

# Some long-term positive trends in youth detention in New South Wales (Australia)

Garner Clancey, Jedidiah Evans and Leili Friedlander

## Abstract

**Purpose** – *The purpose of this study is to highlight some long-term positive trends in youth detention in New South Wales (NSW) (Australia).*

**Design/methodology/approach** – *This paper is based on a review of major inquiries into youth detention in NSW over the last 40 years and analysis of recently published youth custody statistics.*

**Findings** – *There have been a number of positive long-term trends in youth detention in NSW, including a significant reduction in the number of young people held in custody, including the number (as opposed to the proportion) of Aboriginal and Torres Strait Islander young people; the total number of youth custody beds has fallen, and there has been a significant positive change in the physical accommodation provided to young people in youth detention, with new facilities replacing unsuitable former centres; and no young person has died in custody (though there was the tragic death of an assistant teaching instructor in 1999) since 1990. These significant positive long-term trends are often lost in the criticisms levelled at the youth justice system.*

**Originality/value** – *This paper highlights a series of positive developments that have generally received little or no attention in the extant literature. Australia, as with other jurisdictions, has had a series of damning reviews of youth detention in recent years. While the issues raised in these reviews and inquiries are important and should necessarily be addressed, it is equally important to acknowledge significant positive trends.*

**Keywords** *Young people, Detention, Custody, New South Wales, Decarceration*

**Paper type** *General review*

Garner Clancey is an Associate Professor of Criminology at the University of Sydney Law School, Sydney, Australia. Jedidiah Evans is a Lecturer based at the Department of English, The University of Sydney, Sydney, Australia. Leili Friedlander was a Research Assistant at the University of Sydney Law School, Sydney, Australia.

## Introduction

In 2016, Australia's national broadcaster, the ABC, aired horrifying video footage from Don Dale youth detention centre in the Northern Territory (NT) in its *flagship investigative journalism* programme, Four Corners. The episode, "Australia's Shame", captured national (and international) attention. The day after "Australia's Shame" aired, the Australian Federal Government announced a Royal Commission into the Protection and Detention of Children in the NT. The Royal Commission advocated for fundamental reform aimed at restoring the failed detention and child protection systems in the NT. The Commission found that youth detention centres in the NT were "not fit for accommodating, let alone rehabilitating, children and young people" ([Royal Commission into the Protection and Detention of Children in the Northern Territory, 2017a, 2017b, 2017c](#), Vol 2A: 101). Children in detention centres were routinely mistreated, verbally abused, humiliated, isolated and assaulted by staff who failed to follow the procedures and requirements of the law. The Commission found that the poor condition of the centres put young people's health, safety and well-being at serious risk and created unsafe working environments for staff ([Royal Commission into the Protection and Detention of Children in the Northern Territory, 2017a, 2017b, 2017c](#), Vol 2A: 101).

Australian youth justice systems are the responsibility of the eight individual state and territory governments. Along with the NT, many state jurisdictions have conducted extensive reviews of their youth detention and youth justice systems in recent years ([Clancey et al., 2020](#)). In Queensland, an independent inquiry was commissioned in September 2016 to examine

Received 29 June 2022  
Revised 8 September 2022  
Accepted 5 October 2022

incidents in youth detention centres (Atkinson, 2018). In Tasmania, a report into the Ashley Youth Detention Centre found that staff behaved in concerning ways towards the centre's young people (Noetic Solutions, 2016). In Western Australia, a report published by the Office of the Inspector of Custodial Services in June 2017 criticised behaviour management practices at Banksia Hill Detention Centre (WA Inspector of Custodial Services, 2018). The report recommended the government investigate opportunities for smaller youth detention facilities across the state to allow better separation of cohorts and offer more targeted rehabilitative programmes. In Victoria, a Parliamentary Inquiry into Youth Justice Centres was conducted in 2018 (Legislative Council Legal and Social Issues Committee, 2018) and there have been reviews following various incidents at youth detention centres in that state, as well as a broad and comprehensive youth justice review which recommended significant reform of the youth detention system (see Comrie, 2017; Armytage and Oglloff, 2017a, 2017b).

New South Wales (NSW) has also had various inquiries and reviews of aspects of youth detention in recent years. Some of these reviews include:

- *NSW Ombudsman*. Strip searches conducted after an incident at Frank Baxter Youth Justice Centre: A special report under Section 31 of the Ombudsman Act 1974 (2021). This report followed an investigation into the use of fully naked body searches at Frank Baxter Youth Justice Centre and included recommendations about the inappropriateness of such searches, how other forms of searching should be used and how records should be maintained of such searches.
- *Inspector of custodial services*. Inspection of six youth justice centres in NSW (2020). Inspections of Youth Justice New South Wales youth justice centres are guided by the Inspector of Custodial Services NSW Youth Justice Inspection Standards (2020). The Inspector of Custodial Services conducted a review of the six current youth detention centres in NSW in 2019. This involved analysing relevant data, conducting onsite inspections of all centres (including inspecting accommodation areas and general living conditions), interviewing staff, young people and relevant stakeholders and reviewing relevant legislation and policies. Based on this review, the Inspector made 52 recommendations, 21 system-wide recommendations and 31 centre-specific, which cover a variety of predominantly operational issues.
- *Lee Shearer*. Ministerial Review into the riot at Frank Baxter detention centre on 21 and 22 July 2019 (2019). This Review was triggered by what has been variously described as a riot, disturbance or incident, at Frank Baxter Youth Justice Centre on 21 and 22 July 2019. Young people damaged the centre and spent time on the roof during this period, resulting in the NSW Police Force being called. Six young people were hospitalised, and a staff member required an operation because of the incident. The Review made 63 recommendations covering the juvenile detention operating model, changes to infrastructure, changes to policies and procedures and changes to people and culture.
- *Advocate for children and young people (ACYP)*. What children and young people in juvenile justice centres have to say (2019). The NSW ACYP conducted focus groups and exit interviews with young people in detention between 2015 and 2019. The themes directly relevant to youth detention included: psycho-social and worker support in centres; education and programmes in centres; connection to culture (including Aboriginal culture) and religion in centres; internal centre processes and complain mechanisms. Recommendations arising from this work include raising the minimum age of criminal responsibility from 10 to 14 years, avoiding the unnecessary use of detention and providing more resources and greater consistency in and across the youth detention facilities.

