



**public interest**  
ADVOCACY CENTRE LTD

## **Special Commission of Inquiry into Child Protection Services in NSW**

11 February 2008

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# The Public Interest Advocacy Centre

The Public Interest Advocacy Centre (PIAC) seeks to promote a just and democratic society by making strategic interventions on public interest issues.

PIAC is an independent, non-profit law and policy organisation that identifies public interest issues and works co-operatively with other organisations to advocate for individuals and groups affected.

In making strategic interventions on public interest issues PIAC seeks to:

- expose unjust or unsafe practices, deficient laws or policies;
- promote accountable, transparent and responsive government;
- encourage, influence and inform public debate;
- promote the development of law—both statutory and common—that reflects the public interest; and
- develop community organisations to pursue the interests of the communities they represent.

Established in July 1982 as an initiative of the Law Foundation of New South Wales, with support from the NSW Legal Aid Commission, PIAC was the first, and remains the only, broadly based public interest legal centre in Australia. Financial support for PIAC comes primarily from the NSW Public Purpose Fund and the Commonwealth and State Community Legal Centre Funding Program. PIAC also receives funding from the NSW Government Department of Energy and Water for its work on utilities, and from Allens Arthur Robinson for its Indigenous Justice Program. PIAC also generates income from project and case grants, seminars, consultancy fees, donations and recovery of costs in legal actions.

## Introduction

In December 2007 the NSW Government appointed retired the Hon. Justice James Wood to inquire into and report on the NSW child protection system. There are ten parts to the terms of reference to the Inquiry. This submission will focus on the terms that have the most relevance to children requiring protection who have contact with the juvenile justice system. This submission will offer recommendations in relation to aspects of :

- Management of reports, including the adequacy and efficiency of systems and processes for intake, assessment, prioritisation, investigation and decision-making. (ii)
- Management of cases requiring ongoing work, including referrals for services and monitoring and supervision of families. (iii)
- The adequacy of the current statutory framework for child protection including roles and responsibilities of mandatory reporters, DoCS, the courts and the oversight agencies. (vi)
- The adequacy of arrangements for inter-agency cooperation in child protection cases. (vii)
- The adequacy of arrangements for children in out of home care. (viii)
- The adequacy of resources in the child protection system. (ix)

In commenting on these aspects, PIAC has drawn on the cases and research undertaken as a partner in its Children in Detention Advocacy Project (CID<sup>n</sup>AP). Other partners in the project are the Public Interest Law Clearing House and Legal Aid NSW. This submission is from PIAC and not made on behalf of the project partners.

CID<sup>n</sup>AP seeks to improve the way young people are treated by the police and juvenile justice system. Free legal advice and representation is provided to young people who have been:

- Wrongfully arrested or detained
- Granted bail but remain in custody due to lack of accommodation options
- Arrested on a warrant that has been withdrawn
- Arrested for breach of out of date bail conditions

The cases from the Project that are of most relevant to this inquiry are those where young people remain in detention even though they have been granted bail. Most often young people in this category are in the care of the Department of Community Services (DoCS) (State wards) or the Courts have directed that the young person reside at the direction of DoCS. A summary of cases is at Appendix A.

In this submission PIAC (Public Interest Advocacy Centre) draws attention to the link between the results of the breakdown in DoCS support for young people and their greater likelihood of drifting into the juvenile justice system. The importance of support from DoCS in assisting children to avoid even short periods of detention cannot be underestimated. The fact that nearly 50 percent of children in detention centres are on remand (Young Offenders, 2005, 231) makes it clear that DoCS has not supported this extremely vulnerable group of children. The percentage of children who are refused bail because of serious offences is extremely small. We can speculate that if the majority of children on remand had a parent or carer taking responsibility and providing a secure home environment, the number obtaining bail and meeting bail conditions would significantly decrease this percentage on remand. An example can be found in the case studies in the appendix of this submission, where a young person received a non-custodial sentence after spending several weeks on remand. It is important to note that the children this submission is referring to are not limited to those who are the subject of a court order that allocates sole parental responsibility to the Director-General for Community Services. It includes those that are notified to DoCS by courts or police. Magistrates in granting bail often direct a child who is homeless or in need of protection to the services of DoCS, but have no power to direct DoCS to take responsibility, regardless of the legal status of the child.

