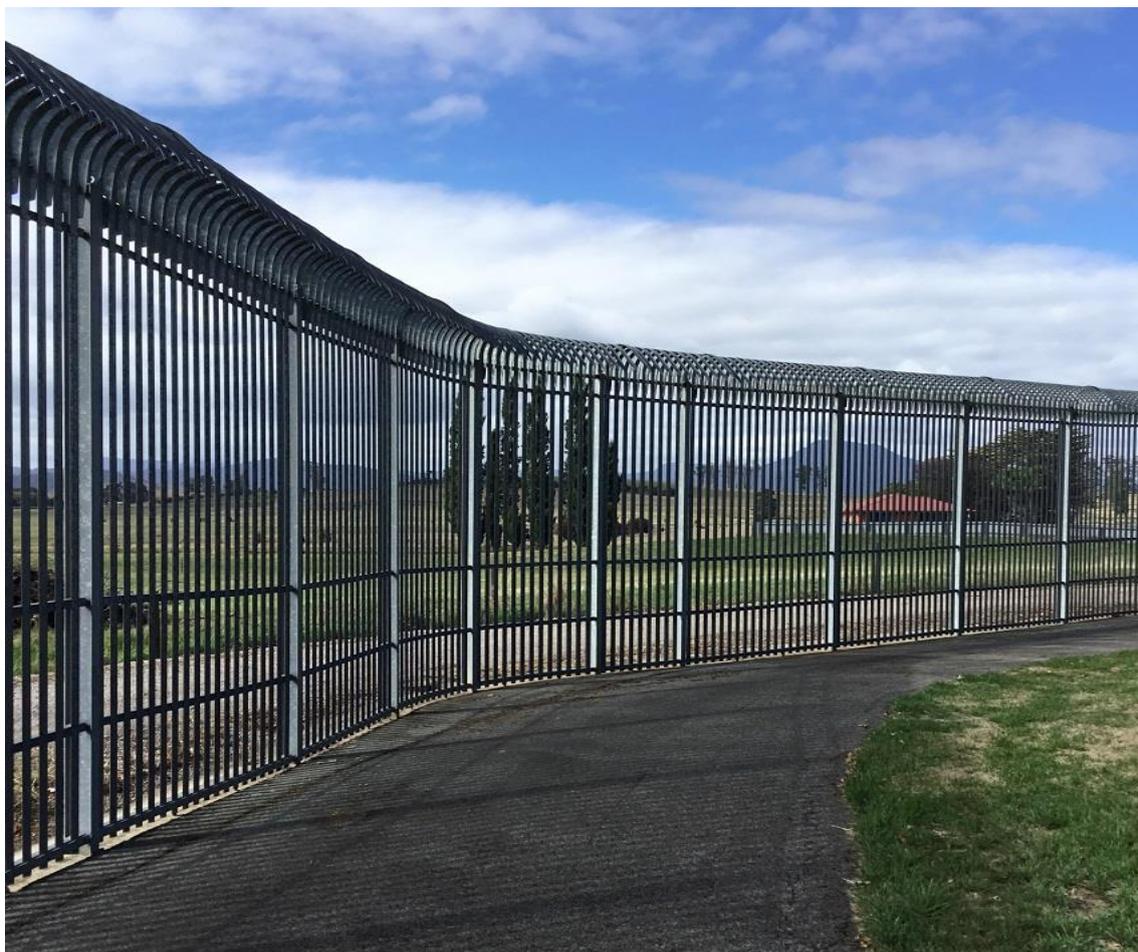
The inspection team considers that 'No Entry' signs should be placed at intervals that can be seen from one sign to the next, for the entirety of the boundary fence. These signs should also display penalties for any unauthorised entry to the Centre to ensure that they are known.

Recommendation:

That CT erects or attaches signs on AYDC's boundary fence line to identify land use, displaying 'No Entry' and possible penalties for unauthorised access.

Perimeter Fence

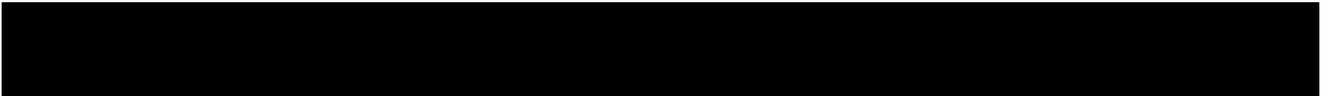
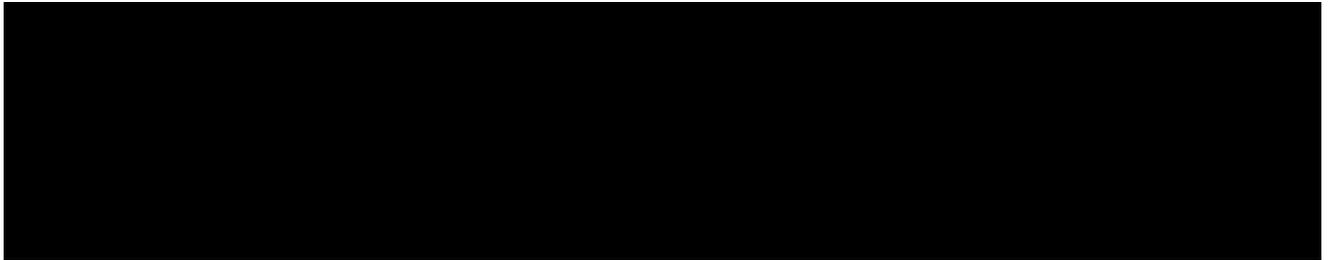
The perimeter fence is approximately two and a half meters high and the top is curled inwards. It is approximately 900 metres long and is constructed of lengths of vertical angle iron spaced approximately 75 millimetres apart, which are welded to two horizontal bars that run between solid upright posts. Access through the perimeter fence for vehicles is by way of the sally port at the front of the Centre.



The AYDC perimeter fence



AYDC's Standard Operating Procedure # 5 *Perimeter, Fence, Building and Room Checks* specifies that visual and physical perimeter checks and fence checks are to be conducted during all day and night shifts with a record of each check being made. AYDC has indicated that this Procedure is currently under review.



- [Redacted]
- [Redacted]

During the onsite inspection, staff advised that integrity checks of the perimeter fence were carried out regularly [Redacted]. Staff previously walked the internal perimeter of the fence but found that young people would engage in conversation which distracted them from the perimeter check. Young people would also follow staff into prohibited areas. No record was being kept of these checks but it is encouraging to report that since this issue was raised, AYDC has taken steps to ensure perimeter fence checks are recorded.



The AYDC perimeter fence



Recommendation:**CCTV**

There are [REDACTED] cameras on the outside of the sally port to record people or vehicles approaching the Centre. These cameras have pan, tilt and zoom capabilities. There are approximately [REDACTED] cameras throughout the Centre which all record footage [REDACTED]

This is confirmed by AYDC Standard Operating Procedure #37 CCTV Surveillance Cameras which indicates that the primary function of surveillance cameras is to provide recorded footage for use in the event of an incident or allegation.

Recommendation:

- [REDACTED]
- [REDACTED]

The AYDC Procedure outlines staff responsibilities in relation to regular inspection of monitors, reporting faults with CCTV, daily checks of camera lenses throughout the Centre, requirements for storage of footage, and regular recording system checks.

Requests by staff to view surveillance footage must be submitted to:-

- the Fire, Safety and Security Coordinator; or
- the Operations Manager; or
- the Operations Supervisor;

who will complete a review request for approval by the Centre Manager.

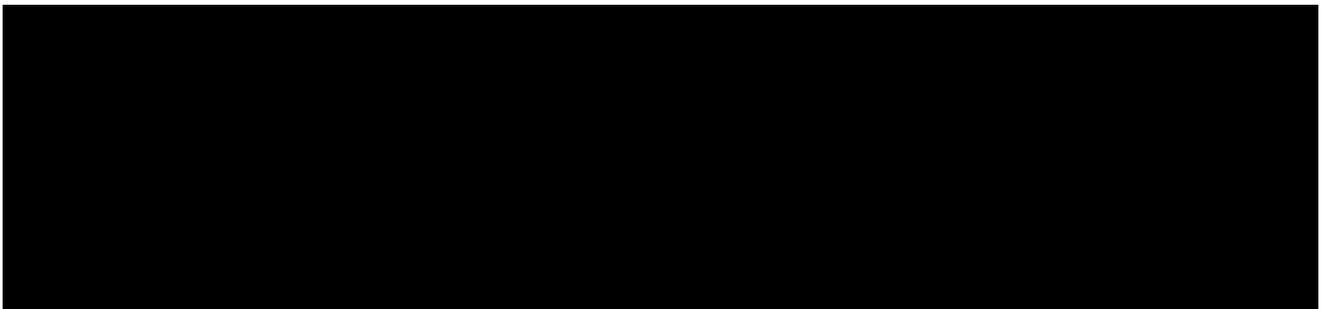


Farm Operation

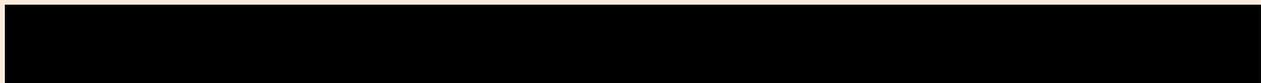
AYDC operates the farm land surrounding it. Cattle are purchased and raised for sale, with profits being returned to the Centre. The inspection team was advised that profits have been used to purchase farm equipment, including a new tractor.

Young people work on the farm performing such things as garden care, grounds maintenance and general farm duties. Because this work is not within the confines of AYDC, approval must be granted for temporary leave for the young person pursuant to section 130 of the Youth Justice Act. Two risk assessments are undertaken before approval is granted:

- a Case Plan Assessment which relates to risk factors presented by the young person including offending history, likely victim impact if leave is approved, behavioural history in custody and history of escape (to name a few); and
- a Centre Risk Assessment which considers work health and safety issues for staff and young people working at the farm.



Recommendation:



Supervision and Movement of Young People

Generally, youth workers are required to maintain line of sight supervision of young people at all times. Movement of young persons within the Centre is usually conducted under escort, however if a young person is required in another area of the Centre and youth workers have line of sight to the destination and are in contact with the youth worker in that area, the movement is watched.

All movements of young people are communicated between unit staff and recorded on the Daily Unit Sheet.

Drug Strategy

At the time of the inspection, there was no evidence of a drug strategy at AYDC. This is despite advice from CT that the Tasmanian Health Service - which provides health services at AYDC and questions young people during induction about their health - reports that 95% of remanded youths admit to drug use prior to admission.

Staff advised the inspection team that drug and alcohol counselling is available to young people in detention. Referrals for counselling are made by the Tasmanian Health Service and 52 referrals were made in 2017. Of those referrals, 23 attended, with some young people attending numerous times.

Drug detection dogs and equipment are not used at AYDC, nor is drug testing undertaken. The inspection team was advised that if it is apparent or suspected that a resident has taken drugs, they are seen by nursing staff. In 2017, there were three such incidents.

Recommendation:

That CT investigates and implements a drug strategy at AYDC.

Searches and Contraband Detection

Inspection Standard 8.4 relates to searches of young people at, and visitors to, AYDC. Such searches should be undertaken to reduce risks to safety and security from contraband, weapons, and alcohol and other drugs. The standard requires that searches are: conducted safely; proportionate to the circumstances; and recorded in a register.

Personal Searches

The inspection team was advised that young people are █████ searched¹¹ when entering and leaving AYDC. This was contradicted by young people spoken to during the inspection but it was not clear whether they were indicating that they were subjected to a personal unclothed search¹² or no search at all. There was no opportunity for the inspection team to witness a search as no young person entered or left the Centre when it was onsite.

On admission to AYDC, a personal search requiring the removal of clothing is conducted. They are otherwise conducted after visits by family and friends, when the young person returns from an offsite location such as court, or if available information about a young person suggests it is warranted.

Personal unclothed searches are conducted in a manner designed to afford as much dignity as possible to the young person. This is done by removal of the top half of the person's clothing first, then placing the top half back on before removing the bottom half and putting that back on. These searches are conducted in private, and under the observation of only one searching officer. A second officer is stationed outside the room when the search is being conducted to observe the searching officer, but not the young person. Preferably, both officers are of the same gender as the young person being searched, however if that is not possible, the searching officer at least must be of the same gender as the young person being

¹¹ AYDC's Standard Operating Procedure #7 *Searches* refers to █████ searches' as 'personal clothed searches'.

¹² Commonly referred to as 'strip search'. AYDC's Standard Operating Procedure #7 *Searches* defines 'personal unclothed searches' as "the young person is searched by removing items of clothing".



searched. The inspection team was advised that at no time does the searching officer touch the young person.

Prior to inspection, CT had provided the *AYDC Resident Search Log* for the 2017 calendar year. 336 searches – 105 personal clothed and 231 personal unclothed – were recorded for that period. Reasons for searching are recorded in the log and it appears that for the most part, searches were routinely undertaken - at the time of admission, following visits and upon return from an offsite location. No entry in the search log indicated that a search had been undertaken as a result of intelligence gathered about a young person. There was no statistical analysis of the data contained in the search log to determine trends, nor whether either type of search was over utilised or under utilised.

The practice of searching young people by asking them to remove their clothes may be humiliating and distressing for young people. A young person may be reported, pursuant to the BDS, for refusing to submit to a search.

Whilst staff indicated that undertaking a search requiring removal of clothing is not preferable, the inspection team acknowledges there are instances where there is information to suggest that the young person is concealing contraband. The need to prevent a young person from self-harming or harming others may also necessitate a personal unclothed search.

Recommendation:

That, rather than undertaking personal unclothed searches of young people on a routine basis, CT undertakes these searches on the basis of a rigorous risk assessment to prevent contraband entering AYDC.

Notably, the Royal Commission into Institutional Responses to Child Sexual Abuse recommended that state and territory governments review legislation, policies and procedures to ensure best practice for personal searches is in place, including adequate protections for young people such as:

- sufficient communication between staff and young people before, during and after a search is conducted;
- well-defined rules setting out when searches are permitted and how they will be performed, with the key elements of these rules being provided to young people in a format easily understood by young people; and
- staff training to highlight the potential for personal searches to re-traumatise young people who have been sexually abused and how the misuse of search powers can lead to humiliation and abuse.

Recommendation:

That CT considers best practice processes for conducting personal searches of young people including providing a clear information, including illustrations, about how the search will be performed.

The inspection standard also requires that emerging technologies are constantly being reviewed to identify alternatives to personal searches. [REDACTED]

[REDACTED] The inspection team is aware that these measures are in place in youth detention centres in other Australian jurisdictions.

Recommendation:

[REDACTED]

Area Searches

Apart from perimeter checks, staff conduct regular area searches, patrols and integrity checks of rooms, units and grounds for contraband items as well as any breach of security infrastructure. These searches were not being recorded at the time of inspection. The inspection found there is little evidence of any such searching, patrols or checks taking place. These searches should be recorded and the inspectorate will continue to closely monitor this area.

