



Juvenile Justice
Attorney General & Justice

Serious Young Offenders Review Panel (SYORP) Policy

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1. Introduction

- 1.1. The NSW Juvenile Justice Advisory Council's Green Paper (published in 1993) recommended the establishment of a Juvenile Offenders Review Committee to review a variety of departmental decisions regarding leave, parole, classification and conditional discharge (Recommendation 224).
- 1.2. In 1998 SYORP was established as an independent body which makes recommendations to the Chief Executive, Juvenile Justice, on the reclassification of specific "A" classification detainees, the granting of initial leave to detainees charged with Serious Children's Indictable Offences and on any other matter referred to it by the Chief Executive or the Minister. These recommendations are based on reports and information provided by the detention centres to the Panel.
- 1.3. While SYORP provides recommendations to the Chief Executive on the cases considered for reclassification, initial supervised outings, day and overnight leave, the placement or transfer of detainees is an agency decision.
- 1.4. The Chief Executive approves or declines applications that have been prepared for SYORP's consideration.
- 1.5. The Serious Young Offenders Review Panel provides independent advice to the Minister and Chief Executive, Juvenile Justice on issues related to serious violent offenders detained in juvenile detention centres in compliance with Part 4B of the *Children (Detention Centres) Act 1987*, and the Provisions issued under the Regulation.
- 1.6. The Serious Young Offender Review Panel (SYORP) Policy 2012 replaces the agency's earlier Serious Young Offender Review Panel (SYORP) Policy 2006.

2. Purpose

- 2.1. The purpose of the Serious Young Offenders Review Panel (SYORP) Policy is to provide direction and guidelines for preparing and reviewing applications for reclassification and leave for detainees who have been sentenced with Serious Children's Indictable Offences.
- 2.2. This policy must be read and administered in conjunction with the SYORP procedures.

3. Scope

Members

- 3.1. The Panel comprises:

- a Magistrate, Acting Magistrate or retired Magistrate as Chair;
 - the Deputy Chief Executive (Operations) of the agency or his/her delegate (ex-officio member); and
 - other members appointed at the discretion of the Minister.
- 3.2. If the Chair is unavailable, the Minister may nominate a:
- retired Magistrate to be on call as Deputy Chair; or
 - member of the Panel to act as Deputy Chair.
- 3.3. Prospective members of SYORP are recommended by the Minister at his/her discretion and approved by Cabinet. Each appointment is for a period of two (2) years.
- 3.4. It is a requirement that all members of SYORP comply with the agency's policy and procedures. In particular, prospective members are required to acknowledge their responsibilities under Juvenile Justice's Information Security Policy, Code of Conduct and undergo a Working with Children check

Meetings

- 3.5. SYORP meetings are scheduled once a month and are held at Central Office. The dates are scheduled 12 months in advance and are approved by the Chief Executive.
- 3.6. If no applications are received by the Project Officer, Operations Unit by the due date, the SYORP meeting scheduled for that month will be cancelled.

Fees

- 3.7. In line with Section 2.3 of the Premier's Memorandum 2004-10 - *Guidelines for NSW Board and Committee Members*, public sector employees appointed to NSW government boards or committees are not entitled to remuneration.
- 3.8. The Department of Premier and Cabinet has defined Public Sector Employees as all employees of NSW Public Service Departments and Administrative Offices, statutory bodies outside the public service and State Owned Corporations.

4. SYORP Responsibilities

- 4.1. The Chair must:
- ensure that the Panel considers the content of all SYORP applications, which includes:
 - centre reports;
 - classification review;
 - misbehaviour reports;

- results of drug tests;
 - psychological reports;
 - counselling reports;
 - school reports;
 - Judge's sentencing comments; and
 - antecedents;
- provide the Panel's recommendations in writing to the Chief Executive (or Minister) on reclassification and initial supervised outing, day and overnight leave or on other matters requested by the Chief Executive or Minister; and
 - request further information (or additional reports) if considered necessary.

