



Report No.

37

September 2006

OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION OF
BANKSIA HILL JUVENILE DETENTION CENTRE



**Report of an Announced Inspection of Banksia Hill
Juvenile Detention Centre**

Office of the Inspector of Custodial Services
Level 27, 197 St George's Terrace, Perth WA 6000

www.custodialinspector.wa.gov.au

September 2006



This document uses environmentally friendly paper, comprising
50% recycled & 50% totally chlorine free plantation pulp.

Contents

THE INSPECTOR'S OVERVIEW

BANKSIA HILL: A CENTRE COMMITTED TO HELPING JUVENILES	iv
---	----

CHAPTER 1

GETTING THE BALANCE RIGHT	1
Juvenile Justice in Western Australia	1
Balancing Diverse Needs	2

CHAPTER 2

THE INSPECTION PROCESS AND THE BANKSIA HILL POPULATION	4
Methodology	4
Overview of Banksia Hill	5

CHAPTER 3

SAFETY (CUSTODY AND CONTAINMENT)	9
Safety from Other Detainees	10
Safety of Female Detainees.....	11
Adult Detainees	12
Self-Harm and Suicide Prevention	14
Discipline	16
Alcohol and Drug Issues	19
Staff Perceptions of Safety	20
Public Safety: Physical and Procedural Security	20
Physical Security	21
Security procedures and practice.....	21
Emergency Management.....	22

CHAPTER 4

RESPECT	24
Issues for Indigenous Detainees	24
Staff training for the Management of Aboriginal Detainees.....	25
Recruitment of Indigenous Staff.....	25
Promotion Opportunities for Indigenous Staff.....	26
Issues for Current Indigenous Staff	26
Issues for Female Detainees	27
Issues for Female Staff	28
Remandees.....	29
Arrival in Custody.....	30

Transfers and Escorts	30
Reception	30
Orientation	32
Clothing.....	33
Complaints and Grievances	34
Accommodation	35
Pastoral Care	36
Healthcare.....	36
Physical Health	37
Alcohol and Drug Issues	38
Mental Health	39
Psychological Services	40
Family Contact	41
Visits.....	41
Phone Calls, Mail and Video-Link	43
Food	44
CHAPTER 5	
PURPOSEFUL ACTIVITY	47
Case Planning and Case Management	47
Structured Day.....	50
Academic and Vocational Programs	51
Resources.....	52
Detainees	52
Staff.....	52
Assessment	53
Curriculum	53
Vocational Training.....	54
Integration of Education Services	55
Opportunities for Joint Provision	56
Recreation.....	56
Programs	58
CHAPTER 6	
REINTEGRATION.....	61
Day release	63
Community and Family Links.....	63

CHAPTER 7	
MANAGEMENT	65
CHAPTER 8	
CONCLUSIONS AND RECOMMENDATIONS.....	66
Recommendations	66
APPENDIX 1	
DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006 RECOMMENDATIONS	69
APPENDIX 2	
INSPECTION TEAM	82
APPENDIX 3	
KEY DATES.....	83

The Inspector's Overview

BANKSIA HILL: A CENTRE COMMITTED TO HELPING JUVENILES

Banksia Hill Juvenile Detention Centre was performing well at the time of our inspection and is still performing well at the time of this delayed Report. I said during the Exit Debrief that “it is a Centre doing well enough to have no excuse for not going on to do even better” – the point being that it does not need to be distracted, as do some of the State’s prisons, by the business of simply surviving. It is probably no coincidence that the Juvenile Justice Division of the then Department of Justice (now the Department of Corrective Services) possessed a stable senior management team with strong intellectual grasp of the objectives of detention and extensive corporate memory – characteristics that have eroded drastically within the Prisons Division in recent times.

Nevertheless, the re-offending rate of detainees was, and still is, very high – about 66 per cent. There are various factors contributing to this. Above all, the impoverished social circumstances of many detainees – from dysfunctional families or communities – mean that there are no adequate support systems upon release. Such matters are beyond the control of the Centre itself. Nevertheless, the Centre needs to engage its population as best it can so as to improve the prospect of normal lives upon return to the community. The recent implementation of the Intensive Supervision Program (ISP) teams in the metropolitan area may provide the method of this engagement. The implementation of this program is a positive initiative from the Department and needs to be fully supported in order to have measurable impacts on recidivism rates.

In this regard several regime issues were identified during the inspection. Two of them stood out. First, there seemed to be some fragmentation of service delivery, seen for example in poor communication between the Education section and the Case Management team and similarly between group workers and Aboriginal welfare workers. Second, given that this is an “Aboriginal institution” in terms of having an 80% plus Aboriginal population, staffing profiles from management downwards should reflect this fact better. Recruitment and development of Aboriginal staff was not good enough. Accordingly, there were quite marked deficiencies in terms of picking up or tuning in to Aboriginal needs or desires – no Elders program, a neglected cultural area, and so on. We drew this to the Department’s attention and received verbal assurances that there would try to improve this situation.

Of course, that would only take us so far, for many of the detainees are “out of country”, and this is for many of them a source of stress and marginalisation that exacerbates the difficulties of getting the best out of the regime. In the course of the 2005 Election campaign, in partial recognition of this factor, the Government announced proposals for establishing juvenile remand centres in the Eastern Goldfields and the Geraldton area. Unfortunately, these proposed initiatives fall well short of meeting the needs that we have identified at Banksia Hill and during our earlier inspection of Rangeview Juvenile Remand Centre. The need is for alternative forms of custodial management “in country” – station placements, supported pre-release arrangements, programs that can be delivered in a community setting, as well as the management of remandees. Such arrangements are no less crucial in the Pilbara and the Kimberley.

Of course, measures such as these are not appropriate for the whole range of the custodial population; but properly calibrated to the profile of the juvenile offender population they would do much to take the pressure off Banksia Hill and Rangeview and would probably improve re-offending rates. These matters are more fully discussed in our Report 30 – “Directed Review of the Management of Offenders in Custody.”

BANKSIA HILL: A CENTRE COMMITTED TO HELPING JUVENILES

For both this inspection and that of Rangeview, we took as a lightning rod the standards developed by the Australian Juvenile Justice Administrators. These drew upon international standards, in particular the UN Convention on the Rights of Children and the UN Rules for the Treatment of Juveniles Deprived of their Liberty. The latter instruments are forward-looking, reflecting a contemporary view of the human rights issues that arise in the administration of juvenile detention centres.

However, the AJJA Standards do not fully embrace those UN instruments. The Administrators' group is currently working up a new version of those Standards, and when they are available this Inspectorate will review them and decide whether and to what extent they meet the aspirations that we ourselves believe should drive the practices and policies of juvenile detention. An encouraging sign was the publication in 2004 of "Standards to guide the delivery of services in juvenile justice custodial centres". These Standards were developed by the Juvenile Justice Section of the Department of Human Services of Victoria. They would seem to narrow the gap between the AJJA Standards and the UN instruments quite considerably. For Western Australia, however, they still under-emphasise the "Aboriginality" of juvenile detention, and the implications that this fact should have for services.

Since this inspection, the Department has gradually moved towards a position where the two detention centres are increasingly seen within a single policy frame from the point of view of management. In particular, the girl detainees have been placed in the same institution – Rangeview – whether they are remandees or convicted offenders. Whilst this prima facie breaches international standards, the Inspector has no quarrel with this as long as service are individualised rather than allocated according to legal category. Arguably, this arrangement could actually help achieve that objective. It all depends on how well it is carried out on the ground.

The reason for this is that the low numbers of girls in each Centre had meant that there was not a critical mass sufficient to support for girls the range of activities and programs that are taken for granted for boys. For example, we found here that girls were excluded from certain Education programs on the basis of low numbers. Paradoxically, mixing the two populations thus becomes an equity issue – and indeed at the Exit Debrief stage we urged that this be done, at least on a pilot basis. Our preference was for Banksia itself to be the location, and in an ideal world this remains our preference. However, in the short-term the costs and logistics are apparently simpler if it is done at Rangeview.

Be that as it may, the next round of inspections will focus on Rangeview and Banksia Hill sequentially, so as to enable us to assess not only the performance of each institution individually but also whether the more "joined up" approach is working successfully.

In summary, Banksia Hill Juvenile Detention Centre is certainly one of the best-performing institutions within the remit of the Department of Corrective Services. This Report attempts to identify ways in which a good institution could be further improved. The Department has wholly or partially accepted each of our 22 recommendations. Our 2007 inspections will provide a timely opportunity to assess the extent and the impact of implementation at both Banksia Hill and Rangeview.

Richard Harding
Inspector of Custodial Services
28th August 2006

Chapter 1

GETTING THE BALANCE RIGHT

- 1.1 This Report details the first inspection by the Office of the Inspector of Custodial Services of the only Western Australian detention centre holding sentenced juveniles:¹ Banksia Hill Detention Centre.² It is one of only two dedicated facilities in the state that accommodates young offenders. The other, Rangeview, functions primarily as a remand centre for unsentenced young people, and was the subject of the Office's first inspection of a juvenile facility in 2004.³
- 1.2 Juvenile offenders accommodated at Banksia Hill can be as young as 10 years old and thus there are specific challenges to the custodial estate in dealing with children in their formative years. Young people in custody are generally damaged, vulnerable and in need of specific, professional help and care. Their needs are both different and on a different scale to adult offenders, so the rules and standards that govern the management of young people in custody are *necessarily* different to those of adults.
- 1.3 Banksia Hill Detention Centre has a critical role to play in the process of breaking the cycle of crime and giving a sense of purpose and achievement to these damaged, vulnerable and excluded young people. Its potential contribution to the government's agenda to reduce offending rates is obvious and its importance and requirements as an establishment should be at the forefront of considerations at the highest levels.

