Reframing the purpose, practice and place of juvenile detention In the Northern Territory

Submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory

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Designing Out Crime and Corrections

This submission was written by an inter-disciplinary group of design, social science and education practitioners and researchers at the Designing Out Crime research centre (DOC) at the University of Technology Sydney (UTS). DOC was established in 2008 as a partnership between the NSW Justice Department and UTS. DOC's purpose is to develop and utilise design innovation methods to create new ways to resolve social problems related to crime.

Since 2012, a design research team at DOC has engaged with Corrective Services NSW, and more recently Juvenile Justice NSW, in a series of design research projects. The joint vision of these projects is to create new knowledge about innovations in criminal justice practices and design. We research the process of designing programs, places and products that in their making, operation or use will contribute meaningfully to people's desistance from offending and the safety of the community. Some of these projects (with links where relevant) include:

- Intensive Learning Centre at Mid-North Coast Correctional Centre
    - SMH Video
    - RN Interview
- Learn to Work | Work to Learn: Integrating education within industries in NSW prisons – Report
- Creating productive spaces for Community Corrections Offices and family video contact. (Awaiting approval for public release)
- Audio visual link (AVL) suites in custodial contexts: Basic ergonomic and technical recommendations. (Awaiting approval for public release)

DOC is relatively unique within the university sector in the way that research and practice are integrated and applied in the context of complex social problems. Our focus on developing knowledge, through design, about innovation in corrections is even less common. Through the critique of design processes and evaluation of project outcomes we have indeed been able to build new knowledge (for example see Lulham et al, 2016; Lulham et al, 2016; Munro, 2016; McGregor, 2016), which offers useful insights that could help shape the future of corrections in Australia.

About the Authors

Kevin Bradley is a registered architect and holds 30 years experience in the construction industry. Kevin designed the architecture of the Intensive Learning Centre (ILC) at the Mid North Coast Correctional Centre in Kempsey, NSW (more information on this project available in this submission). He is currently undertaking a PhD at UTS.

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Rohan Lulham has a PhD in Architecture for one of the most detailed studies internationally on the impact of physical design in juvenile detention facilities. He has contributed to a number of juvenile detention design projects and leads the DOC design research team's work in the corrections field. He is a research fellow at DOC. Rohan also has 10 years experience working as a psychologist in juvenile detention facilities.

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Douglas Tomkin is an Associate Professor at UTS and joined DOC in 2009. Douglas has worked as a designer, academic and teacher in Europe, South East Asia and Australia. Douglas has expert knowledge of consumer products, medical equipment and interactive devices and furniture. He is an integral part of the corrections work undertaken by the DOC design team.

Introduction

The evidence is in and it is overwhelming: the Northern Territory's (NT) juvenile justice system is broken (Jones, 2016) and it has been broken for a number of years (Aikman and Robinson, 2013).

As illustrated in the ABC Four Corners program, 'Australia's Shame' (aired 25 July 2016), the Children's Commissioner Annual Report 2015-16 and the Review of the Northern Territory Youth Detention System (Vita ,2015), NT youth detention is a counterproductive and brutal system for the young people, the staff and to the broader community. Over a number of years, the system has contravened the most fundamental human rights, obligations and expectations that the Australian community holds as essential regarding the treatment of children. When flaws in the system have previously been publicly identified, the response has often led to more rather than less dysfunction.

It is clear that for real and lasting change to occur and to be able to create a respectable youth justice system in the NT, a thorough re-evaluation of the purpose, practice and place of detention is required.

This submission supports such a re-evaluation, by presenting some findings from our collective experience and expertise related to detention design and research. We provide a summary of literature that helps build an understanding of the current state of dysfunction in the juvenile detention system. Then, drawing on our own experiences working in this context, we suggest a new way of framing juvenile detention that allows and encourages young people to flourish.

We offer this perspective for the Commission's consideration to illustrate that there are many opportunities through which the NT juvenile justice system could be reshaped, rather than to provide definitive or exhaustive conclusions about the way that this should be done.

It is important to state upfront that we believe the fundamental and overriding goal should be for the NT to develop alternative services and programs that mean detention is never required, or if it is, only as a last resort. However, our expertise lies mainly in the area of secure accommodation practice and design, and we acknowledge that some form of secure accommodation will exist for juveniles in the NT into the short- to medium-term. As such, our submission focuses on how such places of secure accommodation can exist not only without causing harm, but also to aspire to be places where young people and staff progress, develop and flourish.

Trying to understand the current situation

Rohan Lulham and Lucy Klippan

10th February 2017

When confronted with the images and situations portrayed in ABC's Four Corners program, it is difficult to understand how they came to be. How could a system essentially created to care for young people in detention become so brutal and dehumanising? Unfortunately this is not the first time a closed custodial environment has become counterproductive and harmful. Other examples exist within juvenile and adult detention centres, mental health and disability facilities in Australia and internationally (for example, see the NSW Ombudsman's report into Kariong Juvenile Correctional Centre, or the literature on the Katingal behaviour management unit at Long Bay Correctional Centre in NSW).

In this section we briefly draw on three areas of research to build an understanding of how the current dysfunctional state of juvenile justice in the NT might have developed. Our particular – though not exclusive – focus in this analysis is the role of the physical environment in relation to this dysfunction.

We discuss the overriding cold, conservative approach to detention in the NT and use Wortley's situational model of custodial management to assess the probable impact of these practices on young people's behaviour. Second, we discuss the infamous Stanford prison experiment and the so called "fundamental attribution error" – the negative consequences that can occur due to an innate bias that underestimates the impact of a situation when attributing causes to behaviour. Lastly, we discuss the literature related to trauma and trauma informed approaches, particularly as it relates to indigenous young people in detention.

The risk of a cold, conservative approach[1]

In considering the reports on NT detention over the last five years, it is clear that the systematic approach to resolving problems and managing risk is not working. This approach is increasingly cold and conservative. This is reflected in some of the most recent images of staff practices (e.g. the cruelty shown in the use of a restraining chair and spit hood on the young Dylan Voller) and in the design of recently refurbished facilities (the stark, cage-like structure as seen in figure 1) at the Don Dale Youth Detention Centre. Here, young people's behaviour is seemingly being managed through the use of restrictive, opportunity-reduction approaches of target hardening, access control and surveillance (Wortley, 2002). While the intention may be to reduce opportunities for negative behaviour to play out, this approach does nothing to inspire positive behaviour in the young people. In effect, it is almost certainly encouraging negative behaviour to continue (Wortley, 2002).

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[1] In the formulation of this argument we draw from and apply to the NT juvenile detention context the analysis in

Figure 1: The refurbished behavior management unit and a young person alone in a restraining chair at the Don Dale Youth Detention Centre

Currently, the physical environment is primarily considered as a means of containing negative behaviour. Within the correctional literature there is increasing recognition that the design of detention facilities fundamentally influences how they operate. The physical environment influences people's self-image, their relationship with others, their behaviour, what activities they can perform, and their physical and mental health (Awofeso, 2011, Fairweather, 2000; Lulham, 2007; Beijersbergen, Dirkzwager, van der Laan, & Nieuwbeerta, 2014; Grant & Jewkes, 2015;). In this regard Wener (2012, p. 252) states that in correctional settings,

> "The impact of the appearance of the setting is immediate and global in nature. When people enter a new place, they pull from it an immediate sense of the situation, provided by physical cues but interpreted through their own cultural history".

Importantly, these effects are not just limited to the behaviour of detainees but also to the impressions and behaviour of staff (Lulham, 2007; Zimbardo, 2007).

Evidence is mounting both within correctional facilities (, Beijersbergen, Dirkzwager, van der Laan, & Nieuwbeerta, 2014; Grant & Jewkes, 2015; Wener, 2012; Lulham, 2007) and in other institutional settings (Thompson, Robinson, Dietrich, Farris, & Sinclair, 1996a, 1996b; Thompson, Robinson, Graff, & Ingenmey, 1990) that physical design which is residential and familiar, as opposed to institutional and cold, is associated with more positive (and less anti-social) behaviour. In this regard Wortley's (2002, p. 58) situational prison control framework outlines a range of 'precipitating' strategies that seek to create a situational environment that promotes positive behaviour. In relation to physical design, the framework includes:

- controlling prompts and setting positive expectations through domestic quality furnishing that confer trust,
- reducing anonymity through small prison size,
- personalizing victims through humane conditions,
- enabling a positive sense of community through ownership and personalisation of the space.

The design of the Don Dale facility, and in particular the behaviour management unit, in many respects represents the antithesis to each of the above strategies. The design is institutional, confers mistrust, depersonalises and promotes anonymity through scale and appearance. The ability to personalize space, have ownership and enact personal control is purposefully absent. As such, if Wortley's framework is to be followed, there are clearly negative ramifications of such a cold, conservative approach to managing difficult behaviour. Further it defines detainees as the

'dangerous offender' (McGregor, 2014) and offers few opportunities for developing or occupying identities inconsistent with a criminal future (Paternoster & Bushway, 2009).

We contend there are significant risks associated with the NT detention system continuing with a cold, conservative approach to the design and operation of their facilities. It is embedding particular staff practices and meanings that may be seriously limiting its capacity to create a safe and genuinely productive place of detention. In Section 3 of this submission we suggest there is a need for the NT justice system to engage in a process of reframing the purpose and practice of secure youth accommodation, and embedding these in new places for the secure accommodation of young people in the NT.

Broadcasting to, rather than connecting with community
Kevin Bradley

The electronic eye of the closed-circuit video system with its blurry, low resolution and detached inhuman viewpoint high up in the corner of a room has become the gaze of society. This type of vision makes its way to mainstream and social media – and indeed, the now ubiquitous footage of the Don Dale Youth Detention Centre was first made public via the ABC's Four Corners program. Through screens of all sizes, we absorb such imagery in at home, in the workplace, or even during our daily commute. Thus it becomes our reality, transmitting thought movements far beyond the place of where a thing happened. The electronic gaze is now relentless and it is what connects places like Don Dale with the broader community, regardless of protests from governments or media commentary.

The brutally bleak and sparse environment is the silent backdrop to the behaviour of the young people and staff. Whilst community opinion varies widely with regard to the level of quality that prison environments should be afforded for the incarcerated, the environmental conditions of the Don Dale footage would have satisfied the bleakest of opinions. It was dire at best. The at-risk spaces appeared less than human and resulted in a parallel behaviour playing out on our screens. This is what we see and this is Don Dale's connection with community.

Figure 2: The electronic eye becomes our gaze. NT News

Of course, environments like Don Dale do not disappear when the next news story appears in our feed. They continue to impact the behaviour and wellbeing of those who continue to be exposed to them. The young people's capacity to modify their behaviour in a setting like the one shown in the image above is severely limited. It is clearly impossible for the at-risk spaces to promote anything other than intense dysfunctional behaviour that cannot manifest as a productive member of society for the individual. In effect, the path being set by the place is to breed more criminal behaviour and a continued model of "us" versus "them".

Fundamental errors of attribution

When judging the negative behaviour of others, psychological research consistently finds that people over-emphasise the role of personal characteristics and intentions, while under-emphasising the influence of external situational factors. We are more likely to personally blame others for their negative behaviour, while for ourselves we consider the impact of the situation.

Ordinarily this effect may be of little consequence, but when a person is tasked with managing and judging the behaviour of others in a vulnerable situation, it can be significant. For example, the behaviours seen in the infamous 1973 Stanford prison experiment (see grey text box) and uncovered in 2004 in Abu Ghraib prison in Iraq have largely been considered to be caused by this effect. In a review of Zimbardo's book that explores this, Levine (2007) states, "in each case, those in power invariably drew the mistaken conclusion that the pathologies were the result of a few bad apples, rather than the situational forces".