Many of the recommendations in this submission are not new. They are taken directly from, or supported by a series of reports and studies on the needs of children in the juvenile justice system produced since 1992 to the present. Unfortunately the fact that reports from 1996 and 2005 reviewed for this submission describe similar trends and make similar recommendations for reform indicate that nothing has improved in recent years for this group of young people.

## Background

The link between children in care and juvenile justice has been established in many NSW reports and studies. Children who come into contact with DoCS are more likely to experience family breakdown, homelessness or inappropriate care arrangements. This in turn can lead to specific types of criminal activity for survival, which in turn places children in the hands of the juvenile justice system. The Memorandum of Understanding (MOU) between DoCS and the Department of Juvenile Justices (DJJ) acknowledges this relationship by describing children in the care of DoCS:

... at a significantly higher risk of poor educational achievement, alcohol and other drug addiction, mental illness, homelessness and poor family relationships, which are known risk factors for juvenile criminal offending behaviour. (MOU, 2)

The Community Services Commission in its report *Turning Victims into Criminals* (1996) found there was an over representation of wards of the State in the juvenile justice system. Solutions hinge on stable, long-term and appropriately resourced placements. The report described an abusive system that was allowed to continue because of a lack of resources, poor coordination between agencies, inadequate guidelines, few specialised staff and lack of information and representation for children. When the care situation arranged by DoCS breaks down for this group of children a child can find themselves in detention, whereas, if the child had a responsible family to return to, they would not be in custody. DoCS should undertake to be responsible for the care of children with challenging behaviours, rather than resorting to detention as a solution. The recent changes to the Bail Act have made it more difficult for children to apply for bail, and hence the situation worse for those who, with better support would be granted bail.

Once a child has had their first interaction with the juvenile justice system, it is still possible to divert the child from away from the system. There is a clear connection between early intervention and the level of support DoCS provides to children in need of protection who are also clients of DJJ. The NSW Auditor General's report *Addressing the Needs of Young Offenders* (2007) found that the rate of re-offending for young people will depend on the action taken in response to the offence. The largest percentage re-offending are those who appear in court, and the lowest rates are for those receiving cautions or participating in youth justice conferences. Young people in need of protection and their families require support if they are to participate in diversion programs.

The NSW Auditor states that:

... early intervention could prevent an escalation of the seriousness and frequency of offending by a young person in need of help. It should be pursued wherever possible.  
(2007)

The DJJ and Courts cannot do this without support from agencies such as DoCS; as the Auditor states, the reason the needs of young people are not met are due to 'problems accessing some services and exchanging information.' If a young person's needs are not addressed the risk of re-offending is high.

The Australian Institute of Health and Welfare (AIHW) (2007) report on the number of young offenders experiencing juvenile justice supervision found that the younger a child experienced a period of supervision, the more likely they were to 're-enter juvenile justice supervision during subsequent years'. This raises more cause for concern when DoCS placements fail and homelessness and criminal activity follows. This should also be of concern to the NSW Government given the State Plan has as a priority to reduce re-offending.

Several of the cases from CID<sup>n</sup>AP involve the failure of DoCS to respond to a magistrate's condition of bail that the child 'reside at the direction of DoCS'. This condition would indicate that the child cannot return to their home or is homeless, yet the court cannot direct DoCS to attend court, even if the Director-General has parental responsibility. There are significant and well documented reasons why a child should not spend even a short time in detention (Young Offenders, 2005) including:

- The detrimental affects on the ability of the young person to prepare for their court appearance.
- The offence may not attract a custodial sentence.

- Preventing associations forming in detention centres and an opportunity to be diverted from the juvenile justice system.
- Inability to maintain community and family ties, disrupted schooling or employment.
- Centres may be located a long way from a child's family, particularly the case for girls, with fewer options for detention centres.
- Breach of international obligations – in particular Article 37(b) of the *Convention on the Rights of the Child* (CROC), which provides for detention for children as a last resort.

