

Inquiry into Adult Imprisonment and Youth Detention Matters

In providing a submission relative the subject matter, it is my intention to specifically address “Youth Detention Matters” only.

Throughout this submission the following terms will be used:

- AYDC – Ashley Youth Detention Centre
- resident – meaning inmate/detainee at AYDC
- youth worker – same meaning as “Corrective Service Staff”
- room – meaning “Cell”

As a lead into addressing the Terms of Reference I have had “charge of” and also worked at AYDC.

CONTROL AT AYDC

In the year 2000/2001 while the Commander of Police, Northern District, I took control of AYDC because of the escalation of bad behaviour, management issues and an abnormal number of escapes from the centre. I worked with the Management Team and had police working in the centre for about 3 months. The activity experienced, including escapes, saw the erection of the perimeter fence.

During that period the resident numbers were about 30 - 40 (it now fluctuates between about 11 and 16). It was an extremely abusive and aggressive workplace with staff and police being continually pushed about, threatened with other physical violence and abused throughout entire shifts. Physical restraint was required at intervals and in many cases to protect from self - harm and harm to other residents – as the case is today.

During the period I learned “Youth Detention” was a formidable task, a dangerous and abusive environment requiring specially trained youth workers who were capable of accepting sustained periods of abuse – both verbal and physical.

WORKING AT AYDC

I commenced work at the AYDC in September 2022 as a result of a call to the Retired Police Association (RPA), from, I believe, the Department of Justice, for ex police officers to work at AYDC to give support to the youth workers because of critical staff shortages.

Six ex police responded to my knowledge, with five completing an induction day. I concluded on 21 December 2022 with one other remaining ex police officer. I spoke with members leaving before this time who all said they were unable to cope with the sustained abusive, both verbal and physical behaviour of the residents. One left because they feared they would retaliate in defence of themselves.

I will address some of my experience under the Terms of Reference.

1. Factors influencing increases in Tasmania's prisoner population and associated costs:

The increase in "prisoner population" results from numerous factors, including without doubt, the economical position we find ourselves in – cost of living increases in almost every vital resource necessary to sustain life and a family. The ready access to illicit drugs and while I don't have ready access to the statistical data now available, drugs were involved in some way or another in 70 – 80 % of all crime.

Lack of family/parental support

The gap between those seen as "well off" and/or "comfortable" and the lower socio - economic group(families/people) doing it tough is widening.

Youth detention numbers in AYDC is not increasing and over the past two decades the numbers have decreased from 30 - 40 to now fluctuating in numbers under 20 – lowest being 11 during my time in 2022, increasing to 16.

Associated costs continue to spiral: living costs, salaries, medical requirements and every other resource necessary to care for "prisoners" and "residents". Because of a need to be properly resourced, staff numbers in particular, the actual number of detainees at Risdon or AYDC is unlikely to impact associated costs unduly.

2. The use of evidence - based strategies to reduce contact with the Justice System and recidivism:

It is clear that strategies in place to keep "young people" out of the Justice System are working, with now only small numbers ending in detention at AYDC. However, whether or not this is seeing a significant and/or any drop in juvenile crime rates, can only be born out by available statistical data.

Young people in AYDC continually talk about criminal escapades and how on release won't be caught by police. To them it is a game – they vs police.

While driving one young person about the Devonport area on day release, he gave a detailed description of how they/he "cases" properties to break into – adding he can steal an older car – break into it, start it and be gone within a couple of minutes.

I recently spoke with a retired senior magistrate who said that the opportunities the courts now had, other than detention, to deal with offenders – and particularly young people, was working, but there was still a long way to go. He also said young people now in or going to Ashley are the "worst of the worst" and it was with all forms of rehabilitation being attempted, in most cases on multiple occasions, without any success.

Regarding recidivism, there is still much to be done to have a real impact in this area. As a number of “young people” said to me and I paraphrase, “You let us out and we go back home to the same people – same environments we came out of and you expect us to change”.

Two residents I assisted with in pre - sentence reports and two others, kept re - iterating, they would be back because it was better than being at home. On release one rang me within several days to say they were on their way back. Another was back within four to five days saying “I told you I would be back”.

