

# YOUTH JUSTICE

## Written Questions on Notice provided by Richard Riordan MP

### BUDGET PAPER 3, PAGE 274

1. Can you please provide the committee with a table with a breakdown of all Armytage/Ogloff recommendations including:
  - i. Progress to implement each recommendation,
  - ii. Individual expected completion date for each recommendation;
  - iii. Initial budget to implemented each individual recommendation;
  - iv. Actual value of taxpayer funds so far to implement each individual recommendation

The Government accepted all 126 recommendations from the Review in full or in-principle and provided an initial investment of \$50 million to address the Youth Justice Review’s priority recommendations.

Since then, the Government has built on this with a record investment in Youth Justice. The 2018-19 Budget provided an additional \$145 million investment to strengthen Youth Justice, support rehabilitation and ensure the safety of staff, young people and the community. The 2019-20 Budget provides \$45.5 million over two years for initiatives to continue the reform momentum, and ensure the safety and stability of the custodial centres.

Government is taking a holistic approach to implementing the thematic reforms recommended by the Youth Justice review. This is essential to delivering cohesive reform, given the interrelated nature of many of the recommendations.

Significant progress has been made towards implementation, including to address over-representation and support early intervention initiatives, to deliver robust supervision, interventions and services, and to strengthen our custodial facilities and deliver a safe, stable operating environment (see table below for investment and progress update).

Of the Youth Justice Review’s 126 recommendations, 35 have been completed with the rest in progress.

Prevention, early intervention and addressing over-representation	<b>6.26, 6.27, 6.28, 6.35, 6.43, 7.4, 7.5, 7.10</b>	<p>Government recognises the importance of prevention, and of effective early intervention and diversion in helping young people to understand the effect of their offending, impact to victims and provide opportunities for rehabilitation. That is why we have invested:</p> <ul style="list-style-type: none"> <li>• \$12.9 million to continue the Children’s Court Youth Diversion Service to keep offending behaviour from escalating and to support rehabilitation. Legislation to deliver the statutory pre-plea youth diversion program was introduced by the <i>Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017</i>.</li> <li>• \$1.3 million for a strategy to reduce the overrepresentation of Aboriginal young people in Youth Justice. The Strategy is being developed in partnership with the Aboriginal Justice Caucus, under the umbrella of <i>Burra Lotjpa Dunguludja</i>, Aboriginal Justice Agreement Phase 4.</li> <li>• A further \$10.8 million for targeted interventions, including to continue the expanded Koori Youth Justice Program, establish a dedicated Aboriginal Youth Justice Taskforce to examine the current care of Aboriginal young people in Youth Justice, which has commenced, and to increase the number of Aboriginal workers in Youth Justice to their highest levels.</li> </ul>