JUVENILE JUSTICE IN WESTERN AUSTRALIA

- 1.4 The framework of legislation governing the management of juveniles in custody strives to find an appropriate balance between administering justice and protecting the public while ensuring the care and wellbeing of young people. The *Young Offenders Act 1994* provides the framework for the management of young people in custody and includes a set of general principles that should influence policy and management of juveniles. Unfortunately, given that the Act entrenches 'the protection of the community' as the primary consideration 'ahead of all other principles and matters',⁴ the principles of diversion of a young offender away from custody and protection of the public seem to be mutually exclusive.⁵
- 1.5 The *Australasian Juvenile Justice Administrators Standards for Juvenile Custodial Facilities* (AJJA Standards) were introduced in 1998.⁶ The AJJA Standards operate as a way of measuring the quality of services provided to young people in custody. They are also a sign to the community

1 At the time of the inspection, Banksia Hill Detention Centre also held six juveniles on remand.

2 The jurisdiction of the Office of the Inspector of Custodial Services was extended to include juvenile detention and remand centres with the enactment of the *Inspector of Custodial Services Act 2003* in December 2003.

3 Office of the Inspector of Custodial Services (OICS), *Report of an Announced Inspection of Rangeview Juvenile Remand Centre – June 2004*, Report No. 29 (August 2005).

4 *Young Offenders Act 1994* (WA) s 46(6), read together with s 125.

5 For a comprehensive discussion of the movement from a welfare based approach to the management of juvenile offenders to a more justice based approach see: OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre – June 2004*, Report No. 29 (August 2005) [1.8]–[1.12].

6 Report No. 29 provides a more thorough discourse on the development of the AJJA Standards, including the impact of Australia's international obligations regarding the treatment of juveniles in the justice system according to United Nations instruments: *ibid.*, [1.3]–[1.4].

that staff and authorities responsible for juvenile custodial facilities intend to continually improve the quality of their services in the best interests of young people and other stakeholders who come into contact with their facilities. Juvenile Custodial Services –the division of the Department of Corrective Services (the Department) which is responsible for detention of juveniles in Western Australia – recognises the AJJA Standards and uses them as sample indicators when assessing service provision for both Banksia Hill and Rangeview.

- 1.6 The objective of juvenile custodial facilities according to the AJJA Standards is: ‘to provide a humane, safe and secure environment which assists young people to address their offending behaviour and to make positive choices about their lives, both during custody and upon their return to the community’.⁷ In focusing on both custody and the transition to the community, a key question arises about how these services integrate to provide support and a consistent plan to guiding young people through their sentence without falling through the gaps. Many detainees are clients of multiple government agencies prior to their detention and it is important that the needs identified prior to incarceration continue to be addressed throughout their sentence and that programs commenced within the custodial setting can be continued and completed in the community. The inclusion of families and other supporters in the process is also a key factor.
- 1.7 Banksia Hill is a relatively new establishment, dealing with relatively new legislation and AJJA Standards. While this presents a challenge, it also presents an opportunity for the Department to be creative and flexible with both the policy and practice of managing the young people in their care within the parameters of the AJJA Standards.
- 1.8 It should be noted that just prior to this inspection, the Department commissioned external consultants to measure Banksia Hill’s performance against the AJJA Standards,⁸ providing a useful initial indicator for the Department. This report provided a context for assessing the Department’s compliance with the standards.
- 1.9 This inspection report is underpinned by the notion that greater protection of the public can only be achieved when a holistic, planned delivery of programs addressing all factors of offending behaviour by a united and committed staff team engages and actively supports the young people in their care. To this end, the theme of this Report is one of ‘balance’ and recommendations made are with a view to supporting the Department and local management to get it right.

BALANCING DIVERSE NEEDS

- 1.10 During the majority of the on-site phase of the inspection, Banksia Hill held 85 young people. These were not a homogenous group as a key characteristic of the centre was the diversity

7 AJJA Standards (Revised 1999) 6.

8 Cant R & Ogilvie R, *Review of Banksia Hill against the Australasian Juvenile Justice Administrators Standards for Juvenile Custodial Facilities* (Western Australia: Department of Justice, January 2005). In addition, David Carvosso’s *Review of Juvenile Education Services: Banksia Hill Detention Centre* (16 December 2004) will also be referred to in this report and findings compared with those of the external educational specialists participating in this inspection.

within its population. There were vast differences within the population in terms of age, gender and culture, with each group having unique and distinct needs.

- 1.11 AJJA Standard 1.3 requiring the provision of 'age-appropriate and gender-appropriate services in recognition of the differing needs of young people at different stages of development and the specific needs of young females' was of particular interest throughout this inspection. Another significant factor was the over-representation of Aboriginal youth in custody, and how the needs of this group were being addressed. While comprising only 3.86 per cent of the total young population⁹ in Western Australia,¹⁰ Aboriginal youth constituted about 84 per cent of the total population at Banksia Hill.
- 1.12 In a population characterised by the specific needs of pre-teens/teenagers and the overriding issues of gender and Aboriginality as well as offending behaviours, there is a clear challenge for the Department. The issue becomes one of balance: how to balance the needs of the youngest with those of the oldest; how to balance the needs of boys with those of girls; and how to balance the needs of detained indigenous young people with those of non-indigenous young people. There is a need to ensure that the needs of all groups, however small, are not overridden by the needs of another group that may be more obvious.

9 That is people aged between 10 and 18 inclusive.

10 Based on the Australian Bureau of Statistics 2001 Census information: Australian Bureau of Statistics, *Western Australia Census 2001: basic community profile*, Catalogue No. 2001.0, (2002).

Chapter 2

THE INSPECTION PROCESS AND THE BANKSIA HILL POPULATION

METHODOLOGY

- 2.1 The basic methodology for this inspection adhered to the usual style of this Office and included:
- the analysis of relevant operational and background documentation;
 - a review of relevant literature;
 - the conduct of staff surveys;
 - an on-site inspection;
 - focus group discussions with young people and all categories of staff;
 - a limited structured questionnaire of the young people;
 - interactive consultation with management;
 - a comprehensive exit debrief that was later distributed in written form;
 - the compilation of a draft report;
 - an opportunity for the Department to challenge aspects of that draft; and
 - publication and tabling before Parliament of this final Report.
- 2.2 As the inaugural inspection of Banksia Hill Detention Centre, this inspection forms the baseline findings for the facility and therefore needed to focus on core areas of service delivery: welfare, health, education, security and safety. In addition the inspection team concentrated on assessing how services were integrated to meet the needs of detainees and how the principles of throughcare operated at the facility.
- 2.3 Following the ‘admirable model of cooperative inspection’¹¹ established between this Office and the Department during the inspection of Rangeview Remand Centre, it has been noted that the level of interaction and cooperation with the Juvenile Custodial Services (JCS) staff is far greater and more positive than has often been experienced with the adult estate. A number of meetings were conducted with Department managers prior to the inspection and a formal briefing was also provided.
- 2.4 The inspection team comprised nine inspections staff as well as specialists from the Department of Community Development, the Department of Health, the Department of Education and Training and the Office of the State Ombudsman. An additional external consultant with experience of inspecting juveniles in the UK custodial estate also worked with the team. The Office acknowledges the contribution and expertise brought to the inspection process by these individuals and appreciates the cooperation of the relevant departments.
- 2.5 The inspection of Banksia Hill Detention Centre was conducted from Sunday 20 March to Thursday 24 March 2005 with the exit debrief being presented by the Inspector on Tuesday 29 March 2005. Interaction between the team and both local management and JCS management since the briefing has indicated that the positive response received to the

11 OICS, ‘Rangeview Inspection Exit Debrief’ (25 June 2004) 1.

THE INSPECTION PROCESS AND THE BANKSIA HILL POPULATION

debrief was more than just lip service – documented significant planning is underway to address strategic issues raised and practical steps have also been taken to deal with the more operational recommendations.