Irrespective of the false reports and statements and mis - informed statements made in the Parliament and media, residents are well cared for at AYDC and to some extent this is evidenced in residents returning to AYDC. The false reporting and mis - information must stop as it is not only impacting the mental status of all employees at AYDC but is instilling into the residents a position of having control, authority and a power over staff which is dangerous in my opinion.

More must be done to suitably support “young people” on release and particularly in the area of a “home” and employment if we are to seriously decrease recidivism – rhetoric and token support won’t work and isn’t working.

3. The provision of and participation in services for people in prison and leaving prison (health, housing and legal services):

In this Term of Reference I have interpreted “prison” to also include “youth detention centre - AYDC”.

AYDC provides opportunities for education including normal education subjects, technology (computer courses), wood and metal work, art, sign printing, cooking etc and physical education - gymnasium, bike riding and other general physical activities including swimming - AYDC has a heated outdoor pool.

While these opportunities are all available many are not available during staff shortages and this was the case during my three months of employment in 2022. In fact there were many occasions where no curricular activity was available due to staff numbers and restrictive practises were in place. Restrictive practises were put in place by management and required activities to be retained to each “unit” area. In these cases education officers would come into the individual units at intervals and provide educational opportunities.

Many residents had little or no interest in educational subjects and would refuse to attend, go to sleep in class, disrupt classes, stuff about and/or leave rooms early. Residents who knew the game well would attend classes because it impacted on their ratings and reward system.

Specialist staff are available in AYDC who meet regularly with residents to talk about their needs on leaving the facility - housing requirements, employment and general needs.

Legal services and health services are readily available to all residents. Diet is an issue for residents as they have access to food and drinks almost continuously and during quiet times in their rooms. Residents are extremely demanding of food and drinks and with many putting on weight and some to excess.

Additional to these opportunities is a reward system which provides for residents demonstrating good behaviour to become involved in outside activity - farm work, lawn mowing and excursions. Residents are taken outside AYDC on day trips where they enjoy much freedom.

“Balanced Choices”

I understand this to be a business coming out of Victoria - an experienced youth worker attending AYDC frequently and providing specialist fitness/exercise and motivational talks to residents. Health drinks and health foods are given to residents. This is a well - received programme and should be continued as a priority activity.

4. Training and support initiatives for corrective service staff related to increasing individual well - being, professionalism, resilience and reduced absenteeism:

Again I am interpreting this “term” to also include youth workers employed at AYDC.

In addressing this point it needs to be known that the working environment at AYDC is an abusive and violent working environment where youth workers (including other staff and contracted staff at intervals) are subjected to verbal and physical abuse daily. Not one day passes without a worker being subjected to aggressive behaviour. In my case I was assaulted on numerous occasions - being pushed about, shoved into walls, drink and food thrown at and on me, a chair thrown at me causing a leg and foot injury and doors slammed into me.

Indecent assaults are common practice with resident on resident fondling and touching and resident on youth worker touching. There were many times where I asked a resident if they wished to make a complaint – the answer was always similar, “just playing, joking around (normally an expletive), just having fun”. Of the many sexual contacts I witnessed, resident on resident, not one complaint was made.

In my case I was touched on the breasts on occasions and being asked "if I liked it", being touched on the backside and in other sexual ways. I was frequently being asked about my sexual activity the night before and on one occasion and in front of other residents and a youth worker(female) a resident asked "if I liked it up the bum".

The resident was severely chastised by the other youth worker and me and, as was a common practice, said "can't you take a joke". This was the similar response in all inappropriate touching - "only joking".

I witnessed many vicious assaults - resident on resident and resident on youth worker.

Sadly AYDC is working with the worst of the worst young people and where every currently accepted and known form of rehabilitation has been tried and failed and in most cases, many times.

There are residents at AYDC convicted of or charged with serious crime - rapes, attempted murder, stabbings etc. Another factor is that some of these young people are known to each other through their criminal escapades and where bad blood already exists.

It is not always possible to keep the factions apart and where contact is even remotely possible all hell breaks out as it did on several occasions during my time.

Considering these factors, youth workers need to be a special type of person and I cannot be satisfied on what I went through with training, what I have been told, that the training provided is adequate to prepare a person for working as a youth worker at AYDC. Having said this I am not fully aware of the current training syllabus.