4.2. SYORP members must:

- read SYORP applications in advance of a SYORP meeting;
- advise the Project Officer, Operations of any issues regarding a SYORP application in advance of a meeting; and
- be familiar with Juvenile Justice's *Objective Detainee Classification Policy*, *SYORP Policy* and the Memorandum of Understanding for the establishment and/or formalisation of all operational understandings, arrangements and protocols between Corrective Services and Juvenile Justice.
- consider each of the following to the extent that the Panel considers it to be relevant:
 - the public interest, including the protection of the public,
 - the nature and circumstances of any offence committed by the person or, in the case of a person on remand, alleged to have been committed by the person,
 - the reasons and recommendations of the court that sentenced the person,
 - the criminal history of the person,
 - the time the person has served in custody and the time the person has yet to serve in custody,
 - the person's conduct whilst in custody,
 - the person's commitment to address offending behaviour, including the person's willingness to participate in rehabilitation programs and the success or otherwise of any such participation,
 - the person's classification history,
 - the position of and consequences to any victim of the person, including the victim's family,
 - any submissions made by any victims of the person,
 - the need to maintain public confidence in the administration of criminal justice,
 - the rehabilitation of the person and the re-entry of the person into the community as a law-abiding citizen,
 - the availability to the person of family, departmental and other support,

- any relevant reports about the person (including reports made by counsellors, health practitioners or educational establishments) that are available to the Panel,
- any other matter that may be prescribed by regulations.

Attendance/Participation

4.3. [Redacted]

[Redacted]

4.5. [Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

4.6. [Redacted]

5. Applications

5.1. An application to SYORP is an entitlement of a detainee, not a duty of management.

5.2. [Redacted]

- [Redacted]
- [Redacted]

5.3. Following the Client Services Meeting (CSM), Juvenile Justice Centre applications must be written by the Assistant Manager (Client Services), and are to be forwarded for endorsement to the:

- Centre Manager; and
- Regional Director.

6. Eligibility

- 6.1. To be eligible to apply for initial supervised outings, day and overnight leave, factors to consider include whether the detainee has met his/her critical date for the specific leave.
- 6.2. Other factors to consider are:
- the detainee's current classification;
 - the detainee's current case plan;
 - the results of a specific risk assessment related to leave from the centre;
 - review of Security & Intelligence Unit information that may impact on leave suitability;
 - whether the detainee has been involved in any incidents that are of public interest or may become a media issue;
 - suitability of leave supervisor and location of leave (impact on victim);
 - relevance of case plan tasks and goals including links between the proposed leave and the detainee's case plan towards community re-integration; and
 - whether the detainee has had restrictions placed on them, eg contact with particular people or locations.
- 6.3. While the *Children (Detention Centres) Regulation 2010* gives detainees provision for leave, it is not an entitlement. Detainees are best served when access to leave is linked to specific case plan goals and the agency's policy/procedures for risk management.
- 6.4. To be eligible for initial:
- **supervised outing**, a detainee's classification must be at least B2 and he/she must have reached their critical date for supervised outings;
 - **day leave**, a detainee's classification must be at least B2 and he/she must have reached their critical date for day leave. The detainee must also have completed two successful outings with Juvenile Justice staff; and
 - **overnight leave**, a detainee's classification must be B3 and he/she must have reached their critical date for overnight leave and, where possible, have completed two successful day leaves.
- 6.5. If the Chief Executive has given prior approval for supervised outings, day leave or overnight leave and the detainee is involved in an incident that requires him/her to be reclassified to an A classification, an application must be submitted to SYORP prior to the detainee gaining access to any future leave.

7. Representations

- 7.1. As SYORP is an advisory body to the Chief Executive and the final decision on the applications remains with the Chief Executive, no persons are able to

appear before SYORP. Registered victims, detainees, parents/significant others may not make representations in person to SYORP

- 7.2. If any person/s on the Victims Register, parents/significant others of detainees or their legal representatives wish to make representations following the Chief Executive’s decision on an application, the representations are to be referred directly to the Chief Executive in writing.

8. Appeals/Complaints

- 8.1. Juvenile Justice’s Objective Detainee Classification Policy states that detainees have the right to appeal their classification. Where reclassification applications have been declined by the Chief Executive, the detainees may appeal their reclassification decision directly to the Chief Executive. The appeal must be made via CIMS.
- 8.2. If a detainee believes he/she has been dealt with unfairly, they must raise their issues with the Chief Executive in writing.