> The Stanford Prison experiment
> *The Stanford Prison experiment … 'sought to discover to what extent the violence and anti-social behaviors often found in prisons can be traced to the "bad apples" that go into prisons or to the "bad barrels" (the prisons themselves) that can corrupt behavior of even ordinary, good people'. To explore this in 1973 volunteer college students were preselected based on being assessed as mentally and physically healthy and then 'randomly assigned to role-play either prisoners or guards in the simulated prison setting constructed in the basement of Stanford University's Psychology Department. The prison setting was designed as a functional simulation of the central features present in the psychology of imprisonment (Zimbardo, Maslach, & Haney, 1999)'.*
>
> *'So extreme, swift and unexpected were the transformations of character in many of the participants that this study -- planned to last two-weeks -- had to be terminated by the sixth day. …..' 'Many of the normal, healthy mock prisoners suffered such intense emotional stress reactions that they had to be released in a matter of days; most of the other prisoners acted like zombies totally obeying the demeaning orders of the guards; the distress of the prisoners was caused by their sense of powerlessness induced by the guards who began acting in cruel, dehumanizing and even sadistic ways. The study was terminated prematurely because it was getting out of control in the extent of degrading actions being perpetrated by the guards against the prisoners - all of whom had been normal, healthy, ordinary young college students less than a week before.'*
>
> *'The Stanford Prison Experiment has become one of psychology's most dramatic illustrations of how good people can be transformed into perpetrators of evil, and healthy people can begin to experience pathological reactions - traceable to situational forces.'*
> (American Psychological Association, 2004 June 8; paraphrasing in italics and quotes enclosed with single quotation marks)

There are stark similarities between the Stanford prison experiment, Abu Ghraib prison abuse and the degrading treatment of young people at Don Dale Youth Detention Centre – it is evident that the fundamental attribution error is at play within the NT detention system. It is likely that those in power, regardless of rank, have often been mistaken in concluding negative behavior is squarely attributable to the unruly intentions of specific detainees.

There are many other parallels that can be made between these examples mentioned, but some similarities can be seen immediately in series of images below. One image from each location is shown, and it is striking that across these different contexts – separated by time, country and facility type – the behaviours of staff in essentially tortuous activities are coordinated and legitimised.

Figure 3, left to right: Stanford Prison experiment, USA, 1973; Abu Ghraib Prison, Iraq, 2003; Don Dale Youth Detention Centre, Northern Territory, 2015

The Stanford prison experiment and related research provides some important learnings for understanding the current NT detention system. First, and most critical, is the power of institutions and environments to create a situational context that can elicit staff to engage in extremely punitive behaviour, and detainees to experience extreme helplessness and agitation.

The second is the potential impact of errors in attributing these situational effects (i.e. negative staff and detainee behaviour) at the Don Dale institution to the result of 'bad apples' (whether staff or detainees) and to their flawed intentions and characteristics. This bias results in the organisation ignoring its own actions in creating the negative behaviours and in staff not reflecting on their role in individual young people's negative behaviour.

The third relates to what situational factors produce an environment where staff engage in negative, abhorrent behaviours in these types of institutions. In relation to this we include as a text box Zimbardo's seven social processes that can lead to evil (Zimbardo, 2015). In addition to these processes Zimbardo identifies that a common quality to both the Stanford prison and Abu Ghraid was that the situation was new, unfamiliar and we would suggest lacked clarity of purpose. It was the case that both these institutions were characterised by an ill-defined, negative and coercive purpose and expectation (Konnikova, 2015).

The seven social processes that grease "the slippery slope of evil"[10] in new or unfamiliar situations:

- Mindlessly taking the first small step
- Dehumanisation of others
- De-individuation of self (anonymity)
- Diffusion of personal responsibility
- Blind obedience to authority
- Uncritical conformity to group norms
- Passive tolerance of evil through inaction or indifference

Zimbardo (2008)

In specific terms physical design is fundamentally related to a number of these processes outlined by Zimbardo (2008). Physical design imbues meaning and is a major component of the situational context that dehumanises, makes anonymous and diffuses responsibility through structuring how people relate and limiting people's access to the most basic of human rights (i.e. natural light, fresh water, ventilation). In so doing, we would suggest the physical environment itself can "mindlessly take the first small step". Further, in not being able to change a physical environment that is fundamentally inhumane, the first action required by staff is to

show "passive tolerance of evil through inaction or indifference". In broader terms detention design is also the physical embodiment of the purpose and intentions of the institution. The physical environment can create an alien, unfamiliar place which expresses a negative or coercive intent. Conversely it can create familiarity, a sense of normality and humanity and a clarity of purpose for both staff and detainees. We speak to these issues in some more detail later in this submission, particularly the importance of a clear purpose for designing these facilities and the need to create places that are experienced as familiar and safe by staff and detainees.

"You look different in that detention centre"

Where we are – the physical setting and its design - influences how others perceive us in social situations (Goffman,1959 ; Mead, 1932; Wener, 2012). It also impacts our impressions and expectations of others in that setting. Lulham (2007), one of the authors of this submission, explored this phenomenon within juvenile detention centres in Australia. Using the methodology outlined in the text box below and visualisations of the three residential units displayed in Figure 3, the research examined the question, "Do staff and detainees look different, and do expectations change, based on the physical design of where they are?"

Synopsis of methodology

Groups of actual juvenile detainees and staff were randomly allocated to one of three conditions. In each condition participants were shown a visualisation of a juvenile detention unit, with the three units varying markedly in physical design (see Figure 3). After viewing a dynamic visualisation of the setting, detainee and staff participants then completed a questionnaire assessing their impressions of what staff, detainees, the unit and 'themselves' would be like in the visualised detention space. Impressions where operationalised as how 'good-bad', 'hard-soft', 'active-slow' something is perceived to be. More detail on the study can be found here:
https://www.academia.edu/14523859/Applying_Affect_Control_Theory_to_Physical_Settings_an_investigation_of_design_in_juvenile_detention_centres

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Of particular relevance in relation to understanding the current situation in the NT is that the Institutional, High Security Living Unit (Unit1) in the research has obvious similarities to the Don Dale behaviour management unit. Both are essentially designed to be stark, hard and punitive environments. The research methodology enabled comparisons of how impressions and expectations differed for when the setting was an Institutional, High Security Living Unit in comparison to two units with more residential design (particularly Unit 2).One of the detention units used in the study, Unit 1, was a very stark, institutional and high security facility that had very broad similarities to design of the behaviour management unit at Don Dale youth detention centre. The other two units where more residential in design.

Confirming the hypotheses, but exceeding in some magnitude, detainee and staff participants' impressions were statistically and substantially worse, harder and generally less active in the Institutional, High Security Living Unit. For example, detainees' impression of staff in Unit 1 were 'bad', 'very hard' and 'inactive', while in the most residential unit, staff were perceived as 'good', 'neither hard or soft' and 'neither fast or slow'. The pattern was similar for detainee impressions of 'other detainees', the unit itself and themselves.

Unit 1: Institutional, High Security Living Unit

Unit 2: Normalised, Secure JDC Living Unit

Unit 3: Part-Normalised and Secure JDC Living Unit

Figure 4: Images of the three residential units from actual juvenile detention facilities used in the research.

The impacts on staff participants' impressions were similar, but there were some differences. The impressions of staff participants for 'other staff' and 'themselves' in the Institutional, High Security Living Unit differed substantially in terms of hardness ('very hard' versus 'neither hard or soft'), but didn't differ in terms of goodness. No matter the setting, staff participants' impressions of 'other staff' and 'themselves' were 'good'. In comparison, detainees viewed 'other detainees' and 'themselves' as a lot worse in the Institutional, High Security Living Unit.

One of the most striking findings in the research was that detainee and staff participants' impressions of 'detainees' in each of three visualised environment were almost identical in terms of goodness and hardness, and very similar in terms of activity. When only provided with a visualisation of the design of the setting, both staff and detainee formed very similar impressions of what a 'detainee' would be like in that setting. They appear to "read" the physical design of setting in a similar way when attributing meaning about detainees.

Prior to this current research, it was often assumed that the physical design of correctional facilities influences the social impressions of staff and detainees. There was, however, no specific research in a correctional setting that demonstrated and quantified this. In so doing this, this research assists in establishing how different

physical design approaches impact on how, at least initially and possibly subconsciously, staff and detainees are perceived in these settings.

In the context of understanding the current situation in the NT detention system, and in considering future directions, this research highlights how aspects of the design of Don Dale Youth Detention Centre may be influencing how staff and detainees perceive each other. The physical design influences staff and detainee impressions. While it may not be determining particular behaviours per se, it may be making it more likely for certain negative and punitive behaviours to occur.

A trauma informed approach

Conservative estimates suggest 80% of young people in juvenile detention settings in Australia have experienced significant trauma. This trauma can include one or a combination of: physical or sexual abuse, abandonment, neglect, exposure to violent behaviour, death of a family member or carer, homelessness, exposure to drugs or alcohol in utero and intergenerational trauma (Harris; Burrell, 2013). Within indigenous communities many social problems are now being recognised as being symptomatic of the prevalence of trauma – both acute and chronic (Aboriginal and Torres Strait Islander Healing Foundation, 2013). Similarly for staff working in juvenile detention many will experience trauma, vicariously through exposure to young people's trauma, and/or through their own personal experiences.

Trauma in childhood is identified as contributing to difficulties in young people controlling emotions, forming relationships, showing empathy towards others, concentration and learning (Anderson 2012). Adults and young people with trauma backgrounds are often hyper-vigilant such that they are more aware, sensitive and reactive to the situational environment. Trauma is also identified as a major factor contributing to juvenile offending and to subsequent desistance. In this way trauma is often a major factor of why young people are in detention and why they continue to have difficulties in detention.

For staff, trauma can impact on decision-making skills and blur the boundaries of appropriate behaviour. It can lead to a state of detachment in the workplace, where staff experience an erosion of hope and optimism. At a macro level, and over a prolonged period of time, this can lead to "institutional trauma" which lends to the hyper-vigilant and punitive approach to detention centre management (Miller & Najavits, 2012) that we have seen examples of in cases such as the Don Dale Youth Detention Centre.

Trauma informed practice

In a range of human service contexts it is increasingly recognised that fundamental to facilitating change and providing care is the ability of human service organisations and their staff to acknowledge, understand and work with people's trauma and its effect on their everyday life. In this regard there is a growing body of literature on trauma informed care, both internationally and within Australia. The Australian Institute of Family Studies recent document 'Trauma-informed care in child/family welfare services' (Wall et al, 2016) provides a current and comprehensive overview of this emerging approach. One of the key messages provided in this document is:

> Clients often present to child/family welfare services with a complex range of symptoms and behaviours related to prior and/or past trauma, which neither they nor those working with them have linked to this previous trauma exposure. As a result they may face an uninformed and fragmented response that is potentially re-traumatising. (Wall et al, 2016; p2)

It is evident that re-traumatisation has been the case at Don Dale detention centre. The NT juvenile justice system needs to invest, equip itself and excel in trauma informed practice so as to enable young people to also learn, develop and flourish.

There are many emerging resources to assist in this regard. With particular relevance to the NT justice system is the literature and resources on trauma informed care for indigenous Australian Children (Atkinson, 2013). We provide in Figure 5 the core values of trauma informed care outlined in that document (Atkinson, 2013, pg 6). Extrapolated to a youth context the relevance of these values to reconsidering secure accommodation for juveniles in the NT, both in terms of practice and design, is striking.