OVERVIEW OF BANKSIA HILL

- 2.6 Banksia Hill was opened in 1997 and is Western Australia’s only juvenile detention centre for sentenced offenders aged 10–18 years. Located on the Hakea Prison site in Canning Vale,¹² the centre has been constructed on a raised site and was designed with a lower perimeter wall than a standard adult maximum-security prison so that detainees can still see the natural vegetation and hills beyond and thus are able to keep contact with the wider, ‘normal’ landscape. Given that so many young people accommodated at the facility are from remote and regional communities, this contact with landscape (even if it is not necessarily that of their home area) is essential for a sense of wellbeing for those young people who have been removed (some over vast distances) from their family, friends and community. While not faultless, the Inspector noted ‘how well-designed the Banksia Hill complex’¹³ is and it is unsurprising that the centre has received accolades and an award for its outstanding design.¹⁴
- 2.7 The centre includes an education block, medical centre, kitchens, gymnasium, a full-sized football oval, raised outdoor stage, basketball court and tennis court and an Aboriginal meeting place. Of course there are many other buildings and units dedicated to services such as case planning, programs and administration.
- 2.8 Secure accommodation for up to 120 young people is provided; however, on the first day of inspection, only 85 young people were being accommodated at Banksia Hill. The centre accommodates both male and female young people. Detainees are housed in four secure general accommodation units comprising 24 beds in each,¹⁵ and four self-care units.¹⁶ There is also a unit utilised for special purposes (the Harding Unit) that comprises three wings of eight beds each. The wings are used for:
- the accommodation of new admissions and very young detainees;¹⁷
 - multi-purpose cells (four cells) and observation cells (four cells); and
 - detainees on regression (eight cells).
- 2.9 The general accommodation units all have a central leisure area and shared laundry facilities. All detainees are required to do their own laundry under supervision following training by the unit staff. Each unit also has a laundry person who is tasked to collect the bed linen and

12 It should be noted that the prison and detention centre are not visible to each other.

13 OICS, ‘Banksia Hill Exit Debrief’ (29 March 2005).

14 The Royal Australian Institute of Architects Award of Merit 1998 (Public & Institutions).

15 The Lennard, Jasper and Karakin units are comprised of three wings with eight beds in each and accommodate male detainees. Murchison has two wings of eight beds each for female detainees and one wing (Ravensthorpe) as a female self care unit.

16 Nichol, Peel and Cue are each one wing units with six cells in each used for male detainees.

17 For most of Banksia Hill’s history this wing was used as the progression or long-term self-care wing; it had only recently been utilised as an orientation wing.

THE INSPECTION PROCESS AND THE BANKSIA HILL POPULATION

tea towels, but the remainder is the responsibility of the individual. Each unit has a washing machine, laundry detergents and clothes dryer. All non-self care units also have an outside clothesline. A central television, video and computer game console are provided in each unit. Each cell has its own toilet and shower and detainees are able to have televisions and music systems in their rooms. There is an outdoor exercise area adjoining each unit, some with an outdoor basketball court and others with trampolines.

- 2.10 The self-care units have only six bedrooms in each unit and also have the same shared central leisure and kitchen area and laundry facilities. In addition they have a shared bathroom facility. The accommodation is similar in appearance to a boarding school or university housing. Detainees in these units do their own cooking; staff assist with the training and detainees are required to demonstrate that they can manage in this unstructured environment.
- 2.11 As well as accommodating all juveniles sentenced to a term of detention, in recent times and at various times throughout its history Banksia Hill has consistently accommodated a significant number of juveniles on remand from Rangeview Remand Centre. At the time of inspection, there were five young people on remand in custody at Banksia Hill Detention Centre as a consequence of overflow from the Rangeview Remand Centre.
- 2.12 The following table provides a breakdown of the population at Banksia Hill on the first day of the inspection:

Population Breakdown: Monday 21 March 2005			
	Male	Female	Total
Total	79	6	85
Sentenced	74	6	80
Remand	5	0	5
Aboriginal	65	5	70
Non Aboriginal	14	1	15
Metropolitan	39	5	44
Regional	40	1	41

- 2.13 Female detainees are always the minority and only six girls (or seven per cent of the population) were accommodated at Banksia Hill at the beginning of the inspection week.¹⁸ A majority of young people at Banksia Hill were identified as being Aboriginal (82.5%)¹⁹, with more than half of these coming from regional and remote areas, including very remote Aboriginal communities.²⁰
- 2.14 At the time of the inspection, the youngest detainee was 12 years of age and the oldest was 18 years and 10 months. Some detainees can be older than 18 if they were sentenced as a juvenile

18 Since the completion of the inspection the Minister for Justice made a decision that all female juveniles in custody, whether sentenced or remand, will be accommodated at Rangeview Remand Centre. This occurred as a response to an alleged sexual encounter between a male and female detainee at Banksia Hill.

19 Increasing to 83.5 per cent by the end of the week.

20 Fifty-two per cent of boys came from regional areas whereas only one girl came from a regional area (1% of total population).

THE INSPECTION PROCESS AND THE BANKSIA HILL POPULATION

and an application is not made for them to be moved on to the adult estate to serve the remainder of their sentence.²¹ This age range can create practical challenges for the delivery of programs. A program designed to meet the needs of a 10-year-old may not be appropriate for an 18-year-old (and vice versa). Managing the expectations of young people can also be a challenge when faced with such an age range – it is important to recognise that a 10-year-old should not be expected to act or behave like an older teenager when there are several stages of development separating them.

- 2.15 The average length of stay for young people at Banksia Hill in 2003–2004 was 130 days (18.5 weeks). The centre cares for juveniles with a variety of sentences and classifications, although due to the nature of the establishment, it does not hold any detainees classified as minimum-security. All detainees and remandees were classified as maximum-security upon arrival and were reclassified by local management as appropriate during their sentence. Even long-term detainees received from Rangeview had to be classified as maximum-security due to their change of status from remand to sentenced. For the week commencing 21 March 2005, there were 62 detainees classified as maximum-security²² and 23 classified as medium-security.²³
- 2.16 All detainees had individual case management plans, which mapped out the education, training, employment, counselling or other activities they will undertake whilst in the centre. From 9.15 am to 3.15 pm, everyone takes part in learning programs including TAFE, employment, school and personal development courses. It was compulsory for school aged young people to attend the education program, while non-compulsory school aged young people participate in work groups (kitchen, gardening and cleaning) and various TAFE courses.
- 2.17 The Young Offender Development Branch of the Department conducts psychological services and therapeutic and personal development programs at Banksia Hill. A number of offending behaviour and treatment programs were also facilitated. Programs include:
- the Young Offender Personal Development Program (YOPDP) – which aims to introduce young people to ideas and skills that may assist them in breaking offending cycles and coping with challenges they may face in the community;
 - the Protective Behaviours Program – a psycho-educational program teaching skills for identifying abusive or dangerous personal situations and how to find protection from these;
 - drug rehabilitation counselling and the Drug Overdose Prevention Program – each facilitated by external providers;
 - the Promoting Adolescent Sexual Health Program – facilitated by an external provider;
 - the Parenting Program – facilitated by an external provider; and
 - the Psycho-educational Drama Group – facilitated by an external provider.

21 See Chapter Three for detailed discussion.

22 Of which five were remandees and three were girls.

23 Of which three were girls.

THE INSPECTION PROCESS AND THE BANKSIA HILL POPULATION

- 2.18 All cells and self-care units were locked from 8.00 pm to 8.00 am, with lights out at 10.30 pm from Sunday to Thursday. On Friday and Saturday nights, detainees could retire later. Meals at Banksia Hill were prepared in a central kitchen and detainees in each unit heat and serve the food. In self-care units, detainees could prepare their own meals. Each unit was also responsible for laundry and cleaning.
- 2.19 At the time of the inspection there was a new senior management team (superintendent and assistant superintendent) that had only occupied the positions for approximately four weeks and were appointed in an 'acting' capacity. This is the context within which the staff issues that are explored in this Report should be interpreted. During the week of the on-site phase of the inspection, there were 95 full-time group workers employed at Banksia Hill Detention Centre. Of these, 32 were female and nine were Aboriginal, including one female Aboriginal group worker. There were two full-time Aboriginal welfare officers (attached to case planning).

Chapter 3

SAFETY (CUSTODY AND CONTAINMENT)

- 3.1 The AJJA Standards emphasise that juveniles in custody should be kept ‘safe’: ‘the objective of juvenile custodial facilities should be to provide a humane, safe and secure environment’.²⁴ While this chapter will consider security systems and rules, the physical environment and occupational health and safety issues that keep the public, staff and detainees physically safe – all of which are relatively easy to measure by a simple process of audit – it will also focus on whether Banksia Hill fully implements the less easily measured standard within the establishment that relates to the tangible ‘atmosphere’ of safety within a centre as specified within AJJA Standard 1.1 ‘Abuse-free Environment’:

The centre provides an environment in which young people; staff and others feel safe, secure and not threatened by any form of abuse or harassment.²⁵

- 3.2 Of particular interest to the inspection team were the perceptions of both detainees and staff in line with sample indicator B of the AJJA Standard:

Young people, staff and visitors report that they are satisfied that the environment of the centre is free of physical, psychological and emotional abuse or harassment.²⁶

- 3.3 It was clear to all members of the inspection team that Banksia Hill was characterised by an atmosphere of genuine positive regard. An outstanding factor was that the young people felt safe and this was reflected in the extent of mutual respect between staff and detainees. In a survey of Banksia Hill staff, undertaken prior to the inspection, the majority responded that they easily created a relaxed atmosphere with detainees. The inspection team’s observations during the on-site phase supported this. Given the proportion and scale of damage experienced by the young people at Banksia Hill as well as their resulting neediness, it is pleasing to hear that the detainees feel that the staff are interested and genuinely care.

- 3.4 There were no substantial comments about staff conduct from young people, apart from some comments about the use of excessive force when applying restraints. In listening to detainees the consensus relayed is that the use of force was resented and they felt that some officers were quicker than others to use force. It must be emphasised that documentation within the centre (complaints, for example²⁷) did not substantiate the suggestion that staff are using excessive force and that overall, the methods were found to be reasonable.