Recommendation:

That CT implements measures to ensure that AYDC records all area searches.

[REDACTED]

[REDACTED] The Operations Manager or On-Call Manager can refuse entry to a visitor if it is considered that the security, safety and good order of AYDC is at risk, or the health and wellbeing of a young person may be adversely affected by allowing entry. [REDACTED]



The inspection team considered AYDC's *Site Regulations Contractor Handbook* which provides that contractors may be 'required to submit themselves and any property in their possession.... to inspection.'

As indicated previously, contractors must have the prior approval of the Fire, Safety and Security Coordinator or the Operations Coordinator to enter AYDC.

Recommendation:

Unless approved to be unsupervised on-site, all contractors are required to be escorted by staff at all times. In reality, there are situations where contractors are left alone for short periods. One of these situations was observed by the inspection team at the onsite inspection. Unless appropriately risk assessed and managed, these situations could provide opportunity for prohibited items to be concealed, to be later picked up by residents.

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Recommendation:

Record Keeping

The advice was also contradicted by information provided by multiple staff following another unrelated inspection.

Records of outcomes of searches including contraband detected are recorded in the *Resident Search Log* maintained by staff, but may also appear in incident reports and not in the search log. There is, however, no central point of recording contraband detected and therefore no statistical analysis is undertaken to determine trends in this regard. Such analysis would determine whether adjustments to security arrangements are necessary.

Recommendation:

That CT implements a central register of contraband detected at AYDC, and undertakes analysis of trends and statistics in regard to the introduction of contraband.

Telephone Calls

The AYDC *Unit Rules* booklet indicates that young people are allowed seven phone calls per week.

Inspection standard 1.5.4 requires that appropriate checks are made on telephone callers to ensure they are genuine and appropriate to visit young people. With regard to telephone calls, telephone numbers the young person wishes to call are noted upon admission and checks are made prior to approving these numbers for the young person's approved phone list. Telephone access is then arranged during the young person's induction.

Telephone calls to family and friends on the young person's approved phone list can be made between 6:00pm and 9:00pm on weekdays, and between 10:00am and 9:00pm on weekends. Calls are for a maximum time of ten minutes.

Extra telephone calls are available to young people as incentives, as part of the BDS. The BDS is discussed at 7.7.

The inspection team noted some issues with respect to the location and availability of phones. These issues are discussed further at 7.10.

Recommendation:

Intelligence Gathering

Intelligence gathering is the process of collecting and analysing information from different sources to protect an organisation such as AYDC from internal and external threats. It also



includes the policies, procedures and tools designed to gather and analyse that information. For intelligence to be useful it also needs to be disseminated to relevant staff.

Intelligence gathering by means of activities such as:

- intelligence reports submitted by staff;
- monitoring telephone calls and communications;
- background checks on contractors;
- considering the drug histories of young people in detention;
- drug detector dog indications;
- recording and monitoring associates and association conflicts of young people in detention; and
- recording searches and their outcomes;

may alert staff to threats to the security of AYDC and contraband entering the site. It may also assist in the management of associations and association conflicts, and to determine future intelligence gathering activity.

Security Generally

AYDC's Fire, Safety and Security Manager was not present during the inspection as he was on leave. From the documentation provided to the inspection team, however, it appears that the Fire, Safety and Security Manager holds relevant qualifications. At the inspection, however, there did not appear to be a person with suitable security knowledge to fill in when the Fire, Safety and Security Manager is absent. It is strongly recommended that other staff are trained to relieve in this position.

Recommendation:

That CT ensures that suitable AYDC staff are appropriately trained to relieve the Fire, Safety and Security Manager.

Inspection standard 8.1 requires that the detention centre has a clear security policy which: is proportionate to the needs of the centre; is readily available to all staff; reflects an appropriate balance between physical, procedural and dynamic security; and does not unnecessarily impinge on the rights of young people. It was not clear to the inspection team that such a policy was in place at AYDC.

Whilst the wellbeing of young people at AYDC appeared to be of paramount concern to staff, and practices were found to be supportive of this, [REDACTED]

[REDACTED] The inspection team is not attempting to undermine the relationships AYDC has established with the community, staff and young people in its custody [REDACTED]

As noted earlier the Youth Justice Act places requirements on Youth Custodial Services, under which AYDC operates, to rehabilitate young people in conflict with the law and to protect the community from illegal behaviour. The community deserves and is entitled to that protection.

Some of the biggest security issues found at AYDC during the inspection that, if addressed, would enhance the protection of the community are:

- the freedom with which persons enter and leave the Centre;
- [REDACTED]
- [REDACTED]
- the lack of drug and alcohol testing of young people in detention;
- the lack of a drug strategy;
- [REDACTED]
- the lack of electronic record keeping and reporting; and
- [REDACTED]

Recommendation:

That CT implements a security policy at AYDC which meets the requirements of the inspection standards.

The inspection team was advised that there is no incident control room at AYDC. It is considered that an incident control room of an appropriate size located in an appropriate secure area should be established to provide a designated area for emergency management agencies to work from in emergency situations, including those involving breaches of security. This is addressed further in section 8 Emergency Management.



6 Complaints

Inspection Standard – 1.7

The inspection standards require that young people should be able to access complaint forms easily, in confidence and without fear of punishment or recrimination.

Information about making internal and external complaints is contained in the AYDC document *Information for Young People and Families* which is provided to young people upon admission, and is included with AYDC's Admission letter to parents and guardians. This document provides detailed information about the role of the Commissioner for Children and Young People, and indicates that complaints can be made to the Ombudsman.

Completed complaint forms, whether internal or external, are placed in a locked box in the administration area. The inspection team was advised that the locked box is emptied once per week by the Centre Manager with external complaints to outside agencies being forwarded on.

Internal complaints, or complaints about AYDC, can be dealt with by referral directly to the Centre Manager. Alternatively, they can be addressed to the Secretary of Communities Tasmania. The Centre Manager reads these letters and deals with complaints on behalf of the Secretary. The inspection team questions whether there is any independence in this process.

The inspection team was advised that to lodge complaints, young people must request complaint forms and envelopes from youth workers. Once completed, the envelope is given to the youth worker who places the envelope in the locked box. Youth workers are also available to provide administrative support to any resident wishing to make a complaint.

Young people also have a direct phone line to the Ombudsman but again, they need to advise youth workers of their calls.

The inspection team is also concerned that calls cannot be made in privacy. This is discussed further at 7.10 in relation to professional telephone calls.

Many young people require assistance to fill out complaint forms. There are others, however, who don't, yet they are required to hand the envelope containing their complaint form to staff. This process removes anonymity for the young person making the complaint and does nothing to enhance the young person's trust in the system. It also presents risk to the young person, and the process, if the complaint is about an AYDC staff member. Understandably, a young person may fear reprisal from staff. The inspection team noted that the process could also be open to possible destruction of the complaint by staff without recording its existence. There was certainly no evidence that this was happening but a more robust process would eliminate any suggestion that it was.

The inspection team considered complaint processes used in other jurisdictions which provide anonymity when necessary and instil trust in the complaint process. One such system comprises secure, coloured mail boxes in each unit marked 'confidential mail' with complaint forms and envelopes available at or near the mail boxes in each unit. The envelopes are pre-printed with a list of the agencies and persons to whom young people can complain. The young person simply ticks the appropriate agency or person, then places the envelope into the mail box. Youth workers do not have a key to open the mail boxes and an independent, non-operational staff member clears the boxes on a daily basis. The letters are not opened or read but are forwarded to the addressed complaint agency with a record of the letter having left the Centre being made. In most cases, this will provide anonymity to the young person before and during the processing of the complaint. It is only on receiving a response back that the young person will be identified as having contacted one of the agencies listed on the envelopes.

Responses from complaint agencies such as the Ombudsman are usually marked 'private and confidential' and are forwarded with a covering letter to the Centre Manager requesting that the correspondence be delivered, unopened, to the young person.

Recommendation:

That CT reviews the AYDC complaints mechanism and implements changes to protect the confidentiality and, when necessary, the anonymity of young people who wish to make a complaint about their treatment and/or conditions without disclosing their identities. This mechanism should:

- be robust in its procedures and recording of complaints;
- provide a trusted and accountable way for young people to put forward complaints with confidence;
- allow complaints to be made and not read by AYDC staff where applicable;
- not jeopardise a young person's safety or wellbeing; and
- provide young people access to the complaints system without fear of discrimination, punishment or reprisal.



7 Behaviour, Incentive and Incident Management

Inspection Standards – 1.6.4, 8.6 to 8.8

The expectations of the inspection standards are that behaviour management schemes define rules for behaviour which are fair and consistently applied, and include incentives for good behaviour and fair sanctions for poor behaviour.

The inspection standards also require that incidents are investigated in a timely manner.

AYDC's document *Behaviour Development System Incorporating Incentive Scheme Incident Management Scheme Version 2.6* was considered by the inspection team. The document provides an overview of each scheme as well as procedural responsibilities for staff. Procedures for young people to appeal decisions under the schemes, including steps for staff to assist the young person to appeal, are also included.

Information about the Behaviour Development System (BDS) and the incentive and incident management schemes is made available to young people at AYDC by means of two documents provided at the time of their admission – *Information for Young People and Families* and *AYDC Unit Rules*. These topics are also discussed during the young person's induction.

Appeal processes are outlined in the AYDC document and the *Information for Young People and Families* booklet. Appeals are determined by the Centre Manager, unless the Centre Manager was involved in the original decision. In that case, the AYDC document outlines three other positions at AYDC which can deal with the appeal.

Appeal decisions are provided in writing and include the reason for the decision. If the young person is unhappy with the appeal outcome, staff refer to the Children and Youth Services Complaints Procedure. The *Information for Young People and Families* booklet also provides that young people can contact the Ombudsman if they are unhappy with the outcome of a decision or appeal relating to the BDS, incentive scheme and incident management scheme.

Behaviour Development Scheme

AYDC manages young people by means of its BDS. The system is a hierarchical one consisting of four colour ratings, each representing different levels of risks, and incentives available, to young people. The colour levels are Red, Orange, Yellow and Green.

Green represents the lowest risk and best behaviour, Red represents the highest risk and poorest behaviour. Progression through the colour levels is consecutive but, for example, a move from Green to Red may take effect immediately if the young person's behaviour poses risks to the safety and security of the Centre, staff or other residents.

Young people newly admitted are assigned Yellow and remain on that level until the first Centre Support Team meeting following completion of the Admissions Induction Program.

Incentives are increased or decreased, depending on the young person's colour level. Benefits include: eligibility for Centre activities and programs; canteen limits; television access; purchase of an MP3 player¹³; access to the fitness gym; eligibility to keep items in their own room; access to supervised work placement and offsite activities; additional telephone calls; and later bed times.

Colour levels applicable to each young person are determined by the Centre Support Team on a weekly basis.

The Centre Support Team consists of the on duty Operations Coordinator, the Case Management Coordinator, the Programs Coordinator and staff from each unit. The Team is chaired by the Operations Manager or an Operations Supervisor.

Operations Supervisors at AYDC have the authority to immediately drop a young person down a colour level if their behaviour is not acceptable, but cannot raise their colour level without going through the Centre Support Team. An Interim Centre Support Team meeting is convened to deal with any urgent issue arising from a young person's poor behaviour. The Interim Centre Support Team consists of the Operations Manager or an Operations Supervisor, the Case Management Coordinator, the Programs Coordinator and the Operations Coordinator.

Centre Support Team and Interim Centre Support Team decisions are consensus based as far as possible. Where consensus is not reached, the chairperson of the meeting has the determining vote. Outcomes of meetings are reported to the relevant young person as soon as possible after the meeting.

Incentive Management Scheme

AYDC's Incentive Management Scheme awards points to young people based upon good behaviour, attitude and participation in activities, education and programs. Assessment of points accumulation is undertaken on a daily and weekly basis.

Daily points totals are tallied by unit staff and authorised by the relevant nominated youth worker during the afternoon shift. Young people are advised of their daily points total and, if eligible, are offered the relevant incentive level based upon the points total and their colour level. Incentives are recorded by unit staff, and include: additional telephone calls; access to DVD players and movies; extended television time; and access to PlayStation Portable players and games.

If a young person receives a Minor Incident or Detention Offence during the day, they are not eligible for an incentive on that day.¹⁴ Minor Incidents and Detention Offences are part of the Incident Management Scheme, and are explained on the following page.

¹³ A device to play MP3 music files.

¹⁴ 'Minor Incident' and 'Detention Offence' are defined in the following section, Incident Management Scheme.



Weekly points are tallied for the Centre Support Team, with points totals being one factor the Team uses to determine whether the young person's colour level will be adjusted.

Incident Management Scheme

Incidents are a consideration of the Centre Support Team when determining a young person's colour level.

Broadly, an incident is a breach of AYDC rules or a more serious offence, committed by a young person in detention.

Incidents are reported in four ways:

- File Note – a written report which contains important information for the Centre Support Team, case managers and others who determine and manage risk;
- Recorded Incident – a written report of a minor matter and where a Minor Incident or Detention Offence cannot be evidenced;
- Minor Incident – a written report about a breach of Centre rules where court action is not warranted. Sanctions for minor incidents must be authorised by an Operations Coordinator; and
- Detention Offence – a serious offence prescribed by the Youth Justice Act. The most serious Detention Offences can be referred to Tasmania Police.

All recorded incidents are forwarded to the Operations Coordinator prior to the next Centre Support Team meeting which are held on a weekly basis. The meeting, will determine:

- whether the Detention Offence will stand or be downgraded;
- any adjustment to the young person's colour level under the BDS as a result of the incident; and
- whether the matter will be referred for conferencing.

Conferencing is a diversionary process which involves the young person, the victim, support persons, guardians and other relevant staff. It is intended to have a restorative effect and provide recommendations for appropriate sanctions, which can be formal or informal.

Formal sanctions include: cautioning the young person; extending the young person's earliest release date by up to three days; filing a complaint against the young person; or having the young person provide an undertaking to be of good behaviour for up to two months.

Informal sanctions may involve therapeutic interventions, mediation or reparation.

It was not clear to the inspection team that incident reports were made contemporaneously with the incident. As indicated above, the incident is subject to review by the Centre Support Team no more than a week later. The inspection found, however, that timely completion of incident reports may be affected by staff rostering. Working memory may be impaired and important details for the incident report may be missed if too much time has elapsed since an incident and the record being made.

8 Emergency Management, Maintenance and Workplace Health and Safety

Inspection Standard – 6.3

Inspection standard 6.3 requires that effective emergency management, workplace health and safety and other systems to ensure safety are in place at the detention centre.

The inspection team considered documentation regarding emergency management and ongoing maintenance arrangements for security systems, electrical infrastructure and fire systems including maintenance and testing records.

