

Objective Classification System Policy

Essential Summary

Youth Justice NSW (YJNSW) has a responsibility to safely and securely detain all young people legally mandated into custody, as stated in the Children (Criminal Proceedings) Act 1987, Children (Detention Centres) Regulation 2015, Children (Detention Centres) Act 1987, Children (Detention Centres) Amendment (Classification) Regulation 2019.

The Classification System is an essential tool for performing this function.

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]


[REDACTED]

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1 Scope

This policy applies to all Youth Justice NSW (YJNSW) employees, whether employed on an ongoing, temporary or casual basis, who are involved in supervising, working with or undertaking the classification on young people in custody.

2 Purpose

The purpose of this policy is to facilitate consistent and objective methods of classification when assessing the needs and risks of young people in custody. Effective classification links security, case management and program options.

3 Definitions

Aboriginal and Torres Strait Islander refers specifically to Aboriginal people, as they are the original inhabitants of NSW; and as the NSW Government only has a specific charter of service to the people of NSW, this document refers only to Aboriginal people. References to Torres Strait Islander people will be specifically stated where relevant. It is important to remember that Aboriginal and Torres Strait Islander cultures are very different, with their own unique histories, beliefs and values. It is respectful to recognise their separate identities.

Case Management refers to the central organising process which ensures that each young person receives the interventions and services required to maximise their capacity and opportunity to choose positive alternatives to offending.

Centre Manager refers to the person for the time being in charge of the centre.

Critical Dates refers to the dates a young person is eligible for outings, day leave or overnight leave.

Employee refers to all persons employed on an ongoing, temporary or casual basis within Youth Justice NSW.

Must indicates a mandatory action to be complied with.

Should indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action.

Young Person applies to all young people that Youth Justice NSW has a mandate to supervise whether in community or custody

4 Rationale

The Objective Classification System (Classification System) commenced operation in December 2004, following two years of research, planning, testing and consultation. Professor James Austin, Director of the Institute on Crime Justice & Corrections at the George Washington University in Washington DC, a foremost authority on objective classification systems and his Australian based associate Dr Garry Coventry advised on the criteria, development of instruments, coding manuals and pilot testing.

In 2017 Youth Justice (YJNSW) engaged the University of Sydney to conduct a review of the YJNSW ODCS. This report titled *Review of Objective Classification System: Final Report* was released in August 2018.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

5.1 Objectives of the Classification System

The primary objectives of the classification system are to:

- assist in the protection of employees and other young people,
- protect the community and any visitors to the centre,
- provide a safe environment for young people,
- place young people in the least restrictive custodial environment, consistent with their risk, and
- provide an objective, consistent and equitable decision-making basis for case management and programming to assess a young person's risk.

5.2 How the Classification System works

[REDACTED]

¹ Review of Objective Detainee Classification System: Final Report

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED])
[REDACTED]	[REDACTED]

7.2 Additional Placement Considerations

The classification system considers any additional issues that may affect a young person's placement in custody each time a classification is performed.

Placements	Explanation
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

9 Initial Classification

Initial classification involves assigning custody levels to young people recently admitted to any YJNSW centre.

9.1 [REDACTED]

[REDACTED]

10 Classification Review Reasons

The aim of reclassification together with case management is to prepare a young person for their transition from custody to the community.

The reclassification process provides incentives for positive behaviour and disincentives for negative behaviour and is triggered by the following reasons:

10.1 [REDACTED]

[REDACTED]

10.2 [REDACTED]

10.2.1 Remand

Remand	Reclassification Intervals
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

10.2.2 Control Status

Length of NPP period	Reclassification Intervals
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

10.3 Change of Status Review

A change of status review is conducted when:

- a young person, already in custody, has been sentenced to a control order with a non - parole period
- all remand charges have been finalised (does not include CAN s105 notices)
- revocation of parole- young person has attended first court appearance and has no other remand matters

A change of status review can be conducted regardless of pending appeals.

10.4 Critical Dates review

A critical date review can be conducted when a young person sentenced to a control order is eligible for outings based on their critical dates.

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- [Redacted list item]

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- [Redacted list item]
- [Redacted list item]
- [Redacted list item]
- [Redacted list item]

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10.6 Serious Young Offenders Review Panel review (SYORP)

The Serious Young Offenders Review Panel (SYORP) provides direction and guidelines for preparing and reviewing applications for reclassification and leave for young people who have been sentenced with Serious Children's Indictable Offences (*Serious Young Offenders Review Panel (SYORP) Policy 2012*).

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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]

10.7 More Serious Charge

Reclassification for a more serious charge occurs when a young person has attended court and has been charged with a more serious offence as per the *Offence Severity Scale (OSS)*.

10.8 Less Serious Charge

Reclassification for a less serious charge can occur when a young person has attended court and their charges are downgraded as per the *Offence Severity Scale (OSS)*.