In addition, there was also a NSW Parliamentary Inquiry in 2021. The resulting report, *The high level of First Nations people in custody and oversight and review of deaths in custody*,

made 39 wide-ranging recommendations predominantly focused on addressing the unacceptably high level of First Nations people (including young people) in custody in NSW. Among other recommendations, the Committee recommended the raising the age of criminal responsibility to at least 14 years and the NSW Government commit to the implementation of all recommendations from the 1991 Royal Commission into Aboriginal Deaths in Custody.

The many (hundreds) of recommendations arising from these reports highlight both major and minor issues requiring attention across broad areas, including quality and amount of food available to detainees, infrastructure (include presence of closed-circuit television in different centres), policies and procedures (including those focused on segregation and searching), staffing (including training), systems and research. Taken together, these inquiries and reviews provide comprehensive, if at times contradictory (Clancey and Metcalfe, 2022), guidance on ways to address ongoing issues facing the youth detention centres in NSW and to augment some of the improvements considered here. However, there is considerable evidence that reviews and inquiries in and of themselves are not always the catalyst for positive change or reform (Fitz-Gibbon, 2018).

Many of these reviews have been completed in the aftermath of “Australia’s Shame”, and the public and academic commentary arising from these reviews across youth detention facilities in Australia has generally been marked by wholesale criticism and condemnation. Part of the aim of this paper is to disentangle some current realities of youth justice from the broader critical commentary and to investigate the ways in which state youth justice systems – in our case, NSW – have shifted course over time. While these reviews, commissions and inquiries have laid out various blueprints for reform, we want to draw attention to the progress that has been made in the operation of youth detention centres in NSW in recent decades, some of which has been the result of previous landmark reviews. While we wholeheartedly endorse the need for review and oversight, we also believe that critical commentary should not close off opportunities to acknowledge improvements, if and where they arise. We argue that there have been a number of significant positive improvements in youth detention in NSW including: historic low levels of young people in custody; a reduction in the overall number of beds in the system; improved youth detention facilities and no deaths of young people in custody for over three decades.

## Numbers of young people in youth detention in New South Wales

On 8 February 2022, the NSW Bureau of Crime Statistics and Research (BOCSAR) released custody statistics for adults and young people in NSW. This release was accompanied by the heading, “*Youth detention population at historic low*”. This heading reflected that there were, on average, 161 young people in detention on any one day and only 48 of these young people were sentenced to a period of detention for crimes they committed in NSW. Of these young people, seven were young women and 69 were Aboriginal and Torres Strait Islander. Given the ongoing concerns of the over-representation of Aboriginal and Torres Strait Islander young people in youth detention in all Australian states and territories (Goldson *et al.*, 2021), this is a critically important aspect of youth detention to be considered and addressed.

To place these figures in some context, we use three major reviews in NSW between 1983 and 2010 as points of comparison. While numbers in youth detention fluctuate over time, these points of comparison demonstrate a general decline in the number of young people in detention in NSW. These reviews were undertaken by different organisations, responded to different terms of reference and included different data. While this makes comparison somewhat difficult, broad themes emerge from this comparative exercise.

### *Pryke Report (1983)*

An earlier major review of youth detention in NSW was the “Pryke Report”. This review was conducted in 1983 and was commissioned by the then Minister to identify young people

who could be removed from detention and also to take recommendations on how the youth detention system might be re-ordered and overhauled. The Pryke Report states that there were 672 young people in youth detention in NSW as at 31 March 1983. Of these, 97 were females, 530 were sentenced to serve time in detention and 129 were on remand (noting the slight discrepancy between the total numbers and the break down between remanded and those committed to serve time in detention). This total number of 672 young people in custody does not include some 85 young people “on leave” at the time of the youth detention census. Leave provisions were generously used in this period to help facilitate young people returning to community after periods of detention. No data was included in this report on the number or percentage of Aboriginal and Torres Strait Islander young people in detention.

### ***New South Wales Ombudsman’s inquiry (1996)***

The next major review was the 1996 NSW Ombudsman’s Inquiry into Juvenile Detention Centres in NSW. This comprehensive review showed that 435 young people were in detention on 29 February 1996 (Table 7.5, 1996: 53). This was down from 500 in the previous year. Of the 435 young people in detention in 1996, 114 were on remand and 321 were sentenced to a period of detention. One hundred and ten young people (110) in detention identified as Aboriginal and Torres Strait Islanders and 16 in total were young women. We will discuss this Inquiry at some length in the following section.