At the time of inspection, the AYDC Standard Operating Procedure #20 *Emergency Management* was under review. It appeared to the inspection team that it had been replaced by six CYS procedures, plus one CYS practice advice. It also appeared that the new procedures and practice advice moved AYDC to updated emergency management codes – that is, from three codes to identify the type of emergency to eight – to reflect the types of emergencies that could possibly take place.

It was not clear whether an Emergency Plan for AYDC was in place at the time of inspection, nor was it clear whether staff were up date with their training in relation to emergency management codes. This issue was noted as particularly important due to the codes being updated.

Recommendation:

That CT ensures all AYDC staff undertake regular refresher training in emergency management.

Staff indicated to the inspection team that Tasmania Fire Service attends every two years for a fire drill, and that the Fire Service and Ambulance Service attend AYDC at various times for exercises. The inspection team was advised that Tasmania Police does not attend AYDC for drills or exercises. Staff were of the view that, at the very least, more fire drills should be conducted.

With regard to workplace health and safety, at the time of the onsite inspection AYDC advised that WorkSafe Tasmania had recently completed an inspection of the Centre. The inspection findings outlined twenty actions for AYDC to undertake, half being high priority. AYDC has now completed all actions and rectified all issues identified by WorkSafe Tasmania.

The inspection team was also advised that there is no incident control room at AYDC. Whilst the number of residents is usually low, an incident control room of an appropriate size located in an appropriate secure area should be established in case of an emergency. This will provide emergency management agencies a secure area to work from and coordinate plans



when attending to any emergency situation at AYDC.

Recommendation:

That CT establishes an incident control room at AYDC for emergency situations.

The inspection team was advised that all outdoor equipment is risk assessed prior to installation and whilst there is no specific maintenance schedule for this equipment, it is regularly checked by staff. It was not clear whether records of these checks are kept.

Recommendation:

That CT maintains a record of maintenance checks of outdoor equipment at AYDC.

9 Transport

Inspection Standards – 1.5.3, 3.9

The inspection standards require that young people in detention should only be transported when absolutely necessary, and must never be transported in unsafe or inhumane conditions.

AYDC is required to transport, or arrange transport for, residents for a number of reasons, including court appearances and offsite medical appointments. The inspection team was advised that young people have also been transported offsite for training in Deloraine. As well, AYDC is required to transport young people at admission, for example, from court or a police station to the Centre.

The inspection team was advised that young people are transported by car either by AYDC staff or a contracted security service provider. All AYDC vehicles are modern, clean and undergo regular maintenance.

The inspection team considered AYDC's Standard Operating Procedure #17 *Transportation of Young People*. The Procedure indicates that transportation may also be conducted by Police. Security procedures and staff responsibilities are outlined in this document. The inspection team noted, however, that the Procedure does not indicate whether any medical assessment is made prior to the transport to determine whether the young person is fit to travel. Previous coronial findings relevant to a custodial setting have emphasised the importance of such assessments and determination of whether regular transport arrangements are suitable.¹⁵

Recommendation:

That CT ensures young people who are being transported from AYDC undergo a prior medical assessment to determine their fitness to travel.

AYDC's Standard Operating Procedure #14 *Site Entry and Exit – Vehicles* outlines clear procedures for entry into, and exit from, AYDC by the contracted security service provider when conducting secure transports of young people to and from the Centre. The inspection team also considered an excerpt from the contract AYDC has in place with that service provider. The contract provides for specific response times, approved transport routes and schedules for transportation of young people. It also specifies:

- nominated locations for collection and delivery of young people;
- the minimum level (qualifications and experience) of security officers required for transports;
- the tasks and functions to be performed by the security officers;

¹⁵[https://www.magistratescourt.tas.gov.au/_data/assets/pdf_file/0008/384983/Monson, Troy Colin, Michael, Robin and Mitchell, Scott Clifford.pdf](https://www.magistratescourt.tas.gov.au/_data/assets/pdf_file/0008/384983/Monson,_Troy_Colin,_Michael,_Robin_and_Mitchell,_Scott_Clifford.pdf) See page 61, finding 261.



- vehicle requirements; and
- record keeping and incident reporting.

Importantly, the contract addresses use of force by security services and stipulates that security officers must comply with relevant legislative requirements and AYDC policies and procedures when force is used. The contract clearly indicates that if force is required to be used, it should be “minimum reasonable force”. Use of force is discussed further at 7.11.

The contract also ensures gender balance in that it requires at least one security officer to be of the same gender as the young person being transported.

Suitable emergency supplies are available in all vehicles, whether they be AYDC’s or the contractor’s, and commendably, AYDC has recently arranged hygiene packs for young women to be available in all transports.

Young people are handcuffed when being transported by the contract service provider. If AYDC staff are transporting a young person, they are risk assessed to determine whether they will be handcuffed, with the decision ultimately being made by the Centre Manager.

Where appropriate and permitted by the court, video link is used for court appearances to avoid the necessity for transporting young people.

Transport to and from Hobart is a journey of more than three hours. Inspection Standard 3.9.4 specifically addresses the need for adequate comfort breaks on a journey and provides a guide of every 2 to 2.5 hours. The inspection team was advised that comfort breaks are not scheduled for transports to Hobart and it was suggested that Tasmania Police would accommodate any escort vehicle stopping for that purpose. The inspection team noted, however, that this was a very informal arrangement and appears to have never been tested. It would be appropriate for AYDC to formalise an agreement with Tasmania Police, to ensure both parties are aware of their obligations and responsibilities should a comfort stop need to occur. The inspection team is of the view that any agreement should also include provision for incidents such as vehicle failure, and outline the need for young offenders to remain separated from adult prisoners.

Recommendation:

That CT develops a Memorandum of Understanding with Tasmania Police in respect of scheduled and unscheduled transport stops at Police stations and lockups for the use of bathroom facilities and other reasons that may arise.

Inspection standard 1.5.3 requires that young people in detention are protected from exposure to the media and that AYDC has procedures in place to provide such protection. Transports, in particular transports to and from court, are specifically referred to in this inspection standard.

AYDC's Procedure does reference the requirement for confidentiality, but this relates to information about the transport itself; that it is required, that it will take place, when and other pertinent details. From a security perspective, this is understandable. There is nothing in either AYDC's Procedure or the contract with the security service provider which would indicate that media exposure is a consideration. The inspection team concedes that it has only considered an excerpt from the contract AYDC has in place with that service provider.

Recommendation:

That CT implements procedures to protect young people from media exposure during transports, and includes these in the contract with secure transport service provider/s.



10 Telephone Calls and Access to Legal Representatives

Inspection Standards – 1.2, 2.1.5

The expectation of the inspection standards is that young people should be able to easily and confidentially communicate with legal representatives by means of telephone calls and visits, with visits being accommodated in suitable facilities, and that confidential telephone help lines are available to all young people in detention.

Calls to case managers, lawyers and other professionals are not included in the allowed number of phone calls but must be approved and initiated by a youth worker to ensure that the person being called correlates with the approved phone list.

AYDC *Unit Rules* provide that staff must supervise all phone calls; no young person is to use telephone equipment without supervision by staff. The inspection team was advised that a log of all phone calls is kept and calls to lawyers and other professionals can be accommodated at any time.

For telephone calls to be made, young people need to request staff to provide a telephone, which is then plugged into a telephone connection point. In some units these points are available in rooms separate to the common area. These rooms do not contain any acoustic partitions or panelling and the inspection team noted that sound travelled around the room. This would make it difficult for the young person to carry on a conversation and supervision by staff would be challenging. Little privacy is afforded to the young person making the call.

In other units, the only telephone connection point is located in the unit common area. On a recent visit to AYDC, a young person in the induction unit demonstrated how he makes a phone call and indicated the location of the point was problematic. The location of the point provides no privacy whatsoever, and any conversation would carry throughout the common area. Of further note was the location of the point near a set of entry doors to the unit. While the telephone provided has a long cable, any entry or exit through these doors would be likely to interrupt a conversation if the young person remained near the telephone point. These issues are particularly relevant to calls to, and conversations with, lawyers and other professionals.



Location of telephone point in the Liffey Unit

The AYDC Booklet *Information for Young People and Families* indicates that a private area can be arranged for young people to telephone their lawyer, if requested. It appeared to the inspection team that no permanent arrangement is in place for young people to contact their lawyer by phone in a confidential setting. The inspection team considers that some young people may not feel comfortable requesting staff to make arrangements for a private phone call.

The provision of a private space in each unit, with acoustic panelling installed would provide appropriate areas for professional calls to be made by young people, and for personal telephone calls to be properly supervised by staff.

Recommendation:

That CT considers options for installing private spaces with appropriate confidential settings in each unit at AYDC for young people to make professional and personal telephone calls.

With respect to legal visits to AYDC, the inspection team was advised that these rarely occur and that most communication between young people and their lawyers is by means of telephone or, on occasion, video conferencing. Given the location of AYDC, this is understandable. If a lawyer was to arrange to visit a young person, the visits area would be used, and the inspection team is of the view that those facilities would be suitable for such a visit.



11 Use of Force and Restraint

Inspection Standards – 2.2.3, 7.3.6, 8.3

Inspection standards 2.2.3 and 8.3 require policies and procedures for reporting use of force to be in place, and that mechanisms are also in place to capture data relating to the use of force. Any use of force, including any form of restraints, should be used only as a last resort, for the shortest time possible and be safely and humanely applied.

Section 132 of the Youth Justice Act prohibits the use of physical force in relation to a detainee in a detention centre unless the force is reasonable and:

- (i) is necessary to prevent the detainee from harming himself or herself or anyone else; or
- (ii) is necessary to prevent the detainee from damaging property; or
- (iii) is necessary for the security of the centre; or
- (iv) is otherwise authorised by or under this or any other Act or at common law;

Use of Force

The CYS Procedure *Use of Physical Force* indicates that situations where use of force may be required include conducting a search, preventing a detainee from injuring themselves or others, preventing a detainee from damaging property and placing a detainee in isolation. Use of physical force may also be necessary for the security of the detention centre – the Procedure lists events such as riot, power failure, breach of the detention centre’s perimeter and escape (actual and attempted) which may require use of force.

The Procedure clearly provides that physical force must be used only as a last resort. Steps that should be taken to avoid the use of force are also outlined and are considered in detail in the CYS Practice Advice *Minimising the use of physical force and restraint*. The Practice Advice is based on the United Nations’ *Havana Rules*¹⁶ and the *Standard Minimum Rules for Treatment of Prisoners*¹⁷, and recognises that the use of physical force and restraint can “negatively re-connect some young people to prior abusive experiences and trauma”.

If physical force is applied, staff are required to apply the minimum amount necessary to gain control of the young person’s behaviour. It is clear that the Procedure aims to avoid any injury to young people and staff.

Staff Training

Inspection standard 7.3.6 requires that staff having direct contact and supervision of young people receive training in ‘soft skills’ as well as use of force and other security-focused procedures.

¹⁶ United Nations Rules for the Protection of Juveniles Deprived of their Liberty

¹⁷ Also known as the Nelson Mandela Rules

Training in approved techniques and conditions for the use of force is provided to all new AYDC staff. Staff are also trained in de-escalation strategies to avoid the use of physical force. The inspection team was advised that all staff undertake refresher training in both the use of force and de-escalation strategies every 12 months. Subsequent inspections, however, indicated that training in use of force and de-escalation strategies is not up to date.

Recommendation:

That as a priority, CT ensures all AYDC staff are up to date with training in use of force and de-escalation techniques.

The relationships established between youth workers and young people are key to de-escalating situations as well as managing and avoiding situations where use of force is required. In a custodial environment, the currency of training in de-escalation is vital and every effort should be made to verbally de-escalate a situation before force is used as the last resort.

The inspection team acknowledges that there are occasions where de-escalation techniques will not work, and force must be used. The currency of training in approved techniques for use of force is also vital to ensure, as far as possible, the safety of young people and staff.

Reporting Use of Force

The CYS Procedure provides when physical force is used, the most senior staff member on site must report the use of force to the Centre Manager. The Operations Coordinator and Operations Manager must establish a plan to address any issues resulting from the use of force such as: arranging medical attention for injuries; levels of observation for the young person; additional staffing; and completion of appropriate paperwork. All staff involved must prepare a Report on Use of Physical Force, with details recorded in AYDC's Use of Force Register.

The inspection team reviewed the *Use of Force and Isolation Register* and a sample of AYDC's files relating to use of force for the months of July 2017, December 2017 and January 2018. Of the samples selected, it appeared that:

- the majority of use of force reports did not contain sufficient detail to indicate that the procedure was being followed;
- some reports were not signed or dated;
- some files contained reports from some, but not all, staff involved;
- where multiple reports about the same incident were made, some were essentially identical to the point of appearing to be a 'copy and paste'; and
- there was no indication that plans were put in place after the use of force to address any issues arising from the event.



Some files did not contain any record of the use of force even though the event appeared on the Register, which is concerning.

Use of force in any custodial environment is subject to ever increasing scrutiny, including by the community. They may also be the subject of complaint or investigation by a number of agencies. Accurate reporting, including having all staff involved in the incident submitting a report, is therefore essential in justifying the use of force and the CYS Procedure should be followed. Identical reports from multiple staff, where it appears that reports are a 'copy and paste', bring the value of the reports into question should the use of force ever be challenged.

Recommendation:

That as a priority CT implements processes to ensure that use of force at AYDC is reported as provided in the CYS Procedure *Use of Physical Force*.

Internal Review of Use of Force

AYDC's procedure also requires an evaluation of the use of physical force by the Centre Support Team on a monthly basis. The evaluation is to:

- identify any patterns in the use of force, for example, any particular young people and staff, times of day, Centre locations or particular activities which may be a 'theme' in the reports for the month;
- consider strategies and measures which have been successful in avoiding the use of physical force; and
- ensure staff training, supervision, program scheduling and the introduction of other tools and strategies to avoid the use of force.

The inspection team was advised by CT that monthly reviews of the use of force have not yet been implemented; rather reviews are confined to each individual incident, and are undertaken by the Centre Manager. CT indicated this process supports the identification of young people who have been involved in repeat incidents, and these young people are referred to the Multi-Disciplinary Team¹⁸. From this process, the psychologist may prepare a behaviour support plan for use by all AYDC staff.

Monthly reviews have been built into the AYDC Procedure to promote continuous improvement, and the inspection team noted compliance with the Procedure is mandatory. Whilst the inspection team acknowledges that the current review process would easily identify young people who have been involved in repeat incidents, it seems that other themes and patterns identified by the monthly review may not be so evident by means of the current

¹⁸ The Multi-Disciplinary Team is comprised of operations, case management and programs staff from AYDC, CPHS staff, Ashley School staff, the AYDC psychologist, and a drug and alcohol counsellor. The Team meets on a weekly basis to review, and if necessary amend, case plans for every young person at AYDC.

review process.

Further, evaluation by the Centre Support Team takes into account a collective view rather than an individual one. Opportunities to identify areas for improvement including consideration of staff training requirements and discerning other tools and strategies to avoid the use of force would certainly be increased by the Centre Support Team reviewing the use of force.