I am not sure how you can train a person to work continuously in an abusive and violent environment - an environment where you have got to be vigilant and on your mettle for entire shifts. As I have experienced and observed frequently, to do the work of a youth worker and safely there is a need for physical strength and an ability to sustain personal attacks and abuse for long periods.

The physical structure of AYDC is in the main archaic and particularly all units with the exception of the Rubicon/Bronte wing (this is newly constructed) and while it has its problem it is a far cry on all other units.

The working conditions and outdated practises heavily impact the harshness of working at AYDC.

Does the training curriculum train youth workers to accept substandard working conditions, constant abusive behaviour, physical attacks and the demanding attitudes of residents – 24/7?

At the end of a day and many after 10 and 12 hour days, I left the premises both mentally and physically drained - wanting support - support that is not available.

I am a returned serviceman having served in a war zone - involved in active service, a returned peacemaker working with the UNO in Cyprus, 35 years of policing including service with the Sydney Homicide Squad, nine years of local government and 18 years as a member of parliament. With this experience I found working at AYDC more demanding, frustrating, emotionally and mentally impacting and soul destroying.

The “support initiatives” are poorly administered and with youth workers virtually left to themselves. The fact that on the 20th of November 2022, 21 youth workers were on worker’s compensation and 11 were on suspension, is a position, in my opinion, demonstrating a lack of support initiatives for AYDC employees.

32 youth workers missing from a team of about 65/70 (I cannot confirm accuracy of this number), clearly demonstrates the enormity of the problems confronting AYDC and youth workers.

Many of those suspended are long term and there are cases where some have never had their cases investigated or concluded. This is not justice and is appalling management behaviour.

Absenteeism is prevalent and during my time it was common for rostered staff not to turn up for duty - and frequently, requiring management to ring around pleading for staff to come in. It was a destructive and destroying circumstance for AYDC.

I remained with no absences because I had resolved with myself “they would not beat me” and I felt extremely sorry for the senior people managing in extreme circumstances.

Absenteeism will always be high in this environment and/or in any circumstance working with young people in detention centres, safe homes or whatever you like to call them.

A recently “transferred” female youth worker from corrective services to AYDC spoke of the working conditions at Risdon and AYDC. Boundaries applied at Risdon for prisoners and with enforcement opportunities - whereas at AYDC there were no enforceable boundaries and with residents having significant control of their own destiny's - continually challenging youth workers to touch them - put their hands on them and inciting such contact. She said

there was no working comparison with the two places saying that working at AYDC was much harder - physically emotionally and mentally.

I witnessed several youth workers leaving the workplace in tears - sobbing - emotionally drained. I was present on many occasions when youth workers were threatened by residents, pushed, shoved and treated with absolute contempt. While it happened to me I think my many years of training to work with abusive, threatening, stand - over and violent people assisted me in retaining my sanity and control. However, having said this, I could not work long term at AYDC.

Again I raised the question - what length of training, training methods and support services should be a requisite for youth workers at AYDC?

5. Innovations and improvements to the management and delivery of corrective services that may be applied in Tasmania including to future prison/detention centre design:

New Premises

Holding staff responsible, shutting gates and building new premises will not fix any of the existing problems at AYDC, unless the real causes of existing problems are addressed.

Any secure unit will need to be configured to accommodate multiple numbers and provide for separation of factions, offender groups (murderers, rapists, violent crime), sentenced offenders and including those with severe mental problems. Female separation will need to be considered as factions and similar problems exist.

Governments have been negligent in my opinion in not ensuring AYDC management, infrastructure - premises and technology, meet today's standards necessary to provide for the care of troubled youth within a detention centre. Nor have they given the necessary attention to the selection of youth workers, training, care and ongoing support of these people.

How a government could allow AYDC to fall into the parlous state I experienced in September 2022 is beyond my comprehension. Inadequate staff numbers to run the place, no programs day in day out and little or no education programs. Staff working excessive overtime, double shifts and being called back early from breaks - it was absolute bedlam. The working conditions created serious risk issues for youth workers and caused much frustration and angst for residents.

There are a myriad of issues that will need to be addressed moving forward and with buildings alone not being the panacea.

Safe homes have been referred to. Sadly the best behaved resident always remains a real risk to others and themselves. It was while working with low risk, well behaved residents that I was assaulted. Fights break out between them and other aggressive and violent behaviour is common.