<p>Delivering an evidence based system and improving services</p>	<p><b>6.2, 6.3, 6.6, 6.7, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.19, 6.32, 6.33, 6.34, 6.36, 6.37, 6.38, 6.39, 6.40, 6.41, 6.42, 6.44, 6.45, 6.50, 6.60, 6.63, 7.1, 7.3, 7.6, 7.7, 7.8, 7.9, 7.11, 7.12, 7.13, 8.14, 8.15, 8.16, 8.41, 8.42</b></p>	<p>The Government notes the importance of evidence to underpin the Youth Justice system and the need for robust supervision and effective interventions and support services to promote rehabilitation and reduce offending. That is why we have invested:</p> <ul style="list-style-type: none"> <li>• \$11.5 million to develop a new integrated case management framework across Youth Justice community services as well as Youth Justice custodial centres, and to assess the risks and needs of every young person in Youth Justice. The new framework and suite of assessments were implemented earlier this year.</li> <li>• \$8.8 million towards new programs that directly address young people’s offending behaviour, including programs targeting violent offending, family violence-related offending, sexual offending, substance use-related offending and motor vehicle-related offending behaviour. This also includes a suite of psychosocial programs to target offence-related behaviours for both remandees and sentenced young people. These new programs were implemented earlier this year.</li> <li>• \$15 million for a whole of government approach to address youth offending, including to provide culturally responsive programs and additional Multicultural Liaison Officers to support young people from CALD backgrounds in custody to address their offending behaviour. Funding was provided in the 2019-20 Budget to continue these initiatives.</li> <li>• \$18.7 million to provide additional health and mental health services to young people in custody, to support their health and rehabilitation. This service is now in place and ensures young people in custody have access to an appropriate standard of primary physical and mental health services.</li> <li>• \$14 million to fund youth mental health initiatives for young people in Youth Justice, including a specialist mental health service for young people in custody, a forensic youth mental health service for young people in the community, expanding the Mental Health Court Liaison Service to the Children’s Court and establishing, for the first time in Victoria, a dedicated secure forensic mental health unit.</li> <li>• \$5.4 million in the 2019-20 Budget has been earmarked for evidence-based rehabilitative programs such as Multi-Systemic Therapy and Family Functional Therapy, to improve family functioning, reduce substance abuse and address behavioural issues.</li> </ul>
<p>Improving safety and stability in custodial centres and supporting the Youth Justice workforce</p>	<p><b>6.31, 6.46, 6.54, 6.55, 6.59, 6.64, 6.66, 8.1, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 8.10, 8.11, 8.12, 8.13, 8.17, 8.18, 8.19, 8.20, 8.21, 8.22, 8.23, 8.24, 8.25, 8.26, 8.27, 8.28, 8.29, 8.30, 8.31, 8.32, 8.33, 8.34, 8.35, 8.36, 8.38, 8.39, 8.43, 8.44, 8.40</b></p>	<p>The Government recognises that a secure and stable custodial environment is essential to keep our staff safe, for rehabilitating young people and supporting their successful reintegration back into the community. In addition to Government’s investment of over \$429 million in Youth Justice infrastructure, we have invested:</p> <ul style="list-style-type: none"> <li>• \$3.8 million for the creation of a new Custodial Classification and Placement Unit, which is now in place, to review the security risk of all young people in custody to ensure they are appropriately and safely placed.</li> <li>• \$2.5 million to reinstate and expand structured day programs across both Youth Justice precincts, such as programs that teach life skills, to ensure a more secure custodial environment, promote positive behaviour and assist in the rehabilitation of young people.</li> <li>• \$9.3 million to boost training and skills for Youth Justice staff and to deliver a dedicated recruitment campaign for our custodial centres.</li> <li>• \$1.7 million to employ 21 new Safety and Emergency Response Team staff.</li> <li>• \$14.3 million for increased security at our custodial centres, including an enhanced intelligence function, which is in place, and additional custodial staff. Funding was provided in the 2019-20 Budget to continue these initiatives.</li> </ul>

<p>Strengthening leadership and oversight, strategic planning.</p>	<p><b>5.1, 6.1, 6.4, 6.5, 6.8, 6.16, 6.17, 6.18, 6.20, 6.21, 6.22, 6.23, 6.24, 6.25, 6.29, 6.30, 6.47, 6.48, 6.49, 6.51, 6.52, 6.53, 6.56, 6.57, 6.58, 6.61, 6.62, 6.65, 6.67, 7.2, 7.14, 8.2, 8.37</b></p>	<p>The Government recognises the need for strong leadership and accountability across the system and a clear framework to rehabilitate young people, reduce offending and drive the achievement of outcomes.</p> <p>Significant work has progressed on reforms to strengthen system leadership and oversight and to improve strategic planning. This is being informed by increased partnerships with stakeholders, academics and experts in the field to ensure our reforms are creating a contemporary and evidence-based system.</p> <p>The responsibility for youth justice in Victoria has also been moved to the Department of Justice and Community Safety. All custodial and community-based youth justice services have been moved to this Department from the Department of Health and Human Services, effective from 3 April 2017.</p>
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**2. Budget Paper 3 (page 274) , what is the current average of young people in custody per day?**

The 2018-19 expected outcome for the average daily number of young people in custody is 203.