Table 1: Core values of trauma-informed services

Principle	Explanation
Understand trauma and its impact on individuals, families and communal groups	This expertise is critical to avoid misunderstandings between staff and clients that can re-traumatise individuals and cause them to disengage from a program. Two strategies promote understanding of trauma and its impacts: trauma-informed policies and training. Trauma-informed policies formally acknowledge that clients have experienced trauma, commit to understanding trauma and its impacts, and detail trauma-informed care practices. Ongoing trauma-related workforce training and support is also essential. For example, staff members need to learn about how trauma impacts child development and attachment to caregivers. Appropriate support activities might include regular supervision, team meetings and staff self-care opportunities.
Promote safety	Individuals and families who have experienced trauma require spaces in which they feel physically and emotionally safe. Children need to advise what measures make them feel safe. Their identified measures need to be consistently, predictably and respectfully provided. Service providers have reported that creating a safe physical space for children includes having child-friendly areas and engaging play materials. Creating a safe emotional environment involves making children feel welcome (e.g. through tours and staff introductions), providing full information about service processes (in their preferred language) and being responsive and respectful of their needs.
Ensure cultural competence	Culture plays an important role in how victims/survivors of trauma manage and express their traumatic life experience/s and identify the supports and interventions that are most effective. Culturally competent services are respectful of, and specific to, cultural backgrounds. Such services may offer opportunities for clients to engage in cultural rituals, speak in their first language and offer specific foods. Culturally competent staff are aware of their own cultural attitudes and beliefs, as well as those of the individuals, families and communities they support. They are alert to the legitimacy of inter-cultural difference and able to interact effectively with different cultural groups.
Support client's control	Client control consists of two important aspects. First, victims/survivors of trauma are supported to regain a sense of control over their daily lives and build competencies that will strengthen their sense of autonomy. Second, service systems are set up to keep individuals (and their caregivers) well informed about all aspects of their treatment, with the individual having ample opportunities to make daily decisions and actively participate in the healing process.
Share power and governance	Power and decision making is shared across all levels of the organisation, whether related to day-to-decisions or the review and creation of policies and procedures. Practical means of sharing power and governance include recruiting clients to the board and involving them in the design and evaluation of programs and practices.
Integrate care	Integrating care involves bringing together all the services and supports needed to assist individuals, families and communities to enhance their physical, emotional, social, spiritual and cultural wellbeing.
Support relationship building	Safe, authentic and positive relationships assist healing and recovery. Trauma-informed services facilitate such relationships; for example, by facilitating peer-to-peer support.
Enable recovery	Trauma-informed services empower individuals, families and communities to take control of their own healing and recovery. They adopt a strengths-based approach, which focuses on the capabilities that individuals bring to a problem or issue.

Source: Adapted from Guarino et al. (2009).

Figure 5: Core values of trauma-informed services, (Atkinson, 2013, pg 6)

In addition to this broader literature on trauma informed care, there is a developing body of practice literature specific to juvenile justice and corrections. In this literature, as in that for other institutional environments, prominent is the importance of a physical environment that supports and does not hinder trauma informed care.

Trauma informed design

In support of trauma informed practice there is a growing interest in the potential for trauma informed *design*. Most of the literature on trauma informed care within institutional contexts will make mention of the importance of the physical environment. In the detention area, much of the initial analysis relating to the physical environment is focused on how some design features can exacerbate trauma (Burrell, 2013; Miller & Najavits, 2012).

In a list that reads like a design brief for the Don Dale behaviour management unit, some of the disruptive environmental factors include:

- harsh lighting that is centrally controlled and may be left on throughout the night,
- limited exposure to natural light
- noise generated from the facility's speaker system, from other inmates and staff, and from the general atmospheric noise associated with poor acoustics (i.e. the sound of doors and gates closing, movement of objects across hard surfaces such as concrete, etc.)
- sterile and uncomfortable sleeping quarters
- being forced into areas with a number of other people, severely restricting personal space
- a general blandness and uniformity in colours and materials, making the whole environment feel stark and surreal.

(Burrell, 2013; Miller & Najavits, 2012)

In terms of more supportive design, many of the frameworks around trauma informed care provide a clear basis from which to design secure accommodation. It would be possible for a design team to consider and embed features that would support many of the 'core values of trauma informed services' outlined previously. Emotional and cultural safety, the capacity for autonomy, moderating power differentials and supportive relationships are all concerns that can be supported through the meanings and affordances embedded in a design process.

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Reframing the purpose of custodial education: framing juvenile offenders as learners

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Australia is a signatory to the UN Convention on the Rights of the Child, the Beijing Rules (1985) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990). Embedded within these documents is a strong sense of the purpose of custody for juveniles, articulated in its principles. The Beijing Rules declare its first Fundamental Perspective as:

1.1 Member States shall seek, in conformity with their respective general interests, *to further the well-being* of the juvenile and her or his family.[2] (emphasis mine)

This is reiterated in the 1990 UN Rules for the Protection of Juveniles Deprived of their Liberty reiterates this:

> 1. The juvenile justice system should uphold the *rights and safety and promote the physical and mental well-being of juveniles.* Imprisonment should be used as a last resort.[3] (emphasis mine)

> The 1990 Rules goes on to more clearly articulate the purpose of juvenile detention being to support each young person to reach his or her potential:

> 12. The deprivation of liberty should be effected in conditions and circumstances which ensure *respect for the human rights of juveniles.*

> Juveniles detained in facilities should be guaranteed the benefit of *meaningful* activities and programmes which would serve to promote and sustain their *health* and *self-respect,* to foster their sense of *responsibility* and encourage those *attitudes and skills* that will assist them in *developing their potential as members of society.*[4] (emphasis mine)

Yet in the NT Act governing Juvenile Justice (2006), it is not until the 16th point (p.iv) that a child's potential is noted and only as it relates to the purpose of the custodial institution's 'programs and services':

> (iv)   encourage attitudes and the development of skills that will help them to *develop their potential as members of society;*[5] (emphasis mine)

The allocation of duty to 'develop potential' to programs and services within the centre is to minimise the worth of those programs while prioritising 'safety and security' as the overriding purpose of the centre. This is problematic as it is not compliant with the UN Convention and Rules and the resulting culture of the centre

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[2]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, Part One, General Principles, Section 1, Fundamental perspectives. http://wwda.org.au/wp-content/uploads/2013/12/beijrule1.pdf, retrieved 28 January 2017.

[3] United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990) Annex 1, Section 1 Fundamental Perspectives, point 1, http://www.un.org/documents/ga/res/45/a45r113.htm, retrieved 28 January 2017.

[4] United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990) Annex 1, Section 2 Scope and Application of the Rules, point 12, http://www.un.org/documents/ga/res/45/a45r113.htm, retrieved 31 January 2017.

[4] NT Youth Justice Act, http://www.austlii.edu.au/au/legis/nt/consol_act/yja185/s4.html, retrieved 4 20 January 2017.

can be divided and dismissive/undermining of the programs and services which aim to support young people reach their potential.

The 2014 guidance document outlining the principles of Youth Justice in Australia[6] also seems to focus on those who have 'caused harm', must be 'held accountable' and make 'reparation'. There is little referral to sense of 'wellbeing' as a first principle from UN document which should guide the design of juvenile Detention Centres and the programs delivered within them to support incarcerated young people to reach their potential.

The purpose of detention

This divergence of purpose and principles from the UN Conventions and Rules, perhaps influenced by the privileging of risk, the community, victims and the economy over the young person in custody, has resulted in devastating and counter-productive results. This has been particularly apparent at the Don Dale Centre, prompting ACT Human Rights adviser and adjunct research fellow, Toni Hassan to ask "What too is the point of being a signatory to the UN Convention on the Rights of the Child if we behave as if we are not?"[7]

It is time to ask ourselves again, 'What is the Purpose of Juvenile Detention Centres?'. In her 2009 Nobel Prize Lecture Ostrom challenges us to think about public institutions in a different way:

> [...]extensive empirical research leads me to argue that instead, a core goal of public policy should be to facilitate the development of public institutions that bring out the best in humans.[8]

Ostrom's view is clearly in line with the UN Conventions and Rules governing detaining young people in custody. The purpose of public institutions, like schools, hospitals and even *prisons*, is to help people flourish and develop their full potential.

While this seems typically Scandinavian in its radical socialism, this concept of public institutions existing in order for humans to flourish is alive and well in Australia. Indeed, the 2008 Melbourne Declaration of Educational Goals for Young Australians articulates this, stating its first goal is that the public institutions of Australian schools will:

- promote a culture of excellence in all schools, by supporting them to provide challenging, and stimulating learning experiences and opportunities that *enable all students to explore and build on their gifts and talents*

- promote personalised learning that aims to *fulfil the diverse capabilities of each young Australian.*[9] (emphasis mine)

With this purpose, schools will aim to create successful learners, confident and creative individuals and active and informed citizens who:

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[6] Australasian Juvenile Justice Administrators (2014) *Principles of Youth Justice in Australia.*

[7] Sydney Morning Herald, July 29 2016. http://www.smh.com.au/comment/nt-unique-for-all-the-wrong-reasons-20160728-gqfmtn.html, retrieved 1 February 2017.

[8] Ostrom, E (2009), *Beyond Markets and States: Polycentric Governance of Complex Economic Systems,* p435-6.

9http://www.curriculum.edu.au/verve/_resources/National_Declaration_on_the_Educational_Goals_for_Young_Australians.pdf, p7, retrieved October 2015.

- have a sense of self-worth, self-awareness and personal identity that enables them to manage their emotional, mental, spiritual and physical wellbeing

- have a sense of optimism about their lives and the future

- are enterprising, show initiative and use their creative abilities

- develop personal values and attributes such as honesty, resilience, empathy and respect for others

- have the knowledge, skills, understanding and values to establish and maintain healthy, satisfying lives

- have the confidence and capability to pursue university or post-secondary vocational qualifications leading to rewarding and productive employment

- relate well to others and form and maintain healthy relationships

- are well prepared for their potential life roles as family, community and workforce members

- embrace opportunities, make rational and informed decisions about their own lives and accept responsibility for their own actions.[10]

These attributes are strikingly similar to those emerging from Desistance research[11], which is concerned with the *process of stopping crime*. Desistance theorists are more interested in which factors affect the process of desisting from crime rather than those which have caused people to commit crime because they have found that these factors may be quite different. In brief, on the basis of significant empirical evidence the factors common among those who have successfully desisted from crime have been identified as:

- Social Inclusion (sees self as part of community)[12];

- Strong pro-social bonds[13];

- Developing human capacity/capabilities[14];

- Self reflection (changing the frames of reference)[15];

- Maturation[16];

- Having a sense of hope for the future[17];

- Imagining a future, non-offending self[18];

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[10] Ibid, p9.

[11] For a concise consideration of the concept of desistance from crime as a process and the different strands of desistance theories, see Maruna and Toch's "The impact of imprisonment on the desistance process" in *Prisoner reentry and crime in America*, 139-178. (2005)

[12] McNeill, F. (2014); Uggen, Manza & Thompson (2006)

[13] Laub et al (1998); Uggen (2000); Farrall (2002, 2004a, 2004b); McNeill & Maruna (2007); McNeill & Whyte (2007)

[14] Maruna & LeBel (2003); Maguire & Raynor (2006)

[15] Soyer (2012); McNeill (2012); Bottoms & Shapland (2011)

[16] There is a well-researched relationship between increasing age and decreasing rates of offending (Sweeten et al, 2013; Gottfredson & Hirschi, 1990; Farrall, 2013; Farrall et al, 2010) but this does not necessarily mean that offenders simply 'grow out of it' as they get older. Researchers have found there are ways to facilitate maturation separately from age development (Sherman et al, 2005; Piquero, 2008; Laub & Sampson, 1993; Horney et al, 1995; Vergés et al, 2012). Sweeten (2013) finds that "For public policy this is a promising story, as one need not simply wait for age to have its effect, but can pursue strategies to accelerate desistance from crime" (p935).