## Discussion and Recommendations

### 1. Priority for protection services

The NSW Audit Office (2007) noted that arrangements the DJJ has with other services, where DJJ clients receive priority service is good practice; a practice that will assist in the longer-term aim of meeting a young person's needs and preventing re-offending. This 'good practice' approach of giving priority access to children in need of protection who come into contact with police or the DJJ should apply to services that are the responsibility of DoCS.

#### **Recommendation**

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*Clients of the Department of Juvenile Justice who require services from Department of Community Services should be a priority. This should apply to all young people in need to care and protection, not only State Wards.*

### 2. Management of cases

In the CID<sup>AP</sup> case studies it would be rare for a young person to reach the point of detention without previous contact with DoCS. Reports from the Community Services Commission (1999, 42) refer to the stability of placements as the 'most notable difference between those wards who have, and those who have not had, contact with the juvenile justice system'. The recommendations in the *Just Solutions* report include 20 that refer specifically to this issue. Even though the report dates from 1999, many of the recommendations are still relevant.

DoCS should bear some responsibility for the case studies that form part of this submission relating to arrest due to breaches of out-of-date bail conditions. Many of these cases result in a failure of information systems between care services and the police. If District Officers took responsibility for children who require protection, part of that responsibility should be to provide support to young people in contact with the police. For example, a young person with a bail condition with a curfew will have difficulty remaining at home, if they are on the street escaping domestic violence. This would include providing support to meet bail conditions, responding to police if a young person is arrested, and maintaining accurate and up to date records on bail conditions and other related matters.

Many of the protection issues for children who are also in contact with police and DJJ are interagency issues. DoCS management policies have an important impact on how police and courts will respond. For example, policies and practices that increase contact with police include: how children are treated who abscond from a failed foster placement not assisting children in care to manage and keep to bail conditions, mixing homeless children with no criminal record with those with a criminal background and managing difficult behavior with police intervention rather than with an appropriate care plan.

### **Recommendation**

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*The Department of Community Services should review their policy and procedures for children in placements with the aim of reducing contact with the juvenile justice system. This includes:*

- *Responding to absconding from placements with review of care and accommodation plans rather than arrest warrants.*
- *Proactively assisting children to meet bail conditions who are in care or in need of care.*
- *Separating children with criminal backgrounds in refuges and other accommodation from those not entrenched in the system.*
- *Developing management plans to manage difficult behaviour, which should aim to reduce contact with and the need for police intervention.*

### **3. Current statutory frameworks**

Statutory frameworks should reflect the International human rights conventions that Australia has ratified. Detention should not be used as crisis accommodation, in effect replacing a care system and alternative accommodation. The best interests of the child will rarely dictate that a child should be held in custody. It should be mandated that a child should not be held in detention due to the inability to meet bail conditions because accommodation has not been organised by DoCS. It is acknowledged that this will require DoCS to fund crisis accommodation for young people leaving court in circumstances where medium or long-term accommodation is not available. However, such accommodation should provide DoCS and the young person an opportunity to assess their care needs and arrange access to a range of services, eg mental health or drug and alcohol services.

The Community Services Report (1996) report found that it was rare for DoCS to support a State ward through the court process. In asking children about the involvement of DoCS, nearly half claimed they did not receive support from DoCS through the legal process.

DoCS should be mandated to ensure children in need of care and protection, receive independent legal advice, and provide support for the child when in police custody and through the court process. This should include after hours and on weekends.

The Children's Court should be able to require DoCS to attend court if it has parental responsibility for a young offender, as they can with parents. This would ensure children are provided with support and the Court has information about the young person's circumstances.

### **Recommendation**

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*The Department of Community Services should be mandated to:*

- *Provide accommodation if directed by the Children's Court where the Court orders this as a condition of bail.*
- *Organise independent advice and support for children in police custody and through court processes when not represented by their parents.*
- *Ensure the Department of Community Services liaison officers to attend all Children's Court sittings and provide accurate and timely information to the court and coordinate service providers.*
- *Attend court with young people who are the part or sole parental responsibility of the Department of Community Services.*

## 4. Interagency cooperation

### Department of Juvenile Justice

DoCS and DJJ have a Memorandum of Understanding (MOU) for co-ordinating responsibilities for children who are subject to a court order that allocates sole parental responsibility. The MOU is to be implemented through Regional Directors, and a review of the target group was to take place within 18 months from the date of the MOU being signed.