**3. Has there been an increase in high security ‘clients’ in the past 12 months?**

The average daily number of young people in custody for 2017-18 was 200.6. The 2018-19 expected outcome for the average daily number of young people in custody is 203.

Security is a dynamic issue which is assessed on an ongoing basis throughout a young person’s time in custody. A Custodial Classification and Placement Unit was established in 2017 to manage the intake, assessment and appropriate placement of young people across the custodial system based on their assessed risk and needs. Using validated assessment tools, the unit assesses and dynamically reassesses the risk of each young person in custody to inform decisions about where a young person is accommodated throughout their period in custody. The use of these assessment tools ensures that those young people with the highest reoffending risk receive the most intensive interventions. Young people are supported by the introduction of an expanded suite of Youth Offending Programs that have been redesigned and strengthened to target offending behaviour.

A new Intensive Intervention Unit is currently being designed, which will operate as a dedicated facility to support young people in custody who are high risk and with complex needs.

**4. As a result of an increase in high security clients, has this impacted on staff safety?**

Youth justice staff work with complex young people in a very challenging environment. Supports are in place for staff particularly in relation to incidents of aggression or violence against them. Youth Justice has a dedicated health and wellbeing team to support custodial staff.

In addition to the measures discussed above, considerable work has been done to improve safety and security across Youth Justice centres, including the recruitment of extra staff, training in incident prevention and response, and security upgrades. A new Intensive Intervention Unit is currently being designed, which will operate as a dedicated facility to support young people in custody who are high risk and with complex needs.

The safety of staff continues to be a top priority, and the Government is amplifying efforts to reduce occupational violence and workplace fatigue. In April 2019, a Youth Justice Custodial Facilities Working Group was established to drive the work in this area. Through this Group, the department is working

closely with a number of key stakeholders to ensure that youth justice custodial facilities are safe for the workforce and young people.

**5. How many Incidents reports have there been in the past 12 months by staff from assaults from clients and can you give a breakdown of the assaults by age of the client and risk profile?**

The Government has made a commitment to publish quarterly incident data relating to incidents involving children and young people in the youth justice system. Youth Justice Custodial Quarterly Incident Reporting Data, including data on assaults, is available on the Department of Justice and Community Safety website.

**6. Of the Category 1 Incidents, how many days off work were taken by staff due to the incidents and what was the average time to return to work?**

Departmental employees may make a WorkCover claim for work-related injuries or illnesses. Information relating to the number of standard claims received by the department (including Youth Justice) in 2017-18 is published in the Department of Justice and Community Safety annual report.

As Category One incidents do not necessarily involve injury to staff (e.g., a serious medical event), reporting of Category One incidents does not include data on the number of staff that took leave as a result of an incident.

Youth justice staff work with complex young people in a very challenging environment. Supports are in place for staff particularly in relation to incidents of aggression or violence against them. Youth Justice has a dedicated health and wellbeing team to support custodial staff.

Considerable work has been done to improve safety and security across youth justice centres, including the recruitment of extra staff, training in incident prevention and response, and security upgrades. New laws are now in effect that strengthen consequences for young people who assault youth justice custodial workers.

A dedicated Youth Justice Custodial Facilities Working Group has been established to consider key challenges facing Youth Justice's custodial system, including ways to support the workforce and reduce the incidence of occupational violence in youth justice custody.

**7. There have been numerous reports of contractors working on the Cherry Creek Youth Justice Facility not receiving payment for services. Can you confirm Cherry Creek will be completed on time as promised?**

The managing contractor of the Cherry Creek project has advised that all subcontractor and supplier payments on the Youth Justice Redevelopment Project are up to date. The Cherry Creek facility is scheduled to be completed in 2021.

**8. Will the delay of paying contractors building the much needed youth facility affect the tender process?**

The managing contractor of the Cherry Creek project has advised that all subcontractor and supplier payments on the Youth Justice Redevelopment Project are up to date. The Cherry Creek facility is scheduled to be completed in 2021.