[17] Farrall & Calverley (2006)

- Desire to 'make good' the wrongs that have been committed (by 'giving back to the community'[19]; and

- Belief in redeemability of self (interpreted as not being defined by the crime committed, but able to 'knife off' the past from the emerging non-offending self)[20].

The similarities between these factors and the characteristics of successful learners being confident, creative individuals and active, informed citizens are arresting. There is growing research investigating the relationship between the processes of learning and desistance from crime[21]. Interestingly, the recently developed Australian National Curriculum (first published in 2010) now includes seven General Capabilities, instead of the previous three. While Literacy, Numeracy and ICT remain key General Capabilities, a further four have been added of equal weight:

- Creativity and Critical Thinking

- Personal and Social Capability

- Ethical Understanding

- Intercultural Understanding[22]

It has been recognised that in order to help young people flourish, schools must help learners to develop not just cognitive skills, but also social and emotional skills. Prisons must do the same. It can be done by reframing juvenile detention centres as secure learning centres[23] which seek to embed a culture of high quality learning in order to support incarcerated young people to flourish even while in custody, reframing them as 'learners' rather than 'detainee' (a non-offending identity they can 'try on for size' which supports the process of desistance).

Linking learning to desistance

Desistance theory gives us a very useful strengths- based approach that can reposition education as a powerful facilitator of desistance because it can provide hope, meaning and a new positive identity to those who engage in custodial learning programs. Research suggests that as we help our students learn academic, personal and social General Capabilities outlined in the ANC, we help them learn to desist. Prison educators are in a remarkable position to facilitate and even expedite the process of desistance, making an enormous contribution to the lives of those in our care and the families and communities to which they return.

There is a raft of empirical evidence that tells us prison education 'works' to reduce reoffending and it has generally been assumed that this is because (a) education provides skills to those in custody, thereby raising their 'employability' are increasing

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[18] Weaver & McNeill (2010); Healy (2013); Soyer (2014); Behan (2014)

[19] Maruna (2001); Behan (2014)

[20] Maruna et al (2006), Maruna (2001), Goffman (1986); Giordano et al (2002); Gadd & Farrall (2004); Farrall (2005); Vaughan (2007); Carlsson (2012); Soyer (2014)

[21] McGregor (PhD research project: *Learning to Desist: exploring the relationship between learning in prison and desistance from crime*, 2015-2018), Pike (2014), Carrigan (2013), Carrigan & Maunsell (2014) , Cleere (2013).
[22] http://www.australiancurriculum.edu.au/generalcapabilities/general%20capabilities.pdf, p3, retrieved October 2015.
[23] Borrowing the British term for the custody of children under 15 in 'Secure Training Centres' and its reference to juveniles aged 15-17 in Prison Service custody as 'trainees' who are sentenced to a Detention and Training Order.

their chances of getting a job on release and (b) those who get a job on release are less likely to reoffend. This kind of thinking is based on the assumption, drawn from criminological research, that the low/limited levels of education that may cause a person to *start* committing crime is the same reason someone may choose to *stop* committing crime. Therefore, if a person with low-level literacy and numeracy skills is more likely to commit crime (presumably because of social and economic exclusion as a result of not being able to find gainful employment), and we address those low levels of education, the person is less likely to reoffend. Much prison education in Australia is consequently 'deficits-based': education is thought of as a 'criminogenic factor' and the focus is narrowed on literacy and numeracy skills[24] (incarcerating the curriculum).

However, it seems more likely that education 'works' to reduce reoffending because the development of cognitive, social and emotional skills through engagement in high quality learning is transformative and this supports both human flourishing and the process of desistance from crime. If this is the case, learning should be at the very heart of the Detention Centre, governing all activities within that centre. This goal is aspirational, yet achievable. Plans to reframe prisons as learning centres was in fact articulated in a significant document entitled 'Learning Works: The 21st Century Prison' (2002) by a UK think-tank led by Hillary Cottam. The whole design of the prison is radically rethought around learning as the core principle from which transformation and rehabilitation stem. This document was instrumental in the design and development of the Intensive Learning Centre (ILC) at Mid North Coast Correctional Centre, NSW (opened in 2013). Its primary purpose was to reframe offenders as learners and as such support the kind of cognitive, social and emotional changes that are consistent with progression towards desistance from crime. It provides a good working model that can be translated to the juvenile estate[25].

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[24] While education is compulsory for school-aged children in Detention and it is under the jurisdiction of the Department of Education with, therefore access to a wider curriculum, the fact remains that a deficits-based approach to prison education with a narrow focus on literacy and numeracy, together with security restrictions precluding full access to secondary science subjects can lead to an incarcerated curriculum which is rigid, limited, and predominantly vocational in its scope (with no or limited academic pathways) and so is not transformative.

[25] The ILC at Mid North Coast Correctional Centre has been designed for the adult estate but the design principles of learning to support desistance are applicable to juvenile detention centres. For details about the centre please ILC Design Brief (McGregor, 2012), UTS Designing Out Crime website http://designingoutcrime.com/project/csi-intensive-learning-centres/,
and ABC Radio National interview 'Designing to Break the Crime Cycle' (2016)
http://www.abc.net.au/radionational/programs/blueprintforliving/prison-design/8095292.

Learning to desist: initial research findings

The innovative learning space of the Intensive Learning Centre (ILC) at Mid North Coast Correctional Centre is currently the case study of a PhD research project entitled 'Learning to Desist' which aims to explore the relationship between the processes of learning in prison and desistance from crime in order to better understand why education works to reduce reoffending. The site is unique because the learners attend education full-time, are paid to attend at the same rate as if they were working in Corrective Services Industries' workshops, and the ILC was designed specifically to reframe the offender as learner and to both create and sustain a therapeutic, collegiate atmosphere where learners can reach their potential. Initial findings include:

Impact of learning space

- The design of the learning space has a significant, therapeutic impact on learners in custody, making them feel 'more human' and affecting their behaviour. As one learner said, "we don't swear or fight in here" (this is reflected in reduced prison charges incurred by those engaged in full-time education in prison).

- Learners report that being in the ILC space and engaged in learning has a therapeutic value (despite no therapeutic programs being undertaken) that makes them "feel better".

- The learning space enables learners to 'be themselves' more authentically than they can be in other prison accommodation, work or program/treatment spaces. This 'authentic self' is a pro-social, decent and engaged human being with a sense of responsibility and integrity. This was in stark contrast to the accommodation units, where learners felt they had to put on a "tough, macho mask" in order to "survive" or "fit in". Learners felt they could be their most 'real' within the learning space.

Impact of learning program

- The relationship with the teacher is important as an example of pro-social modelling and to their willingness to engage in learning.

- There is an opportunity to see self as 'learner' rather than 'offender'. The identity of 'learner' is projected onto each student by the teacher and they are aware of 'being students'.

- There is a striking trend to greater engagement in the learning program and deeper learning achieved over time spent in the program. Many students reported becoming progressively engaged despite initially not wanting to.

- Students reported that discrete classes with a set start and end date enabled them to learn better than classes that have roll-on/roll-off enrolments.

- Most teachers feel the discrete classes enable them to be more effective as a teacher and their learners make better progress more quickly than classes which have rolling enrolments.

- Learners experience changed motivation over time spent in the Intensive Learning Centre, reporting that while they may initially have enrolled in education to 'avoid work', they now enjoyed learning and wanted to keep learning and achieving at higher levels. (This is supported by international research which is largely focused on tertiary-level distance students in prison).

- Learners reported that they felt forward momentum in the program and that they were progressing towards 'betterment'. The attributed their increased enjoyment of learning to the knowledge they were "bettering themselves".

- Learners reported engagement in the program helped them develop a collegiate spirit where they were keen to help fellow ILC students.

- Learners reported engagement in the program helped them develop empathy, patience and intercultural understanding (signs of maturation necessary for desistance).

- Learners strongly articulate an apparently genuine desire to desist from crime (this is consistent with international research[26]).

Impact on indigenous learners:

- Learners had hope for the future, seeing themselves continuing to progress in their learning and taking learning back to their own families and communities.

- Indigenous learners reported understanding more about their own culture as a direct result of engagement in learning at the ILC, both in terms of inquiry-based pedagogies that allowed them to pursue their personal interests and also in response to curriculum content, particularly around WWI and WWII.

- Importantly, indigenous learners also reported a stronger feeling of connection with their home communities as a direct result of their learning at the ILC, especially due to internet connectivity via interactive white boards in the classrooms.

These early indications suggest that the conscious and deliberate attention to counteract a traditional custodial culture (that seeks to secure, disempower and depersonalise the incarcerated) through the development of space and program is effective in supporting desistance through learning. It also suggests that the program could be even more effective if it were not a contained/constrained within the more dominant, traditional environment and culture of security and containment within the prison estate. Furthermore, if the design and culture of the prison embodied learning as its highest priority, all staff and young people confined within its boundaries would be better supported to reach their full potential.

Creating a secure learning facility for juveniles

So what do we need to consider in creating a secure 'learning facility'? Key points include:

- Developing a culture and conditions within the facility that allows staff and young people to flourish in order to best protect the public, keep staff and young people safe and provide them with opportunities for transformative change.

- Reframing staff and young people as learners.

- Place learning, in its broadest possible sense, at the centre of the prison day.

- Designing the prison accordingly, with small communities of learners housed in or near their learning spaces.

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[26] Soyer (2014)

- Protecting opportunities for learning against lockdowns.

- Allocating the best and most suitable space for learning to education as is possible building new spaces that are fit for the purpose of transformative learning.

- Ensuring staff also have opportunities to develop their own learning in order to best support the young people in their caseload and their professional interests.

- Offering young people academic *and* vocational pathways to progression, and the opportunity to combine both.

Considerations for pedagogy:

- Inquiry based learning

- Competency based curriculum which develops a growth mindset (no pass or fail, just competent or not yet competent)

- Investment in technologies to connect teachers and learners with community and wider world.

- Opportunities for student and student-teacher collaboration in classwork

- Project-based learning involving real-life problems that the students care about (eg horticultural projects to beautify the prison landscape or include cultural references in the prison space, to investigate waste disposal and recycling opportunities).

- Ensure multiple and frequent opportunities for accreditation.

- Draw on the social and cultural experiences of learners to plan content

- Include the use of reflective learning journals for students to heighten their awareness of the process of learning and document their progress.

- Include opportunities to develop narratives of desistance by imagining and creating stories for a future, non-offending self.

- Consider the innovative and highly successful model of Cambridge University's 'Just Is: Learning Together' project bringing in students (possibly university students or staff) to co-learn with inmate students and act as mentors[27].

Considerations for administration of education:

- Increase investment in staff and space to be able to facilitate more, small classes (up to 8 learners) that have a definite start and end date and are at the same level of learning.

- Celebrate success by holding graduation ceremonies to which family and friends are invited and each student's achievements are publicly acknowledged.

- Ensure accredited training is associated with all work that young people do in detention to support the smooth operation of the centre - eg cleaning, laundry, gardening, etc.

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[27] http://www.just-is.org/Learning-Together.html, retrieved 1 February, 2017.

- Ensure pathways to progression are available to support continued engagement in learning. Learners should not be stopped from going on to the next level of a course because it is difficult to administer.