### ***Noetic Report (2010)***

The “Noetic Report”, released in 2010, resulted from a review commissioned by the then Minister for Juvenile Justice. This report included some data pertaining to youth detention. It stated that the average daily number of young people in custody in 2008–2009 in NSW was 427 (2010: 20), which slightly exceeded the total bed capacity of 424 beds. This was up from the years directly prior, necessitating additional youth detention beds. Ultimately, additional beds in an adult facility were re-purposed to hold young people (for a short period while the total number of young people in detention declined). Of the 427 average number of young people in detention on any one day in 2008–2009, 31 were young women. No specific data was included in the report on the number of Aboriginal and Torres Strait Islander young people, though it was stated that 48% of the young people sentenced to a period of custody were Aboriginal and Torres Strait Islander young people.

It is noteworthy that the Noetic Report predicted the number of young people in custody in NSW to be 542 in 2018–2019, having peaked at 733 in 2015–2016. A key aspect of this calculation related to the number of children and young people entering the child protection system, of which a percentage would “cross-over” into the youth justice system. These estimates proved inaccurate, raising questions about our ability to predict the number of young people in custody.

Taking these reports as key points of comparison, it is clear that there has been a trend of declining numbers of young people held in youth detention in NSW over recent decades. The decline in the number of young people in custody has occurred alongside increases in the overall youth population of NSW. The population of 10–17-year-olds was approximately 789,649 in NSW in June 2021. At the time of the NSW Ombudsman’s Inquiry in 1996, this was 686,051, and was 670,079 according to the 1991 Census, which means that the decline in the number of young people in custody has occurred alongside an increase in NSW of over 100,000 children and young people. Thus, the rate of incarceration of young people has fallen significantly over this period.

These falls have not been linear and are prone to “ebbs and flows” (Goldson *et al.*, 2021), especially those involving young women and Aboriginal and Torres Strait Islander young people. The most recent numbers in custody might well be lower had COVID-19 not

resulted in measures to keep young people from entering detention facilities for fear that COVID would spread rapidly [see [Chan \(2021\)](#) for a discussion of the impact of COVID on young people in custody]. However, the overall reduction in the number of young people in custody precedes the COVID-19 pandemic. The average daily number of young people in custody in NSW in 2015/2016 was 292. This fell to 265 in 2018/2019 before falling again in the years impacted by COVID.

These significant falls in the number of young people in detention are in keeping with relevant international conventions, such as article 37 of the Convention on the Rights of the Child and rule 19 of the Beijing Rules, which recommend detention being used as a measure of last resort. However, the direct impact of these conventions on the reduction in the number of young people in custody in NSW is not clear as many local reviews and policy pronouncements that pre-date these instruments promoted the use of detention as a last resort (such as the Pryke Report). Similarly, numerous reviews focusing on youth detention across Australia (including in NSW) in recent years have underlined the importance of diverting young people from custody ([Atkinson, 2018](#); Victorian Legislative Council [Legal and Social Issues Committee, 2018](#); [Armytage and Ogloff, 2017a, 2017b](#); [Parliament of New South Wales, Legislative Assembly Committee on Law and Safety, 2018](#); [Parliament of New South Wales, Legislative Council, 2021](#)), as have years of scholarship focusing on decarceration and deinstitutionalisation ([Schur, 1973](#); [Muncie, 1991](#); [Goldson, 2015](#); among many others).

The specific impact of these reviews on the numbers in custody is also not easily determined given the myriad factors that contribute to the number of young people in custody on any one day. The number of young people involved in crime; the number of young people arrested by police; police decisions regarding the granting of bail; judicial bail and sentencing decisions; relevant legislation and policies guiding these decisions, etc., all determine the number of young people in custody on any one day and are impacted on policies, procedures, politics, media commentary and ways that discretion is used by various police and judicial officers in the regular course of their duties.

Importantly, these falls contrast with what has generally occurred among the adult prison population and the prison system in NSW. Prior to the COVID-19 situation, the number of adult inmates had been increasing, peaking at 13,651 in May 2019 (NSW BOCSAR, 2020) and there has been significant expansion of the adult prison estate in NSW in recent years [see the Audit Office of New South Wales (2019) for an outline of the thousands of additional beds added to the adult correctional system in NSW in recent years].

### **Decline in the number of young people in detention**

This significant reduction in the number of young people in custody in NSW is not unique to NSW. Data from the Australian Institute of Health Welfare shows reductions in the number of young people in detention in Victoria, Western Australia and South Australia in recent years ([AIHW, 2021](#)). These reductions have not been consistent across all Australian states and territories, noting that Queensland and the NT have seen increases in their youth detention populations in recent years.

Some overseas jurisdictions have also experienced substantial declines in the number of young people incarcerated. For example, [Schiraldi \(2020\)](#) notes that there has been a 66% decline in the number of incarcerated young people in the USA between 2000 and 2018. [Schiraldi \(2020\)](#) pays special attention to reductions in particular US jurisdictions including California that held over 10,000 young people in custody in the mid-1990s and which now have closer to 800 young people in custody (2020, p. 9). In the UK, [Bateman \(2020, p. 8\)](#) notes that there was an 85% decline in the number of first-time entrants to youth custody in England and Wales between 2009 and 2019, and an overall fall of 83% between 1999 and

2019 (2020, p. 103). Similarly, [Goldson et al. \(2021\)](#) note the drop in the youth prison population in England and Wales from over 3,000 in May 2009 to 830 in 2019.