**9. The 2019/20 Budget Paper 3 (page 274) states that the actual budget spent on Youth Justice Custodial Services was \$100.7m in 2018/19 the expected outcome is \$156.7m and the target for 2019/20 was \$168.9m. This is an extra \$124.8m over 2 years spent on custodial services, can you provide a breakdown of where that \$124.8m has been allocated.**

- i. **How much of that \$124.8m is for or has been for repairs by 'client damage' at the Parkville Youth Justice facility?**
- ii. **How much of that \$124.8m is for or has been for repairs by 'client damage' at the Malmsbury Youth Justice facility?**

A component of the Youth Justice custodial operating budget is set aside for responsive maintenance and repair works which includes the cost of repairing damage caused to Youth Justice facilities, as well as works for general maintenance issues that arise in the ordinary course of operations that are unrelated to client behaviour. Therefore, as not all responsible repairs and maintenance can be attributed to client damage, direct comparisons cannot be made between the cost of responsive works and the cost of historical works. The department is committed to addressing legacy maintenance issues to strengthen the safety of the precincts for the workforce and young people.

The cost of repairs due to client damage and other unplanned maintenance is tracking significantly lower for the current financial year compared to previous years. Youth Justice's overall spend on responsive repair works in 2017-18 was \$4.6 million. As at 30 April 2019, Youth Justice has spent \$2.5 million on responsive maintenance and repair works for the 2018-19 financial year.

**10. How much of the \$124.8m has been spent on upgraded security measures at the Parkville and Malmsbury Youth Justice facilities?**

The Youth Justice custodial operating budget provides for security measures such as the Safety and Emergency Response Team, the Corrections Victoria Security and Emergency Services Group, and the Youth Justice Intelligence Unit to ensure the safety and security across both youth justice centres. The 2019-20 Budget provides \$20.1 million to ensure these important security initiatives continue to ensure the safe and stable operation of the custodial centre.

See below for capital funding provided for infrastructure strengthening works.

**11. Of the security upgrades in the past 24 months, we have seen some of them fail. This includes 'clients' still having access to the roof of custodial centres. Of the funds, how much was spent of allocated to upgrading the failed upgraded security?**

Significant investments have been made in Youth Justice's custodial infrastructure to meet demand, keep the custodial workforce safe, and rehabilitate young people and reduce their risk of reoffending. This includes the \$58 million provided in the 2017-18 Budget to repair and strengthen the Malmsbury and Parkville precincts. The program of fortification and strengthening works has significantly improved the security and safety of the youth justice precincts. This is an ongoing and dynamic program of work that requires continued focus, and the department is continuously monitoring the condition of the precincts and evaluating operations to ensure they are safe and secure.

**12. With high security risk clients continuing to breach current secure areas, putting staff at risk and assaults on other 'clients' still continuing, what level of funding is directly allocated other measures to protect staff and clients?**

- a) **Do staff have panic buttons they carry on themselves, and if so was there any modification to them in the past 12 months, or plans to upgrade in the next 12 months.**
- b) **How many times have panic buttons been used in 2018/19?**
- c) **Is this and increase or decrease from the previous 12 months?**
- d) **On how many occasions have panic alarms failed?**

Considerable work has been done to improve safety and security across Youth Justice centres, including the recruitment of extra staff, training in incident prevention and response, and security upgrades. New laws are now in effect that strengthen consequences for young people who assault youth justice custodial workers.

The 2019-20 Budget provides \$20.1 million to maintain safety and security in custodial centres. This includes Safety and Emergency Response Team staff (SERT), Corrections Victoria Security and Emergency Services Group staff (SESG), senior operational staff and staff on the units. This investment also provides

for the Youth Justice Intelligence Unit who monitor the behaviour of young people and ensure custodial management have intel-led and targeted information available to inform them in making day to day decisions on security threats and prevention of incidents.

Youth Justice custodial staff are required to carry a radio and duress while on shift. If there is an incident, the staff member can activate their duress, or radio in the relevant code to Control (central command) who will respond accordingly. As a result of a code being called the SERT respond, with further response capability if required by SESG. Further detail on incident response protocols is not suitable for public release as this information may compromise security.