Broadening the learning vision

Prisons (including juvenile detention centres) should be centres of learning excellence. Transformative learning can occur not only in education but across the whole centre – eg in vocational training and in tailored programs (the challenge for the latter is to reframe the young person as a 'learner' not an 'offender'). Learning that is personally and socially transformative leads to reduced reoffending. It is possible to learn to desist from crime in a custodial setting by simply being engaged in high quality education when that learning is designed to support the process of desistance from crime.

It is rare that a youth justice detention system has the chance to start again and this provides a wonderful opportunity to reclaim the purpose laid out in the governing Conventions and Rules and articulated in the Australian National Curriculum to support human flourishing and in doing so, facilitate desistance from crime.

This submission proposes that the model of the Intensive Learning Centre developed by UTS and CSNSW be considered a blueprint for the whole detention centre. This new, reframed centre would be a place for growth, where young people and staff can learn together and in doing so, develop the key General Capabilities of the ANC that will support the young learners' progression towards desistance from crime. It is through this approach that we can create safer and more resilient communities.

The challenge is to affect this shift within and beyond carceral education given that it generally exists within institutions whose main purpose has been to punish the incarcerated and protect the wider community[28]. It has been widely recognised that incarceration can damage human beings, particularly juveniles and indeed, Farrall (1995) points out that "most of the research suggests that desistance 'occurs' away from the criminal justice system"[29]. However, by developing a culture, environment and programs centred on transformational learning aimed a fulfilling the potential of each person within the institution, secure centres can become nurseries for desistance, prompting and accelerating personal growth and progress towards desistance from crime.

The 2011 report of the Review of the Northern Territory Juvenile Justice System recommended, as an alternative to juvenile detention:

[T]he number of youth rehabilitation camps be increased and include the establishment of one short term therapeutic camp program in greater Darwin area and one in Central Australia, and a longer term therapeutic residential program in the Top End and one in Central Australia, and that the youth rehabilitation camps be regulated by legislation[30].

Until the legislation adopts and reflects the purpose and principles underlying the UN Conventions and Rules, rehabilitation cannot be fully supported by detention centres or camps. However, the suggestion made in this submission is that by

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[28] Goffman (1968) referred to the 'mortifications' prisoners' experience as a result of incarceration.
[29] Farrall, S (1995) Why do people stop offending. *Scottish Journal of Criminal Justice Studies*, 1(1), p56.
[30] Recommendation 6.

ensuring that the goal of juvenile detention is to ensure each individual flourishes, rehabilitation and progression towards desistance will be the natural outcomes of the resultant transformative learning and growth. Incarceration and rehabilitation do not have to be at odds if their purposes are aligned. Detention centres can support the process of desistance. Repurposing detention centres as secure learning centres is an effective way to achieve this.

The purpose of juvenile detention centres must be reconsidered. Education's value in terms of its ability to act as both as catalyst and supporter of the process of desistance from crime and prison's value in terms of its ability to support staff and inmates to develop and flourish within its walls must be understood and accepted. It's time to learn.

Summary

- The purpose of and policies governing juvenile detention centres have shifted away from need to be realigned with the UN Convention and Rules which are centred on the 'well-being' of the young person and their ability to flourish.

- The Australian National Curriculum supports human flourishing as evidenced in the General Capabilities and underpinning research.

- Education works to reduce reoffending. There is significant empirical evidence to suggest this is because the process of learning supports the process of desistance from crime.

- The currently held, conventional view that carceral education only works because it addresses literacy/numeracy 'deficits' and thus raises employability has resulted in a narrowed curriculum and uninspired pedagogy that are unlikely to inspire transformative learning and support progress towards desistance from crime.

- Juvenile detention centres can be places of exciting, transformative learning for all who work at and are kept within the institution.

- Thought must be given to the design, culture, staffing, professional development and programs within a secure learning centre to ensure it does not prevent or even counteract progression towards desistance from crime.

- Juvenile detention centres, even as a last resort in the juvenile justice system, can be instrumental in supporting and even acting as a catalyst for desistance from crime when repurposed as secure, intensive learning centres.

- Unwavering focus on the importance and purpose of the centre as site for learning excellence is significantly more likely to help young people reengage more positively with their communities upon their return, keeping those young people and their communities safer.

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About the author:

Fiona McGregor is an educator, consultant and researcher with almost 20 years experience in prison education in both the juvenile and young adult offender estates in Australia and the UK. She has managed education delivery (30 hours per week for 280 sentenced juveniles and 120 young offenders remanded into custody) at HMYOI Castington in Northumberland, been Senior Research Consultant for Northumberland Guidance Company and Learning & Skills Performance Adviser for Juveniles with the Offenders Learning & Skills Unit, Department for Education and Skills, UK.

She has worked with Corrective Services New South Wales as a teacher in the Intensive Learning Centre at John Morony Correctional Centre, a Quality Assurance Consultant, Curriculum Systems and Advice Unit and as the Senior Project Officer: Education Development and Innovation, responsible for the development of the Intensive Learning Centre project at Mid North Coast Correctional Centre.

In addition, Fiona was invited as Custodial Education Consultant to join the Office of the Inspector of Custodial Services (WA) in their 2005 announced inspection of Banksia Hill Juvenile Detention Centre .

Fiona is passionate about creating innovative learning spaces in secure environments and developing quality learning programs to support the desistance process. She is currently completing a PhD 'Learning to Desist' at the University of Technology Sydney.

Reframing and embedding 'practices' in the design of secure environments

Tasman Munro and Kevin Bradley

10 February 2017

This section explores detention practice in relation to 'social practice', or, the everyday activities of people within detention and the relationship these activities have with identity and the ability to create social change. It can often be difficult to translate large theories of rehabilitation and desistance into daily practices because they can be applied to various levels. This process of articulating and elaborating practices is, however, critical to designing facilities that will support and embed an overall productive purpose of detention. We speak to the micro level of small daily tasks, even as small as making a cup of coffee, and how such small social practice can have a disproportionately large impact on a sense of self as active citizen.

To demonstrate this approach we provide an example of framing practices in a project carried out at the Designing Out Crime research centre (DOC) at the University of Technology Sydney (UTS). It provides an example of how spatial design can support productive and meaningful social practice. Our experience is within adult correctional facilities rather than juvenile, however the principles discussed are comparable and will hopefully be valuable within the process of proposing future recommendations.

Social practices

Every day within correctional institutions, people carry out their daily lives – eating, sleeping, washing, interacting with peers, etc. However, these activities are played out differently. They happen within the context of detention, which creates an entirely new set of rituals. These rituals are structured to meet the needs of the correctional centre (and, in turn, the justice system), which fosters the practice of unnatural institutional behaviour (Johns, 2014, p. 99). One should not underestimate the importance of these daily rituals within the process of identity creation and normalisation within the social context of a detention centre.

Postmodern psychology asserts that identity or 'image of self' is a social construction. That is, the 'image of self' is constructed through interactions with the social and physical world (Schatzki, 1996).

> 'identity […] is instead a social construction, an achievement realised only through the incorporation of human beings into the institutions and structures of social life' (Schatzki, 1996, p. 7)

Consequently, when addressing social change, theories of social practice place importance on the tangible 'doings' of everyday life. Although it recognises the value in cognitive work and the shifts that can occur within the 'mind', its focus lies in establishing productive and meaningful activities that can be carried out on a daily basis. The routine 'performance' of these social practices forms a set of patterns and rituals for the individual. These new patterns inform new life stories or images of self (Schatzki, 1996). Essentially, this is about forming and maintaining 'good habits'.

Social change or the construction of new identity is therefore a process of learning, which happens incrementally through interaction with evolving social practices. Or,

as Shove et al. describe it, 'making and breaking links' (Shove, Pantzar, & Watson, 2012, p. 21) – generating change by breaking links with unproductive daily rituals and making links with productive ones.

Correctional practices (and environments) direct great effort towards attempting to break the cycle of unproductive social practices. This is only half the story. The rehabilitative side of correctional programming tends to focus instead on interventions within the mind – i.e. psychological or cognitive change through therapy or Offending Behaviour Programs. Less is done in the area of incremental change within everyday social practices, despite the great opportunities for improvement these present for the support of desistance from crime. These practices can be as significant as adopting a 'learner' identity for the first time and going to school, or they can be as small as making a cup of tea. As one teacher said during a visit to the Intensive Learning Centre (ILC) at the Mid North Coast Correctional Centre in Kempsey, NSW,

> "they feel like students in here, not inmates. It's the small things that help. Like out in the wings it's hard to even make a cuppa. They're on milk rations so they have to line up every morning with their cups, to ask the guard for a splash of milk. In here the fridge is full, they can help themselves".

It's a simple but profound illustration of how, over time, this small ritual of asking a guard for milk (along with many other daily rituals), could erode an individual's sense of self-determination, and reinforce a self-image of 'untrustworthy and controlled detainee'.

Imposed practices of control infiltrate almost every minute aspect of people's lives within a correctional environment. The ostensibly insignificant and incremental nature of these practices has the effect of 'normalising' them to those who work and live in the correctional environment. From an outside perspective, however, it was blatantly clear that these practices had created an alien and oppressive daily existence for the inmates.

While working on the design of the ILC, the DOC designers created an outdoor kitchen with adjoining deck to support the practice of the learners having a 'cuppa' together before class. Productive social practices that happen regularly create *ritual*, which is likely to assist people to develop the necessary skills and construct new images of self. The collective action of having a 'cuppa' can develop some of the more informal social skills, providing a temporal and emotional introduction to the more formalised learning occurring within the classes. One teacher expressed the value of this tiny ritual in relation to developing pro-social students:

> "The morning coffee was a really important ritual, the guys would come in and chat with the teachers about their weekend or what they'd read in the paper. You could see the guys building relationships and improving skills in social engagement. These skills are just as important as the education skills" (Munro, Tomkin, Lulham, Bradley, & Kashyap, 2015, p. 10)

We would question what images of self (and correlated personal distress) are generated through some of the daily rituals and relationships that have been exposed within Don Dale Detention Centre. If the Centre is intended to be a place that supports the process of desistance from crime, it is imperative that space needs to be allowed for daily rituals that encourage the growth of productive and meaningful identities.

Supporting social practices through physical design

The design of physical places can support people to carry out productive and meaningful social practices. This can be achieved through the design of appropriate tools and resources, but it can also be achieved by embedding symbolic meaning in physical spaces. Physical cues can enhance ceremony and visually communicate the importance, history or context of certain rituals. Therein lies the value of integrating the physical design of correctional institutions with social practices that the institutions purport to instil in their inhabitants.

We can look to an example from DOC where this approach is proving to be effective – the design of the previously mentioned ILC at the Mid North Coast Correctional Centre, a medium security prison.

Figure 1, left and right: The grounds of the Intensive Learning Centre (ILC). Outside learning areas were designed to support learners to engage in social "rituals" (2013, Mid North Coast Correctional Centre, Kempsey, NSW)

The intentions of the project were to create a place that fostered an identity of learner, rather than detainee. This drew on Desistance theories (Maruna, Toch, Travis, & Visher, 2005), which considered the journey an inmate took towards being valuable member of society. This was approached through the consideration of specific daily rituals, particularly those that allowed moments to engage in productive practices that support the transition from seeing self as 'inmate' to seeing self as 'engaged citizen'.

The intentions of the space were established to create a place that fostered an identity of learner, rather than detainee. This drew on Desistance theories (Maruna, Toch, Travis, & Visher, 2005), which considered the journey an inmate took towards being valuable member of society. Within the project we established framework that outlined various barriers that stood between a learner's current position and a place of citizenship in the outside world.

A framework was established that outlined various barriers that stood between a learner's position in detainment and a place of citizenship in the outside world. These barriers were then reframed as various scales of community, each offering opportunities for learning and personal growth.