- 3.5 Some detainees reported that they felt that staff had provoked various situations that resulted in the use of force. More overtly, it was suggested that some male group workers did not talk to the detainees in a professional manner, but that they swore at the detainees and applied force too quickly and frequently. Interestingly, comments made by some staff during the inspection also made a clear connection between a verbal altercation between detainees and staff, and then force being used to control the young person’s violent reaction. The staff survey results and interviews with female staff during the on-site inspection phase also indicated that many

24 *AJJA Standards* (Revised 1999) 6.

25 *Ibid.*, standard 1.1 (Abuse-free Environment).

26 *Ibid.*, Sample (B) Indicator of Standard 1.1.

27 It must be noted, however, that the complaints system is subject to discussion in Chapter Four and is clearly under-used. The fact there have not been significant formal complaints about staff abuse/assault cannot conclusively prove that these behaviours do not occur.

female staff felt some of their male colleagues did not exhaust all other avenues of intervention before using force. Furthermore, staff also commented that there were sometimes not enough staff capable of appropriate intervention overall. The survey also suggested that force might be over-used. When asked, 'Does the frequency with which staff had to use physical force against detainees bother you?' 44.5 per cent of respondents said that it did. This suggests that force is perhaps being more frequently used than is warranted and that higher levels of training and supervision are necessary.

- 3.6 It may then come down to a matter of perception, and perhaps detainees and group workers have a different understanding of what constitutes excessive use of force. Detainees perceived what was endorsed by the Department as reasonable use of force as provoked, excessive and unnecessary.
- 3.7 The AJJA Standards state that use of force is to be the 'last resort'.²⁸ While the centre is compliant in that force is not excessive when it is used, management must be vigilant about analysing their records of who applies force, to whom, in what situations and how often and offer staff support in the form of appropriate and ongoing training.

SAFETY FROM OTHER DETAINEES

- 3.8 Focus groups conducted with young people throughout the inspection revealed that ongoing animosity between detainees from different regional areas was a dominant feature of their lives in custody and was frequently the main topic of discussion. There was a complex system of 'taking sides' based on quite deep-seated prejudices that made the task of managing juvenile detainees even more difficult.
- 3.9 The Indigenous detainee population was not a homogenous group but comprised juveniles from disparate geographical areas with differing values, cultures and rituals. Focus groups conducted with young people throughout the inspection revealed that the ongoing animosity between detainees from different regional areas was a feature of life in the centre. Detainees were able to give examples of where they had been bullied in circumstances when their 'group' was in the minority and thus would prefer to be housed with their own group. The centre worked hard to accommodate these requests in order to help the detainees feel safer and more connected to their families.²⁹
- 3.10 Although much of the male fighting is based on regional differences, the same does not apply to the conflict among the girls. Tensions among the girls flare up and are exaggerated because of their small numbers and constant contact with each other. As with all teenage girls emotions were high when an altercation occurred, but allegiances could change often.
- 3.11 Having said this, most detainees reported feeling safe from bullying or abuse from other detainees; given the divisions and antipathy between groups, this overall feeling of safety

28 *AJJA Standards* (Revised 1999) standard 7.7 (Use of Force).

29 It should be noted that the prevalence of infighting can increase and decrease, depending on the population and sometimes the individuals currently in detention.

suggests that the centre is being appropriately managed.

- 3.12 The centre is to be congratulated for the processes it has implemented. The practice of ensuring that Indigenous male detainees from the same family groups are accommodated together contributes strongly to a sense of safety and reflects that management is sensitive to the importance of maintaining family contact for the Indigenous population. Although bullying was not widely evident in the centre, any sign of such behaviour is an important issue for training and procedures.
- 3.13 Comments by young people did indicate that physical violence between detainees is a significant issue. Generally, charges involving incidents of violence between detainees do not appear to be laid and while this may be most appropriate most of the time, it seems that the current strategy seems to consist solely of sending those involved to the Harding Unit to ‘cool off’ or for ‘time out’. There was little documentation surrounding such incidents and it tended to address time of arrival and departure from the unit rather than outline any identified causes of conflict or steps towards resolution that would provide the detainee with alternatives to violence. In comparison, the centre’s documentation indicated that use of cannabis inevitably resulted in a charge. This sent a subtle message that physical violence is tolerated and viewed as far less serious than use of cannabis.

SAFETY OF FEMALE DETAINEES³⁰

- 3.14 It was clear during the inspection that not every girl in custody at Banksia Hill felt safe, and that this feeling of vulnerability was due in large part to their gender. In the same way that we could consider Banksia Hill to be an ‘Aboriginal’ centre due to its high population of Indigenous detainees, it could also be considered to be a ‘centre for boys’ in that 93 per cent of its population at the time of inspection were male.
- 3.15 While we would not criticise the centre’s healthy ‘normalisation process’ of allowing boys and girls to mix during education and recreation, we would question whether the situation at that time provided a model of a healthy environment. The practical reality of six girls living in close community with 85 boys is that the girls are under constant scrutiny, by both staff and the male detainees. Indeed, staff and management described the female detainees’ experience of life at Banksia Hill as ‘living in a fish bowl’. This made life difficult for the female detainees who reported feeling that they could not move without a staff member questioning them, and or feeling uncomfortable under the constant gaze of the male detainees.
- 3.16 There were serious concerns about the girls’ safety considering the offending history of some of the male detainees. One group worker reported that it was only ‘a matter of time’ before a serious incident occurs involving a male and female detainee that would jeopardise the girl’s safety and staff also provided examples of violent incidents that had occurred between boys and girls. It is acknowledged that this is a difficult issue to manage and that efforts were made

30 Since the time of the inspection all female detainees have been relocated to Rangeview Remand Centre and will continue to be accommodated there for the foreseeable future. This followed an incident of an alleged sexual encounter between a male and female detainee.

to protect the girls; for example, not allowing a girl to venture anywhere on her own in the centre without being in the line of sight of a group worker or without being expected at a particular area within a specific timeframe.

- 3.17 The question must be asked whether a policy that mixes male detainees with female detainees and, in particular, mixes those convicted of sex offences with girls as young as 12, is either healthy or safe. The classification assessment process appeared to be reliant on how the detainee presented at the time rather than considering offending history as an indicator of risk (to other detainees). While current behaviour was an important factor in the assessment, the documentation did not indicate that past behaviour and offending history played any significant part in the assessment. In the case of a few detainees with sex offending histories, this did not seem the most appropriate way to manage risk. As stated by Amnesty International, these issues are primarily related to numbers and types of offences:

Because girls are proportionately much less likely to come into contact with the law than boys they are rarely treated with due regard for their gender-specific needs. For example, in most countries the authorities appear to have used the fact that the number of young female offenders is comparatively low as a justification for not providing adequate custodial facilities. As a rule, girls are more likely to be detained a long way away from their families and to be held together with boys or adults, putting them at risk of sexual abuse.³¹

- 3.18 To summarise, despite a positive atmosphere within Banksia Hill, there remain outstanding issues and conflicting perceptions regarding personal safety, suggesting work needs done to ensure detainees feel safe and are safe from each other. The inspection found that girls and non-Indigenous males feel far less safe than others detained at the centre. Management needs to ensure that a comprehensive policy and regular, adequate training are in place in order to reduce the number of often informal incidents and thus increase the personal safety of each detainee at Banksia Hill. An overarching question must be posed to Juvenile Custodial Services about whether it is currently safe and appropriate to keep girls there at all.

Recommendation 1

The Department must ensure that there is a comprehensive policy regarding personal safety and security within the centre. This policy specifically needs to address the training of group workers, the appropriate use of force, the safety of non-Indigenous juveniles and the safety of young women and girls.

ADULT DETAINEES

- 3.19 Ten male detainees at Banksia Hill were over 18 years of age at the time of the inspection – having either experienced a birthday whilst detained or having committed an offence as a juvenile and not been sentenced until an adult. As 18 year olds, they are legally adult and therefore subject to consideration for transfer to an adult prison. Additionally, they

31 Amnesty International Canada, 'Children: Human Rights and the Juvenile Justice System' (14 June 2005), <www.amnesty.ca/child/report.php>.

presented special challenges for management and staff at the facility – not the least because of the questions raised above about the safety of mixing adult male detainees with often very young female detainees. However, there are also queries about the safety of those making the transition from the juvenile justice system to adult prison custody.