There are several concerns with this MOU:

- At the time of this submission PIAC was unable to locate a copy of the MOU or determine whether the 18-month review had taken place and if so, the results of that review. The MOU was not available on either Department's website and had to be specifically requested. An Out-of-home care providers at a regional forum held late 2006, representatives were either unaware that the MOU existed or unsure if it was still in operation. Clearly this document is one that all stakeholders should have access to, and be involved in reviewing.
- The MOU should include all children in need of care and protection. The target group of the MOU includes only young people who have a court order allocating parental responsibility to DoCS. The majority of children and young people in need of protection would not fall under these arrangements.

### **Recommendation**

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*The Memorandum of Understanding (MOU) between the Department of Community Services and the Department of Juvenile Justice should include coverage of all children in need of care and protection, and not limited to State wards.*

*Stakeholders should be involved in the review process for the MOU and all related documents should be publicly available.*

### **Courts**

There are two significant issues arising from the relationship between DoCS and the Courts: imposition of bail conditions that attempt to modify behaviour and those that require the young person to reside at the direction of DoCS.

Although care and protection issues should not be taken into account in sentencing or prescribing bail conditions, it is believed that some onerous bail conditions are an attempt to address care issues. When DoCS fails to take on protective and parental responsibilities the Courts sometimes impose bail conditions in an attempt to 'restrict the movement and modify the behaviour of young people' (NSW Law Reform Commission 2005). Such conditions become impossible to comply with and the child will then either return to court to have the conditions amended or be arrested for a breach of conditions. This situation is compounded when support from DoCS is not available to support children in need of care to meet bail conditions.

Hadaway (2005) cites a case where a Court granted bail with a 'reside as directed' order that resulted in the young person remaining in detention for several weeks until the court case. The young person was not given a custodial sentence but directed to a Youth Justice Conference. At sentencing, there was no direction to reside at DoCS direction so she could not be returned to detention. She left the court and as she was homeless DoCS was forced to find a placement that day. Hadaway goes on to explain that there are limited options to engage DoCS to take action:

The solicitor may report the homelessness of a child under s120 of the Care and Protection Act, the Director General must then conduct an investigation and assessment, but does not force DoCS to provide or arrange accommodation for a homeless child.

Where children are homeless or cannot return home, magistrates have the choice of setting bail with a condition that relies on DoCs providing accommodation, refusing bail or sending the child back onto the streets. If a Court grants bail with a condition to reside as directed by DoCS, the child will not be released on bail unless the Department allocates accommodation. A child can remain in detention even if the original charge is minor and will not attract a custodial sentence, even if convicted.

Co-ordination between DoCS and the Courts would be improved if a liaison officer was available at every sitting of a Children's court and reports to courts on care and protection received priority.

### **Recommendation**

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*The Care and Protection program should include consultation and education for magistrates about the use of bail conditions, for example the program would provide evidence based recommendations about what bail conditions are likely to have successful outcomes for the Court process and the young person.*

*Magistrates should have the power to order reports on young people from the Department of Community Services and expect them to attend with young people who have no other parental support.*

*The Department of Community Services should commit to the Court to support a child in need of care and protect, to assist the young person meet bail conditions.*

### **NSW Police**

The negative role of police in the care of children in DoCS care is described above in the section on the management of cases.

The NSW Audit Report found that the Police Youth Liaison Officers when in contact with young people (being cautioned or charged) did not always refer young people to other services when needed. This indicates a need for an improved relationship between DoCS and the police.

This could be in the form of an MOU that describes the role of police in case management, in reporting young people in need of care and protection, and in what circumstances police intervention is requested for children living in DoCS funded or managed services.