CITIZEN-SHIP

learner /
teacher

peers

class

ILC

CS

family + broader
community

HOW DO I GET OVER THERE?

Figure 2: The ILC framework, outlining various barriers between a learner's position in detainment and a place of citizenship in the outside world

Consideration was given at each stage to social practices that could lead to the necessary learning and time spent 'performing' as an active citizen. For instance, group project work could foster negotiation and problem solving on a peer scale whilst graduation ceremonies could connect with the broader facility by repeatedly celebrating the stories of successful learners.

The framework was then utilised to plan the intentions of each space, ensuring a variety of areas that facilitated interaction with various scales of community. These rituals not only provide opportunities to develop social skills but they create a string of productive experiences that people can draw on to build or sustain identities of an active citizen, rather than of an inmate or offender.

As the images show (see below and Appendix A), this was then applied to the design at different scales (e.g. the furniture, floor plans and site plans), offering opportunities to interact with different scales of community in productive, meaningful ways.

Figure 3, left and right: The inside learning areas of the ILC offer opportunities to interact with people at different scales in productive, meaningful ways. (2013, Mid North Coast Correctional Centre, Kempsey, NSW)

Beyond encouraging productive interactions, the aesthetic of the space was also intended to convey a meaning of worth, valued as a place of productive adult learning.

In a post occupancy evaluation of the centre revealed that the space felt overwhelmingly different to that of a prison (Lulham et al, 2016). Social interactions were identified as indicating engagement within a productive place of learning. Additional outcomes have included a dramatic increase in certificate completions, as one teacher reported,

> "Teaching out there you'd get 3 or 4 certificate completions per semester, in here we got 7 or 8."

There was also a reduction in violent incidents, within the ILC space but also by ILC learners "out there" in the wider prison space. This was noticed by teachers and learners:

> "The students are more relaxed as it's a different environment from the rest of the gaol" (Teacher)

> "There would be an incident once a month in the wing. There's been none here in 6 months" (Learner)

It is believed that as the small, yet significant, social practices surrounding this space are sustained over time, they become rituals that begin to shape the narrative these learners construct around their experience of detention. In doing so, new productive images of self can emerge. Not only are educational and social skills developed through enacting such small rituals, but also the very process of desistance from crime.

Designing in dignity
Kevin Bradley

Dignity is connected with the self and the self is connected with community. The UN connects human dignity with the physical environment, so it naturally follows that the design of the environment is directly linked with the connection with community through the sense of self. We have always believed in this as a group of designers and have employed the sense of self and community in our design research and interventions in correctional environments. We are concerned that the ongoing denial of dignity through the Don Dale environment will only serve to create a greater divide between the individual and community.

Design can heal. There is evidence of this in other facility types. We encourage you to fully consider design with a balanced input with security and material resilience in the future. Design is not about flamboyant public gestures, rather, it is considered meaning engendered through form, light, material, thermal comfort, and spatial relationships to transform the correctional environment and connect with the individual with the self and community.

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Summary:

Reconsidering the purpose, practice and place of detention

It has been well established – in this submission and in numerous other sources – that change is needed urgently in the NT juvenile justice system. The dominant cold conservative approach has caused more, rather than less, problems. Blaming individuals is not an option now or in the future. The system needs to coalesce around a new vision of how to help young people heal and enable them to flourish. To achieve this, the purpose, practice and place of detention need to be reframed. This is our position from the perspective of professionals with expertise in design and innovation in the correctional context.

The deep and systemic nature of the flaws in juvenile justice in the NT calls for transformative, rather than incremental, innovation. Transformative innovation requires the reframing of the purpose of secure juvenile accommodation in the NT (Lulham, Tomkin, Grant and Jewkes, 2016). Fiona McGregor in this submission makes the compelling argument for positioning learning at the core of the system and human flourishing as its purpose. Flourishing creates clarity while also challenging the established practices – its value is demonstrated in an Intensive Learning Centre within an adult facility, which is discussed in detail throughout this submission.

The new purpose of the juvenile justice system needs to be elaborated and articulated through practice and design. It needs to draw on the everyday social practices from the community to create experiences of self and others that encourage staff and young people to heal and flourish. This process of elaboration should involve the range of people who will come together within the new facilities. It should seek input from outside of the small world of juvenile justice, while also valuing the passion, experience and knowledge of those within it. The new models of practice and design must be valued and reinforced in training, supervision and resourcing.

While Richard Wener (2012, pg. 7) was talking about the design of a correctional facility, the following quote could apply equally to the Commission's task of designing a new justice system for young people in the NT:

> "The bricks and mortar, glass and steel, cameras and screens of the institution may be the embodiment of a philosophy of corrections [justice], and the design process can be the wedge that forces the system to think through its approach and review, restate, or redevelop its philosophy of criminal justice".

The Royal Commission into the Protection and Detention of Children in the Northern Territory is an important circuit-breaker for the juvenile justice system. It is an opportunity to take a step back, re-consider the system and articulate how young people will be cared for and enabled to flourish.

Appendix A

Intensive Learning Centre (ILC) – Framework and plans

Mid North Coast Correctional Centre, Kempsey, NSW

Learner
How do you connect learners with themselves, their identity and their narrative?

Intentions
- Build self-esteem
- Strengthen cultural identity
- Promote connection to family and country
- Provide access to desired learning
- Encourage independence and leadership
- Offer therapeutic healing
- Appreciate learner's ambitions and aspirations

Examples
- Portfolio building
- Artmaking, music, performance
- The opportunity to personalise space, curriculum and learning styles
- Cultural mapping
- Time and space for individual learning, and areas personal reflection - walking track, picnic bench etc.
- Activities and outcomes beyond mainstream certificate credits
- Opportunity for privacy - to control social interactions

Figure 1: ILC Framework, scale 1: Learner

Peers

How do you facilitate connection between peers?

Intentions
- Establish trust and supportive collaboration
- Facilitate group problem solving
- Encourage active learning
- Enhance social skills and interaction
- Build academic and emotional support network
- Intercultural exchange

Examples
- Provide numerous break out spaces which facilitate a variety of both academic and social activities
- Group assessments and peer review
- Mentoring program
- Non-academic group tasks (e.g. working bees, gardening, catering for BBQ) and spaces to facilitate these activities – access to garden shed, area to prep food etc. Providing groups with certain responsibilities and autonomy
- Huddle boards – smaller whiteboards to document group work
- Opportunity for cross cultural activities, discouraging ethnic cliques and encouraging a sense of "walking together seen in Therapeutic Communities
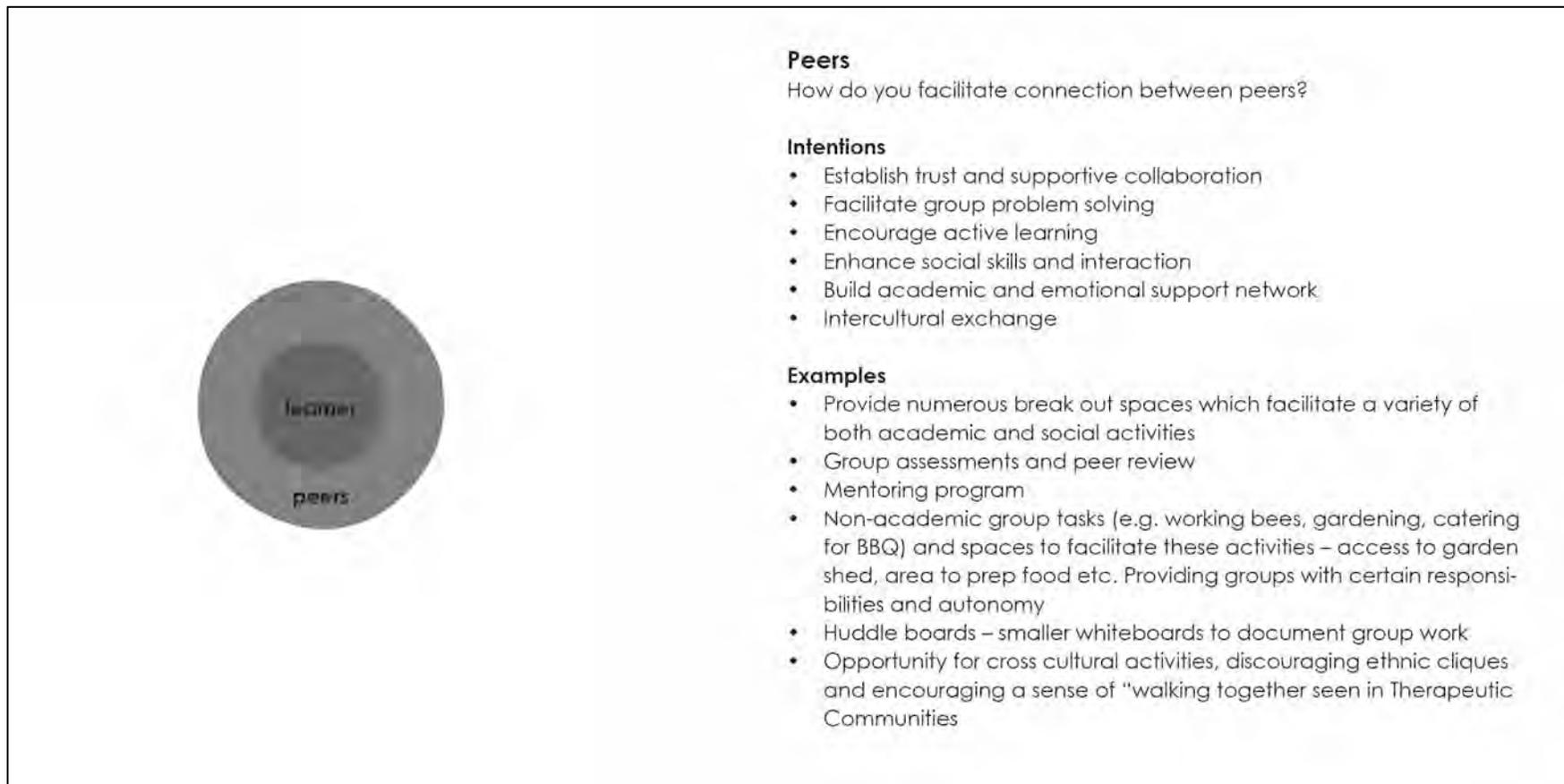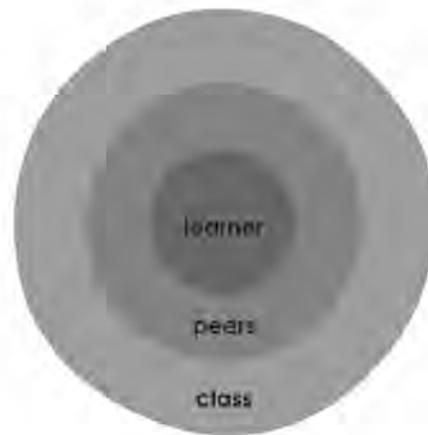
Figure 2: ILC Framework, scale 2: Learner > Peers

Class
How do you connect the class as a whole?

Intentions
- Build strong cohort with common goals
- Improve motivation and productivity
- Improve safety and security
- Establish routine
- Establish safe Therapeutic Community

Examples
- Class wide projects (academic and social)
- Class exhibition and peer work review
- Intercultural exchange
- Yarn circle
- Hanging space to display projects
- Movable furniture to allowing learners to control interaction and privacy
- Classroom spatial design whcih comfortably handles 10+ learners and teacher working together throughout a range of engaging learning spaces
- Considering spatial stressors which may challenge group concentration - acoustics, thermal comfort, lighting, airflow etc.