The considerable decline of young people in custody described here might well represent what [Goldson \(2015\)](#) describes as a “dramatic penal reduction [...] by stealth, under the public radar and largely as a result of manoeuvres ‘behind the scenes’” (2015, p. 178). While beyond the scope of this paper, these manoeuvres behind the scenes in NSW are likely to have included improvements in diversion ([Chan, 2005](#)) and efforts to increase access to bail, such as through the introduction of the Bail Assistance Line. However, given the declines in youth crime in numerous jurisdictions around the world in recent decades [see [Moreau \(2019\)](#) on declines in youth crime in Canada, the [Ministry of Justice United Kingdom \(2019\)](#) on declines in youth crime in England and Wales, and the [United States Office of Juvenile Justice and Delinquency Prevention \(2020\)](#) on declines in youth crime in the USA], perhaps the more compelling explanation for the reduction in the number of young people in custody relates to significant declines in youth crime [noted by [Payne et al. \(2018\)](#) and [Trimboli \(2019\)](#)]. At present, there is no conclusive explanation for the decline in youth crime. Theories regarding this decline in youth crime range from [Farrell et al.’s \(2019\)](#) focus on the impact of situational crime prevention measures in reducing opportunities for crime – especially those more likely to be committed by young people, such as burglary and motor vehicle theft – to a raft of social, education and economic policies and trends as canvassed by [Knepper \(2012\)](#) and others. These attempts to explain the decline in youth crime remain unresolved, both here and in the wider literature and are likely to remain so given the diversity of circumstances, locations and crimes committed by young people. As [Weatherburn and Rahman \(2021\)](#) show, various factors are likely to impact various crime types differently, meaning that single or simple explanations for the youth and broader crime drop will not be found.

### Youth detention centres in New South Wales

Despite the manifold challenges to identifying the causes of a declining population of young people in custody, comparing the state of youth custody in NSW between 1983 and 2021 reveals some explicit improvements in the housing of young people. One obvious positive change is in the number and physical design of youth detention centres. At the time of the Pryke Report in 1983, there were 11 facilities holding young people in conflict with the law in NSW. Many of these centres held young men and young women and also held a mix of what were known as state wards (i.e. children and young people removed from their families who were residing in state residential care) and young people in conflict with the law.

At the time of the Ombudsman’s Inquiry in 1996, there were nine youth detention centres operating in NSW. These are listed below in [Table 1](#). We have provided some descriptions

**Table 1** Juvenile Justice Centres in NSW in 1996

<i>Centre</i>	<i>Location</i>	<i>Type of centre</i>	<i>Intended population</i>	<i>No. of beds</i>
Minda	Lidcombe, Sydney	Remand and control	10–18 year males	64
Yasmar	Haberfield, Sydney	Remand and control	10–18 year females only	34
Reiby	Campbelltown, Sydney	Remand and control	10–18 year males	93
Cobham	St Marys, Sydney	Mostly remand	16–18 year males	46
Kariong	Kariong, Central Coast	High security serious management problem	16–18 year males	48
Mt Penang	Kariong, Central Coast	Remand and control	16–21 year males	160
Worimi	Broadmeadow, Newcastle	Remand and control	10–18 year males	35
Keelong	Unanderra, Wollongong	Remand and control	10–19 year males	28
Riverina	Wagga Wagga	Remand and control	10–18 year males	34
				542

Source: NSW Ombudsman Report 1996 Vol. 1: 57



of these facilities to highlight the state of youth detention centres in NSW 25 years ago, to highlight what is sometimes lost in contemporary discussions that overlook the state of detention centres in the past. The 1996 Ombudsman's Inquiry was comprehensive and included the compilation of considerable detail about the nature of the youth detention facilities operating at that time (some of which had been in operation for many decades prior).

The 1996 Inquiry into Juvenile Detention Centres was extensive, and in general terms, the "Inquiry found many shortcomings with the current operation of juvenile detention centres which impact negatively on the dignity and rights of detainees, in some cases seriously so" (1996: iv). The Inquiry also noted that centres were not well placed to serve the needs of young people coming from western NSW or areas outside of the Central Coast/Newcastle, Sydney and Wollongong areas.

With respect to the design and physical environment of the nine juvenile justice centres, an independent review by a firm of architects commissioned as part of the Inquiry revealed that none of the nine centres met the "Best Practice" checklist "developed by the architects following the UN rules and design guidelines recently formulated by juvenile justice administrators in New Zealand and Australia" (1996: viii). It was generally found that the dormitory-style accommodation was not fit for purpose, and that centres were not designed to manage admissions, visits, counselling or group work. Below are some observations from the Inquiry that give a sense of the very poor state of the centres at that time:

- *Minda*: Minda received some particularly critical commentary: "The standard of accommodation at Minda Juvenile Justice Centre is dangerous in terms of self-harm. Its buildings are dilapidated, its facilities inadequate and its general atmosphere depressing" (1996: viii). A site visit found that "the site is poorly used and planned. Buildings and external areas are dilapidated. The overall atmosphere is depressing. The communal ablutions facilities are inadequate. The centre represents an oppressive environment" (1996: 159). "The Inquiry believes that the extremely poor physical environment at Minda, combined with its history as being a fairly punitive centre [...] should compel the Department to demolish the centre as soon as possible" (1996: 160). This centre was closed in 2003 and demolished.
- *Kariong*: The Inquiry described Kariong as a highly institutionalised facility that prevented detainees from enjoying reasonable free movement within the centre. While the Inquiry recognised the centre's population to be "the most intractable in the system", the architecture of the facility was seen as contributing to this behaviour, preventing rehabilitation. In November of 2004, it was announced that Kariong would be managed by the Department of Corrective Services (as a youth facility), but it was ultimately transferred to Corrective Services NSW to operate as an adult prison.
- *Mt Penang*: Mt Penang used dormitory accommodation, with some of these rooms holding up to 32 detainees. A site review found that the "Centre's inadequacies relate directly to the age of the buildings, fabric and heritage limitations". Moreover, it stated that the "physical limitations of the buildings and the random layout cannot be overcome by replanning". It was recommended that "a new facility should be constructed elsewhere on the site and the old facility disposed of" (1996: 159). Mt Penang closed in 1999 and Frank Baxter Youth Justice Centre later opened on an adjacent site.
- *Keelong*: The Inquiry stated that the "split level, multi-storey design on a steeply sloping site is not appropriate for this type of facility" (1996: 157). It recommended all cabins at Keelong be refurbished until a new facility could be constructed on the site. This centre was eventually closed in 2009 with no new youth justice facility established on the site.
- *Worimi*: The Ombudsman found that Worimi was "located on an inappropriate site, and lacks in useable outside recreation areas. Replanning exercises by management have

exacerbated problems” (1996: 158). The Inquiry suggested this site be relocated to a space that would allow for adequate and fit-for-purpose architecture. Worimi subsequently closed in 2006.

- *Yasmar*: According to the Inquiry, Yasmar’s inadequate therapeutic environment, dining space and overall design undermined its potential to deliver rehabilitative support to detainees. The Inquiry underlined the urgency for Yasmar to undergo renovations to allow for these changes to be addressed, including “as a matter of urgency, provision be made for better and more interview and small group rooms” (1996: 156). Yasmar closed in 2005 when the young women detained at Yasmar moved to the (then) Juniperina youth detention centre (which was subsequently turned into a prison for adult women). Eventually, these young women were moved to Reiby Youth Justice Centre.

Overall, the Ombudsman concluded that the “Department is lagging far behind current ‘best practice’ principles in the humane confinement of offenders”. Thirty of the 239 recommendations made by the NSW Ombudsman related directly to the building and environment of centres.

There are now just six youth justice centres in NSW (listed in [Table 2](#)).

Of those centres that were operating at the time of the NSW Ombudsman’s review, three continue to operate: Cobham, Reiby and Riverina. Each has undergone extensive renovation since the 1996 review. In addition to these centres, three new centres were constructed and continue to operate (Acmena, Orana and Frank Baxter).

It is clear that there have been significant changes to youth detention centres in NSW in recent decades. Mostly old facilities that were, in some instances, not specifically designed to accommodate young people in detention have been replaced with more modern facilities. These new facilities do not include dormitories, like those in the former Mt Penang centre and those previously found at Reiby, which means that young people in detention today are almost exclusively accommodated in individual cells, with a small number still in dual occupancy cells that are often used to accommodate young people from the same family or to help in cases where self-harm might be a concern. With the establishment of Acmena and Orana, young people primarily from northern and western NSW no longer need to travel long distances from their homes to end up in centres in or around Sydney, which reflects the findings and recommendations of the Ombudsman Inquiry. And, significantly, there has been an overall reduction in bed numbers.

## Deaths in youth detention

For several decades there has been significant and sustained attention on deaths in custody in Australian custodial facilities, notably the Royal Commission into Aboriginal

**Table 2** Youth Justice Centres in NSW in 2022

<i>Centre</i>	<i>Location</i>	<i>Type of centre</i>	<i>Intended population</i>	<i>Beds</i>
Cobham	St Marys, Sydney	Remand and control	10–18 year males	105
Reiby	Airds, Sydney	Remand and control	10–18 year males (younger generally); 10–18 year females; male pre-release unit	65
Frank Baxter	Kariong, Central Coast	Remand and control (mostly control)	10–18 year males	120
Acmena	South Grafton	Remand and control (mostly control)	10–18 year males	45
Orana	Dubbo	Remand and control (mostly control)	10–18 year males	30
Riverina	Wagga Wagga	Remand and control (mostly control)	10–18 year males	45
				410

Source: Youth justice NSW [www.youthjustice.dcj.nsw.gov.au/Pages/youth-justice/about/youth-justice-centres/youth-justice-centres.aspx](http://www.youthjustice.dcj.nsw.gov.au/Pages/youth-justice/about/youth-justice-centres/youth-justice-centres.aspx)



Deaths in Custody held between 1987 and 1991, and more recently as part of the widespread Black Lives Matter movement. What has received less attention is the situation in youth detention.

The Australian Institute of Criminology's National Deaths in Custody Programme has monitored the extent and nature of deaths in prison, police custody and youth detention in Australia since 1980. Data provided by the Australian Institute of Criminology [1] and the most recent data from the Deaths in Custody in Australia 2020–2021 report (Doherty, 2021) taken together demonstrate that there have been no deaths of young people in youth custody in NSW since 1990. In part, this is likely due to a range of factors including the regular checks of young people in all youth detention centres in NSW during the night, which is distinct from adult correctional centres, where inmates are not regularly checked during night shifts [see NSW Auditor General (2017) for discussion of different regimes in youth justice and adult correctional centres]. Additionally, it is likely that improved room and centre design following the Royal Commission into Aboriginal Deaths in Custody and the NSW Ombudsman's Inquiry has also had some impact.