CT indicated that a system has been developed to report and review incidents at AYDC, including use of physical force, but has not yet been implemented due to poor internet connectivity at the site. A contract has been issued to upgrade connectivity which should be completed by 30 June 2019 and CT has indicated that monthly reviews will be better supported when the system is implemented.

Recommendation:

That as a priority CT implements processes to ensure reviews of use of force are conducted as provided in the CYS Procedure *Use of Physical Force*.

External Review of Use of Force

The AYDC Procedure indicates that use of force is a “prohibited action, unless it is reasonable and necessary...” As such, the inspection team considers that in the interests of transparency and to ensure the safety of young people and staff, use of force should not only be internally reviewed, but also reported to and reviewed by an external agency. It is understood that AYDC currently reports use of force to the Commissioner for Children and Young People and this process should continue.

In addition, all use of force should be reported to my office for analysis of trends and to inform future inspections and recommendations. Such reports should include details such as time of day; gender of all involved; age of the young person; and the reasons force was used.

Recommendation:

That CT reports all use of force at AYDC to the Custodial Inspector.



Use of Restraints

Handcuffs can be used on young people at AYDC and are routinely used when escorting them to and from the Centre. They can also be used to assist in the control of a young person when required.

AYDC's Standard Operating Procedure #18 *Use of Handcuffs* provides that use of handcuffs to control a young person should be a measure of last resort and for the shortest possible time. The Procedure outlines considerations for staff before the application of handcuffs and methods of handcuffing. A Report of Use of Physical Force and Incident Report must be completed when handcuffs are used onsite; these reports are not required when handcuffs are used for escorting young people offsite.

There are four methods of handcuffing outlined in the procedure for escorting young people offsite:

- hands to the front;
- hands to the rear;
- handcuffed to a staff member – the young person being handcuffed with their hands to the front, with another set of handcuffs being used to attach them to the adjacent arm of a staff member; and
- handcuffed to another young person – both young people are separately handcuffed with their hands to the front, with a third set of handcuffs being used to secure their adjacent arms, and being applied above the existing handcuffs.

The AYDC Procedure indicates that the 'handcuffed to a staff member' or 'handcuffed to another young person' methods can be used to provide added security during an escort. The inspection team is aware that these handcuffing methods have been used in other Australian jurisdictions but does have some safety concerns, particularly in relation to the possibility of a motor vehicle accident during an escort and the ability to safely remove passengers handcuffed together.

Of note is that the 'handcuffed to a staff member' or 'handcuffed to another young person' methods are not used during escorts in the adult prison system in Tasmania. The inspection team, however, acknowledges that the Tasmania Prison Service uses purpose built vehicles for secure prisoner escorts.

The inspection team has been advised that the AYDC Procedure is currently under review.

12 Isolation

Inspection Standards – 2.2.3, 8.9

'Isolation' is the term generally used by AYDC and CT for instances of separation and segregation of young people for the control of imminent threats to safety, security or the good order of the Centre. Isolation separates a young person from the normal routine of, and other young people at, AYDC.

The inspection standards require that any separation, segregation or isolation is for the minimum time necessary, and only occurs when all other means of control have been exhausted. The standards also require policies and procedures to be in place for reporting isolation and the Youth Justice Act provides that a register of use of isolation must be kept.

The Youth Justice Act also specifies that young people placed in isolation must be closely supervised and observed at intervals of no longer than 15 minutes.

The requirements set down in the Act and the inspection standards are addressed in AYDC's Procedure *Use of Isolation*. The Procedure states that isolation must be authorised by the Centre Manager (or delegate) before it is commenced, and that conditions of the isolation need to be determined including:

- the initial period of isolation;
- the observation schedule, including whether the schedule should be set in accordance with AYDC's Procedure *Suicide and Self Harm Prevention*;
- the schedule for medical checks (discussed further below); and
- any other conditions such as safe items, and the appropriate bedding and clothing to be left with the young person in isolation.

Arrangements for the young person after isolation ends also need to be determined. These might include accommodation changes, referral to appropriate health services and whether the young person will return to a particular program.

Authorisation for use of isolation is obtained by staff using the relevant form. An Operations Coordinator can authorise an initial period of isolation for up to 30 minutes and any extensions beyond this time must be requested using the form *Authorisation for Extension of Isolation*, which must be approved by the Centre Manager. A maximum period of three hours isolation, including the initial 30 minutes, can be approved by the Centre Manager. Further extensions can be authorised but the total time in isolation cannot exceed 12 hours. The Procedure outlines that extension of isolation beyond the first three hours is considered by consultation with medical staff and the AYDC's Multi-Disciplinary Team, as well as with the Director – Services to Young People at CT.

Young people in isolation are required to be checked by a nurse every three hours, at a minimum. After seven hours, the young person should be examined by a medical practitioner. The inspection team notes however that there is no medical practitioner onsite at AYDC.



All observations and medical checks must be noted on the Observation Record and the isolation must be recorded in the Isolation Register. Incident Reports must also be completed.

Internal Review of Use of Isolation

As with use of force, the AYDC Procedure requires an evaluation of the use of isolation by the Centre Support Team on a monthly basis. The inspection team was advised by CT that these monthly reviews have not yet been implemented; rather reviews are confined to each individual incident and are undertaken by the Centre Manager. Monthly reviews will be better supported when the incident reporting and reviewing system is implemented but in the meantime, themes and patterns for consideration by AYDC management may not be easily identified.

Recommendation:

That CT implements processes to ensure reviews of use of isolation at AYDC are conducted as set down in *CYS Procedure Use of Isolation*.

The inspection team referred to AYDC's *Use of Force and Isolation Register* and subsequently reviewed a sample of its files relating to use of isolation for the months of July 2017, December 2017 and January 2018. Of the samples selected, some files did not contain any record of the young person being isolated, even though the event appeared on the Register.

Also of concern were the following:

- there were instances where no note had been made to indicate that a nurse had checked on the young person in isolation at, or after, three hours;
- paperwork was incomplete – approvals for use of isolation, approvals for extensions of isolation and observations records were not on file;
- approved observation intervals were not being met;
- observation records were being stopped at a significantly earlier time than observation was concluded; and
- observation records were being completed ahead of time, with future observation times, rather than actual observation times; and
- identical incident reports were being used – where it appears staff 'copy and paste' incident details rather than provide their own accounts – this brings the value of the reports into question if ever the incidents are subject to investigation.

Recommendation:

That CT implements processes at AYDC to ensure accurate recording of observation times on observation records.

External Review of Isolation

The AYDC Procedure indicates that isolation is a “prohibited action, except for in very specific circumstances.” As with use of force, the inspection team considers that in the interests of transparency and to ensure the safety of young people and staff at AYDC, isolation should not only be internally reviewed, but also reported to and reviewed by an agency external to AYDC. It is understood that AYDC currently reports isolation to the Commissioner for Children and Young People and this process should continue.

As with use of force, the inspection team is of the view that: all use of isolation should be reported to my office for analysis of trends and to inform future inspections and recommendations - such reports to include details such as:

- time in isolation;
- reasons isolation was used;
- authorisation information;
- evidence that medical checks were undertaken; and
- arrangements for the young person after the end of isolation.

Recommendation:

That CT reports all use of isolation at AYDC to the Custodial Inspector.



Appendix 1 - Glossary of Terms and Acronyms

AYDC	Ashley Youth Detention Centre
BDS	Behaviour Development System.
CIS	Custodial Information System, a prisoner record management system for custodial centres, used by the Tasmania Prison Service.
CPHS	Correctional Primary Health Service, responsible for healthcare provision at custodial centres throughout Tasmania, including AYDC.
CT	Department of Communities Tasmania, the department responsible for the management of Ashley Youth Detention Centre
CYS	Children and Youth Services, an operational unit of CT responsible for providing care and custody for young people remanded in custody in Tasmania
Physical security	Physical security describes security measures designed to prevent unauthorised access to facilities, equipment and resources and to protect staff and property from damage or harm. Physical security involves the use of multiple interdependent systems such as CCTV surveillance, security personnel, protective barriers, locks, access control protocols, and many other techniques.
Procedural security	Procedural security controls are security controls that mitigate identified risks by way of policies, procedures or guidelines. Procedural security relies on users to follow rules or perform certain steps that are not necessarily enforced by technical or physical means.
Dynamic security	Dynamic security refers to security that involves movement, as well as the roles of prison staff relating to security, which may include searches and patrols. Dynamic security can involve the movement or relocation of the security measure itself.
Isolation	The term generally used by AYDC and CT for instances of separation and segregation of young people, for the control of imminent threats to safety, security or the good order of the Centre. Isolation separates a young person from the normal routine of, and other young people at, AYDC.
IT infrastructure	IT infrastructure refers to the composite hardware, software, network resources and services required for the existence, operation and management of an organisation's IT environment, usually internal to an organisation and deployed within its own facilities.
Sally port	A secure entryway to a prison or detention centre that consists of a series of doors or gates.
YCIS	Youth Custodial Information System, a record management system for young people in detention used by Communities Tasmania. It is based upon CIS.

Appendix 2 - The Inspection Standards

1.1 Young people can only be held in detention under an appropriate authority and should be released at the earliest appropriate opportunity in accordance with legislation.

- 1.1.1 The admission process includes checking all arrivals have an appropriate authority for detention and that the correct person is in detention.
- 1.1.2 Any detention documentation required for court is provided in a timely manner.
- 1.1.3 Involvement from Children and Youth Services Tasmania is sought at the earliest opportunity for all young people without existing care arrangements in the community to ensure arrangements are made, prior to the young person's release, for appropriate and safe accommodation and support.

1.2 Young people should understand their rights, obligations and what to expect during their time in custody.

- 1.2.1 Young people are informed of their rights and responsibilities verbally and in writing in a way that they understand.
- 1.2.2 Young people are offered necessary assistance in gaining access to legal advice and in reading/writing legal correspondence.
- 1.2.3 Young people can easily and confidentially communicate with legal representatives free of charge.
- 1.2.4 Private legal visits are supported and accommodated in suitable facilities.

[Also see Standard 3.4]



1.5 Information regarding individuals must be kept private and confidential, with monitored and documented processes in place for appropriate information sharing between staff and agencies directly involved with the young person's care and management.

- 1.5.1 Information is managed and stored with respect for confidentiality and security.
- 1.5.2 Protocols and procedures are in place to facilitate appropriate information sharing between agencies directly involved in managing individual young people.
- 1.5.3 Procedures are in place to ensure the protection of young people from exposure to the media (especially during court transports and external activities).
- 1.5.4 Appropriate checks are made on visitors or telephone callers to reasonably ensure they are genuine and appropriate to talk to or visit young people, or be given any information about specific young people.
- 1.5.5 Documents gained whilst in detention intended for use in the wider community do not indicate the young person was in detention (for example, school certificates, work references, identification, medical referrals), unless directly relevant or required.

[Also see Standards 2.3.2 and 7.4.4]

1.6 There should be robust and accountable recording and reporting systems for major aspects of the detention centre's activities.

- 1.6.1 Young person records are current, confidential and accessible to relevant staff.
 - 1.6.2 Operational procedures follow from clear policy, derived from legislation where appropriate, and are regularly reviewed. All staff have easy access to policy and procedures.
 - 1.6.3 Decisions are effectively communicated to relevant staff.
 - 1.6.4 Investigations of issues, incidents and allegations are undertaken expediently.
 - 1.6.5 There is regular internal and external risk-based auditing of all areas of centre operations.
 - 1.6.6 Adequate human resource management and administrative systems support the effective functioning of the detention centre and staff.
 - 1.6.7 Each detention centre should have a quality assurance system whereby it is able to monitor, measure and improve its own performance.
 - 1.6.8 Each detention centre should have agreed external reporting arrangements which are followed consistently.
-

1.7 The detention centre has an effective and confidential complaints mechanism in place that promotes the protection from repercussions of those who use it.

- 1.7.1 Information about complaints is reinforced through notices and posters displayed throughout the detention centre in a range of formats.
- 1.7.2 Staff make efforts to resolve complaints promptly without requiring young people to go through formal procedures unnecessarily.
- 1.7.3 Young people can access and submit complaint forms easily, in confidence and without fear of punishment or recrimination.
- 1.7.4 All complaints, whether formal or informal, are dealt with fairly and promptly, taking into account individual circumstances.
- 1.7.5 Young people receive responses to their complaints that address the issues raised in a timely manner.
- 1.7.6 Young people feel, and are, able to ask for help in completing their complaint.
- 1.7.7 Young people receive help to pursue complaints and grievances beyond the detention centre with external bodies, if they need to.
- 1.7.8 An effective monitoring system is in place to analyse complaints, to identify patterns and make any appropriate changes.
- 1.7.9 Staff are able to make comments, suggestions or complaints in a formalised manner, either within the detention centre or to external bodies.

[Also see Standard 3.4.8]



2.1 Current information about agency policy and operations of the detention centre should be readily available to staff, visitors and any other interested parties as appropriate.

- 2.1.1 Centre rules, policies and procedures are readily available to all staff (including external and visiting staff) of the detention centre in accessible locations and formats.
 - 2.1.2 Staff specific policies, for example, the code of conduct and whistle blowing, are readily available to staff.
 - 2.1.3 There is adequate information available in the foyer, visits area, and on relevant websites regarding visits policy, visiting hours, how to book visits, make queries or lodge complaints. Staff should be available to answer queries in person before, during and after visits and at other times via telephone or written contact.
 - 2.1.4 There are effective complaint systems for visitors, staff and any others having contact with the detention centre. Complaints are actioned promptly, with progress and outcomes recorded for future reference.
 - 2.1.5 Confidential telephone help lines are available to all young people. These are private, unrecorded, available free of charge and well-advertised through the detention centre.
-

2.2 Staff comply with legislative reporting requirements.

- 2.2.1 Any harm or suspected harm to a young person while in custody is reported by the employee immediately on becoming aware of the harm or on their reasonable suspicion of harm to the young person. [Refer also Standard 9.3]
 - 2.2.2 Staff are trained to recognise and respond to behaviours indicating emotional, psychological, or physical harm.
 - 2.2.3 Policies and procedures are in place in relation to reporting obligations and processes (for example, maintaining such things as use of force and isolation registers). Additionally, mechanisms are in place to capture data relating to those obligations and processes.
-

3.1 The treatment of young people and the conditions in which they are held must meet contemporary community standards of decency and humanity.

- 3.1.1 Young people in detention centres have the right to be safe and free from abuse.
 - 3.1.2 Detention conditions take into account the individual needs of young people – their status, developmental stage, special requirements, physical and mental health issues to ensure their protection from harmful influences and risk factors.
 - 3.1.3 Operating procedures reflect the requirement to maintain human dignity and ensure that no young person suffers unnecessarily while in custody.
 - 3.1.4 Staff model appropriate ways of behaving and interacting with each other and young people, and challenge inappropriate behaviour.
 - 3.1.5 Young people are not routinely locked down for extended periods – if they are, there are compensatory measures and increased staff interaction is provided.
 - 3.1.6 Young people are involved in cleaning, laundering and maintaining their clothing and living environment with appropriate staff supervision.
-

3.2 All custodial arrangements for young people must reflect a youth-focused philosophy and be operated independently of adult prisons.