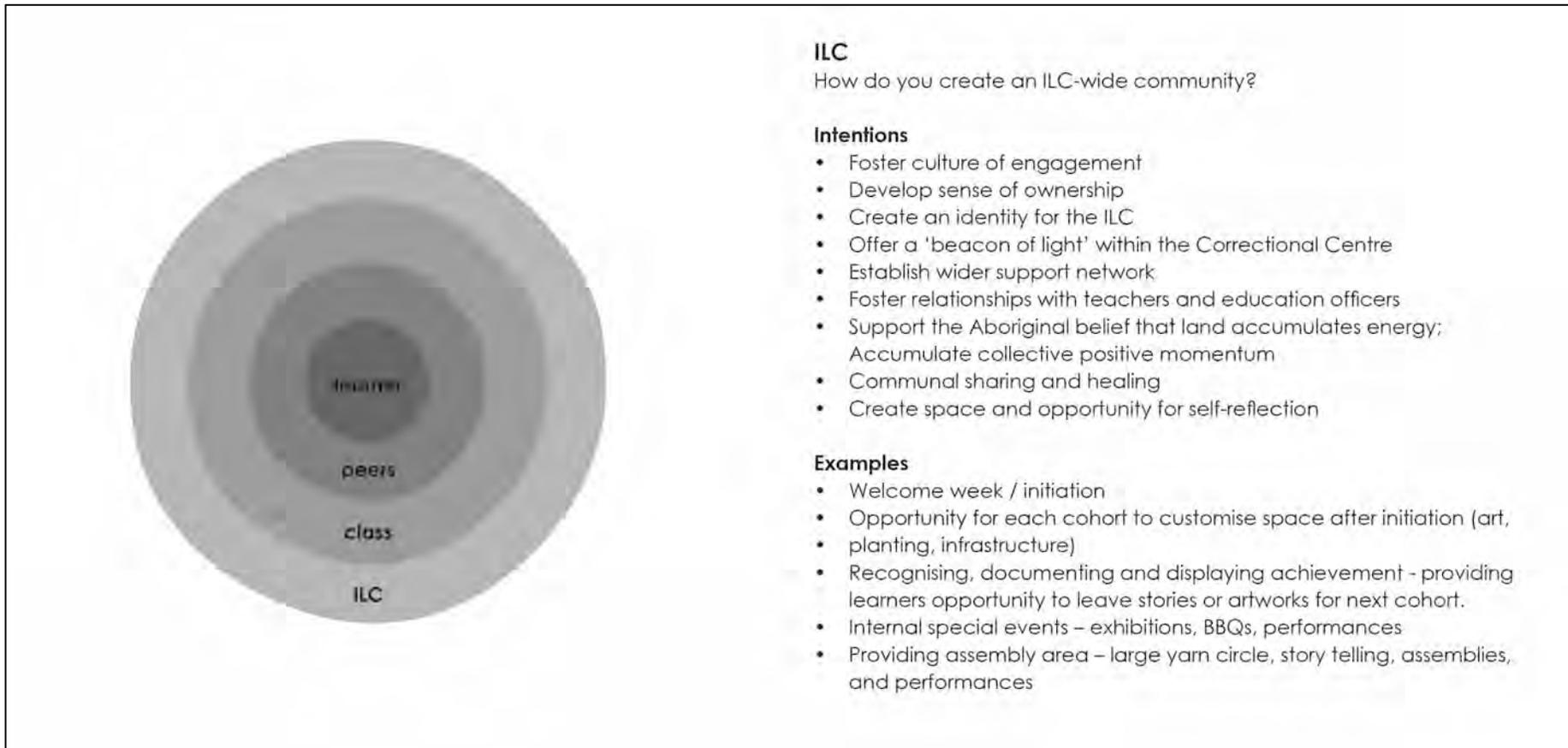Figure 3: ILC Framework, scale 3: Learner > Peers > Class

ILC

How do you create an ILC-wide community?

Intentions
- Foster culture of engagement
- Develop sense of ownership
- Create an identity for the ILC
- Offer a 'beacon of light' within the Correctional Centre
- Establish wider support network
- Foster relationships with teachers and education officers
- Support the Aboriginal belief that land accumulates energy; Accumulate collective positive momentum
- Communal sharing and healing
- Create space and opportunity for self-reflection

Examples
- Welcome week / initiation
- Opportunity for each cohort to customise space after initiation (art,
- planting, infrastructure)
- Recognising, documenting and displaying achievement - providing learners opportunity to leave stories or artworks for next cohort.
- Internal special events – exhibitions, BBQs, performances
- Providing assembly area – large yarn circle, story telling, assemblies, and performances
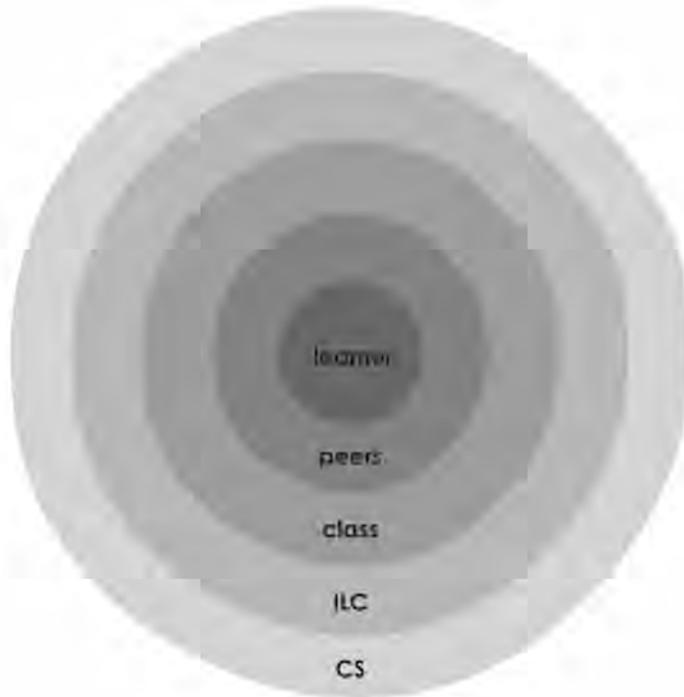
Figure 4: ILC Framework, scale 4: Learner > Peers > Class > Intensive Learning Centre

Correctional centre

How do you foster a relationship between the ILC and the broader Correctional Centre?

Intentions
- Outreach - Allow other inmates to "have a taste" of the ILC
- Provide transparency and reduce discrimination toward learners
- Maintain leaner's connection with facilities and community throughout the correctional centre
- Establish common rehabilitation language across all services

Examples
- Open day/BBQ
- ILC exhibitions, open to broader CS staff and inmates
- Short courses/one day workshops
- ILC driven creative projects throughout broader Correctional Centre - e.g. murals, graphic design of brochures, etc.
- ILC publication, engagement with Multiscreen TV or 'Prison radio', as well as space which can facilitate these tasks (quiet room can double as media/broadcasting room)
- Strengthening collaboration and communication between education, CSI and additional criminogenic services with a common rehabilitation language

Figure 5: ILC Framework, scale 5: Learner > Peers > Class > Intensive Learning Centre > Corrective Services

Family and broader community

How do you connect learners and the ILC with family, elders and the broader community?

Intentions
- Provide learners with connection to "the outside world"
- Prepare for social integration
- Maintain links to family, community and country
- Begin to develop external support network
- Provide deeper understanding and 'real world' context to learning
- Curate ILC's identity and public perceptions – Transparency may reduce barriers for employers employing ex-offenders.

Examples
- Video conferencing - Guest lecturers, connect with past students upon release, family calls
- Yarning with elders - physical and digital
- Graduation ceremony with friends and family
- Projects with and for community
- Develop literacy program around letter writing
- Phone and Skype
- Annual exhibition in a local gallery
- Maintaining dialogue with public around ILC ongoing development
- Future pathway programs which are conceptually linked to the IPF
- Beehive/planting which attracts insects and specific birds
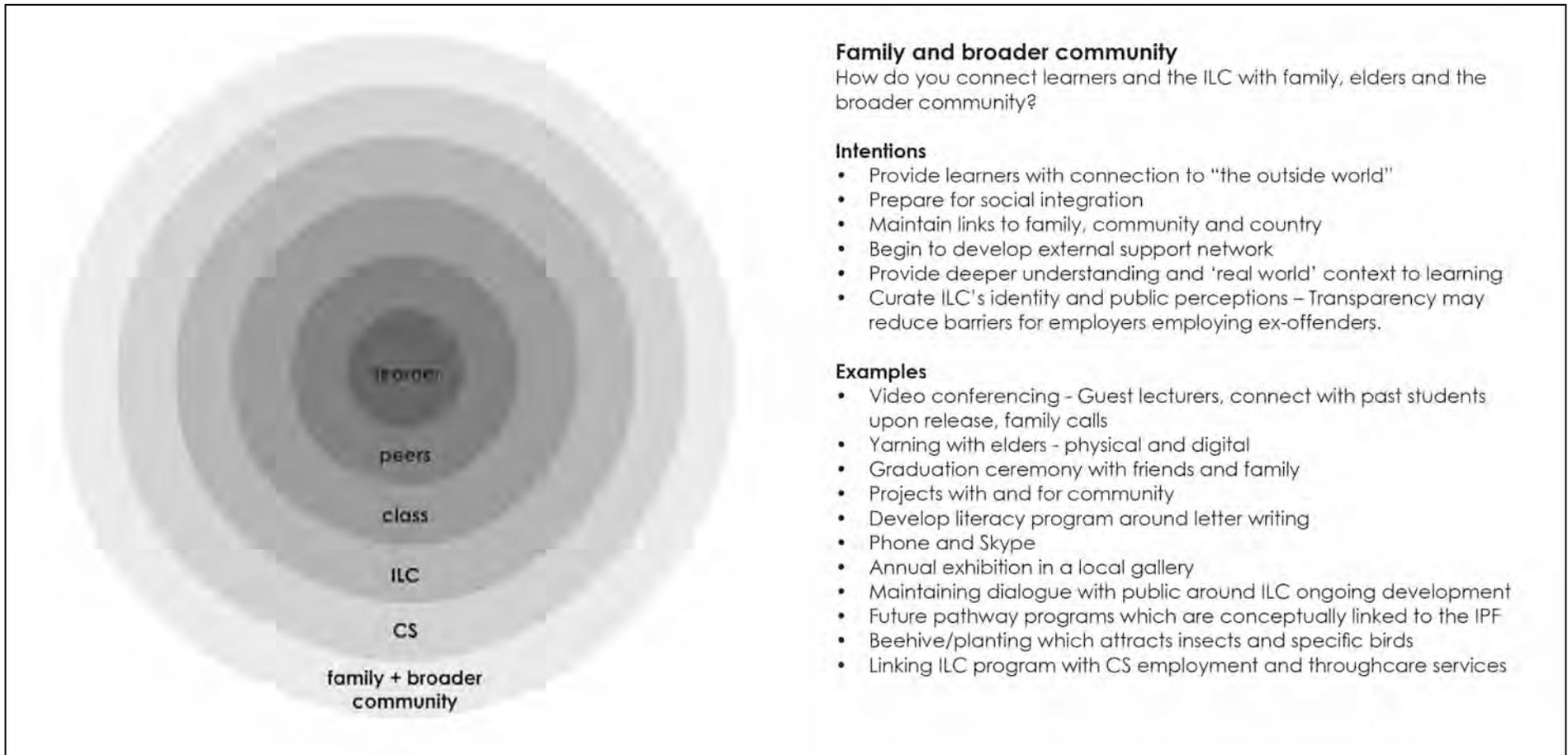- Linking ILC program with CS employment and throughcare services

