

Aboriginal Peak Organisations Northern Territory

An alliance of the CLC, NLC, CAALAS, NAAJA and AMSANT

NT Royal Commission Response Background Paper

New youth justice facilities

2.7 What should happen to Don Dale and Alice Springs Youth Detention Centres?

Current youth detention facilities must be closed as soon as possible.

The Northern Territory Government has agreed that current youth detention facilities are not suitable, have no therapeutic value and that we need to do things vastly differently.¹

Detention of children and young people must be a genuine last resort, and for the shortest possible period of time. Immediate efforts must be made to reduce the number of children in detention, and particularly the high number on remand. The recent Northern Territory Government initiatives moving towards establishing supported bail accommodation options and expanding the use of Youth Justice Conferencing are examples of initial steps in the right direction.

Under a future youth justice system, there may be a need to detain a very small number of young people who have been sentenced for serious violent offences in a secure environment. New facilities will be required for this purpose. Detention of any kind is unsuitable for children under the age of 14 years given their age and stage of brain development.

What should new detention facilities look like?

Planning for the construction of large detention centres is planning for failure.

Future secure facilities in the Northern Territory should be:

- Small, purpose-built therapeutic facilities that cater for 6–10 young people
- Designed to promote rehabilitation and education and enable Aboriginal children and young people to maintain connection to their family, community and culture
- Incorporate flexible spaces, including outdoor areas for culture, recreation, and family visits, as well as spaces that afford privacy for medical consultations, legal and other professional visits
- Staffed by a range of professionals who are actively committed to meeting the needs of young people, including psychiatrists, psychologists, social workers, Aboriginal Liaison Officers, and Youth Justice Officers

¹ Oral evidence of Jeanette Kerr to the Royal Commission into the Protection and Detention of Children in the Northern Territory, 8 December 2016, 525:12-14.

- Governed by comprehensive Standard Operating Procedures which prohibit the use of isolation and strictly limit the use of force and use of restraints
- Designed to accommodate the needs of different cohorts of detainees, for example, girls and young women, young people with disabilities and those of varying ages
- Designed to meet the climatic conditions of northern and central Australia
- Designed to comply with the Havana Rules, other applicable international standards for juvenile justice facilities, and the Australasian Juvenile Justice Administrators Juvenile Justice Standards.

The Northern Territory Government should commit to a co-design process with Aboriginal organisations and communities to ensure Aboriginal people have genuine input into the design of future youth detention facilities.

Consideration should also be given to the appropriateness of housing Aboriginal children and young people from different clans/communities together.

Consideration of new facilities must occur within a context of broader reform of the youth justice system, including increased investment in other interventions along the continuum such as alternatives to detention.

A new system of accountability

Australia has now ratified the Optional Protocol for the Convention Against Torture and previous abuses of children in NT detention centres must never happen again. A new system of accountability and transparency must guide and operate in systems of custody and detention of children.

The Aboriginal Children's Commissioner must have powers of investigation into and scrutiny of the running of detention centres and police custody facilities to ensure the safety of children and that complaints are dealt with in an appropriate and timely manner. (Refer to briefing paper 3.5 on a new Children's Commission).

What do we know works in other jurisdictions?

United States: Missouri Model

The Missouri Model in the United States adopts a therapeutic and developmental approach in secure or non-secure accommodation, according to the seriousness of the offence. It is considered a best practice model for treatment of youth who offend, and has been in operation for 25 years:

- it eschews large institutions in favour of smaller group homes, camps, and treatment facilities
- safety is maintained through relationships and eyes-on supervision rather than isolation and 'correctional hardware' such as restraint chairs and spit hoods

- it provides intensive youth development offered by dedicated youth development specialists rather than correctional supervision by guards
- a review of the program published by the Annie E. Casey Foundation suggests that the model has achieved 'far lower recidivism than other states [in the US], demonstrates an impressive safety record, and positive youth outcomes – all at a modest budget far smaller than that of many [US] states with less-enviable outcomes.'²

² Richard A. Mendel (2010), The Missouri Model. Reinventing the practice of rehabilitating youthful offenders, Annie E. Casey Foundation, Baltimore Maryland.