While no young people have died in custody, a TAFE teaching assistant was tragically killed at Yasmar youth justice centre (which at the time was accommodating young women) in 1999. This event resulted in various reviews, fines to NSW Government agencies and changes to policies and procedures, most specifically through the development and implementation of the Objective Detainee Classification System (ODCS). This ODCS system still operates and guides the classification and placement of young people within the youth detention system in NSW.

### Ongoing challenges and concerns

Despite these very positive trends for young people in custody, which typically attract limited attention, there are still significant and persistent issues. As highlighted above, two of these persistent concerns include the high number and rate of young people on remand, and the high proportion of young people in custody from Aboriginal and Torres Strait Islander backgrounds. The number of young people in remand has changed little – 129 on 31 March 1983, 114 in February 1996 to 113 in December 2021 – however, when expressed as a proportion, this goes from 20% of the total population in 1983, to 23% in 1996 to 70% in 2021. This is a phenomenon in numerous jurisdictions (AIHW, 2021) and has resulted in various efforts in NSW to reduce the remand population. One particular area of concern has been the very short-term remands, which have been the focus of various initiatives in NSW in recent years, including the Place to Go Pilot, the operation of the Bail Assistance Line and inter-agency efforts to reduce police and court bail refusal (Department of Communities and Justice, 2021).

While the number of Aboriginal and Torres Strait Islander young people in detention fell from 110 in 1996 to 69 in 2021, a fall of approximately 37%, the proportion of Aboriginal and Torres Strait Islander young people in custody has increased – 25% in 1996 to 43% in 2021. This number has dropped recently, down from over 50% for many years, but it remains an ongoing blight on the youth justice system. The NSW Youth Justice Aboriginal Strategic Plan seeks to address the continued over-representation of Aboriginal young people in custody including through programs like the Ngudjoong Billa Aboriginal Reintegration and Transition program jointly delivered by Youth Justice NSW and the South Coast Medical Service Aboriginal Corporation and Dthina Yuwali programme with its focus on alcohol and other drug use (Department of Justice, 2019). The effectiveness of these and other recent initiatives will only be revealed over time; policies and programmes of this kind do not always have immediate or clear results (Goldson *et al.*, 2021), often due to the small number of participants and the difficulties this creates in showing demonstrable outcomes. Nonetheless, programmes and initiatives of this kind are necessary and reflect critical involvement of Aboriginal and Torres Strait Islander

organisations in working to reduce the unconscionably high number of young Aboriginal and Torres Strait Islander people entering the youth justice system.

## Conclusion

There have been a number of positive long-term developments with respect to youth detention in NSW. The total number of youth detention beds has fallen, the overall quality of the youth detention centres has improved, the number of young people detained has fallen significantly (including a reduction in the number of young Aboriginal people in custody), and there have been no deaths of young people in custody for over three decades. These are positive and important developments that should be acknowledged, especially on the back of numerous critical reviews and inquiries into youth detention in NSW and across Australia and current debates regarding Black Deaths in Custody and raising the minimum age of criminal responsibility in Australia.

Yet improvement to conditions in youth justice centres in NSW is not evidence that the system is faultless, as highlighted by the numerous recent reviews and hundreds of recommendations that we have highlighted above. There remains significant need for investment and vigilance, particularly to address the large remand population (especially those who are remanded in custody for very short periods and who are not ultimately sentenced to detention), as well as the continued and enduring overrepresentation of Aboriginal and Torres Strait Islander young people in custody. But improvements should be acknowledged and celebrated. Centres across NSW are newer, better resourced and less populated than ever before. While many of the issues that plague youth justice can seem intractable, taking this long view permits us, even for a moment, to take note of the ways we are doing better. It is evidence that many of the stubborn challenges of youth justice can be met and overcome. Our belief is that reflecting on these improvements can be a catalyst for further positive change and for a continued focus on keeping young people out of custody.

## Note

1. The National Deaths in Custody Programme is funded by the Australian Government. The data (and tabulations) used in this publication were made available through the Australian Institute of Criminology (AIC). These data were originally collected by police and corrective services agencies in each jurisdiction. Neither the collectors, the police, corrective services agencies nor the AIC bear any responsibility for the analyses or interpretations presented herein.

## References

- Armytage, P. and Ogloff, J. (2017a), "Executive summary", in Armytage, P. and Ogloff, J. (Eds), *Meeting Needs and Reducing Offending: Youth Justice Review and Strategy*, Victorian Government, Melbourne, available at: [www.justice.vic.gov.au/justice-system/youth-justice/youth-justice-review-and-strategy-meeting-needs-and-reducing-offending](http://www.justice.vic.gov.au/justice-system/youth-justice/youth-justice-review-and-strategy-meeting-needs-and-reducing-offending)
- Armytage, P. and Ogloff, J. (2017b), "Part 1", in Armytage, P. and Ogloff, J. (Eds), *Meeting Needs and Reducing Offending: Youth Justice Review and Strategy*, Victorian Government, Melbourne, available at: [www.justice.vic.gov.au/justice-system/youth-justice/youth-justice-review-and-strategy-meeting-needs-and-reducing-offending](http://www.justice.vic.gov.au/justice-system/youth-justice/youth-justice-review-and-strategy-meeting-needs-and-reducing-offending)
- Atkinson, B. (2018), *Report on Youth Justice*, Department of Child Safety, Youth and Women, Brisbane, available at: [www.youthjustice.qld.gov.au/reform/youth-justice-strategy/atkinson-report-youth-justice](http://www.youthjustice.qld.gov.au/reform/youth-justice-strategy/atkinson-report-youth-justice)
- Audit Office of New South Wales (2019), "*Managing growth in the NSW prison population*", Performance Audit, Audit Office NSW, Sydney.
- Australian Institute of Health and Welfare (2021), *Youth Detention Population in Australia 2021*, Australian Institute of Health and Welfare, Canberra.