Figure 6: ILC Framework, scale 6: Learner > Peers > Class > Intensive Learning Centre > Corrective Services > Family and broader community
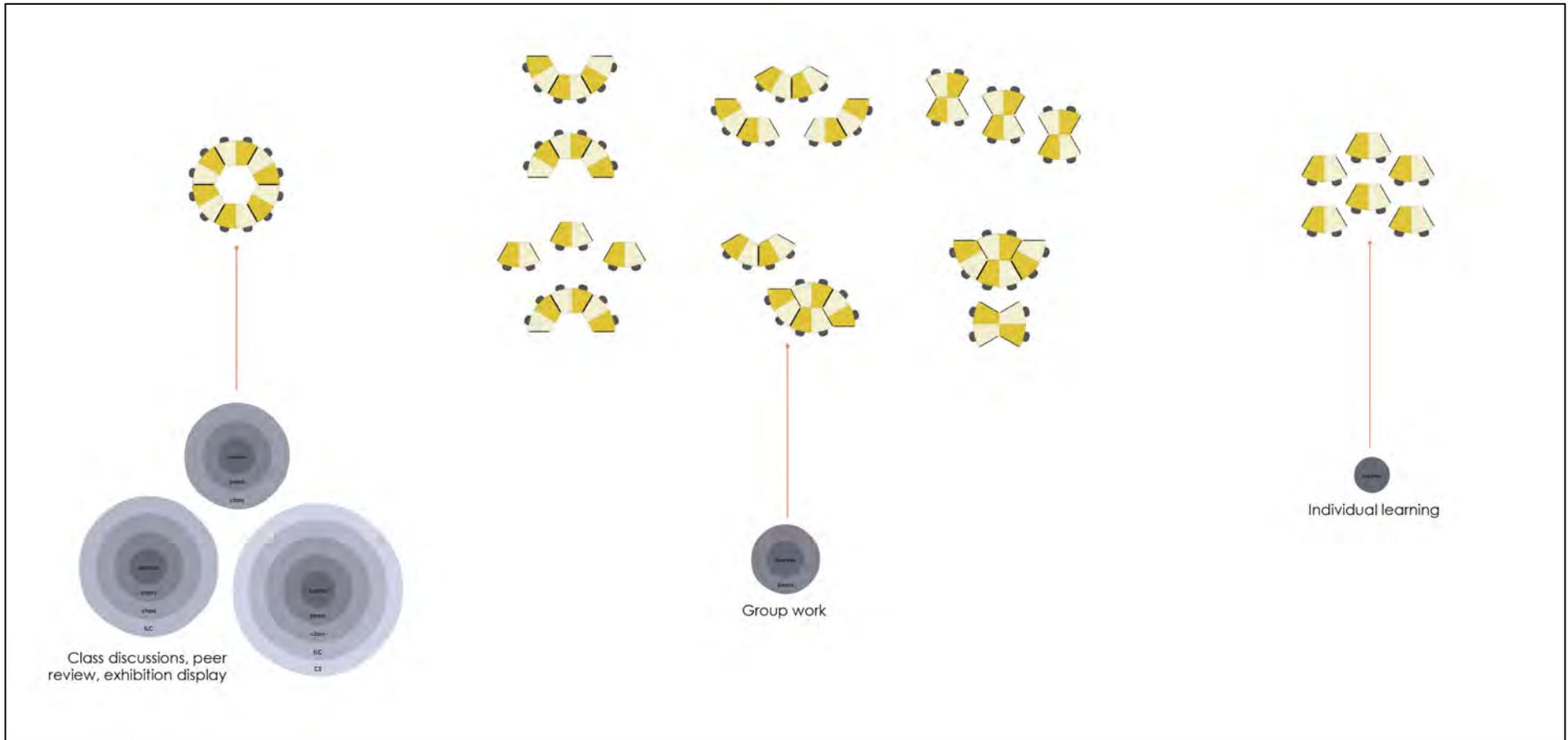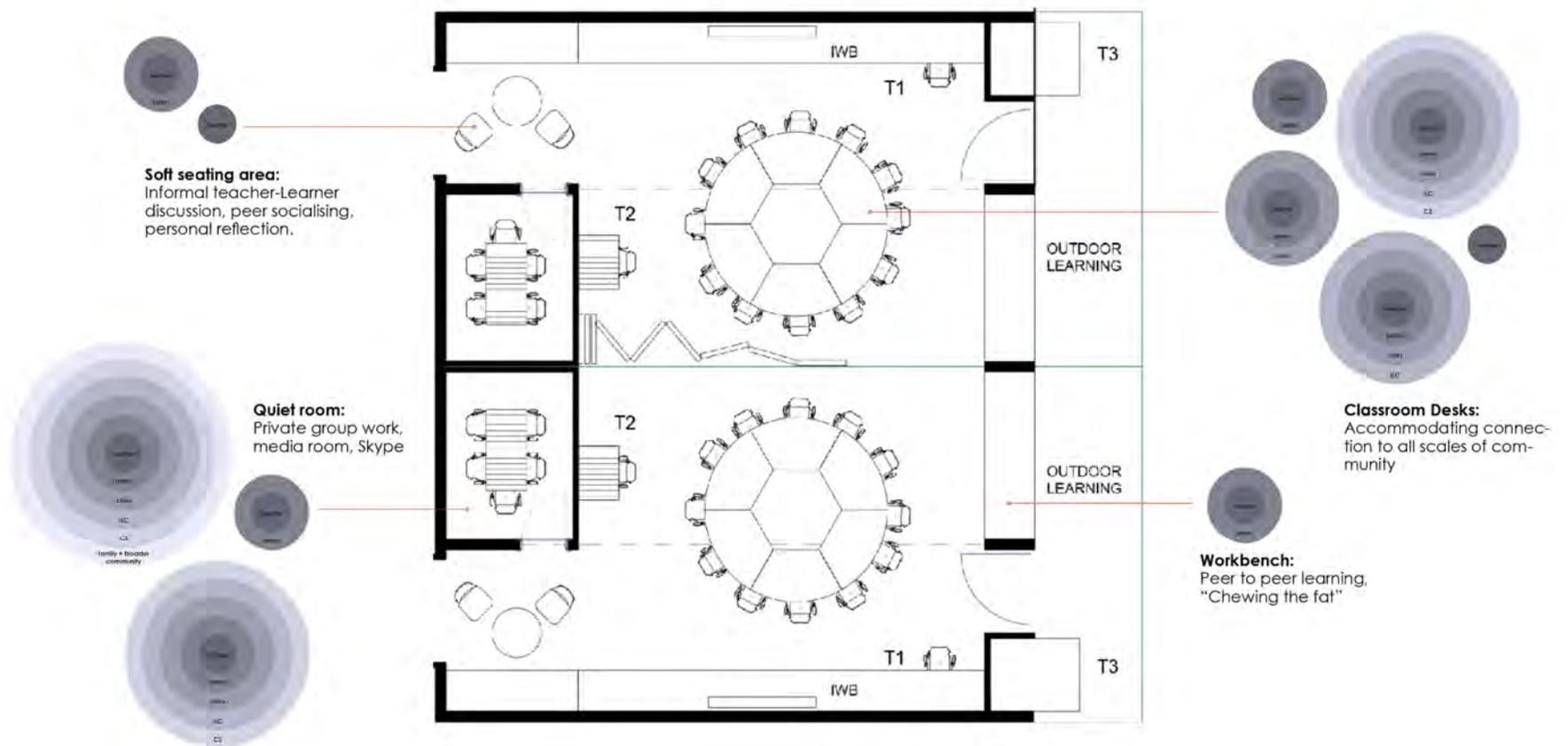
Figure 7: ILC table configurations
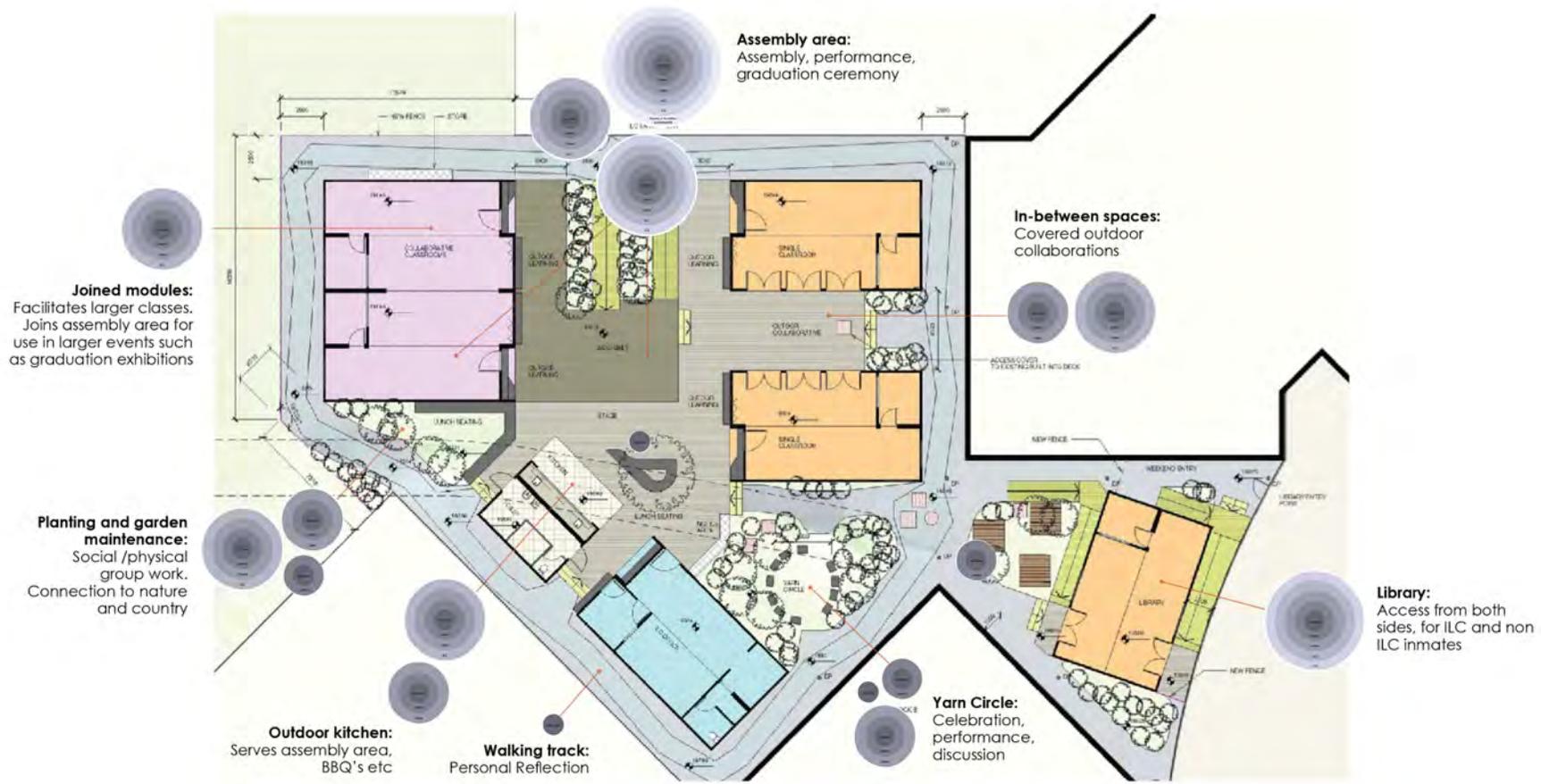
Figure 8: ILC classroom floor plans

Figure 9: ILC site plans