### **Recommendation**

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*A Memorandum of Understanding should be developed and implemented between the Department of Community Services and the NSW Police Service. The Memorandum would set out what, when and in what circumstances police should notify the Department of Community Services when children are interviewed or charged and when and in what circumstances the Department of Community Services managed or funded services should call police to intervene in the management of young people with challenging behaviours.*

## **5. Out-of-home care services**

The Community Services Commission report (1996) found that out-home-care services lacked the funding to retain trained staff and manage young people with difficult behaviours. This in



turn created an unstable placement history, which was known to be a risk factor for contact with the juvenile justice system. The report found that contact with juvenile justice was more likely to occur 'during access visits, period of self-restoration to families or inappropriate restoration without adequate supports.'

PIAC met with a group of out-of-home care service providers to discuss their experiences housing children on bail. It is not known how representative this group was in the out-of-home care service sector, but the descriptions of court processes and relationship with (DoCS) signalled that this is one area worth further exploration. If it is representative of service providers experience there is potential for making low cost changes that would improve access to services.

Representatives provided the following comments about their experience in court with clients and their bail conditions:

- Services are limited in accepting referrals directly from the court as service providers are limited to two percent of non-DoCs referrals. Services may be able to take referrals direct from the court if this percentage was raised.
- The Department of Community Services sometimes requested assistance at short notice, for example at four in the afternoon to house a client that night. These services were not funded or managed as crisis accommodation.
- Courts have asked a service to provide a name and address of where the young person will be accommodated. If the service is not currently providing the young person with accommodation, or that accommodation must change due to bail conditions, this is not possible at the time of the court hearing. If the young person was referred to the responsibility of an agency, a service might be able to be provided.
- There was general agreement that greater clarity was needed about the responsibility of DJJ and DoCS. A Memorandum of Understanding is in place between DJJ and DoCS but this relates to wards only.
- Representatives considered it worth investigating whether some young people were in detention because they did not have anyone to advocate the use of mediation through youth justice conferencing.

### **Recommendation**

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*The Department of Community Services should provide service wide training for agencies working with children with challenging behaviours and recognition through additional payments to services.*

*The Department of Community Services should allow service providers unlimited referrals of children direct from the court in recognition that this group is a priority. The two percent cap of non-DoCS referrals should be removed for this group of young people.*

*The Department of Community Services liaison officer should attend each hearing day at Court and make immediate referrals to out-of-home care services or crisis accommodation when directed by the Court.*

### **Adequacy of resources**

There is an urgent need for DoCS to work with DJJ in developing accommodation options for young people granted bail. The attached case study of 'Mary' demonstrates how access to appropriate clinical assessment and support can be, for many young people and essential resource. A failure to provide such services often leads to placement failure and a return to the juvenile justice system.

The need for accommodation options is stressed in every report on juvenile justice, including the most recent *Young Offenders* from the NSW Law Reform Commission. The NSW Government in response to this report referred to the *Bail Supervision Program*, but failed to note that this was only a pilot program, received less than \$1m funding, and only applied to repeat offenders. Funding within DoCS should be quarantined for this high-needs group in order to ensure that such programs are available to all young offenders and are ongoing.

As noted earlier, it is at the first point of contact with the juvenile justice system that needs to receive attention and preventative mechanisms put in place to avoid young people entering into a life in corrective institutions. Children with support are more likely to meet their bail conditions, appear in court and be involved in diversion programs such as Youth Conferencing. DoCS requires funding and policy direction to ensure that young people receive the support required to meet their needs, which includes children in care who are also in contact with police and the juvenile justice system.

### ***Recommendation***

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*Funding should be provided to meet accommodation requirements of the Bail Supervision Program. All young offenders should be eligible for this program. Funding for these services should be quarantined and ongoing within the Department of Community Services budget.*

*Additional funding should be available to provide out-of-hours and weekend to support to children in care who are in police custody and need accommodation in order to avoid detention.*

*Funding should support a data system that provides accurate and timely information about young people in contact with the juvenile justice system to the Courts, Police and DJJ. This is particularly the case when accurate and up- to-date bail conditions are required.*

*Funding is needed for new positions for Department of Community Services court liaison officers.*

*Additional funding is needed to support services that care for children with challenging behaviours.*

# APPENDIX 1

## Case Studies - accommodation

### **John: 15 years old, remained in detention for four weeks without any bail review because suitable accommodation could not be found**

On 12 December 2003, John was arrested and charged with:

1. failure to pay a taxi passenger fare and
2. breach of a good behaviour bond (due to his failure to pay the taxi fare).