- 3.2.1 There is a clearly articulated and understood operating philosophy in the detention centre. This philosophy accords with legislative requirements relating to youth detention.
 - 3.2.2 The detention centre has a clear focus on developmental needs, links to family support, through-care from and to the community as well as the specific needs of individual young people.
 - 3.2.3 Youth detention services and facilities are located separately from adult custodial facilities.
 - 3.2.4 Procedures try to avoid taking a 'blanket approach' and cater to the individual needs of young people.
-



- 3.3 Within two hours of admission to a detention centre, each young person should undergo a rigorous assessment to ensure that their risks and needs are identified and they are placed appropriately in the detention centre.**
- 3.3.1 Admission discussions take place in a clean, secure, non-threatening and confidential environment.
 - 3.3.2 Young people are always asked if it is their first time in custody and treated accordingly.
 - 3.3.3 All staff deal with sensitive information in an appropriate manner and ensure that the needs of the young person are communicated to all relevant parties.
 - 3.3.4 Upon admission, at risk young people are identified and strategies developed to ensure their safety.
 - 3.3.5 Young people are examined by a medical professional within two hours of admission to identify any conditions that require attention.
 - 3.3.6 All assessment instruments are appropriate to determine the needs and risks of young people entering detention.
 - 3.3.7 Until they are assessed, all young people are treated as being high risk and are subject to closer and more frequent checking than standard.
 - 3.3.8 Young people are held in reception for as short a time as possible and are not left for long periods with nothing to do.
 - 3.3.9 Prior to being locked down on their first night, and regardless of the time, young people are given the opportunity to shower and have a hot meal.
 - 3.3.10 All new arrivals are offered the chance to speak to a member of the chaplaincy or peer support program on their first night or the following morning.
 - 3.3.11 Young people are given a pack containing essential basic toiletry items.
 - 3.3.12 Staff spend time with young people on their first morning to assess how they are coping.
-

- 3.4 Induction begins within 24 hours of the young person's arrival at the detention centre and upon its completion all young people understand the detention centre's routines and how to access available services and support.**
- 3.4.1 All young people receive a structured and comprehensive induction which leaves them with a clear understanding of the detention centre and how to access any information or service they need to deal with problems.
 - 3.4.2 Staff should reinforce the information given in reception and be easily approachable for questions to be asked on a continuing basis.
 - 3.4.3 An individual interview takes place during the induction program to assess how the young person is feeling about being in custody.
 - 3.4.4 Young people are informed about the detention centre's procedures to protect them from bullying, peer pressure and abuse.
 - 3.4.5 Young people are informed that their private information will be treated confidentially.
 - 3.4.6 There is a peer support program to support young people and supervision provided for the peer supporter.
 - 3.4.7 The system for earning for canteen purchases is explained clearly.
 - 3.4.8 Young people should be made aware of who they can speak to if they have concerns about their care and custody in detention, including the Ombudsman, Health Complaints Commissioner and Commissioner for Children and Young People.

[Also see Standard 1.7]



3.9 Young people in detention should only be transported when absolutely necessary and must never be transported in unsafe or inhumane conditions.*

- 3.9.1 Alternatives to transport should be used whenever possible, for example, the use of video links for court appearances and the provision of in-house medical and dental services.
 - 3.9.2 Prior to travel, all young people should be assessed to ascertain the potential negative impact of such travel and ways to minimise this impact.
 - 3.9.3 Any special needs identified must be met to minimise the impact of travel, including for young people with disabilities, who are injured or who are pregnant.
 - 3.9.4 Young people are given meals/drinks before, and adequate comfort breaks during, transfer which are suitable for the length of the journey (as a guide, every 2 to 2.5 hours).
 - 3.9.5 Young people are escorted in vehicles that are safe, secure, clean and comfortable, with adequate storage for property and with suitable emergency supplies and hygiene packs for young women.
 - 3.9.6 There should be a capacity to broadcast essential information to vehicle passengers.
 - 3.9.7 Vehicles must be able to be tracked in real time.
 - 3.9.8 A cool store for staff and passenger food and drinks must be provided.
 - 3.9.9 Where other facilities are used for overnight stays they must provide an adequate level of accommodation and services.
 - 3.9.10 High security escorts, while ensuring security and safety, must also have regard to the welfare and dignity of young people.
 - 3.9.11 Methods of restraint are only used if they are justified by a risk assessment. These are to be documented and reported.
-

3.10 The unsentenced status of remanded young people should be respected in the way they are treated while in detention. Remandees must have no less access to services, activities and amenities as sentenced young people, and be able to access additional services required in line with their remand status.

- 3.10.1 Wherever possible young people on remand are housed in domestic style, normalised accommodation to maintain their status as innocent until proven guilty.
- 3.10.2 Unless it would cause disadvantage or distress, remanded young people are kept separated from sentenced young people.
- 3.10.3 Remandees are encouraged to access programs that may be beneficial for them.
- 3.10.4 Remandees have unlimited access to legal advisers and are kept aware of all relevant information regarding their court case.
- 3.10.5 Remanded young people are able to access assistance with accommodation and support for re-entry into the community in the same way as sentenced young people and at a level appropriate to their needs.
- 3.10.6 Efforts are made to maintain functional connections to the community for remandees, including additional visits and phone calls and continuation of study activities where possible.
- 3.10.7 Remandees' case management system is the same as that of sentenced young people.
-

3.11 Young people have access to a library which meets Australian standards and are encouraged to use it frequently.¹⁹

- 3.11.1 The library stocks a range of books for a range of reading abilities.
- 3.11.2 The library is used for both leisure reading as well as supporting young people's educational needs.
- 3.11.3 Young people not in their normal location, for example, in separation or health care, are also provided for.
- 3.11.4 Young people are encouraged to develop their research skills, including supervised use of the internet.
-

¹⁹ See 'Living Learning Libraries: Standards and guidelines for NSW public libraries', 5th ed. Library Council of NSW.



3.12 The detention centre should have a structured daily routine conducive to the rehabilitation and positive development of young people.

- 3.12.1 Activities in the detention centre should provide a regular routine with regular work, training and study activities during the week and a more relaxed routine on weekends.
 - 3.12.2 Work, study, relaxation, eating, and sleeping should take place in different settings.
 - 3.12.3 Various activities are available during 'free time' to reduce boredom.
 - 3.12.4 Security procedures do not unnecessarily disrupt the routine of activities.
 - 3.12.5 The routine of activities is flexible enough to accommodate family visits, appointments, and special events.
-

6.1 Detention centres are not oppressive environments and are designed to be used flexibly to allow young people to feel safe and comfortable.

- 6.1.1 Detention facilities are relatively small-scale and purpose-built for housing young people.
 - 6.1.2 Detention centres are not overly institutional or imposing.
 - 6.1.3 There is good access to natural light and fresh air in all buildings, and accessible and safe outdoor areas.
 - 6.1.4 The design and layout of buildings enable the accommodation of fluctuating numbers of young people, different living spaces to suit higher supervision needs or to suit shared living quarters (for example, buddy bedrooms), and separate housing for remandees.
 - 6.1.5 There are sufficient multi-purpose and single-purpose activity rooms and spaces to meet the need for education, programs, visits, interviews, recreation and leisure activities.
 - 6.1.6 Recognising the proportion of Aboriginal young people in custody and that the detention centre is built on traditional Aboriginal land, there is visual acknowledgement of youth and Aboriginality in the design, decoration or fittings of the detention centre.
 - 6.1.7 Where young people are segregated or confined, the place of confinement is of the same standard as the young person's normal accommodation in the centre.
-



6.2 The infrastructure of the detention centre is well maintained and supports its operating philosophy and security requirements.

- 6.2.1 Master planning allows for future expansion, as well as for temporary fluctuations in numbers.
 - 6.2.2 Fixtures and fittings are robust, but not industrial, in order to handle constant use and substantial wear and tear.
 - 6.2.3 There are regular cleaning, maintenance and replacement schedules and effective processes for identification and remediation of faults, breakdowns and unserviceability.
 - 6.2.4 Security is maintained at the lowest level required, in a discreet and unobtrusive manner. The design of the detention centre provides clear lines-of-sight and surveillance and recording systems without being overly restrictive or oppressive.
-

6.3 Effective emergency management, Workplace Health and Safety and other systems must be in place to ensure safety.

- 6.3.1 The detention centre is a safe working environment for all staff (including visiting or external staff).
- 6.3.2 An incident response capability must be in place that is commensurate with assessed risk.
- 6.3.3 Systems and equipment must be secured safely, tested regularly and maintained or upgraded to ensure serviceability and effectiveness. This may include large-scale systems such as bedroom call system, locks and keys, radios, cameras, ventilation/heating systems, as well as small-scale items such as unit-based first aid kits, fire extinguishers and restraint equipment.
- 6.3.4 Emergency management plans must be up-to-date, regularly reviewed, with all staff appropriately trained. Regular drills involving young people as well as staff are conducted.
- 6.3.5 Physical and procedural security assists with the management, monitoring and responding to incidents.
- 6.3.6 Staff are trained in workplace health and safety and specific training for the use of emergency equipment is provided.
- 6.3.7 The use of any emergency response equipment is accurately recorded in a register.
- 6.3.8 Hygiene and sanitation must meet the requirements of all relevant legislation.
- 6.3.9 Emergency responses to incidents are documented, recorded and reported in accordance with agreed protocols.



7.3 All staff must be appropriately trained and receive ongoing development, and reaccreditation where necessary.

- 7.3.1 All staff must receive regular training to maintain and upgrade their skills (and qualifications where relevant) and be able to access professional development activities.
 - 7.3.2 The regular performance appraisal process should include updating staff needs and professional interests.
 - 7.3.3 All staff should undertake training concerning human rights, Aboriginal issues and cultural awareness, child and adolescent development (including gender-specific information), emergency management, drug and alcohol awareness, disability awareness and other relevant areas.
 - 7.3.4 All staff are trained and aware of their responsibilities toward young people in detention.
 - 7.3.5 The detention centre should have a formal training plan to coordinate the training of staff. Records must be kept of all staff training.
 - 7.3.6 Custodial staff and staff with direct detainee contact/supervision receive training in 'soft skills' (such as communication and de-escalation) as well as use of force and other security-focused procedural training.
-

8.1 There is a clear policy on the role of security in meeting the detention centre's operating philosophy and stated objectives.

- 8.1.1 The detention centre's security policy is up to date and readily available to staff.
- 8.1.2 The security policy reflects an appropriate balance between physical, procedural and dynamic security.
- 8.1.3 There are no apparent risks or inconsistencies in the physical or procedural security practices of the detention centre.
- 8.1.4 The detention centre is adequately staffed at all times.
- 8.1.5 The security policy is proportionate to the needs of the detention centre and does not unnecessarily impinge on the rights of young people.
- 8.1.6 A drug supply and reduction strategy is in place which is regularly evaluated for its effectiveness and is integrated with the security policy.
- 8.1.7 Regular risk assessments are conducted of all areas of the detention centre.
- 8.1.8 The criteria and process for the security ratings applied to young people are clear and



consistently applied.

8.2 Safety and good order should be maintained at all times, through effective dynamic and procedural security with minimum restrictions necessary to enable humane and respectful relationships between young people and staff and visitors.

- 8.2.1 The core of detention centre security should rest on the encouragement of positive rapport between staff and young people.
 - 8.2.2 Staff interact with young people well and there are enough staff to supervise young people and specific areas and activities.
 - 8.2.3 Other elements of dynamic security should ensure that young people are occupied through constructive programs and activities.
 - 8.2.4 Intelligence processes are in place that are effective in assessing, reporting on and sharing potential security risks.
 - 8.2.5 Effective intelligence and security measures are in place to minimise the trafficking of prohibited substances.
 - 8.2.6 Surveillance equipment throughout the detention centre is regularly checked and maintained and this process is documented.
 - 8.2.7 Procedures are in place for staff to ensure that any equipment accessed through programs or classes that is a restricted article, such as scrap metal and screws, are removed when not in use and young people are closely monitored during these classes.
 - 8.2.8 Articles that may be considered a potential security threat are recorded in a log book and accounted for at the end of each shift.
 - 8.2.9 All bedrooms are fitted with serviceable call buttons for direct access to staff at all times. These are regularly checked and maintained and this is documented.
 - 8.2.10 Mechanical restraints should not be used for routine requirements of young people within a detention centre.
 - 8.2.11 Physical security and fire assessments are regularly undertaken and documented.
-



8.3 Force, including any form of restraints, must only be used as a last resort and for the shortest time required. Its use must be safely and humanely applied, properly prescribed and monitored, and reported.

- 8.3.1 The use of force, including the use of any form of restraints, on a young person should only be used when it is necessary to prevent an imminent and serious threat of self-harm or injury to others, and only when all other means of control have been exhausted.
 - 8.3.2 The use of force, including the use of any form of restraints, should not cause humiliation or degradation and should be used for the shortest possible time.
 - 8.3.3 The carrying of weapons by staff is prohibited in the detention centre.
 - 8.3.4 Centre policies and practices are consistent with legislation.
 - 8.3.5 Force is never used as a sanction or to obtain compliance with staff instructions.
 - 8.3.6 Staff are trained in de-escalation techniques and are encouraged to use these methods instead of using force. Staff should also be trained in the safe use of force and appropriate use of restraints.
 - 8.3.7 Only approved restraints are kept at the detention centre.
 - 8.3.8 The use of force register is up to date and contains comprehensive and accurate details of all incidents that involve use of force.
 - 8.3.9 All use of force incidents are investigated and reported appropriately.
 - 8.3.10 Where the use of force is unavoidable, trained staff only use approved techniques for the shortest possible time.
 - 8.3.11 As soon as possible after a use of force incident, the young person involved sees a healthcare professional.
 - 8.3.12 Following a use of force incident, the young person is offered the opportunity to discuss it with a staff member who was not involved.
 - 8.3.13 Parents/carers are notified of incidents of restraint or force where appropriate.
 - 8.3.14 Cameras are used to record planned interventions including the use of force.
-

8.4 Searches should be undertaken to reduce risks to safety and security from contraband, weapons, alcohol and other drugs.