- 3.20 As a general rule, most of these detainees will be left to serve their time in custody at the juvenile centre. Two sets of circumstances can, however, make this very difficult – young men with long-term sentences who may not be eligible for release until well into their twenties, and those whose behaviour causes concern for the safety and security of other detainees, staff and the good management of the facility. Management stated that it is only in these two circumstances that the appropriate steps would be taken to apply to have the young man transferred to an adult prison facility.³²
- 3.21 At the time of the inspection three young male detainees were subject to an application by the Department for transfer to an adult prison. The reasons for the applications were primarily based on the assessment of risk posed to other (younger and female) detainees and to staff and, in the case of one young offender, the length of sentence. Management stated that affidavits were required to be filed detailing reasons and examples of how the young men posed risks to others. Their experience of the process on previous occasions was that the President of the Children’s Court (who presides over all such decisions) is appropriately rigorous in ensuring that a transfer will only be ordered when absolutely necessary and spends some time interviewing the young person who is the subject of the application.
- 3.22 The 10 young men who had turned 18 were interviewed in a group during the course of the inspection. The detainees were vocal about the problems they perceived in being ‘men’ accommodated with much younger detainees. They objected to not being able to access certain products (such as cigarettes) and recreational opportunities (videos rated higher than PG) permitted to adults in the adult system. They also had the perception that they were being forced to go to school while at Banksia Hill. There was a unanimous opinion that more TAFE and other training opportunities should be available to them.
- 3.23 All were aware that being sent to an adult prison was an option for the centre and all were concerned and anxious that this could happen to them. While they all knew that they could be sent to adult prison if they misbehaved, there was some difference of opinion as to what

32 Section 178 of the *Young Offenders Act 1994* states: ‘[I]f an offender is in a detention centre serving a sentence of detention or a sentence of imprisonment, the chief executive officer may apply to the Children’s Court, constituted so as to consist of or include a judge’ [s 178(1)] for an order that ‘the offender be transferred to a prison under the *Prisons Act 1981* to serve the unserved portion of the sentence in a prison’ [s 178(3)]. Such an application can only be made with regard to detainees aged 16 years and older [s 178(2)]. The section also stipulates the circumstances that must be satisfied before such an order can be made. If the offender is under 18 the court must be satisfied that the young person’s behaviour poses ‘a significant risk to the safety or welfare of other people in custody in, or of the staff of, the centre’ [s 178 (4)(a)(ii)] or because of the young person’s antecedents or for ‘any other reason the Court thinks relevant’ [s 178(4)(a)(iii)]. If the offender is over 18 years of age the court should be satisfied that either there is ‘a substantial period of the sentence or detention to serve’, that the behaviour of the offender warrants transfer to an adult prison or if the Court thinks fit [ss 178(4)(b)(i), (ii) & (c)]. The legislation seems based on an assumption that the sentence should be served at the juvenile facility unless the applicant can show cause why this should not be the case.

misbehaviour within the centre could result in a transfer application. As applications should only be made in respect of persistent and serious behaviours that jeopardised safety, it should be made clear to all detainees over 18 what actions on their part could lead to transfer applications. Positively, the young men all stated that staff did not use transfer to adult jail as a threat to make them behave, and this is totally appropriate.

- 3.24 Young men from regional and remote areas interviewed said they were considering making applications to be transferred to adult facilities so they could be placed in prisons closer to their homes, as this was more important to them than staying in a juvenile detention environment. They were not aware that the likely outcome of such an application was placement at Hakea Prison, where a transfer to another prison may occur but would depend on numerous factors (such as security classification and bed space) and could not be guaranteed.
- 3.25 On the basis of ensuring the safety of those young people transferring to the adult estate, it has been previously recommended that the Department should have a dedicated Young Offenders' Unit at Hakea Prison.³³ As the Inspector commented in Report No. 22, it is preferable that the Children's Court Judge requires convincing evidence before he will normally consent to a transfer under section 178 of the Act.³⁴ However, if a young person becomes a danger to other detainees, then there is a different perspective and the judge must take into account the safety of the other detainees, which creates a difficult dilemma. If a detainee aged 18 or over poses a threat to others, the choice available to both management and the Children's Court judge is to either protect the detainees by transferring the older detainee or protecting the older detainee by keeping him at Banksia Hill. If a dedicated Young Offenders' Unit were established, this would surely reduce anxiety and fear for the young person's safety that is so keenly felt by both detainees in the process of applications for transfer under the *Young Offenders Act* and those who make the final decisions. More importantly, such a unit is considerably more likely to afford the support and safety that vulnerable young people so desperately need upon their arrival in the adult estate *and* ensure continued protection of detainees at Banksia Hill. We must reiterate this recommendation again.

Recommendation 2

The Department should establish a dedicated Young Offenders' Unit at Hakea Prison that will provide support and safety to young people upon their arrival in the adult estate *and* ensure the continued protection of detainees transferred from Banksia Hill.

SELF-HARM AND SUICIDE PREVENTION

- 3.26 It is widely documented that adolescence is a time of often turbulent change – physically, psychologically and sexually. Hence, adolescence appears to present a higher risk of self-harm and suicide than adulthood. Add the element of incarceration and the rates of risk

33 OICS, *The Diminishing Quality of Life: Deaths at Hakea Prison 2001-2003*, Report No. 22 (March 2004), recommendation 2.

34 Ibid.

increase again, simply due to the impact of being removed from one's normal situation and relationships. Add to this the complexity of the population mix – Aboriginality, gender and age – and the multiple factors that may impact on mental health issues, and the difficulty of ensuring the wellbeing of the detainees becomes clear.

- 3.27 The AJJA Standards state that 'the centre minimises opportunities for self-harming behaviour by young people, and where self-harming behaviour is exhibited there is effective and responsible intervention'.³⁵ This is to be achieved by 'a suicide prevention and intervention strategy' that 'includes intake screening, identification and supervision of young people according to their regularly assessed risk levels'.³⁶ It should involve staff from all disciplines and at all levels.
- 3.28 Banksia Hill appears to have a clear suicide and self-harm prevention strategy and all detainees are screened at intake, in accordance with the AJJA Standard. On arrival, detainees can be identified as being at risk and managed by Banksia Hill staff in a number of ways including through:
- consultation of the At Risk Register, which is maintained by the Rangeview Remand psychologist;
 - consultation of the Total Offender Management Solutions (TOMS) alerts system: a detainee cannot be admitted to the centre without staff first acknowledging the alerts, including specific risk factors, and current at risk status in line with the At Risk Register;
 - admission at risk assessments conducted by operational staff at point of admission and by the centre medical officer; and
 - detainees who are charged with or sentenced for a serious offence being automatically considered 'at risk' and managed as such.
- 3.29 In addition:
- Immediate checks and interviews with health centre staff (primarily nurses) and discussions with unit managers in the orientation unit (in accordance with Standing Order 14, 2.2) take place. The three separate areas communicate well, sharing information about the status of the young offender, and therefore as a whole cater adequately for at risk detection. This practice is thorough and well-established within the centre and is consistent with the AJJA Standard for self harm and suicide prevention.
 - The Operational Manual for Banksia Hill requires that psychological services conduct a risk assessment of a new detainee within the first 48 hours of arrival at the centre. The psychology branch treats this requirement very seriously and is satisfactorily meeting the target. All new arrivals are put onto observation status of checks every 15 minutes while awake and 30 minutes while asleep until they have been assessed.³⁷

35 *AJJA Standards* (Revised 1999) standard 7.5.1 (Self Harm and Suicide Prevention).

36 *Ibid.*, standard 7.5.2.

37 Full psychological assessments (other than for risk) are also undertaken and discussed in Chapter Four.

- An Aboriginal clinical psychologist provides mentoring and supervision to the psychology team. This has proved very beneficial to the team but ongoing funding must be secured to maintain and expand this essential service.
 - The centre's risk assessment process is not only applied to new receptions but includes ongoing assessment of all detainees.
 - In terms of the physical environment, there are observation cells within Harding Unit in order to provide additional safety for those at risk of self-harm or suicide. Although Harding Unit also accommodates a progression and regression wing, the unit design is of a good standard, observation cells were found to be clean, tidy and had satisfactory toilet facilities. A designated group worker is stationed at a point that overlooks the observation cells increasing the ability to observe the cells. The observation cells appear to be designed for the task but have been subsequently adapted to include a television attached to each cell. The observation cells are separate from the security or multi-purpose cells within Harding Unit.
- 3.30 However, there was insufficient formal training for staff with regard to the identification of at risk behaviours or indicators. Staff stated that they based their risk assessment at the first receipt stage on their own experience with young offenders.
- 3.31 Although self-harm rates at Banksia Hill are very low, it is important to note that psychological services acknowledge that they did not have a valid risk assessment tool for Aboriginal youth. Conventional psychological assessment tools have been developed with white English-speaking subjects and their validity with an Aboriginal population has not been established. In order to develop a culturally appropriate risk assessment tool, a significant degree of research and study would be required, as there is no departmentally recognised tool currently available. Given the size, diversity and stability of Aboriginal youth as a group within this facility an opportunity exists for the Department to participate in the development of such a tool.

Recommendation 3

The Department must make a substantial effort to implement training in the identification of risk behaviour for all centre staff and develop a validated risk assessment tool for use with Aboriginal detainees.

DISCIPLINE

- 3.32 The issue of discipline is relevant for discussion here as it can significantly affect detainees' personal safety. Detainees will feel safe if they clearly understand the disciplinary rules, feel these are applied fairly and consistently and they also have recourse to an appeal system. Furthermore, a system of discipline that is not merely punitive, but includes incentives and privileges helps detainees feel that they are provided with opportunities to excel. Such a system is more likely to make detainees feel that the authorities are not merely waiting for them to transgress in order to catch them out and punish them. They are likely to respond positively to a system that gives recognition and rewards for positive behaviour, thus raising self-confidence and self-esteem – important factors if detainees are to feel safe.

