

# PREFACE

THE IMPETUS FOR THE NATIONAL CONFERENCE ON JUVENILE DETENTION was an earlier conference on Juvenile Justice held in Adelaide in September 1992. At a time when punitive responses to juvenile offending were gaining favour with some state governments, the 1992 Juvenile Justice Conference provided a forum for theorists and practitioners to pose the difficult questions, to argue the alternatives to the looming "get tough" approach, and to seek balance and rationality in the juvenile justice debate. Better preventative and community based services and programs were advocated at the 1992 conference, particularly within the ambit of improving access to social justice.

In such a context juvenile institutions did not feature as a discrete topic on the conference agenda. This was seen as an omission by some conference delegates from the juvenile corrections arena. Perhaps following in part a straightforward logic which recognises that "get tough" policies go hand in hand with an increased emphasis on incarceration, these juvenile corrections administrators and practitioners put the case for a separate, national conference focussing on juvenile detention. That conference took place in Darwin in August 1993.

Since the late 1970s Australian juvenile institutions have weathered substantial changes in juvenile justice policy and practice. Until this time the "welfare" model of juvenile justice, with its rehabilitative thrust, had predominated. Relative to today, detention centres in the 1970s and into the 1980s were well populated with young people whose behaviour had been judged by the courts to be either "pre-delinquent" or law breaking. The regimes in these detention centres—or "training schools"—were intended to re-route these young people to the path of responsible citizenship, through social and pre-vocational skills training and behaviour modification programs. The programs were devised in keeping with the mainstream values of the day. Because of indeterminate sentencing provisions, graduation from these programs was a major factor in an individual's eventual release.

The costs, inequities, and ultimately failures of these well intentioned "welfare-based" policies and practices have been well documented. Reviews of juvenile justice policy and practice took place around Australia, from the late seventies in South Australia, through the 1980s, and into the 1990s, with Queensland the latest jurisdiction to formally review its welfare-based juvenile justice legislation. Under new legislation, principles of "justice" or "due process" were to inform the juvenile court, and detention was to be used as a last resort. Young people about whom there were welfare concerns, but who were not remanded or convicted as offenders, were no longer to be kept in secure custody. Indeterminate sentences became outmoded and

unacceptable, the advent of the 1992 West Australian *Crime (Serious and Repeat Offenders) Sentencing Act* notwithstanding.

The shift to due process gave better protection to individuals facing the juvenile justice system, and it recognised the costly failure of secure custody to produce conforming citizens. But although juvenile detention centres were stripped of their pretensions to reform en masse, these institutions, their staff and a smaller, clearly defined clientele remained.

What are some of the issues then, for juvenile detention centres operating in the 1990s?

Juvenile detention is under-researched in Australia. Lynn Atkinson's paper highlights the need for a more comprehensive national data base on juveniles held in detention, and for greater accountability in relation to the holding of juveniles in detention centres, adult prisons and police custody. Problems in the juvenile justice system for urgent redress include the gross over-representation of Aboriginal youth in detention, and the exacerbation of punishment for many outback Aboriginal youth who are detained far from their homes and cultural bases. Lynn Atkinson's paper also raises the spectre of privatised juvenile corrections and recommends the topic be debated before, rather than after the event.

While nationally there is a paucity of information on juvenile detention, some jurisdictions are equipped with systems capable of providing policy makers with comprehensive, high quality information, and of tracking the outcomes of new policies and legislation. Michael Cain's paper profiles the detained juvenile population in New South Wales, and includes information on the ethnicity, offence record, and penalties incurred by detainees. Among other findings, Michael Cain found that Indo-Chinese and Aboriginal youth were grossly over-detained.

Following on from Michael Cain's paper, Ian Graham spoke about the management of different cultural groups in juvenile detention centres in New South Wales. His paper highlights the need for comprehensive knowledge about young offenders and the offences they have committed, so detention centre programs can be appropriately targeted and relevant. Community consultation is an inherent part of successful program development for particular groups.