- 8.4.1 Searches of a young person should be conducted safely and only when reasonable and necessary and must be proportionate to the circumstances.
 - 8.4.2 The search register is up to date and contains comprehensive and accurate details of all searches.
 - 8.4.3 Searches of rooms are conducted when there is reasonable suspicion that contraband is present; any search of personal possessions is conducted with respect and the room is always left tidy.
 - 8.4.4 Required outcomes from security information reports resulting in targeted searches are routinely documented.
 - 8.4.5 Search policies are regularly reviewed to assess their effectiveness and any scope for improvement.
 - 8.4.6 Additional measures such as use of overalls or increased supervision of visits is promoted as an alternative to searches.
 - 8.4.7 Emerging technologies are constantly being reviewed as an alternative to personal searches.
 - 8.4.8 Effective search procedures and recording are in place to check the entry and exit of all vehicles, contractors' tools and any other items that pose a potential security risk.
 - 8.4.9 Search procedures for visitors are clearly displayed and explained and are conducted in the least obtrusive way possible.
 - 8.4.10 Clear information on prohibited and restricted items is displayed to visitors.
-



8.5 Young people are subject to searching measures that are appropriately assessed and proportionate to risk.

- 8.5.1 Unclothed searches are only used as a last resort and are based on intelligence. Prior to this other means of searching such as pat searches, metal detectors and increased surveillance are used.
 - 8.5.2 Staff are appropriately trained to conduct unclothed searches in a discrete and sensitive manner and are the same sex as the young person. Where the young person identifies as transgender, the young person will nominate the gender of the staff conducting the search.
 - 8.5.3 The search is conducted as quickly as possible, the young person is allowed to remain partly clothed, and permitted to dress as soon as it is complete.
 - 8.5.4 A register is kept of all searches, the reasons for them, who conducted the search and the outcomes.
 - 8.5.6 The detention centre must have in place standard operating procedures for refusal to comply with an unclothed search or pat search.
 - 8.5.7 Unclothed searching is not routinely conducted on entry and exit to a detention centre where a young person has been transported in a secure vehicle.
 - 8.5.8 Cavity searches are never to be conducted.
-



8.6 Behaviour management systems must define fair and consistently applied rules for behaviour, where responses to misbehaviour are escalated as appropriate.

- 8.6.1 Staff have been trained in and understand the detention centre's behaviour management strategy.
- 8.6.2 Rules are applied fairly and consistently without discrimination.
- 8.6.3 Staff encourage young people to engage in all their activities.
- 8.6.4 There is an emphasis on motivating young people to achieve during their time in custody.
- 8.6.5 All sanctions are accurately recorded in a register with complete details of the incident.
- 8.6.6 Staff are trained in lawful disciplinary procedures and are aware of disciplinary measures that are prohibited.
- 8.6.7 Young people are never sanctioned twice for the same offence.
- 8.6.8 Behaviour is not managed with a one size fits all approach, but the underlying needs of an individual are identified and addressed in an age and developmentally appropriate way.
- 8.6.9 Staff balance tolerance and authority and take into account normal adolescent behaviour.
- 8.6.10 Young people are only sanctioned in accordance with legislation and the sanctions are never cruel or degrading.
- 8.6.11 Data from all disciplinary procedures is monitored on a regular basis to identify trends and patterns.
- 8.6.12 Collective sanctions are prohibited.
- 8.6.13 Young people never undertake disciplinary roles in the detention centre.

8.7 Young people should understand the standards of behaviour and the rules and routines of the detention centre.

- 8.7.1 Young people are informed of the behaviour management policy and the consequences of misbehaviour upon their admittance to the detention centre, in a way they can understand.
 - 8.7.2 The rules are on clear display throughout the detention centre.
 - 8.7.3 Young people are always informed of what they have done wrong and are given an opportunity to explain their behaviour.
 - 8.7.4 The investigation process is managed in a fair and timely manner and properly recorded.
 - 8.7.5 Young people are given time to prepare when an investigation process is initiated.
 - 8.7.6 Findings and sanctions following an investigation are fully explained to the young person and are recorded in detail.
-



8.8 Behaviour management schemes should incorporate incentives to promote effort and good behaviour and use fair sanctions for poor behaviour.

- 8.8.1 There is sufficient difference between the incentive levels to encourage responsible behaviour and discourage poor behaviour.
 - 8.8.2 Good behaviour is rewarded and acknowledged.
 - 8.8.3 Young people are kept up to date with their progress on the behaviour management scheme and have the opportunity to comment.
 - 8.8.4 Young people who are likely to be downgraded on the behaviour management scheme are warned in advance.
 - 8.8.5 Young people can appeal against a decision.
 - 8.8.6 The status of a young person can only change following a review.
 - 8.8.7 Young people retain comparative status on transfer from another detention centre.
 - 8.8.8 The regime for those on the lowest level of the behaviour management scheme is not overly punitive and provides the opportunity for them to demonstrate improvement in their behaviour.
-

8.9 Where it is necessary for a young person to be placed into separation, segregation or isolation for their own or others safety or for the good order of the detention centre, it will be for the minimum time necessary.

- 8.9.1 Young people are separated or segregated only in response to an unacceptable risk to themselves or others and only when all other means of control have been exhausted.
 - 8.9.2 Separation, segregation and isolation should never be used as a sanction or to obtain compliance with staff instructions.
 - 8.9.3 An accurate separation and segregation register recording details of the separation and the young person's routine while in separation is maintained.
 - 8.9.4 Staff closely supervise those in separation or segregation and they are not left for long periods of time with nothing to occupy them.
 - 8.9.5 Except for when a young person is separated due to presenting as a serious risk of suicide or self-harm, and subject to risk assessment, the conditions of separation or segregation provide no less amenity than normal accommodation.
-



9.8 Young people should have a minimum ten hours out of bedroom each day.

- 9.8.1 These out of bedroom hours are used to promote attendance at education and programs as well as recreation activities.
- 9.8.2 Hours out of bedroom should only be reduced in exceptional circumstances and deemed necessary by the Centre Manager.



Appendix 3 - AYDC Booklet - Information for Young People and Families

**ASHLEY
YOUTH
DETENTION
CENTRE**

**Information
for
Young People and Families**

D:\Custodial Inspectorate Feb 2018\Information for Young People booklet - updated Feb 2018.docx 12
February 2018

CONTENTS

What is Ashley Youth Detention Centre?

Description of the Centre
Centre Contact Details

Why am I here?
Can I see a lawyer?
Can I appeal against my sentence?

Your Property / Valuables
Your Clothing

Can I get temporary Leave from the Centre?
Can I be taken out for any special reasons?
Admissions Induction Program
The Centre's Daily Routine

Your Responsibilities

What do you expect of me at Ashley?
Time Out
Programs
The Ashley School
Reintegration Activities

The Incentive Scheme
Savings Account and Allowance
Centre Support Team

Are there people to help me with my problems?
Case Management
Health Services
Chaplaincy Services
Who else can help me?
Resident Advocate
What if I do something wrong while I'm here?
Conferencing at Ashley

Your Rights

Visitors
Telephone Calls
Mail

What if I feel sick or get hurt?
Can staff search me?
What can I do if I have a complaint?



Bullying
Sexual Harassment
Prohibited Items



Description of the Centre

Ashley Youth Detention Centre is a place for young people who have been ordered by the court to be held in detention.

We are here to help you bring about some positive changes in yourself. Our staff will help you to work out ways of handling any problems you've got.

Ashley works on a simple system in which good behaviour is rewarded.

While you're at Ashley we hope you learn some useful things to help you when you get out.

Accommodation

You will be accommodated in one of five (5) residential units, dependant on your behaviour and gender. Young male and females are accommodated separately. Bedrooms are single occupancy with the centre having a number of multi – occupancy rooms for sharing based on gender and behaviour.

Centre Contact Details

Ashley's postal address is:

Ashley Youth Detention Centre
4260 Meander Valley Highway
Deloraine TASMANIA 7304

The phone number is (03) 6362 2311

The fax number is (03) 6362 2217

Why am I here?

You have been sent to Ashley because you have either:

- Been **sentenced** on a detention order;
- Been **remanded** by a court; or
- Been **refused** bail by a court or justice of the peace.

If you have been sentenced on a detention order:

You have been found guilty of committing an offence or offences at your court appearance and the magistrate or judge has sentenced you to detention.



You will stay at Ashley until your release. You will be told your release date within two (2) days of your detention order being made.

If you have been remanded in custody:

You have appeared in court and been refused bail by a magistrate, judge or justice of the peace.

You will stay at Ashley until your next court appearance. Your next court date would have been set at the time you were remanded. Ask a staff member to find out your next court date if you are not sure.

Can I see a lawyer?

You can call your lawyer and they can also visit you at the Centre.

If you are on remand, your lawyer can also request bail on your behalf from the court at any time.

If you don't have a lawyer you can get help from Legal Aid.

If you want to know more about this ask a staff member or the Case Manager, but remember staff are not lawyers and cannot give you legal advice.

Can I appeal against my sentence?

If the court has found you guilty you can appeal your sentence of detention.

You will have to talk to a lawyer if you want to appeal because the appeal has to be put in to the court within a certain time.

Your Property / Valuables

When you are admitted to the Centre any valuables in your possession, including money and jewellery, are listed and placed in the Admission's clothing room. They will be returned to you when you leave the Centre.

You may request certain items of clothing, e.g.: hat, underwear, shoes from your personal belongings for your own use. Ask unit staff how to do this.

Your Clothing

Centre clothing will be issued to you on arrival. You are allowed to have your own personal boxer shorts, hats and runners in the units, if approved by staff.

All other personal clothing will be kept in the Admission's clothing room with your other personal items.

Can I get temporary leave from the Centre?

To get leave, you have to put a request in to the Centre Support Team (CST). See your Unit Staff or Case Manager to see if you qualify for leave and how to apply.

Can I be taken out for any special reasons?

You may be taken out of the Centre by staff to get medical treatment, to visit a close family member who is sick, or to attend the funeral of a close family member

Admission Induction Program

When you have been placed into custody and arrive at AYDC you will be placed into the Admissions Unit a period of assessment and adjustment is required for them, this will occur within the Admission/Induction unit (LIFFEY) for male detainees and (BRONTE WEST) for female detainees.

During this time a structured admission/induction program will be delivered to the young person. This program will be delivered by nominated staff from across all areas of AYDC from Case Management, Health and Wellbeing, Programs and School and managed by Operational staff.

The Centre's Daily Routine

From Monday to Friday everyone is woken by 7.45 am. On Saturday and Sunday you are able to sleep a bit later.

Breakfast is from 8.00 am to 8.30 am Monday to Friday, and from 8.00am to 10.00 am on weekends and public holidays.

After breakfast you are given time to clean your room and do your daily chores.

Programs run from 9.00 am to 4.15pm Monday to Friday.

If you are 15 years or younger, you will go to the Learning Centre for schoolwork.

If you are worried or do not understand something, please ask a staff member.



What do you expect of me at Ashley?

We would like to see you making plans to stop doing crime and to sort out any problems you have. That's the most important thing!

We will give you credit if:

- You work at sorting out any problems
- You get involved in your case management plan
- You try to get on with other people at Ashley
- You work hard to learn new things to help you in the future
- You join in the activities at the Centre and share work with others
- You get help from people if you need it

The staff will keep checking on your progress and tell you how they think you are doing.

Time Out

You may be placed in time out if you need to be protected from causing harm to yourself or other people, or damaging property.

If you are placed in Time Out, it will be for the shortest time possible, that is, until you calm down and can talk about what is making you angry.

Programs

When you first arrive at Ashley the Programs Coordinator will place you in a group on the daily program sheet. Ask a staff member to find out what group you are in.

Programs start at 9.00 am Monday to Friday.

You are expected to participate in all programs listed on the daily program sheet. If you choose not to participate in programs, you will receive no points and have to stay in the unit for that time.

Some of the programs include:

- Physical fitness and team sports
- Technology and development
- Cooking
- Art and craft
- Work around the Ashley site, like gardening
- Work off-site at the Ashley farm
- Drug and alcohol information and counselling
- Anger management counselling

Remember that participating in all programs will give you more points during the week and help you to move up colours.

Plus, if you participate in programs, this will be reported to youth justice and the courts, which may help you when you apply for bail or get sentenced.

If you are 15 years or younger, you will go to Ashley School for schoolwork.

You will be secure in your room for a short time before and after lunch and dinner (dependant on what unit you are in). This gives you time for personal activities such as cleaning your teeth, letter writing or reading.

If you are worried or do not understand something, please ask a staff member.

The Ashley School

The Centre's school works much like other schools that you have attended but with smaller classes.

The motto of the school is - *Together we make a difference.*

The subjects offered at the school include; numeracy, literacy, cooking, VET courses and information technology.

Many students at the Centre choose to work on improving their reading, writing and computer skills.

The staff encourage, support and take an interest in all the Centre's students.

The Principal of the Learning Centre will interview you on your first day.

Reintegration Activities

Toward the end of your period of detention, you may be eligible for activities and programs in the community.

To be eligible, you need to have good behaviour reports and have completed programs to show you are serious about stopping offending. You also need to be yellow or green category under the Incentive Scheme.

You can talk to the case manager or unit staff about what you need to do to be considered for pre-release activities and programs.

The Incentive Scheme

The Centre operates an incentive scheme. There is further information about this on posters in the units.



There are four (4) colour levels in which you earn different levels of privileges. The colours are red, orange, yellow and green, with red being the lowest level and green being the highest.

When you first come to the Centre you will be at yellow level, where you will stay for a minimum of two weeks.

Your colour level is reviewed each week by the Centre Support Team (CST). Your behaviour and program points are discussed and your colour is decided.

The other way you can move colour is if you are involved in a serious incident or detention offence. The Operations Coordinator may put you back one or more colour levels at the time of the incident.

You will be given a copy of the Unit Rules booklet which tells you exactly what you are allowed to do on each colour.

Savings Account and Allowance

You are given a weekly allowance at Ashley. The amount each week depends on which colour level you are on.

On Blue you will get \$7.50 per week, Red you will get \$7.50 per week, on Orange you will get \$15.00 per week, on Yellow you will get \$25 per week and on Green you will get \$40 per week. A savings account is set up for you on arrival and 25% of your weekly allowance goes straight into this account. The rest of your allowance goes into a separate account and you can use this money to buy canteen items, toiletries and other items once a week.

If you damage any Ashley property or that of other residents you will have \$5.00 per week deducted from your account until the damage is paid for.

When you are discharged from the Centre you will be given the full amount from both accounts.

Available monies for spending on canteen and toiletries items are determined by the colour level you are on for the week. Blue and Red canteen to a limit of \$2.80 and \$2.80 on toiletries. Orange Level canteen to a limit of \$5.50 and \$5.50 on toiletries. Yellow level canteen to a limit of \$7.00 and \$7.00 on toiletries. Green level canteen to a limit of \$9.00 and \$9.00 on toiletries.

Centre Support Team

The Centre Support Team (CST) meets every week.

The CST makes decisions about your colour level, as well as discussing requests, leave applications and programs.

If you have a request for the CST, forms are available in your unit and unit staff can give you help to complete them.

You have the right to appeal a decision that is made by the CST. Appeals must be in by the morning after CST meets, usually Tuesday.

The process for making an appeal is in the units. You can ask staff to help you make an appeal.

Are there people to help me with my problems?

There is a psychologist who can help you sort out any problems. If you want to see the psychologist let a staff member know and it will be arranged for you.