- 3.33 Detainees generally seemed to feel that discipline is fairly and consistently applied. Detainees were able to communicate why they had been disciplined and generally felt that their actions had deserved punishment. In terms of their understanding of the disciplinary system, detainees were able to demonstrate their understanding of appropriate behaviour and the centre's behavioural requirements. They indicated their awareness of the consequences they would face if they engaged in inappropriate actions and that there were incentives for appropriate participation; although the incentives on offer had mixed levels of appeal to detainees, ranging from apathy to determination to make self-care.
- 3.34 The inspection team observed staff frequently discussing with and advising detainees how to better manage their interactions with others. Furthermore, when staff did move to the first level of intervention, they were able to demonstrate that they had already given initial warnings to detainees about their conduct. It is entirely appropriate that an informal warning is the first level of intervention for inappropriate behaviour and it is healthy to see attempts by staff to avoid using the formal system of discipline if at all possible. This could only be achieved given the close interaction with and management of detainees by staff and again demonstrates the mutual positive regard that characterises Banksia Hill.
- 3.35 The formal levels of staff intervention are indicated in the centre's local Standing Orders. It must be noted that the first 'informal' level of intervention (time out) is not a punishment. Juvenile Custodial Rule 210 ('JCS Rules') indicates that separation should be used to 'manage disruptive adolescent behaviour' but it cannot be a penalty or punishment, as it is only for behaviour 'that does not warrant a Detention Centre Charge or Police Charge'.³⁸ Separation time is to be used for the period necessary for a young person to settle and not present as an unacceptably high risk. The inspection team found that separation was being used in accordance with the JCS Rules and AJJA Standards; however, there was a high rate of placing detainees in separation in the Harding Unit who had been involved in more serious incidents and it was unclear whether they were in 'time out', being punished or subject to some other process.
- 3.36 At no point was it considered that the Harding Unit was being used inappropriately in terms of the relevant standards. However, the issue of separation needs clarification and a clear policy needs to be developed in order to provide clarity to all staff and detainees. Detainees did not always seem clear about whether they were being held in separation, as punishment (they seemed to see separation as a punishment) or as part of a management regime.

Recommendation 4

There needs to be a clarification of the policy and practice of regression and the associated use of the Harding Unit.

- 3.37 The inspection team found that every regressed detainee had an individual management regime that was approved by the Superintendent. The regime had appropriate multi-disciplinary staff input which is to be commended as effective practice. Staff spent time

38 Department of Justice, Juvenile Custodial Division, *Juvenile Custodial Rules*, rule 2.10 (Use of Separation), 1.2.

discussing the regime with detainees, who appeared to understand their plans reasonably well. However, the management regime generally only covered two aspects in relation to regression and, as its title indicates, it is primarily based around how, where, and by whom the detainee is to be managed; the reasons for the detainee's regression; and what items and levels of privileges are current for the detainee. What the regime lacked was a clear record of what the detainee had to achieve to return to 'normal mainstream living'.

- 3.38 The centre's management was aware of this and the process was being reviewed during the inspection. Any documentation developed will facilitate clearer direction regarding the positive behaviours required from and targets set for detainees in order to re-enter mainstream population, together with the provision of opportunities for detainees to learn and demonstrate more positive behaviours.
- 3.39 On the incentive side of the management of juveniles, some detainees raised questions about the value of some of the incentives. Privileges or incentives that can be used as behavioural management tools include in-cell televisions, movement within the centre, gratuity payments, self-care accommodation, access to canteen and music systems. The Department needs to examine the desirability of some of the current incentives and there needs to be an opportunity to recognise detainees who surpass behavioural targets set for them with enhanced incentives.
- 3.40 Types of accommodation are also integral to the incentive scheme. For example, there is a hierarchical system between the standard units, Harding 'A' and the self-care units;³⁹ a hierarchical system within each unit, with 'Gold Cells' (particularly for girls) and 'Gold Wings' (although this was a term that did not appear to be greatly used or understood by detainees, who preferred the term 'A Wing' in most cases); and a self-care option available for 'top level living'. It should be noted that most units are of the same standard.
- 3.41 Many detainees were not motivated by the prospect of moving to self-care, as they preferred to stay in their current wing with their friends and family. Additionally, a small number of detainees commented that they liked the fact that they got locked into their cells at night and would feel less safe in self-care. It is also important to note that the girls did not feel that self-care was really used as an incentive, but mainly to manage a small number of girls who were divided and would fight if they were all accommodated in the same unit.⁴⁰
- 3.42 On the one hand, accurate placement of a detainee in self-care should always be viewed as positive, particularly within the guiding principles of self-determination and personal responsibility that are valued at the centre. Self-care provides the young detainee with the opportunity to acquire skills that he or she would not ordinarily have had. However there was

39 The Harding 'A' Unit includes a hierarchical step between the highest level of 'standard unit living' and 'self-care'. Conversely Harding Unit also includes the regression wing, security cell and observation cell wings.

40 The female detainee population (six detainees) at the time of the inspection was divided as a result of dispute between some of the girls. Three girls had, therefore, been separated from the other three girls. Part of the dispute related to family issues between the girls that existed outside the centre. Inevitably, the other girls had become involved and taken sides and the result was a split down the middle.

a lack of equity between males and female in the efficacy of self-care. The following points demonstrate the lack of equity between male and female detainees in self-care at Banksia Hill:

- The girls in self-care were not able to walk around the centre unescorted and have general freedom of movement such as the boys in self-care have available to them.
- The limited staffing resources often mean that the girls in self-care were confined to their unit. Even on occasions when a dedicated group worker was assigned to the girls' self-care unit, it was often the case that this group worker was called to cover other duties at the centre, resulting in the girls being 'locked in'. The male self-care units, on the other hand, have dedicated group workers who are not pulled away to perform other duties when there are staff shortages.

ALCOHOL AND DRUG ISSUES

- 3.43 Security arrangements to monitor for drugs included routine cell searches, CCTV in the visits area, strip-searches,⁴¹ drug testing, intelligence from the detainees and canine patrols. The most common contraband was small amounts of cannabis (usually introduced in small balloons swallowed by a detainee or secreted in clothing on entry or after visits).⁴² In 2004 there were 136 detention centre charges of which 95 per cent were drug related. There were five finds of small amounts of cannabis and smoking paraphernalia. No powdered drugs had been found in the past 12 months. Some small amount of alcohol and home brew had been found.
- 3.44 Illicit drug use in the centre was largely limited to cannabis, which occurred in waves and was dependent on who is in custody. Large influxes of cannabis occur after large numbers of visitors have come through the centre, for example on Christmas Day. The most common outcome for a first offence charge is a three-day loss of gratuities, suspended on the condition of two months' good behaviour.
- 3.45 The safe management and supervision of petrol supplies at the centre is a constant source of stress for staff. Detainees are constantly seeking ways to access petrol. On 12 March 2005, five detainees were found to be under the influence following petrol-sniffing. There is also a suspicion that detainees deliberately crashed one of the centre's small buggies to access the petrol. A recent proposal has been made to change the centre's fuel to Avgas. Although Avgas is slightly more expensive, the benefits in terms of detainee health and safety and reduced stress on staff make this a very positive initiative.

41 Strip-searches are routinely undertaken when departing and returning to the centre (usually for court or to Rangeview).

42 Pat searches are routine after a visit. Strip-searches are not done routinely after a visit.

STAFF PERCEPTIONS OF SAFETY

- 3.46 The results of the pre-inspection survey indicate that staff perceived safety to be an issue: 64.5 per cent of respondents felt it was ‘somewhat dangerous’, ‘dangerous’ or ‘very dangerous’ in Banksia Hill for staff members who have contact with detainees, in the sense of being injured in an assault. All staff reported that it was ‘somewhat likely’, ‘likely’ or ‘very likely’ that a staff member would be physically assaulted in Banksia Hill. The areas ranked the highest priorities for training to meet the needs of the staff were in self-defence and restraint, followed closely by dealing with difficult behaviour and conflict resolution and assertion with workplace bullies.⁴³ While the perception of self-defence training and restraint training were clearly the highest priority, it is significant that no one requested training on adolescence/teenage behaviour/development, one member of staff requested training on setting boundaries and negotiation skills, and only two staff requested training on communication skills and positive reinforcement of good behaviour.
- 3.47 Of concern to staff, particularly female staff, is training in the management of detainees who are sex offenders. It was reported that there was a current detainee at the centre who was a sex offender, who was having issues with ‘inappropriately touching’ staff and a detainee received an additional six months to his sentence due to an assault of a female officer. It appears that management and staff were supportive of the female officer involved and all detainees who behave inappropriately towards other detainees or staff are immediately put on special needs management plans. However, staff still felt that they could be better equipped to deal with detainees who have committed certain types of offences.
- 3.48 The centre is ‘locked down’ every Wednesday specifically to provide staff training opportunities. Staff felt that the training was not always addressing important issues such as how to better manage adolescent behaviour. The fact that staff want such training indicates a real understanding of the issues involved with working with juvenile detainees and a genuine compassion in terms of wanting to make a positive difference while these damaged children are in their care. The request for this type of training is, in itself, a mark of respect as it is based on profound needs of the detainees.