It is fair to say youth in detention have manifested evidence of unlawful and loss of control behaviour and are battling problems - some many problems. The likelihood of continued exemplary behaviour is not going to occur in detention over longer periods. The construction of "safe homes" will need to be robust and designed to give self - protection to residents and youth workers.

6. Any other incidental matters:

I question the arm chair critics, the politicians and others who have no understanding of the working environment, who listen and accept as fact, information coming out of AYDC from people who have specific agendas, including from residents. No corroboration is either sought or considered - the position of the other side is not wanted as it would likely destroy the notion that AYDC is an abusive and inhumane workplace with residents being ill - treated, sexually interfered with and locked down for 23 hours a day.

This suggestion is cruel, it is malicious nonsense and it is pernicious to the youth workers who receive no support from any of these critics including the responsible ministers/minister or any other manager. It is sickening and has been one cause of absenteeism and workers compensation claims.

The claim made by a Greens member in the Examiner 20 December 2022, "Ashley Christmas Day release urged" which in part says "... so that we know that they'll be far better taken care of than they will be in an abusive institution (my underlining) spending 23 of 24 hours locked in a cell by themselves", was insulting and fallacious. It was extremely hurtful to me as an employee at AYDC at this time.

It is not an abusive institution and residents are not locked up 23 of 24 hours.

It is accepted that over time, abuse of residents has occurred and in these cases one can only hope justice took its course - or is taking its course. Justice is not having employees suspended for years without investigation and action taken and without some support to the affected employees. Nor is it justice for victims to have allegations of inappropriate behaviour left long standing.

Every workplace has its "bad apples" including police, medical professions, corrective services, legal professions and politics - sadly it is not uncommon, but it has occurred. Racist comments/gibes by residents are common and particularly when enrage or losing control.

Workplaces and work practises have changed overtime and what was once an accepted practice is no longer tolerated. Abuse of any sort has never been tolerated.

Residents at AYDC know well how to “play the game”. They are continually talking about payouts (compensation) and taunting youth workers to engage physically with them.

Fabricating circumstances is a “trade”. In a recent ABC program aired, a resident at AYDC using the pseudonym “Oliver” spoke at length on his care at AYDC making allegations of ill treatment, abusive behaviours and being locked down for 23 of 24 hours. Most claims were false. Claims he was given little food at intervals and other claims were made.

I knew who “Oliver” was. On the morning following the ABC release I spoke with “Oliver” in the presence of another youth worker and made a written record of the conversation. This occurred at 10:03 AM on 6 December 2022. I said “(used correct name) what do you really think of your life here?” Oliver responded “I love it “old man” and if you can get me a mobile phone and cigarettes, I would live here”.

The residents demand food all day and night long and with many putting on excessive amounts of weight.

Oliver continually talked about coming into “big money” - bragged about it, saying he was buying a motorbike for his brother and one for himself and his sister was getting something big as well.

While I knew where he expected to get the money from, I did ask him and his response was always along the line - “he would be rich and he would also make his mother rich”.

Other residents frequently made reference to “payouts” – and “crime pays”.

Furniture, fittings were/are continually being broken and the Perspex panels protecting TV's and PlayStations are used to take their anger and frustration out on. The new Rubicon unit opened during my time, had the dining table broken off and door lock latch mangled, the door locks tampered with and telephone smashed.

Throwing of food/drinks on the floor, ceilings and walls was/is a common practice - all to be cleaned up by youth workers. When a resident is asked to clean up the mess the common response was/is “make me”.

Young people in AYDC are aged about 14 to 17 years with one turning 18 in 2022. High testosterone levels impact this age group and, in my opinion, impacts their sexual behaviour.

Pulling pants down, fondling of themselves and by other residents, simulating sex, exposing themselves and sexual comments/questions of youth workers, is a frequent occurrence.

On one occasion a resident was asked by me to conclude his phone call as it was time to go to his room. He abused me and said “when I finish having phone sex I will go to my...room”. It was obvious he was playing with his penis - likely masturbating.

Therapeutic justice

What is it and how is it administered? As one past magistrate said to me, “it is letting them do what they want to”. What are the measured returns of therapeutic justice?

It is right to say the issues and concerns regarding youth/young people in detention are being experienced throughout the country and are not unique to Tasmania.

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