There is also a Drug and Alcohol worker who comes in each week to help you with any problems around drug and alcohol use and to give you some helpful information.

Remember, all the staff at Ashley are here to help you sort out your problems and are willing to listen if you need to talk.

Case Management

While you are here, your case management plan will be developed. It involves education, health and other programs at Ashley and details of where you will live and what you will do when you leave Ashley.

Your community youth justice worker may be involved with the case management plan, as well as family and any other important people in your life.

Putting a plan together makes sure you get help from services you may need, such as drug and alcohol, sexual health, mental health and Centrelink.

If you want to find out more about case management, talk to a staff member or ask to see your case manager.

Health Centre

Ashley offers a health centre with qualified nurses. It functions 7 days a week for 12 hours each day, and has an on-call service. Their role is to assess and assist you in all of your health needs. On admission you will be assessed by the nurse and will be offered a range of tests and services. You will also be seen by the doctor who visits twice a week. Where appropriate you will be referred to appropriate internal and external professional services if you have specific treatment needs.

Examples of our services include general health assessment and treatment, mental health assessment, drug and alcohol assessment, psychology and social work.

All you need to do to receive confidential service is to ask to see the nurse or complete a medical request form.



Chaplaincy Services

A visiting chaplain from the local Catholic parish visits the Centre regularly to provide spiritual and emotional support.

You can also request to have religious visitors come to the Centre to speak to you.

Who else can help me?

Commissioner for Children

The Commissioner for Children is the advocate for all residents at Ashley; they are independent from the government. They can help you with your concerns about what is happening to you in Ashley, like;

- Health
- Family/friends visits
- Relationships
- School
- Care at Ashley
- Help you write to the Ombudsman with a complaint

They can help you write to the Ombudsman with a complaint and they can advocate for you at a Conference.

Or meet with them at Ashley; request to see them through CST.

Youth Justice Workers:

Staff will help you write to or phone your Youth Justice worker while you are here. Your Youth Justice worker may need to talk to you about your court report and your future plans.

Other Visitors:

Other visitors to the Centre, including Education Pathways and Whitelion.

What if I do something wrong while I'm here?

At Ashley if you do something wrong we call it a minor incident or a detention offence. A list of what is a minor incident and what is a detention offence is in the unit.

Generally, you will be given an opportunity to stop your behaviour by receiving a warning. If you continue, further action will be taken.

A minor incident will be dealt with at the Centre. In the case of a detention offence, if you plead guilty it may be dealt with at the Centre by a conference.

If the matter is serious and it goes to court the result could include extending your earliest release date, a community service order, or a detention order.

Conferencing at Ashley

If you have been involved in a detention offence at Ashley, you may be asked to attend a Conference. The conference gives you the opportunity to explain your behaviour and work out ways to avoid doing the same thing again.

Conferences involve the offender, the victim, unit staff and a staff member from case management. You can ask to have a support person at the Conference.

The conference is run by the Conference Convenor.

Some outcomes from a conference include a caution, a good behaviour bond, or an additional three (3) days on your earliest release date.

Visitors

You can have visits from:

- Members of your family
- Youth justice workers, caseworkers, lawyers
- Other important people in your life who get permission to visit.

Visiting hours are on Wednesdays 1.00pm-4.00pm and Weekends from 10.00 am to 4.00 pm.

Visitors are not allowed to bring you gifts of any kind when they visit you.

If your family can't afford to travel to Ashley we can help with the travel costs. Talk to a staff member to find out more information about this.

Telephone Calls

You are allowed to make one phone call when you first arrive at Ashley to let your parents or someone else close to you know that you are here.

After this you are allowed to make and receive a total of seven (7) phone calls each week. Phone numbers you wish to call need to be provided on your admission and will be checked before you can make or receive calls.

If you need more than 7 phone calls per week the incentives scheme allows you to obtain these by achieving Yellow or Green status. Talk to a staff member and they will help you with this.

The time to make telephone calls to family and friends is from 6.00 pm to 9.00 pm during the week and from 10.00 am to 9.00 pm on weekends.

Phone calls can be up to ten (10) minutes both line numbers and mobile phones, when your time is nearly completion a timer will flash indicating time to wind up phone call.



If you wish to contact your lawyer or youth justice worker during business hours, you can do so. Please talk to the unit staff. If you need a private area we will arrange this for you.



Mail

You can write as many letters as you like, to nearly anyone.

For security reasons, the staff will check all letters you send out and all mail sent to you, before it is passed onto you.

If you want to write to someone in another detention centre or prison, you must get permission from the Operations Manager.

Mail for you from someone in another centre or prison may be placed in your personal belongings for when you leave. If this happens we will let you know.

Smoking

Young people are not permitted to smoke at AYDC regardless of their age.

Gifts

Ashley Youth Detention Centre has a no gift policy, so young people are not to receive gifts of food or any other items through visits from family or friends.

What if I feel sick or get hurt?

If you are not feeling well, you need to tell a staff member so that medical treatment can be arranged.

A doctor visits Ashley each week and a nurse is on site.

If you become very sick, or are badly hurt, staff may have to take you to a nearby doctor's surgery or hospital. Staff will let your family and your youth justice worker know if you get hurt.

If you are taking medicine or tablets, these will be given to you at the right time by the nurse, or by another staff member.

Your medical problems will not be told to other people unless they can help you and you have given your OK.

Can staff search me?

Staff are able to search you or your room if they believe that you have any prohibited item.

You will be searched after a visit or after returning to the Centre from leave. You may be searched at any other time.



You will have the opportunity to hand over anything you should not have before staff begin to search you.

A list of Prohibited Items is at the end of this book.

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You will have the opportunity to hand over anything you should not have before staff begin to search you.

A list of Prohibited Items is at the end of this book

What can I do if I have a complaint?

At Ashley we believe it is important that all complaints that concern young people are handled quickly, effectively and in a way that minimises stress and concern to everyone.

All complaints will be kept confidential. This means that only the people involved in the making of a complaint or the investigation of a complaint will know about the complaint.

Who can complain?

Any young person in custody at Ashley Youth Detention Centre can make a complaint about services at Ashley. A complaint may also be made on the young person's behalf by a member of their family, carers, support person or advocate (such as lawyer, Community Youth Justice or Tasmanian Aboriginal Centre worker) or any other adult connected with the young person.

What can I complain about?

Young people in custody or their representative can make a complaint about any aspect of services at Ashley. This includes:

- ✓ Complaints about staff behaviour or conduct;
- ✓ The behaviour or conduct of other young people at Ashley;
- ✓ A service or program provided at Ashley; or
- ✓ The lack of a service or program at Ashley.

Who do I complain to?

You can make a complaint to any staff member at Ashley. All staff at Ashley can start the process to deal with your complaint.

If you want your complaint to be dealt with at Ashley, it will be referred directly to the Centre Manager.

You can also make complaints directly to the Secretary of the Department of Health and Human Services or the Tasmanian Ombudsman. Staff at Ashley can provide you with contact information to assist you in making a complaint to these offices. Staff can also provide you with information about who would be the best person or office to complain to, depending on the circumstances.



What happens after I make a complaint?

If you make a complaint to the Centre Manager, your complaint will be documented and you will be asked how you would like your complaint resolved. Your complaint will be referred to the Centre Manager, who will contact you and advise what is being done to investigate your complaint. All investigations will be documented.

Complaints made to the Centre Manager will usually be investigated within 21 days. If it will take longer than this, you will be advised and told the reason for the delay.

You will receive a letter telling you the outcome of your complaint.

If you make a complaint to an outside office such as the Tasmanian Ombudsman, that office will advise you of the time it will take to investigate your complaint.

Support when you make a Complaint

You should not feel scared about making a complaint. If a young person in custody at Ashley chooses to make a complaint, Ashley staff will support and assist in that process.

You can choose to have a support person who can provide emotional and administrative support, make sure that the complaint is heard and dealt with fairly and promptly, and help you understand the process and the outcome.

What if I am not happy with the outcome of a complaint?

You can ask for a review of any decision made regarding a complaint if you are not happy with that decision. Decisions regarding reviews can be made by the Secretary of the Department of Health and Human Services or the Tasmanian Ombudsman.

Trivial Complaints

If it is believed that your complaint is trivial or made to cause annoyance, the Centre Manager may decide not to investigate or act on your complaint. You will be advised that unless you can provide evidence to prove your complaint, it will not be investigated.

More Information about making a Complaint

You can get more information about making a complaint about services at Ashley from any Ashley staff member. This includes admissions officers, youth workers, operations coordinators, case management and programs staff, and Centre management.

At Ashley everyone has the right to feel safe.

This includes young people, staff and visitors. To help keep everyone safe, there are some behaviours and things that are prohibited. They are listed below.

Bullying

We do not accept any bullying of or by young people or staff.

Bullying is any unwelcome, repeated aggression that one or more people do to harm, dominate or cause distress to another person.

Bullying includes:

- Constant staring, insults or intimidating body language;
- Offensive comments, name calling, putting down, labelling, racial and ethnic slurs; and
- Physical assault, standovers, unwanted touching, patting, pinching, hugging, and demanding sexual favours.

To prevent becoming a victim of bullying, you should:

- Be aware of your environment at all times
- Do not borrow other people's property or ask other people to do favours for you
- Stay away from areas where you do not feel safe
- Remain visible to staff at all times
- Do not bully other young people or staff
- Become friends with at least one other young person
- Do not participate in play fighting
- Do not discuss personal information with other young people, including why you are here
- Stay in groups as often as possible
- Participate in programs
- Do not react to the bullying behaviour



Sexual Harassment

Sexual harassment is any unwelcome sexual attention that is offensive or humiliating. Physical touching, flirting, patting or brushing against other young people or staff can be considered sexual harassment and is against the law.

Sexual comments, indecent exposure, leers, smutty jokes or offensive telephone calls are also examples of sexual harassment.

Sexual harassment by anyone at Ashley will not be tolerated. Anyone who sexually harasses another person can be charged by the police.

If you are unsure of what sexual harassment is, ask one of the staff.

Prohibited Items

These things are not allowed to be brought onto the site by young people, staff or visitors. If any of these things are found in your possession, you may be charged by the police.

- × Drugs and alcohol
- × Cigarettes, lighters, matches and flints
- × Tools or Weapons including knives, firearms or replica firearms
- × Scissors, Saws or blades or cutting or spreading devices or mechanisms
- × Security keys, replica keys, cards or electrical devices or equipment
- × Legally prescribed medications or drugs, syringes or other devices for the purpose of administering prescribed or non prescribed drugs
- × Ladders
- × Rope, cord or belts
- × Flammable liquid or any combustible material such as Aerosol spray cans
- × Marking pens, glue, correction fluid or pencil sharpeners
- × Glass including mirrors
- × Pins and needles
- × False identification
- × Pornographic material
- × Any other article which may be considered to be injurious to the personal safety of others in the Centre

Appendix 4 - Sample AYDC Daily Program Sheet

		Monday, 25 February 2019			There are many ways of going forward, but only one way of standing still - Franklin D. Roosevelt				
	Group	Unit	Time	Program	Location	Task	Staff	Remarks	
AM Youth Worker	Group 1	Bronte West	9:00 - 9:50	SS	Program Room 1	Games Room	Unit Staff		
		Bronte West	10:15-11:15	Education	Gymnasium	HPE			
		Huon	11:15 -12:00	Education	School Room C1	Woodwork			
		Bronte North	12:00-12:35	PD	Unit	Lunch	Unit Staff		
PM Youth Worker		0	0	12:35-13:10	PD	Unit	CST Administration	Unit Staff	
			13:10-14:00	Education	School Room A3	Work Studies			
			14:00-14:50	SS	O/S Gym / Hardcourt	Fitness / Ball Sports	Unit Staff		
			15:20-1630	SS	Bronte West	Pool / HCrt - Swim / Sports	Unit Staff	See Outside Times & Gym Roster	
AM Youth Worker	Group 2	Bronte West	9:00 - 9:50	Education	School Room B1	Art	Unit Staff		
		Bronte North	10:15-11:15	SS	Program Room 1	Games Room	Unit Staff		
		Bronte West	11:15 -12:00	Education	Gymnasium	HPE			
		0	0	12:00-12:35	PD	Unit	Lunch	Unit Staff	
PM Youth Worker		0	0	12:35-13:10	PD	Unit	CST Administration	Unit Staff	
			13:10-14:00	Education	School Room C1	Woodwork			
			14:00-14:50	Education	School Room A3	Work Studies			
			15:20-1630	SS	Huon / Franklin /	B'North - Negotiable	Unit Staff	See Outside Times & Gym Roster	
AM Youth Worker	Group 3	Liffey	9:00 - 9:50	Education	School Room C1	Woodwork	Unit Staff		
			10:15-11:15	Education	School Room A3	Work Studies			
		0	0	11:15 -12:00	SS	O/S Gym / Hardcourt	Fitness / Ball Sports	Unit Staff	
		0	0	12:00-12:35	PD	Unit	Lunch	Unit Staff	
PM Youth Worker		0	0	12:35-13:10	PD	Unit	CST Administration	Unit Staff	
			13:10-14:00	Education	Gymnasium	HPE			
			14:00-14:50	Education	School Room C1	Woodwork			
			15:20-1630	SS	Huon / Franklin /	B'North - Negotiable	Unit Staff	See Outside Times & Gym Roster	
AM Youth Worker	Group 4	Franklin	9:00 - 9:50	SS	Program Room 1	Games Room	Unit Staff		
		Bronte West	10:15-11:15	Education	School Room C1	Woodwork			
		Bronte North	11:15 -12:00	Education	School Room A3	Work Studies			
		0	0	12:00-12:35	PD	Unit	Lunch	Unit Staff	
PM Youth Worker		0	0	12:35-13:10	PD	Unit	CST Administration	Unit Staff	
			13:10-14:00	SS	O/S Gym / Hardcourt	Fitness / Ball Sports	Unit Staff		
			14:00-14:50	Education	Gymnasium	HPE			
			15:20-1630	SS	Huon / Franklin /	B'North - Negotiable	Unit Staff	See Outside Times & Gym Roster	
Young people refusing to attend their program will be returned to their Unit									
Call Out Timings		Program Restrictions			Individualised Program		Unit		
Call Out:	Call 1	Call 2	N/A= No Art			█		Franklin	
8:55	Groups 2 & 4	Groups 1 & 3	N/F= No Fitness						
10:10	Groups 1 & 3	Groups 2 & 4	N/MW= No Metal Work						
13:05	Groups 3 & 4	Groups 1 & 2	N/OG= No Outside Gym Equipment						
15:15	Groups 1 & 3	Groups 2 & 4	N/S = Not permitted in School Buildings						
* Exit Groups from Woodwork and or Metalwork before others.			N/WW = Not permitted in Woodwork						
* Restrictions / Court Lists			N/WS = Not permitted in all Workshops						
			P/B= Pool Ban						
			A/S= Ashley Staff run programs only			Admissions Unit		Admin	
			U/S= Unit Staff run programs only			█		27/02/19	
			O/P= Off Property					27/02/19	
			9 to 3 = Attend Programs from 9:00 to 15:00 only			0		0/01/00	
			N/TFB = No Treasure Fossil Building			0		0/01/00	
						0		0/01/00	
						0		0/01/00	
						Lungtalanana		Unit	
Off Property	Work Experience:								
Warm Up before All Physical Activity									

Appendix 5 - Communities Tasmania Response to Recommendations

Department of Communities Tasmania Comments

The report predominately considers compliance with the Custodial Inspector's Inspection Standards based upon observations gained through an inspection of Ashley Youth Detention Centre (AYDC) on 26 February 2018. In the nearly 18 months since this inspection was undertaken, progress has continued against the standards as part of the continuous improvement program within Communities Tasmania. As such, Communities Tasmania is pleased to report that many of the issues identified in the report have already been addressed, and work is ongoing to ensure that AYDC provides the best possible care and services to assist young people in addressing offending behaviour. Recommendations made in this and previous reports will be further considered as part of this ongoing work.