PUBLIC SAFETY: PHYSICAL AND PROCEDURAL SECURITY

- 3.49 The very nature of custody implies that public safety is a primary concern. Accordingly, members of the inspection team undertook a thorough audit of the centre’s conventional security arrangements during the on-site phase and as the Inspector commented in the exit debrief: ‘[c]learly, the centre is secure in the sense that possible escapes would seem to be exceedingly unlikely. In that regard, public safety concerns are properly addressed.’⁴⁴

43 First aid and computer skills training also received the same number of requests as training in dealing with difficult behaviour and conflict resolution and assertion with workplace bullies.

44 p. 4.

Physical Security

- 3.50 In addition to the underpinning legislation outlined in Chapter One, the inspection of security arrangements at Banksia Hill drew on further specific standards. In the absence of a suitable Australian equivalent, the 'UK expectations document' sets out six tests for security and these provided sound baselines for the inspection team:⁴⁵
- there should be no obvious weaknesses or anomalies in the physical and procedural security;
 - elements of 'dynamic security' should be in place;
 - there should be sufficient staff;
 - there should be smooth access to regimes (not impeded by unnecessary restrictions);
 - strip-searches should only be carried out for sound security reasons; and
 - visitor bans should be visible and unambiguous, and be subject to an appeal process.
- 3.51 The physical and procedural security arrangements at Banksia Hill would satisfactorily meet the first test. Some minor items were drawn to the attention of the centre security staff, but resolution of these items is within the competence of the management group. The centre's performance against the second to sixth tests was found to be more than satisfactory.
- 3.52 The equipment and tool checks within the various skills training centres were audited and found to be satisfactory. However, the inspection team observed that waste material, external equipment and some other construction equipment was readily accessible and would be of assistance in any assault of the perimeter wall. It was also observed that there was a broad range of equipment that utilised petrol as a fuel and the inspection team was not satisfied with the controls to prevent unauthorised access to material that could be both an intoxicant (for sniffing) as well as an accelerant (for setting fires). As mentioned above, the centre management advised that they were considering the introduction of Avgas. While we have commended this change, it must be noted that this would only resolve the issue of use of fuel as an intoxicant but not the issue of use of fuel as an accelerant.

Security procedures and practice

- 3.53 In the first audit session a range of desktop exercises were conducted to test the extent to which security and emergency management systems had been established and the reliability of these systems to gather intelligence and to record minor and major incidences. The centre management were able to demonstrate their own competencies as well as show sample records relating to a range of controlled events: violence at the centre; drugs; self-harm; and security breaches (including contraband finds involving weapons and tools).
- 3.54 Of significant importance to the overall security of Banksia Hill is the role of the Senior Officer Security and the organisational arrangements for this post give cause for concern. The post of Senior Officer Security was staffed by secondment from the main roster and

45 Her Majesty's Inspectorate of Prisons, *Expectations: Criteria for assessing the conditions in prisons and the treatment of prisoners*, 2004. While the expectations document is not specific to juveniles, its six inspection tests for security provide relevant guidelines for the inspection of security arrangements and operations at Banksia Hill.

additionally required the incumbent to work occasional operational shifts. In part this was done to enable the position to offer a shift work component (thus boosting the officer's salary) but the consequences are that the security position is not covered on a full time basis nor can the security officer specialise in a complex field of work.

- 3.55 The gatehouse is well designed and provides clear separation of movement for vehicles and pedestrians; however, equipment failure was evident and known to the centre's security staff. Due to the nature of physical and particularly electronic equipment and their inevitable obsolescence and need for upgrades, there appears to be a need for a comprehensive review of certain elements of physical security. Rather than wait for the problems to become apparent, it would be sensible for the Department to review in a non-urgent way these physical security issues so that a gradual replacement and/or enhancement program can be built into the capital works budget.⁴⁶ In addition, there was some concern about the length of time the duty officer in the gatehouse remained in situ before a rotation occurred. This should be reconsidered to ensure optimum performance from staff in this vital post.
- 3.56 Banksia Hill has passed the stage where security can simply be regarded as a casual issue to be carried out by an officer in conjunction with other duties. It is by rights a full-time position and should be upgraded to such. Arguably, it should also be of a higher classification than is at present the case, and in a direct reporting line to the Superintendent.

Recommendation 5

The position of Senior Officer Security at Banksia Hill should be full-time, stabilised and appropriately classified.

Emergency Management

- 3.57 As part of the inspection methodology, a desktop exercise was undertaken which focused on the centre's capacity to adequately manage a serious cell fire at night. Equally, consideration was given to an alternative scenario involving a bushfire encroaching upon the centre grounds.
- 3.58 In April 2003 the Department and the Fire and Emergency Services (FESA) published the findings of the Fire and Related Emergencies Project. The focus of that project was on public prisons. The project found that existing resources in public prisons were not adequate to enable the immediate rescue of, or take reasonable measures to protect, prisoners trapped in locked cells during a fire event without placing staff at risk of harm from smoke inhalation. The inspection team was advised that a more localised review was conducted of the juvenile detention facilities. In any event it was found that major deficiencies existed at the Banksia Hill Detention Centre at the time of the inspection. The security staff confirmed that they did not have the equipment or the training to address the two scenarios mentioned.
- 3.59 While fire extinguishers were present throughout the centre and there was a system for ongoing maintenance it was extremely concerning that even reasonable steps, such as the provision of fire hoses for connection to the water hydrants on site, have not been taken. A

46 See OICS, 'Banksia Hill Exit Debrief' (29 March 2005).

further concern is that there had been an elevated number of false fire alarms at the centre in recent times. The only action of the centre was to call out the monitoring equipment maintenance contractor. It is obvious that a more thorough investigation into the entire fire system is overdue and that the centre should be in a position to properly discharge its duty of care to detainees and staff.

- 3.60 In July 2004 the Department entered into a Memorandum of Understanding with FESA. The protocols require that ‘each fire appliance/crew operating within the confines of a prison will be provided with a DoJ [Department of Justice] Prison Officer to escort them to the immediate area of operations and to assist with their safety’ and for a liaison officer to be at the ‘Forward Control Point’ for the effective transfer of information and coordination of resources between the two organisations. In part, this requires departmental staff to be trained in use of breathing apparatus (BA). The conditions under which FESA operate would be similar in the juvenile estate, but Banksia Hill would not be in a position to comply with the requirements expected as there is no BA on site (and no one is trained in its use), nor are there any escape hoods.
- 3.61 It is of the utmost concern that Banksia Hill would be put under extreme stress should there ever be a serious cell fire or should a bushfire encroach on the centre. This issue is neither new nor unique to Banksia Hill. This Office has been concerned about fire safety in the state’s custodial facilities for several years, and it was as a consequence of our expressed concerns in relation to Hakea that the Department set up an internal inquiry culminating in the Gilchrist Report.⁴⁷ The implications of that report and our own views on these matters for Banksia Hill need to be addressed as a matter of some urgency.
- 3.62 It was found that most items of the emergency incident management equipment were covered in dust. This demonstrated that firstly, regular training for this type of incident is not practiced, and secondly, most of the equipment was first issued when the facility was commissioned (1997) and consequently was now at or beyond its planned lifecycle. The centre should address both these aspects. However, care should be taken to keep the major disturbance type of training in check so that the normal operational culture of the centre is not upset.

Recommendation 6

A thorough review of the centre’s current fire safety and emergency equipment needs to be urgently undertaken together with a specific training needs analysis in order to ensure the prompt provision of essential equipment and training to meet the objectives of a safe custodial environment.

47 Department of Justice, The DoJ/FESA Fire and Related Emergencies Project (Confidential) Report, April 2003 .

Chapter 4

RESPECT

- 4.1 The humane and respectful treatment of juveniles in custody is a governing principle of all rules and standards, both national and international, and therefore it is important to consider the management of all the young people who progress through Banksia Hill Detention Centre against the relevant AJJA Standard:

The centre promotes the individuality and diversity of young people, builds on their strengths, encourages their personal growth, and respects their dignity as human beings.⁴⁸

This chapter is primarily concerned with the ability of the centre to manage gender, cultural and linguistic diversity and to care for individuals with unusual circumstances and even those on remand. It will also consider issues for staff within the context of a theme of 'respect' as staff culture and morale generally have a direct impact on the detainees.

ISSUES FOR INDIGENOUS DETAINEES

- 4.2 In their Review of Banksia Hill against the Australian Juvenile Justice Standards, Cant and Ogilvie found that neither the Juvenile Custodial Services Rules nor the Banksia Hill Standing Orders appeared to adequately address cultural and linguistic issues. The inspection team also found that Standing Orders did not include anything relevant to the needs of Aboriginal detainees, other than Standing Order 12, section 11, which outlines the role of the Aboriginal Visitors Scheme.⁴⁹ The Banksia Hill Business Plan 2000–2005 makes a commitment to actively encouraging the involvement of families, addressing the needs of Aboriginal youth and considering diversity as an asset to the centre. While Cant and Ogilvie found that AJJA Standard 5.1 had been met, they failed to note that detainees from regional and remote communities were seriously handicapped in their ability to maintain contact with family and little had been done to explore creative alternatives to facilitate contact. Similarly the inspection team found that more could be done in promoting and engaging contact with the wider Aboriginal community, which will be discussed more fully in Chapter Six.
- 4.3 The current initiative to facilitate annual NAIDOC⁵⁰ celebrations is acknowledged as being beneficial for Aboriginal detainees and it is interesting to note that there were more successful family visits undertaken during the week of celebrations than is usual. While this is a good start, the centre recognises that more can be done in this area.
- 4.4 There are some promising initiatives within the Department that had been recently developed. The Department provided the following information to the inspection team prior to the on-site phase:
- The expansion of regional supervised bail options. Although not directly relevant to the management of sentenced young people, the expansion of supervised bail, as a strategy to help

48 *AJJA Standards* (Revised 1999) standard 1.2 (Respect, Dignity, Individual Focus).