The police refused bail and he was taken to a Juvenile Justice Centre.

On 18 December 2003, conditional bail was granted, with one of the conditions being to reside as directed by the Department of Community Services. Despite this John remained in detention for over four weeks.

This prolonged detention was in breach of the *Bail Act* whereby a detainee who is granted conditional bail but who cannot fulfil the conditions of bail cannot be held more than eight days without a bail review.

### **Jasmine: 13 years old, spent four weeks in detention because suitable accommodation could not be found by the Department of Community Services**

On 17 February 2003, Jasmine, who was 13 years old, was charged with two counts of Assault Occasioning Actual Bodily Harm and one count of Malicious Damage in relation to her mother and stepfather. The police refused bail.

On 18 February Jasmine was granted conditional bail with the condition: 'to reside as directed by the Department of Community Services (DoCS) in consultation with the Department of Juvenile Justice (DJJ)'.

Despite this, Jasmine remained in custody and was sent to a Juvenile Justice Centre as DoCS was unable to find her suitable accommodation.

On 4 March 2003, Jasmine appeared in the Children's Court for a bail review. The Court expressed disgust that Jasmine had remained in detention and deleted the residency condition from the grant of bail, Jasmine was released and the matter adjourned to 8 April 2003.

On 18 March 2003, Jasmine attended a local police station seeking somewhere to live. She was brought before the Children's Court on 19 March for a further bail review. Conditional bail was again granted but without a specific condition as to residency.

Jasmine failed to appear in Court on 8 April 2003. A warrant was issued for her arrest.

She was subsequently arrested and brought before the Children's Court on 15 April 2003. Jasmine was granted conditional bail again with the following residency condition: 'to reside at Gordana House or as directed by DoCS...'

Jasmine took up residence at Gordana House but left the address due to difficulties with another resident she had previously met while in detention.

On 24 April and on 28 April 2003, Jasmine appeared again in custody at the Children's court and was granted conditional bail to reside as directed by DoCS. Jasmine remained in custody for the next three weeks as satisfactory accommodation could not be found.

On 13 May, Jasmine was living again with her mother and stepfather. On a bail review that day the magistrate granted Jasmine bail conditional on Jasmine not assaulting her mother and stepfather.

On 29 May 2003, the Children's Court dismissed the matters against Jasmine. Jasmine by then was living with her father. The Magistrate noted that Jasmine had spent a total of four weeks in detention.

### **Mary: ongoing difficulty with the Department of Community Services finding appropriate care, placed in detention at various times as a result**

Mary migrated to Australia at the age of 13 years. She was subjected to physical and sexual abuse while growing up. Soon after coming to Australia she became homeless and her mother reportedly refused to have anything to do with her.

A long series of short-term foster placements were made before Mary was sent to a youth care unit. Mary began to exhibit self-harming behaviour.

On 11 November 2002, Mary was charged by police with three counts of Common Assault with Indecency and sent to a JJC (Juvenile Justice Centre). The same day she was released on bail and placed in 24-hour supported accommodation.

A report of 12 November 2002 ordered by DoCS showed Mary had differing diagnoses of mental illnesses from different psychiatrists and had been given different medications and there was no clear plan for treatment.

Mary became very unhappy in her supported accommodation. On 12 December 2002, Mary was charged with two counts of Malicious Damage to Property. The police refused bail. The Court refused bail the next day.

On 20 December 2003, the Court granted Mary conditional bail with the condition that Mary live at the same supported accommodation and obey the reasonable directions of her carers and a further condition about not assaulting certain workers there.

On 12 January 2003, Mary was charged with a minor offence and admitted to a detention centre. Bail was then granted on condition Mary live at the same accommodation as previously. Mary refused to go and was charged with Intent to Commit Indictable offence because she allegedly attempted to throw something at the transport vehicle.