Vaughan Duggan's paper focuses on the introduction of unit management policies and procedures in Victorian detention centres. It presents as a model an integrated structure with well defined loci of responsibility and clear lines of accountability. The paper discusses the challenges of relating theory to practice.

David Harvey's paper looks at the current legislation and sentencing practices in relation to secure custody in New Zealand. Peter Campbell and Elizabeth Nielsen's paper contrasts juvenile justice systems in New Zealand before and after the introduction of the 1989 Children, Young Persons and their Families Act and gives a detailed description of the current national secure program for young offenders.

Chris McRobert's and Laurie Myers' papers argue for a different perspective on juvenile detention: detention as a new beginning rather than a last resort. On the evidence, Chris McRobert's faith in the ability of juvenile

detention centres to reform young offenders and, with better resourced after-care programs, equip them to stay clear of offending behaviour, is largely unwarranted. However, to some extent his sentiments are consistent with a running theme of the conference, that when detention is unavoidable, exemplary programs, which are perceived by the offender to be useful and relevant, must be an integral part of detention and aftercare regimes.

As a detention centre manager, Laurie Myers recalled in his presentation the demoralisation of staff which accompanied the shift from "welfare" to "justice". Under the previous welfare philosophy, and in the context of the closed world of the juvenile detention centre, many staff felt their work had value and purpose: regardless of outcomes, they saw themselves as key figures in the re-training and disciplining of delinquents, rather than as mere custodians. With the shift to due process came a changed and diminished clientele, and an apparent change of emphasis, from rehabilitating the wayward to warehousing the recalcitrant. Juvenile detention centres do not exist to serve the needs of staff, nevertheless it is clear that motivated, trained and committed staff are better able to motivate, train and inspire young people in their charge than staff who are demoralised and without purpose. Laurie Myers' paper seeks purpose and program satisfaction for detention centre staff and inmates alike.

Liam Guilfoyle's paper describes the introduction and provision of a casework approach to managing juvenile offenders in detention in New South Wales. The paper discusses the rationale of the approach, some difficulties, and the intended outcomes, from the points of view of both staff and detainees.

In her paper on young women and the juvenile justice system, Jenny Bargaen explores some interconnected themes: the criminalisation of young women; definitions of delinquency; and, the role of the juvenile justice system in each of the above. The issues are fundamental, Jenny Bargaen argues, to any study of young women and detention. Because these issues are part of the context to girls' incarceration, serious research into and consideration of these matters should inform policy and practice.

The special circumstances and needs of young women in a system developed and geared predominantly to the containment of young men, is a theme continued by Elizabeth Moore. She argues in her paper for alternatives to secure custody for young women, with resources allocated to community-based preventative and supervisory programs.

Tim Keogh's paper provides an overview of research into psychological interventions with detained youth. It discusses protocols for assessment and intervention and emphasises an individual needs-based approach. In Tim Keogh's framework, an important aim of psychological intervention for serious offenders is to restore feeling, communication and relating functions.

The paper by Trevor Cairney, Kaye Lowe, Peter McKenzie and Dina Petrakis, describes an action research project which studied literacy standards and practices in New South Wales detention centres. The project sought to develop and engage in literacy programs which would encourage the setting and achievement of individual learning goals, and hence would be empowering for detained students.

Ron Wilson's paper discusses fundamental changes in the delivery of vocational training in Victorian detention centres.

In the final paper in this volume, Lloyd Owen raises some research questions relating to various high tariff interventions for serious young offenders.

Lack of accessible information about juvenile detention has led variously to complacency, ill-informed policy decisions, and costly mistakes in human and dollar terms. The National Conference on Juvenile Detention, like most conferences, raised more questions than it answered. Nevertheless, the information disseminated in papers and the discussions which took place in workshops went some small way, as final panellist Mike Martin put it, towards bringing juvenile detention "out of the closet".

Lynn Atkinson  
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