10.9 Review for 24(1)(c) (early release from custody)

A young person who is serving a control order in a YJNSW Centre may be released from the centre prior to the expiration of the control order under sec. 24(1)(c) of the Children (Detention Centres) Act 1987. This is commonly referred to as early release or conditional release.

Requirements regarding a 24(1)(c):

- a young person must be on a control order after having been sentenced in a Children’s court
- a young person’s classification must be Low/Medium B2 or Low B3
- is not available to a young person serving a sentence for a Serious Children’s Indictable Offence
- a young person has served at least three quarters of the non- parole period
- a sentencing court cannot direct the Executive Director to permit a child to early release
- early or conditional release is a discretionary and administrative function of the Executive Director

A reclassification can be prompted when a young person has been recommended for a 24(1)(c).

This can be prompted by the Classification Officer, Case Worker or a centre employee.

11 Overrides

Overrides are used to ensure that the system can meet statutory requirements whilst being responsive to a young person’s history in custody, current behaviour and release preparation.

Mandatory overrides

[REDACTED]

[REDACTED]	[REDACTED]
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	[REDACTED]

12 Notice to a Young Person

After an initial or reclassification has been conducted, a classification officer should provide the following information to the young person:

- the classification level allocated to the young person and how this level was determined
- how the young person can decrease their classification level i.e. through school attendance, counselling, no incidents or misbehaviour and program involvement
- what factors will increase their classifications i.e. incidents and non-engagement in endorsed programs and counselling
- an explanation of the classification levels, with the conditions and restrictions applicable to each
- benefits and incentives of lower classification
- the Waratah Program
- other programs which may require a low classification such as high-risk programs
- the procedures/ criteria by which a young person may appeal their classification

12.1 Additional Considerations

An Aboriginal young person must be informed that they can have an Aboriginal employee present during any aspect of the classification process.

If a young person from a non-English speaking background requires an interpreter, this must be arranged prior to the young person being informed of their classification.

A young person should be informed that they can have a key worker or youth officer present.

12.2 [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
 - [REDACTED]
- [REDACTED]

13 Informing the Youth Justice Centre

Reasons you must inform the Centre Manager of a young person's classification include:

- [REDACTED]
- [REDACTED]
- [REDACTED]

14 Classification System Appeals

A classification appeal can be lodged by a young person or a Centre Manager within 7 days of the finalised classification. The appeal can occur on either an initial classification or classification review. A young person must be informed of their appeal rights and the process during the initial classification_process and again during the classification process.

14.1 Young Person Appeal

The young person may appeal their classification outcome on the following grounds:

- belief of prior good behaviour (which the Classification Officer may have failed to recognise)
- consideration of severity of an incident which may have occurred some time ago
- incorrect/false/misinterpreted details of events or information
- isolated institutional conduct (which the Classification Officer may have considered more severe than indicated)
- evidence that indicates behaviour escalated as a result of provocation by others.
- error in judgment by the Classification Officer

Throughout the appeal process, young people must be managed in accordance with the classification level, derived at prior to the appeal.

14.2 Centre Manager Appeal

Centre Managers may appeal the classification outcome of a young person on any grounds.

14.3 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14.4 Appeal Resolution

Appeals are unable to be sent for resolution to the position or person that approved the original classification. This is to ensure that objectivity is maintained when dealing with appeals.

Position	For resolution of:
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

15 Case Management and Programs

Classification officers should utilise information in accordance with the Young Person's case plan to ascertain their level of engagement regarding addressing their offending behaviour.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

16 References

16.1 Legislation

- *Children (Detention) Centres) Act 1987*
- *The Children (Detention Centres) Regulation (NSW) 2015*
- *Children (Criminal Proceedings) Act (NSW) 1987*

16.2 Policies

- *Alcohol and Drug Testing (Young People)*
- *Case Management*
- *JJNSW Policy of Applying Powers and Responsibilities*
- *Serious Young Offender Review Panel (SYORP)*

16.3 Procedures

- *Objective Classification System*
- *Placement and Relocation of Young People*
- *Section 24(1)(c) Conditional Discharge*

16.4 [REDACTED]

[REDACTED]

16.5 Resources

- *Employee Information Sheet*
- *Young Person information Sheet*

17 Document Information

Title:	Objective Classification System Policy
Business Centre:	Operations Unit
Author:	Project Officer
Approver:	Director, Policy and Practice
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Next Review Date:	September 2022
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18 Document History

Version	Date	Reason for Amendment
0.2	16 September 2020	The Objective Detainee Classification Policy review scheduled as a part of the <i>LS3 Classification System Review Project 2020, YJNSW Custodial System Reform Program of Works</i> . The procedure has been transferred into new TOM template.
0.1	August 2016	New policy.