9. Definitions

Word/Term	Definition (with examples if required)
Classification	A process for determining the security level/safety requirements of detainees and for assigning them to detention centres, programs and custody levels according to their assessed needs, existing resources and safety and security issues.
Critical Dates	While a young person is in custody on a control order or sentence, five dates need to be determined for the young person. These dates are known as critical dates. These indicate the following: <ul style="list-style-type: none"> • Entry Date • Earliest Release Date • Date Eligible for Outings • Date Eligible for Day leave • Date Eligible for Overnight leave
Objective Classification System	A system in which classification decisions are based on established criteria rather than wholly subjective judgements. The objective criteria are organised into a classification instrument accompanied by procedures for applying the criteria to detainees in a systematic manner. Refer to Objective Classification policy and procedure.
Objective Classification Instrument	This definition applies to both the Initial Classification and Reclassification Instruments. An instrument that associates numerical values to objectively derived criteria (eg history of violence, program participation, recent disciplinary actions, etc) that are logically related to detainee classification decisions.

Word/Term	Definition (with examples if required)
	Additionally, the instrument incorporates those elements of law and policy that created restrictions related to custody placements. The derived custody rating guides the classification decisions.
Objective Classification Categories	<p>The Objective Detainee Classification System identifies specific categories and corresponding levels of security:</p> <ul style="list-style-type: none"> • High A1 • High Medium A2 • Medium B1 • Low Medium B2 • Low B3 • Unclassified <p>Note: A1 (High) has two subcategories – A1(o): offence and A1(b): behaviour</p>
Public Safety Risk Detainee	Refers to the risk to public safety, or actual harm caused to the public in the course of an escape or period at large or while being recaptured. Further refers to a potential likelihood that an offender may interfere with a witness or a potential witness.
Public Interest Case Detainee	A detainee who has committed a Serious Children’s Indictable Offence in accordance with the following sections of the <i>Crimes Act 1900</i> : Homicide – Section 19A, Manslaughter – Section 24, Sex offences – Section 61J, S6JA, S61P; Contamination offence Section 931F and other high profile cases as determined by the Chief Executive.
High Profile/Notoriety (override in reclassification)	Refers to a detainee who has committed an offence considered high profile by Juvenile Justice, where there is a high level of public interest in the case (refer to SYORP Procedures).
Serious Young Offender Review Panel	<p>The Serious Young Offender Review Panel is an independent advisory body providing advice to the Chief Executive on:</p> <ul style="list-style-type: none"> • reclassification of specific A classification detainees; and • the granting of leave to detainees found guilty of Serious Children’s Indictable offences under the <i>Crimes Act 1900</i>.
SYORP Detainee	A SYORP detainee is defined as a male or female juvenile offender who has been detained in a Juvenile Justice Centre or imprisoned in a Juvenile Correctional Centre charged with, or found guilty of, one or more Serious Children’s Indictable Offences.
SYORP Offence	A Serious Children’s Indictable Offence is defined in Section 3 of the <i>Children (Criminal Proceedings) Act 1987</i> and includes those prescribed by Clause 29 of the <i>Children (Criminal Proceedings) Regulation 2005</i> .

Word/Term	Definition (with examples if required)
	<p>Serious Children’s Indictable offences are dealt with by the Supreme or District Courts, and include offences under the <i>Crimes Act 1900</i>, the <i>Drug Misuse and Trafficking Act 1985</i> and the <i>Firearms Act 1996</i>.</p> <p>A list of the Serious Children’s Indictable offences can be found on the Juvenile Justice intranet under [REDACTED]</p>

10. References

Procedure	Classification Case Management Leave Parole
Policy	Classification Case Management
Forms	JJ-A041 – Application Cover Sheet JJ-A042 – SYORP Recommendation to Chief Executive JJ-A043 – Outcomes – Detainee’s copy JJ-A044 – Outcomes – Centre copy for Detainee’s File
Reports	SYORP Application (CIMS) Home report (CIMS)
Resources	[REDACTED]
Legislation	<ul style="list-style-type: none"> • <i>Children (Criminal Proceedings) Act 1987</i> • <i>Children (Detention Centres) Act 1987</i> • <i>Children (Detention Centres) Regulation 2010</i> • <i>Crimes (Administration of Sentences) Act 1999</i> • <i>Crimes Act 1900</i> • <i>Drug Misuse and Trafficking Act 1985</i><i>Firearms Act 1996</i> • <i>Privacy and Personal Information Protection Act (1998)</i> • <i>Young Offenders Act 1997</i>

11. Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	24/07/2012	V. Ruis	First version