Bateman, T. (2020), *The State of Youth Justice 2020: An Overview of Trends and Developments*, National Association for Youth Justice, London.

Chan, J. (2005), *Reshaping Juvenile Justice: The NSW Young Offenders Act 1997*, Sydney Institute of Criminology, University of Sydney, Sydney.

Chan, N. (2021), "The impact of COVID-19 on young people in the criminal justice system", *Bureau Brief*, No. 151, NSW Bureau of Crime Statistics and Research, Sydney.

Clancey, G. and Metcalfe, L. (2022), "Inspections, reviews, inquiries and recommendations pertaining to youth justice centres in New South Wales between 2015 and 2021", *Current Issues in Criminal Justice*.

Clancey, G., Wang, S. and Lin, B. (2020), "Youth justice in Australia: themes from recent inquiries", *Trends & Issues in Crime and Criminal Justice*, no605, Australian Institute of Criminology, Canberra.

Comrie, N. (2017), *Review of the Parkville Youth Justice Precinct*, Department of Justice and Community Safety, Melbourne.

Department of Communities and Justice (2021), "2021-21: Volume 1 Performance and activities report", NSW Department of Communities and Justice, Sydney.

Department of Justice (2019), "Annual report 2018-19", NSW Department of Justice, Sydney.

Doherty, L. (2021), "Deaths in Custody in Australia 2020-2021, statistical report no. 37", Australian Institute of Criminology, Canberra.

Farrell, G., Laycock, G. and Tilley, N. (2019), "What caused the decline in child arrests in England and Wales: the Howard league's programme or something else?", *Crime Prevention and Community Safety: An International Journal*, Vol. 21 No. 2, pp. 153-158.

Fitz-Gibbon, K. (2018), "The treatment of Australian children in detention: a human rights law analysis of media coverage in the wake of abuse at the don dale detention centre", *University of New South Wales Law Journal*, Vol. 41 No. 1, pp. 100-129.

Goldson, B. (2015), "The circular motions of penal politics and the pervasive irrationalities of child imprisonment", in Goldson, B. and Muncie, J. (Eds), *Youth Crime and Justice*, 2nd Ed, Sage, Los Angeles.

Goldson, B., Cunneen, C., Russell, S., Brown, D., Baldry, E., Schwartz, M. and Briggs, D. (2021), *Youth Justice and Penalty in Comparative Context*, Routledge, London.

Knepper, P. (2012), "An international crime decline: lessons for social welfare crime policy?", *Social Policy and Administration*, Vol. 46 No. 4, pp. 359-376.

Legal and Social Issues Committee (2018), "Inquiry into youth justice centres in Victoria", *Final Report*, No372, Parliament of Victoria, Melbourne, available at: [www.parliament.vic.gov.au/447-lsic-lc/inquiry-into-youth-justice-centres-in-victoria](http://www.parliament.vic.gov.au/447-lsic-lc/inquiry-into-youth-justice-centres-in-victoria)

Ministry of Justice United Kingdom (2019), *Youth Justice Statistics 2017/18 England and Wales*, Ministry of Justice UK, London, available at: [www.gov.uk/government/statistics/youth-justice-statistics-2017-to-2018](http://www.gov.uk/government/statistics/youth-justice-statistics-2017-to-2018)

Moreau, G. (2019), "Police-reported crime statistics in Canada", 2018, Statistics Canada, Ottawa.

Muncie, J. (1991), "The deinstitutionalisation of juvenile and young offenders in Victoria, Australia", *International Social Work*, Vol. 34 No. 3, pp. 229-250.

Noetic Solutions (2016), *Custodial Youth Justice Options Paper*, Noetic Solutions, Canberra.

NSW Auditor General (2017), Report on justice 2017. *The NSW Auditor General's Report – Financial Audit*, NSW Auditor General, Sydney, available at: [www.audit.nsw.gov.au/publications/latest-reports/justice-2017](http://www.audit.nsw.gov.au/publications/latest-reports/justice-2017)

Parliament of New South Wales, Legislative Assembly Committee on Law and Safety (2018), "The adequacy of youth diversionary programs in New South Wales", Report no. 2/56, Legislative Assembly of New South Wales, Sydney.

Parliament of New South Wales, Legislative Council (2021), *Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody*, Legislative Council, Sydney.

Payne, J., Brown, R. and Broadhurst, R. (2018), "Where have all the young offenders gone? Examining changes in offending between two NSW birth cohorts", *Trends and Issues in Crime and Criminal Justice*, Australian Institute of Criminology, Canberra, Vol. 553, pp. 1-15.