- 13. Budget paper 4 page 69, the estimated expenditure for the new youth justice facility (Cherry Creek) up until 30 June 2019 was \$86,228m and in Budget Paper 4, Page 73 of the 2019/20 budget, the estimated expenditure to 30 June 2019 (same date) was \$41,228m. This is \$45m short of the projected expenditure to date. Can you provide a guarantee and a timeline to ensure that the new facility will be completed by Quarter 4, 2021 considering by the budget's estimate you are more than 50% behind planning and construction?**

The Cherry Creek facility is scheduled be completed in 2021. Delays in receiving environmental approvals from Commonwealth authorities resulted in initial construction delays to the project. These approvals have now been granted, and preparatory works commenced in January 2019. To account for this, capital funding for Cherry Creek has been re-phased to the 2019-20 and 2020-21 financial years.

- 14. Can you provide a breakdown on where the \$86.228m was to be allocated and which part of those allocations have not been expended to date? Is there a scope of works that can be released?**

The managing contractor for the Cherry Creek project was appointed on 17 May 2018, and preparatory works commenced on site in January 2019. Expenditure to date includes tender and selection process, early design works, early works and initial construction costs.

- 15. Cherry Creek is set for completion in Quarter 4, 2021. Secretary can you please confirm the number of beds provided in age range from 10-14, 15- 18 and 18 and over?**

The Cherry Creek facility will be a modern and fit for purpose facility designed to ensure that various cohorts in youth justice can be accommodated appropriately according to their assessed risk and needs and in a way that ensures the safety and stability of the workforce. The future configuration of Youth Justice's custodial system and the placement of different cohorts of young people across the system, including at Cherry Creek, will be informed by a range of factors, including forecast demand. System configuration planning is well underway, with the aim of ensuring that the system is stable and safe for youth justice custodial staff, and that young people receive appropriate interventions and support to maximise rehabilitation and reduce their risk of reoffending.

- 16. Secretary, can you please provide the breakdown of beds in levels of security –**
- a) How many high security beds will be allocated to 10-14 year old offenders?**
  - b) How many high security beds will be allocated to 15-18 year old offenders?**
  - c) How many high security beds will be allocated to 18 and over offenders?**
  - d) How many medium security beds will be allocated to 10-14 year old offenders?**
  - e) How many medium security beds will be allocated to 15-18 year old offenders?**
  - f) How many medium security beds will be allocated to 18 and over year old offenders?**
  - g) How many low security beds will be allocated to 10-14 year old offenders?**
  - h) How many low security beds will be allocated to 15-18 year old offenders?**
  - i) How many low security beds will be allocated to 18 and over year old offenders?**

The Government is continuing to give careful consideration to the longer term infrastructure needs for Youth Justice. The Cherry Creek facility will be a modern and fit for purpose facility designed to ensure

that various cohorts in youth justice can be accommodated appropriately according to their assessed risk and needs and in a way that ensures the safety and stability of the workforce.

The design will factor in legislative and operational requirements to separate young people based on sentence/remand status, age and gender. It will also allow for young people to be placed according to their risk and needs, as assessed by the Custodial Classification and Placement Unit who manage the intake, assessment and appropriate placement of young people across the custodial system.

Cherry Creek is anticipated to include specialist mental health, intensive intervention and AOD treatment services and supports.

As available in the Report on Government Services, the number of permanently funded beds in Victoria in 2017-18 was 260. This does not include the 68 new beds funded in the 2017-18 Budget Update.

A dynamic classification and risk assessment system informs custodial placement options in Youth Justice. Unlike the adult corrections system where a similar risk assessment determines placement in a dedicated high, medium or low security facility, the small size of the Youth Justice system means that risk assessments in Youth Justice determine a young person's placement within particular units in a facility. The future configuration of Youth Justice's custodial system and the placement of different cohorts of young people across the system, including at Cherry Creek, will be informed by a range of factors, including forecast demand. System configuration planning is well underway, with the aim of ensuring that the system is stable and safe for youth justice custodial staff, and that young people receive appropriate interventions and support to maximise rehabilitation and reduce their risk of reoffending.