By 28 January 2003, DoCS had moved Mary to a different refuge while on bail. An incident occurred to a friend there and Mary hit the wall. Police alleged she threatened workers and refused to obey orders. Mary was arrested for breach of bail condition to 'obey the reasonable orders of her carers' and removed from the refuge. The Court found a breach of bail but did not take action, noting the welfare issues involved.

Mary's solicitors pursued a section 32 application under the *Mental Health (Criminal Procedure) Act 1990* (NSW). Psychological reports were ordered which recommended special placements be made so Mary could gain treatment for the numerous psychiatric and psychological problems in her life.

## Case Studies - Children unable to meet bail conditions

Background	Circumstances leading to arrest and detention	Location
Age 12 Aboriginal	<p><b>Arrested after found 'loitering' around Redfern Train Station at about 2am on 18 August 2007. Police checks showed he had entered into a bail agreement on 31 July 2007 with conditions including a curfew not to leave his home between 9pm and 6am.</b></p> <p>Young person was not in fact on any bail condition at the time. He had been picked up some years earlier associated with wandering away from home related with ADHD. Since that time this condition was medicated. There is some chance that he was confused with his cousin. It is possible that his cousin gave false details to the police earlier.</p> <p>Detained overnight in Cobham Correctional Centre. Cried most of the night. His grandmother reported unusual hyperactivity after release.</p>	Arrested Redfern Station  Detained Cobham Correctional Centre
Age 15 Aboriginal	<p><b>Arrested on 24 August 2007 for allegedly breaching a bail condition after the relevant matter had been finalised on 31 July 2007.</b></p> <p>Arrested again on 31 August 2007 despite protest that no bail applied and showing police court documents that the matter being finalised.</p> <p>On 31 August 2007, young person was arrested in Darling Harbour after approaching police when he saw them talking to his cousin. He offered to take his cousin home.</p> <p>The Police checked his details. They claimed he was in breach of bail conditions. He produced court papers to show the matter had been resolved. They said they would sort it out at the station and drove him to city central police station. They dropped his cousin off on the way, going near to his house.</p> <p>He spent the night in custody. He was released the next morning when it was found by the magistrate that the matter had already been dealt with.</p>	Arrested Darling Harbour  Detained City Central Police Station

Age 14 Aboriginal	<p><b>Arrested on 24 August 2007 for allegedly breaching a bail condition (breach of curfew) after the relevant matter had been finalised on 31 July 2007 despite protest that no bail applied and that the matter being finalised.</b></p> <p>Arrested again on 31 August 2007 despite protest that no bail applied and that the matter had been finalised.</p>	Detained City Central police Station
Age 17	<p><b>Arrested and detained on 17 September 2007 on a warrant that had been executed on 14 September 2007.</b></p> <p>She was arrested after a car in which she was the passenger was stopped by the police for speeding. Police checked her details and alleged she had an outstanding warrant for breach of bond.</p> <p>She informed the police she was in Court on 14 September 2007.</p> <p>She was arrested in relation to the alleged outstanding warrant, searched, and then conveyed by caged truck to Waverley Police Station.</p>	Arrested Paddington  Detained Waverley Police Station
Age 16	<p><b>Arrested 20 April 2007 for alleged breach of bail.</b></p> <p>He was consuming alcohol with other young people outside McDonalds in George St, Sydney.</p> <p>Police conducted a VKG person enquiry which revealed he had breached a curfew condition of his bail condition.</p> <p>Police checked his mother's house where he was required to stay. She claimed he was staying with his grandmother. She was unaware he had bail conditions.</p>	Arrested George St, Sydney  Detained City Central Police Station.
Age 17 at the time of the incident.	<p><b>Arrested on 8 December 2002 for breach of a bail condition that had been deleted on 19 November 2002.</b></p> <p>She was kept in custody overnight at Lidcombe Children's Court.</p>	Arrested Dee Why Police Station  Detained - Lidcombe
Age 15	<p><b>Arrested for breaching a bail condition but was never on bail.</b></p> <p>The Police knew this when they arrested her. Police also attempted to arrest her for breach of bond but no action had been initiated for this. This was explained by the Department of Juvenile Justice at the time. She was also searched illegally and detained at Juniperina for 24 hours.</p>	Burwood Police Station  Detained Juniperina
Age 19	<p><b>Arrested at Waverley Police Station on two warrants for non-attendance at Court on 9 February 2007.</b></p>	Waverley Police Station