Royal Commission into the Protection and Detention of Children in the Northern Territory (2017a), Vol. 1, Commonwealth of Australia, Canberra, available at: [www.royalcommission.gov.au/royal-commission-detention-and-protection-children-northern-territory](http://www.royalcommission.gov.au/royal-commission-detention-and-protection-children-northern-territory)

Royal Commission into the Protection and Detention of Children in the Northern Territory (2017b), *Findings and Recommendations*, Commonwealth of Australia, Canberra, available at: [www.royalcommission.gov.au/royal-commission-detention-and-protection-children-northern-territory](http://www.royalcommission.gov.au/royal-commission-detention-and-protection-children-northern-territory)

Royal Commission into the Protection and Detention of Children in the Northern Territory (2017c), "Volume 2B, Commonwealth of Australia", Canberra, available at: [www.royalcommission.gov.au/royal-commission-detention-and-protection-children-northern-territory](http://www.royalcommission.gov.au/royal-commission-detention-and-protection-children-northern-territory)

Schiraldi, V. (2020), *Can we Eliminate the Youth Prison? (and What Should we Replace It with?)*, The Square One Project, New York, NY.

Schur, E. (1973), *Radical Non-Intervention: Rethinking the Delinquency Problem*, Prentice Hall, Englewood.

Trimboli, L. (2019), "NSW trends in age-specific rates of offending, 1995-2018", Bureau Brief No. 143, NSW Bureau of Crime Statistics and Research, Sydney.

United States Office of Juvenile Justice and Delinquency Prevention (2020), "Estimated number of juvenile arrests, 2018", United States Department of Justice, Washington, available at: [www.ojjdp.gov/ojstatbb/crime/qa05101.asp](http://www.ojjdp.gov/ojstatbb/crime/qa05101.asp)

WA Inspector of Custodial Services (2018), *Inspection of Banksia Hill Detention Centre*, Office of the Inspector of Custodial Services, Perth.

Weatherburn, D. and Rahman, S. (2021), *The Vanishing Criminal: Causes of Decline in Australia's Crime Rate*, Melbourne University Press, Melbourne.

## Further reading

Donnelly, N., Ramsay, S., Poynton, S. and Fitzgerald, J. (2021), *Understanding the Decline in Aboriginal Young People in Custody in NSW from 2015 to 2019*, Bureau Brief No. 153, NSW Bureau of Crime Statistics and Research, Sydney.

Noetic Solutions (2010), *A Strategic Review of the New South Wales Juvenile Justice System: Report for the Minister for Juvenile Justice*, Noetic Solutions, Sydney.

NSW Bureau of Crime Statistics and Research (2020), "NSW custody statistics: quarterly update December 2019", Media Release, available at: [www.bocsar.nsw.gov.au/Pages/bocsar\\_media\\_releases/2020/mr-Custody-Dec-2019.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_media_releases/2020/mr-Custody-Dec-2019.aspx)

NSW Bureau of Crime Statistics and Research (2022), *New South Wales Custody Statistics: Quarterly Update December 2021*, NSW Bureau of Crime Statistics and Research, Sydney.

NSW Inspector of Custodial Services (2020a), *Inspection of Six Youth Justice Centres in NSW*, Inspector of Custodial Services, NSW Inspector of Custodial Services, Sydney.

NSW Inspector of Custodial Services (2020b), "NSW youth justice inspection standards", Inspector of Custodial Services, Sydney, available at: <https://inspectorcustodial.nsw.gov.au/documents/nsw-youth-justice-inspection-standards.pdf>

NSW Ombudsman (1996a), *Inquiry into Juvenile Detention Centres: A Special Report to Parliament under Section 31 of the Ombudsman Act*, NSW Ombudsman, Sydney, Vol. 1.

NSW Ombudsman (1996b), *Inquiry into Juvenile Detention Centres: A Special Report to Parliament under Section 31 of the Ombudsman Act*, NSW Ombudsman, Sydney, Vol. 2.

NSW Ombudsman (2021), *Strip Searches Conducted after an Incident at Frank Baxter Youth Justice Centre: A Special Report under Section 31 of the Ombudsman Act 1974*, NSW Ombudsman, Sydney.

Office of the Advocate for Children and Young People (2019), *What Children and Young People in Juvenile Justice Centres Have to Say*, NSW Advocate for Children and Young People, Sydney.

Pryke, R. (1983), "Report to the minister for youth and community services from the task force set up to advise the minister on the re-structure of services to young offenders", Youth Family and Aged Persons Bureau, Sydney.

Shearer, L. (2019), "Ministerial review into the riot at Frank Baxter detention Centre 21 and 22 July 2019", NSW Department of Communities and Justice, Sydney, available at: [www.juvenile.justice.nsw.gov.au/Documents/ministerialreview-into-frank-baxter.pdf](http://www.juvenile.justice.nsw.gov.au/Documents/ministerialreview-into-frank-baxter.pdf)

United Nations (1985), "United nations standard minimum rules for the administration of juvenile justice (the Beijing rules)", Adopted by General Assembly resolution 40/33 of 29 November 1985.

United Nations (1989), "Convention on the rights of the child. adopted by general assembly resolution 44/25 of 20 November 1989", available at: [www.ohchr.org/en/professionalinterest/pages/crc.aspx](http://www.ohchr.org/en/professionalinterest/pages/crc.aspx)

### Corresponding author

Garner Clancey can be contacted at: [garner.clancey@sydney.edu.au](mailto:garner.clancey@sydney.edu.au)

---

For instructions on how to order reprints of this article, please visit our website:  
[www.emeraldgroupublishing.com/licensing/reprints.htm](http://www.emeraldgroupublishing.com/licensing/reprints.htm)  
Or contact us for further details: [permissions@emeraldinsight.com](mailto:permissions@emeraldinsight.com)