

DETENTION AS A LAST RESORT ¾ END OF THE LINE OR A NEW BEGINNING?

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THE MOTIVATION FOR THIS PAPER HAD ITS GENESIS IN THE PROCESS of change in juvenile justice policy, which saw detention centres, after being acceptable as the mainstay of juvenile justice for decades, suddenly become the "last resort", and the work of the staff appeared to be devalued and marginalised.

Whilst the negative feelings towards this marginalisation of detention centres remained, they were overshadowed by the need to do the job—not just sit around believing we did not really do anything for young offenders, and that it was only other people who could really help them.

When I commenced working in detention centres in the early 1970s, my colleagues and I believed that we had a lot to offer the young people in our care, and could actually help them achieve change in their lives. We were positive and committed, as were many other people working in such situations. We were constantly suffering statements such as ". . . if a young person leaves a Centre no more damaged than when he arrived, you have done a good job . . .", and other writings such as those cited by Borowski and Murray (1985, pp. 74-5). They were apparently unable to find any positive writings about institutional treatment, and could only identify deleterious effects from incarceration. This was real morale building stuff! Apart from our own belief in what we were doing, there did not seem to be a lot of support for detention centres being a positive treatment option.

In 1992, the Australian Institute of Criminology (AIC) held its first conference on juvenile justice—a conference which was so heavily focussed on community based alternatives, that detention practitioners felt alienated and devalued for most of the conference. The final session, however, revealed a surprising point from the conference proceedings. That point was that we should concentrate resources at the point where juvenile offenders are most at risk of making a penetration into the adult correctional system. It seemed that people were actually saying that we were worth resourcing; that people actually believed that we could do something for these young people; that change, whilst in detention, really was possible. And so out of that

conference, and its findings, and out of discussions between detention practitioners from around the country and staff from the Australian Institute of Criminology, came this conference.

Detention has to be seen as a positive and realistic option for some juvenile offenders, not just something you do because everything else has failed. There is a range of options available within the juvenile justice "system", which provides a continuum of tariffs for intervention. Detention is an integral and productive part of that continuum.

It is important that it is clearly recognised and understood, that many of the young people who come under the umbrella of juvenile justice services are severely damaged. They have been "got at" by society, their families, and a myriad of other forces, which have inter-played with the processes which have shaped the development of their personalities to the point that their coping mechanisms have skewed away from what society prescribes as acceptable.

Many of these young people do not want to be counselled. They do not want some well meaning "professional" telling them what they need; or have to do; or how they have to change. Many of them have their defences tightly set around them, as their only means of coping with a society which they perceive as hostile and antagonistic.

Many of them just need something in their lives that they can rely on. They long for a time when things will be consistent; when they can wake up in the morning and find things are the same as the night before; when there are adults around who are congruent—who say what they mean, and mean what they say; when they do not have to use all their personal resources just trying to survive. For many of them, a detention centre is such a place: it is a place where they can slowly relax and stop fighting the world; where they can feel safe to let a few of their defences down, and not be "got at" when they do so; where they can actually take a few risks without the fear of suffering if they fail.

In Wagga Wagga, the Riverina Juvenile Justice Centre provides a very positive option for those young offenders who have not responded to other forms of less intrusive intervention. Whilst it has received substantial criticism, and has been referred to as the "Riverina Hilton", the simple fact is, that it is a comfortable and pleasant environment in which young people can serve their sentences. What that means is that young people do not have to expend their energy fighting the system and environment. They can therefore use it to make some positive use of the facilities, programs and staff expertise, to work towards an effective reintegration into the community at the end of their sentence. The positive responses, lack of damage, graffiti, low incidence of escapes, are due testimony to the merits of such a program and environment.

Detention centres have a chequered reputation in the annals of juvenile justice history. There is no doubt that there are some negative stories to be told of the treatment of incarcerated young people in years gone by. There is likewise no doubt, that there are some very positive stories of rehabilitation and growth and change, which for some reason, never seem to gain such

notoriety! Unfortunately, working in detention is akin to straddling razor blades.

- If we are too easy on young people we should be harder.
- If we are too hard on them we are brutalising them.
- If our centres are too comfortable we are pandering to them.
- If they are too austere we are accused of being inhuman.
- If we provide lots of programs we are spoiling them.
- If our programs are limited we are not doing enough.
- If we show care and concern we are trying to alienate them from their families and communities.
- If we are detached and procedural we do not really care.