	Both warrants had been recalled on 9 February 2007. She spent a night in Juniperina.	
Age 17 at the time of the incident	<b>Arrested on 6 April 2007 for breach of bail curfew, when curfew had in fact been lifted.</b>  He claims that when they realised the curfew had been lifted, they then claimed he was drunk and tried to arrest him for being drunk. He denies being drunk. Alleged false arrest and detention in custody. Alleged false arrest and refusal of bail on 17 January 2007. Held overnight at Cobham Correctional Centre.	
Age 16	<b>Kept in custody on 26 February 2007 after being granted bail.</b>  Instead of being returned home, they took her to Juniperina.	Arrested near town Hall, detained at City Central Police Station
Age: 17 Pacific Islander	<b>Arrested on 7 October 2006 for alleged breach of bail curfew but matter finalised.</b>  His mother showed the police the relevant court documents. The police did not believe her and he spent the night in custody.	
Age 18 at time of incident Samoan	<b>He was stopped in the street. Police failed to introduce themselves, and would not provide their names when asked by him.</b>  They strip-searched him in the street without properly informing him of the need to remove clothes, or the reason for it. A number of people were able to see him during the search and laughed at him.	Arrested punchbowl  Officers from Campsie and Belwood Police Station
Age 13	<b>Arrested at school at a sports carnival with little or no basis for arrest and detained for over two hours.</b>  Issue: inappropriateness of the arrest.	
Age 15	<b>Picked up for breach of bail on 20 April 2007.</b>  This was dismissed on 21 April 2007 by the Court as original charge had been dealt with on the morning of 20 April 2007. Picked up again on 26 April 2007 for breaching bail. The bail was also inappropriate in that it required him not to go within one km of the Chinese Gardens, not to enter the city of Sydney, and a curfew.	Arrested Darling Harbour  Officers from City Central Police Station

<p>Ages 15 and 16</p>	<p><b>The two children had bail conditions with curfews. D's was initially 7pm, L's was 6pm.</b></p> <p>D had been caught by police twice at 7.05 pm and 7.25 pm on his way home as father forgot to give him money for a cab.</p> <p>Curfew was later extended to 9pm for both of them.</p> <p>K (mother) got a call at 6.25 pm from Penrith Police Station. She explained they were not breaking the curfew and faxed through court orders. K asked Law Access to call. Eventually constable admitted the fax had arrived. The orders regarding the 9pm curfew were also on the system. Despite this the children remained in custody until 11am the next day.</p>	<p>Penrith Police Station.</p>
<p>Ages 8-12</p>	<p><b>Five cousins were walking home.</b> A police car stopped and asked the kids to come to the station. When the officer insisted the oldest child got in the car and the others followed. Some started crying.</p> <p>The children were kept in a room and questioned. No attempt was made to contact their mothers.</p>	<p>Cowra police Station</p>
<p>Age 15 Afghani refugee</p>	<p><b>Arrested for alleged breach of bail conditions and spent one night in custody.</b> Both DJJ and police made a mistake over bail conditions. They should have read 'obey all reasonable directions of parents'. Juvenile Justice contacted him several times and when he didn't return phone calls they called the police and he was arrested.</p> <p>He also claimed the police were extremely rough with him. He claims he feels victimised by the police.</p>	<p>Auburn Detectives</p>
<p>Age 15</p>	<p><b>Allegedly illegally strip-searched at Granville Station.</b> He agreed to a search but did not realise it was a strip search. He was allegedly told that if he refused to strip he would be forced to. Police refused to call his mother after the search despite his requests.</p>	<p>Wentworthville Police</p>
<p>Age 17</p>	<p><b>Arrested for breach of Bail on 5 March 2007 after matter had been finalised on 20 February 2007.</b> He was detained overnight.</p>	<p>Fairfield Highway Patrol</p>



## References

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