By way of example, a review of the Searches Procedure has now been completed. Children and Youth Services is currently in the process of finalising the revised procedure with implementation to take place over the coming months, including training of staff in search procedures and risk assessment processes. The review considered the *Inspection Standards for Young People in Detention in Tasmania* in finalising the new procedure.

The Tasmanian Government has committed \$7.28 million for a major redesign and upgrade of AYDC. The redesign will ensure that AYDC is fit for purpose and enables an improved model of care, as part of a modern integrated state-wide therapeutic youth justice model. An architect and youth justice planner have reviewed the existing facilities and recommended a number of changes to make AYDC a more therapeutic environment. An audit of the existing AYDC building services and site infrastructure has also been completed to identify any issues that need rectifying with an upgrade.

In developing the recommendations for the upgrade, consultation was undertaken with AYDC and other Communities Tasmania staff, the Commissioner for Children and Young People, and the Child Advocate, as well as several non-government organisations, other government agencies and unions. As Custodial Inspector, you were also provided with the opportunity to review the proposed plan for the redesign.

It is acknowledged the recommendations in the report are predominately based on information gained through inspection of AYDC, supplemented by discussions with staff and residents, as well as examination of key documentation including procedures, registers, and contracts with service providers who deliver services to residents. Communities Tasmania understands it is not possible to review all documents or seek clarification on all information gained.

Communities Tasmania (CT) offers the following comments in relation to the report:

Responses to Recommendations

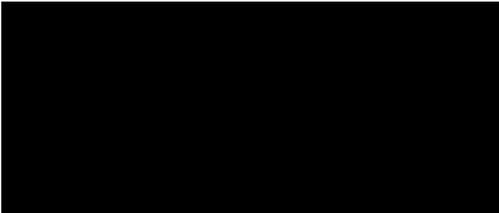
Recommendation	Response/Acceptance Level
<p>1. That CT implements electronic reporting and recording systems and processes at AYDC to provide an accurate and trustworthy reporting mechanism.</p>	<p>Supported</p> <p>AYDC has an electronic reporting and recording system. Network upgrades at AYDC have been completed. Further work on the software is required to enable it to talk to the recently upgraded CT operating system (Windows 10). It is noted that the data system in itself will not provide accurate and trustworthy reporting as this is dependent on the accuracy of the data entry. Upskilling of staff will occur to ensure they have the appropriate skills to use the electronic reporting system.</p>
<p>2. That CT provides youth workers at AYDC with complete access to YCIS to enable up to date information about young people at AYDC to be readily available to all staff.</p>	<p>Supported</p> <p>Youth Workers currently have 'read only' access to YCIS. Further upskilling of staff will occur to ensure they have the appropriate skills to use the information system,</p>
<p>3. That CT reviews all AYDC procedures to ensure that the information they contain is current and up to date, and that processes at AYDC reflect those procedures.</p>	<p>Supported</p> <p>CT engages in a continuous improvement program which includes ongoing review of all AYDC procedures. Procedural reviews are completed based upon priority and balanced with competing work demands. Reviews also include the development of an implementation plan for new procedures outlining responsibilities for implementation.</p>

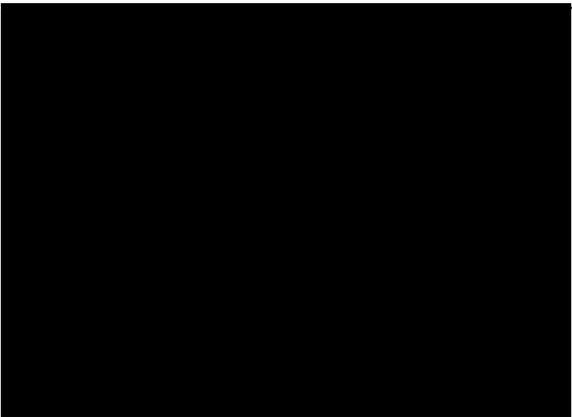
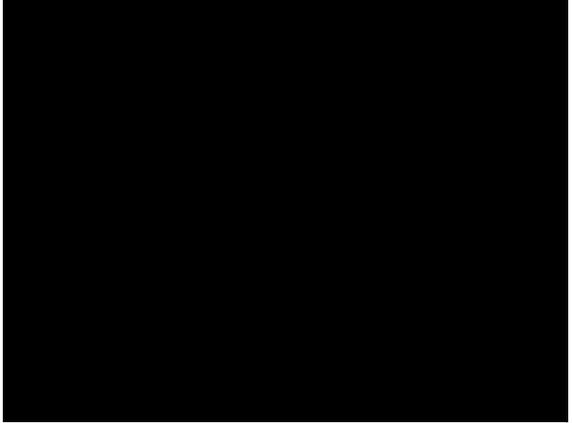


Recommendation	Response/Acceptance Level
<p>4. That CT reviews the AYDC induction process for young people and implements changes which result in a more informative and reliable process, including a tour of the Centre.</p>	<p>Supported in Part</p> <p>The current induction program was reviewed in 2017 and was deemed to be sufficiently rigorous to meet the needs of new residents. Staff actively engage with residents regarding AYDC services and structure during the induction process. The process of undertaking a tour for each new admission has the potential to disrupt the operation of AYDC. The procedure is scheduled to be reviewed in 2020 and relevant areas of the facility may be considered at this time. Further consideration of this recommendation will occur at that time.</p>
<p>5. That CT provides signage on the highway to indicate the entrance to AYDC.</p>	<p>Not Supported</p> <p>It is not considered that additional signage on the highway is required. AYDC is visible from the highway and the placement of signage on the road would only draw further attention to the site, decreasing privacy and potentially creating additional security issues.</p>
<p>6. That CT moves the boom gate at AYDC closer to the highway and provides a turnaround bay at this point.</p>	<p>Not Supported</p> <p>There would be little benefit to moving the boom gate especially given the cost that this would involve. When the boom gate is closed there is a carpark on the entrance side that can be used as a turnaround bay.</p>
<p>7. That CT provides better signage for visitors to AYDC to indicate the entrance gate, processes for entry and behaviour expected of visitors.</p>	<p>Supported - Existing Initiative</p> <p>Improved signage for visitors to indicate entry processes and procedures will be implemented as part of the infrastructure upgrade.</p>

Recommendation	Response/Acceptance Level
8. That CT reviews all current recording practices at AYDC and implements changes to provide a robust electronic and record keeping system for incidents and risk assessments.	Supported in Principle As part of Communities Tasmania's continuous improvement program, reviews of recording practices are completed depending upon priority and work demands. Implementation of electronic recording practices is also dependent upon resolving the operating system issue as discussed in response to Recommendation 1.
9. That CT erects or attaches signs on AYDC's boundary fence line to identify land use, displaying 'No Entry' and possible penalties for unauthorised access.	Supported AYDC will erect appropriately worded signs on the boundary fence.
10. [REDACTED]	[REDACTED]
11. [REDACTED] [REDACTED] • [REDACTED]	[REDACTED]
12. [REDACTED]	[REDACTED]
13. That CT investigates and implements a drug strategy at AYDC.	Supported AYDC will consider a drug strategy as part of the 2021-22 Quality Improvement Plan for AYDC. Communities Tasmania will consult with the Department of Health for input into this. AYDC currently has adequate controls and procedures in place when a young person is admitted while affected by drugs.



Recommendation	Response/Acceptance Level
14. That CT implements measures to ensure that AYDC records all area searches.	Supported The procedure governing area searches is currently under review and the introduction of an area search register will be considered as part of this work.
15. That CT ensures that AYDC undertakes background checks, including obtaining police clearance, prior to granting contractors entry to AYDC.	Supported in Part For major infrastructure works at AYDC this requirement will be built into the contract. For urgent and day to day maintenance, contractors who are on site are always accompanied by a member of staff. Requiring background checks for day to day contractors, prior to entering AYDC, is not deemed practical as it would create significant delays in having work completed and would be particularly problematic for the completion of urgent works.
16. Rather than undertaking personal unclothed searches of young people on a routine basis, that CT carries out these searches on the basis of a rigorous risk assessment to prevent contraband entering AYDC.	Supported - Existing Initiative Under the newly revised personal searches procedure, a risk assessment must be undertaken and inform any decision to conduct a personal search of a young person.
17. That CT considers best practice processes for conducting personal searches of young people including providing young people with clear information, including illustrations, about how the search will be performed.	Supported - Existing Initiative As part of the review of the personal searches procedure, the revised procedure provides information regarding how to undertake each type of personal search. The training materials provide more explicit instructions on how to perform each search, including illustrations as appropriate.
18. 	

Recommendation	Response/Acceptance Level
19. 	
20. That CT implements a central register of contraband detected at AYDC, and undertakes analysis of trends and statistics in regard to the introduction of contraband.	Supported As part of the review of the searches procedures, the searches register is being updated to include details of any contraband that are located as a result of a search.
21. 	
22. That CT ensures suitable AYDC staff are appropriately trained to relieve the Fire, Safety and Security Manager.	Supported - Existing Initiative There are arrangements in place to ensure that an appropriately trained staff member is available to relieve the Fire, Safety and Security Manager. In his/her absence, the duties of the position fall to the AYDC Manager.



Recommendation	Response/Acceptance Level
23. That CT implements a security policy at AYDC which meets the requirements of the inspection standards.	Supported in Principle CT considers that current policies, practices and procedures, combined with the proposed infrastructure upgrades, are sufficient to provide appropriate security arrangements at AYDC. Notwithstanding this, the development of a security policy will be considered as part of the 2021-22 Quality Improvement Plan for AYDC.
24. That CT reviews the AYDC complaints mechanism and implements changes to protect, when necessary, the anonymity of young people who wish to make a complaint about their treatment and/or conditions. This mechanism should: <ul style="list-style-type: none"> • be robust in its procedures and recording of complaints; • provide a trusted and accountable way for young people to put forward complaints with confidence; • allow complaints to be made and not read by AYDC staff where applicable; • not jeopardise a young person's safety or wellbeing; and • provide young people access to the complaints system without fear of discrimination, punishment or reprisal. 	Supported This will be addressed as part of the overall agency commitment to upgrade the complaints process.
25. That CT ensures all AYDC staff undertake regular refresher training in emergency management.	Supported - Existing Initiative Regular emergency management training is part of the training schedule being implemented by the Learning and Development Officer.
26. That CT establishes an incident control room at AYDC for emergency situations.	Supported - Existing Initiative The AYDC cottage has been established as an incident control room.

Recommendation	Response/Acceptance Level
27. That CT maintains a record of maintenance checks of outdoor equipment at AYDC.	Supported - Existing Initiative The only outdoor equipment is located within the outdoor gym. This equipment is checked and recorded.
28. That CT ensures young people who are being transported from AYDC undergo a prior medical assessment to determine their fitness to travel.	Supported in Part Due care and diligence are taken in providing health care for young people within AYDC including a full health assessment within 24 hours of admission. It is not necessary for a young person to be routinely assessed prior to each transport, however there are some circumstances where an assessment may be necessary.
29. That CT develops a Memorandum of Understanding with Tasmania Police with respect to scheduled and unscheduled transport stops at Police stations and lockups for the use of bathroom facilities and other reasons that may arise.	Supported Communities Tasmania is supportive of the development of an MOU, however, will need to consult with Tasmania Police regarding this.
30. That CT implements procedures to protect young people at AYDC from media exposure during transports, and includes these in the contract with secure transport service provider/s.	Supported Section 31 of the Youth Justice Act 1997 provides protection to all residents of AYDC from media exposure. A fine not exceeding 100 penalty units applies to any breach of this section of the Act. Communities Tasmania will review the induction package for the security transport service to ensure it is aware of this requirement.
31. That CT considers options for installing private spaces with appropriate confidential settings in each unit at AYDC for young people to make professional and personal telephone calls.	Supported in Principle Both Huon and Franklin units currently have private spaces which could be utilised for this purpose. Additional spaces are being considered as part of the planned infrastructure upgrade.



Recommendation	Response/Acceptance Level
32. That as a priority, CT ensures all AYDC staff are up to date with training in use of force and de-escalation techniques.	Supported - Existing Initiative AYDC staff trainers have recently been qualified as Protective Tactics Instructors through the NSW Juvenile Justice Academy and are in the process of rolling out this training to staff. The NSW Juvenile Justice de-escalation program 'Connect, Redirect, Resolve' will also be rolled out commencing in early 2020.
33. That as a priority, CT implements processes to ensure that use of force at AYDC is reported as provided in the CYS Procedure <i>Use of Physical Force</i> .	Supported - Existing Initiative Incidents are attended by supervisors, reports are completed using specified forms with any footage stored and reports are reviewed by the AYDC Manager. Notwithstanding this, CT will progress implementation of reporting processes as provided in the Use of Physical Force procedure.
34. That CT implements processes to ensure reviews of use of force at AYDC are conducted as provided in the CYS Procedure <i>Use of Physical Force</i> .	Supported Communities Tasmania will ensure implementation of review processes as provided in the Use of Physical Force procedure. We note however that incidents of use of force are currently reviewed by the Operations Manager or Centre Manager.
35. That CT reports all use of force at AYDC to the Custodial Inspector.	Supported - Existing Initiative
36. That CT implements processes to ensure reviews of use of isolation at AYDC are conducted as provided in the CYS Procedure <i>Use of Isolation</i> .	Supported CT will progress implementation of review processes as provided in the Use of Isolation procedure.

Recommendation	Response/Acceptance Level
37. That CT implements processes at AYDC to ensure accurate recording of observation times on observation records.	<p>Supported - Existing Initiative</p> <p>CT has robust procedures for the completion of observation reports. Reviews of observation reports by the AYDC Manager has not identified any issues to date. Notwithstanding this, the AYDC Manager will reinforce the importance of complying with the procedure to appropriate staff.</p>
38. That CT reports all use of isolation at AYDC to the Custodial Inspector.	Supported - Existing Initiative





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