From discussions held with detention practitioners from most jurisdictions, there is a desire across the nation to provide positive and realistic programs for young people who are incarcerated, to help them break the cycle of offending and return to the community as responsible citizens. It is not an elitist position which holds that detention centres are the only places where young people can be helped. It is a position which recognises that there must be a variety of media available to try and reach these young people, to help them break the cycle of offending, and have the chance of living a full and productive life. Detention is one such medium.

The people we are talking about are children. Children who may have robbed, stolen, cheated, raped or murdered—but still children. Children who think, feel and have dreams, and who do not want to be abandoned to pessimism and hopelessness in a hostile and rejecting world.

Detention centre staff do not want to talk about "last resorts": if incarceration is the "last resort", what do you call it when a youth gets locked up again? "Last resort plus one"? "The ultimate resort"? We do not want these young offenders to think that they are at the end of the line. We do not want them to see themselves as beyond hope. We do not want to see them pre-destined to transition into the adult system. We want the time they spend with us to be a new beginning and for them to see that they do have choices—and chances. We want them to achieve their positive potential, not bide their time and just accept whatever comes along.

In New South Wales, since the establishment of the Office (now Department) of Juvenile Justice in particular, a renewal has taken place in regard to the role of detention centres. This does not mean that there has been a slide back to the old mentality, which held detention centres as the main means of dealing with juvenile offenders. Rather, it has meant a recognition that detention centres have an important role to play, in the concept of "best practice" in juvenile justice.

There has been criticism of the New South Wales Government for moving juvenile justice away from the "welfare" administration, into its own department. Practitioners, on the other hand, think the move has been overwhelmingly positive. No longer are we part of a mish-mash of competing priorities, in which juvenile justice always seemed to get the short straw. We now have an administration which is responsive to our needs—because it is

interest focussed, rather than being multi-focussed, as was the case in the past.

The manner in which such centres are resourced has been re-evaluated. It is no good just paying lip service to the concepts, if the resources are not there to back up the theory with practice. Our centres have been significantly upgraded to provide high quality facilities for education, vocational training, recreation and personal development programs. Additional staff have been provided to develop programs to maximise the use of these facilities. A strong emphasis has been placed on individual casework to ensure that the real needs of each young person in care is addressed. Young offenders from special needs groups have been properly catered for with interest-specific programs.

Resources have also been provided for assessment, counselling and support services. Each centre has a psychologist; an alcohol and other drugs counsellor; seven-day nursing staff and casework coordination staff. Resources are also provided for families to visit their children whilst in custody. Travel assistance and suitable accommodation is provided, so that in Wagga Wagga we have been able to assist families from the far north coast, south coast, the far north-west, Queensland, Victoria, and other places, who otherwise would not have seen their children for the whole of the sentence. Obviously this is beneficial to the children's responses to the program, and in turn, their future.

There has been criticism of the Department for the construction of a dedicated high security centre—Kariong, at Gosford. In the past, the Department had to cast around trying to find a suitable means of working productively with the most difficult young people in the system. By establishing Kariong, a very positive and successful alternative has been established.

As manager of a juvenile justice centre which takes young people on first placement out of Kariong, I have found them to have a very clear understanding of their responsibility for their actions, and quite positive views of the benefits they can accrue from the system. I have not found young people who are brutalised, or coerced into compliance—as has in the past often been the case with centres with such clientele. Rather, I have yet to have a single failure from that program, which is a significant credit to the staff who are working with these extremely difficult young offenders.

Young people in detention in New South Wales will have the best chance possible of making a successful reintegration as a positive member of the community on discharge. The Department's policy and practice says we are going to do everything we possibly can to ensure that these young people do not end up in detention centres. Now that does not sound defeatist. It does not sound like end of the line/last resort sentiment. It sounds like there is a belief that progress is possible. And these are sentiments which have been expressed, at least at a practitioner level, throughout Australia. Nowhere have I encountered a pessimistic view of what detention centres can achieve; a view that these children are beyond help, or that we are their last resort. Rather, there is an enthusiasm and commitment to help these children find

new hope, to believe that this is their world too, and that they have a place in it, and a positive contribution to make.

Young people who come into our care are not being abandoned, they have not been dismissed as being beyond help, and they most certainly are not being brought into a system to learn how to commit more serious crimes, as inferred by Lynn Atkinson in her keynote address. These young people are not at the end of the line. They have 75 per cent of their lives to live! I do not see detention as a "last resort". It can be a positive alternative to help young people make an important first step towards a new beginning . . . and we are proud of it!

References

Borowski, A. & Murray, J. 1985, *Juvenile Delinquency in Australia*, Methuen Australia, North Ryde, NSW.