49 Cant R & Ogilvie R, *Review of Banksia Hill against the Australasian Juvenile Justice Administrators Standards for Juvenile Custodial Facilities* (Western Australia: Department of Justice, January 2005).

50 National Aboriginal Islander Day Observance Committee (NAIDOC).

RESPECT

young people stay out of custody and remain in their country, close to their families, is a very positive one.

- Increased involvement of family. The staff of the Young Offender Development Branch⁵¹ at Banksia Hill acknowledge that there is a need to explore ways to improve family involvement in case planning, programs and counselling. They recognise that involving the family represents best practice when working with young offenders. Substantial planning has been undertaken to improve services across this large branch (see Chapter Five).

These initiatives demonstrate a positive step in the right direction and will be monitored with interest.

Staff training for the Management of Aboriginal Detainees

- 4.5 One of the key responsibilities for staff at Banksia Hill is to demonstrate pro-social modelling with all detainees. Staff generally seemed to be aware of this responsibility, group workers in particular. Staff received generic cultural training through an outside provider. The staff survey showed that approximately 30 per cent of staff had received cross-cultural training in the past five years and 70 per cent felt confident in their ability to work with Aboriginal detainees. While it is good that training has been given and most staff feel confident working with Aboriginal detainees, there was still a sizeable number of staff who have not had cross-cultural training in the past five years (70%) or feel confident in their ability to work with Aboriginal detainees (30%).

Recruitment of Indigenous Staff

- 4.6 The recruitment of Aboriginal staff is an important issue given that very few staff at Banksia Hill are Aboriginal, while almost 90 per cent of detainees at the time of the inspection were Aboriginal. More noticeably, there is a worrying lack of female Aboriginal group workers. The Acting Superintendent acknowledged that the steps needed to be taken to redress the lack of Aboriginal group workers and recruitment practices must be considered.
- 4.7 Records held at the centre and conversations held with Indigenous group workers tended to indicate retention of Indigenous officers has been reasonable at the two secure centres of Banksia Hill and Rangeview over the past three years. In 2003, Commonwealth funding allowed the opportunity for the centre to embark on an Aboriginal recruitment program. The result was the employment of eight Aboriginal group workers (six males and two females). One officer resigned within the first six months and a second is currently working as the Aboriginal welfare officer. The remaining workers are at Banksia Hill Detention Centre and Rangeview Remand Centre. Despite its success and the pressing need for more Aboriginal staff, this initiative has not been repeated. Consideration should be given to repeating this positive recruitment program as vacancies arise as a matter of urgency.

51 The Young Offender Development Branch includes education, psychology services (including counselling) and programs.

RESPECT

Recommendation 7

The Department must prioritise the development of a more culturally sensitive recruitment process; this should include the development of appropriate selection tools and selection criteria.

Promotion Opportunities for Indigenous Staff

4.8 There are two Aboriginal unit managers at Banksia Hill; however, it is of considerable concern to the Office that there is no Aboriginal representation or apparent input into senior management. This lack of Aboriginal representation at senior management level within the centre raises questions about whether promotion practices are culturally and linguistically sensitive to current Aboriginal staff.

Issues for Current Indigenous Staff

- 4.9 There was a concern that some Aboriginal staff already working at Banksia Hill were marginalised. Aboriginal welfare officers (AWOs) did not really seem to be part of the mainstream daily contact for detainees; rather, they are treated as adjunct to other professional staff. Moreover, AWOs appeared to be isolated in terms of the centre's internal communications, even those regarding important matters for Aboriginal detainees.
- 4.10 Furthermore, a system that required detainees to make a written application to see an AWO is both surprising and quite inappropriate. Detainees from the Kimberley were quite clear that they would not (and perhaps cannot) use such a system. In effect, this current system precludes some Aboriginals from accessing AWOs and isolates AWOs from detainees.
- 4.11 Finally, there are issues relating to the operation of the Aboriginal Visitors Scheme (AVS). The AVS has unlimited access to the centre and attend three times a week, but there does not appear to be any real interface with the detainees or links to the centre's processes of risk assessment and subsequent support. This may be indicative of some diffidence or management failure within the AVS itself or it may equally be a sign that they have not been actively supported within the centre. Also the model of intervention adopted, which was originally designed for an adult prison population, may possibly need to be re-thought in a juvenile setting. Whatever the explanation, the opportunities of the scheme are not being properly and fully exploited.
- 4.12 Juvenile Custodial Services (JCS) acknowledged that the Aboriginal detainee has special needs and has considered these in its planning. At a local level, the centre has attempted to deliver a service, but it is neither as integrated nor as comprehensive as is required.

Recommendation 8

The referral system to access Aboriginal welfare officers and the Aboriginal Visitors Scheme and the services delivered by these staff should be reviewed in order to ensure they are meeting the needs of detainees.

RESPECT

ISSUES FOR FEMALE DETAINEES

- 4.13 Banksia Hill Detention Centre detains both males and females who, although accommodated separately, are subject to the same systems and processes and policies relating to their incarceration at Banksia Hill. The Department recognises that some of the needs of female detainees are different to those of male detainees, which implies that there should be differences in the systems and policies according to which female detainees are managed. Besides some rules relating to the management of a female detainee with a child, there is no information in Banksia Hill Detention Centre's Standing Orders that relate specifically to the needs of female detainees and good practice methods of meeting these needs.
- 4.14 The ratio of male to female group workers at Banksia Hill is such that the female detainees are predominantly supervised by male group workers. Male group workers, female group workers and the detainees all had differing opinions on the issue of what constituted gender appropriate supervision of the girls. Without exception, all the group workers who were interviewed agreed that supervising the female detainees was difficult and enormously stressful.
- 4.15 Without doubt, managing a small number of detainees that differs so greatly from the majority of the detainee population is difficult, but the difficulties are logistical rather than inherent in the population. Understanding both the types and degree of difference is critical to the successful management of both boys and girls at Banksia Hill and this can be achieved through regular staff training. If staff do not understand the different emotional development of male and female adolescents, they are likely to misunderstand girls' behaviour and compound rather than resolve situations. Australian research has found that 'those working with delinquent youth find girls more difficult to work with than boys' and youth workers tend to
- [d]escribe girls as 'verbally aggressive', 'hysterical', 'manipulative', 'dishonest' and 'untrusting'. Boys, on the other hand, are described as 'honest', 'open', 'less complex', and 'easier to manage'.⁵²
- 4.16 An issue that demonstrates some of the complexities involved in managing girls was evident in the design of the new sports singlet. The girls were consulted regarding the design of new sports singlets, and they were pleased with the resulting design. However, they were upset that the tops had been taken away as it appeared that some staff felt the design of the new top was too tightly fitting and therefore 'inappropriate' for the girls to wear. The girls were also upset over the manner in which they were removed (from their cells while they were at the education centre), feeling their privacy had been violated. Further, they reported that the removal of the tops implied that wearing the tops at all (which the girls had been doing since they were issued) was some kind of insult about their own sexual conduct.
- 4.17 The 'sports top' incident was memorable for the inspection team as it demonstrated that the female detainees may interpret and react to incidents such as this in particular ways that

52 Adler C, 'Young Women and the Criminal Justice System', paper presented at the *Juvenile Justice: From Lessons of the Past to a Road Map for the Future Conference* (Sydney: Australian Institute of Criminology and Department of Juvenile Justice (NSW), 1–2 December 2003) 5.

RESPECT

require different management techniques than those that might be applied to the male detainees. The female detainees took this incident personally and the removal of the tops was interpreted as a personal reflection on them and their values, which perhaps it was. Ultimately, this incident and the reaction it ignited, supports the argument that female detainees have different needs and should be managed so as to take these needs into account.

- 4.18 Although the male and female detainees are physically separated, the practical reality of the operations at Banksia Hill (given the low number of female detainees) means that interaction between the male and the female detainees is inevitable. The female detainees interact with the boys during recreation times when they meet at the oval or the gym and observe the male detainees playing football or basketball or other recreation activities. They also interact casually during morning tea or general movement from one place to another. Social interaction between the sexes is a normal and important adolescent development process.
- 4.19 There was no formal policy guiding the appropriate level of interaction between the males and the females at Banksia Hill. Rather, it seemed that interaction between the two groups was managed according to what worked at the time. While positive, this flexibility needs to now go beyond where and when the female and male detainees can mix. There remains a sense that the girls are just being managed within this ‘one-size-fits-all’ system.
- 4.20 The inspection found that just as there are no Aboriginal people in management positions, neither are there any women in centre management positions on the custodial side. Given the specific needs of female detainees, it would be beneficial for a senior manager to be responsible for and champion services for the girls.
- 4.21 Further, serious consideration should be given at a broader, departmental level, to appropriate alternatives to the current method of detaining young girls in custody in Western Australia. At a departmental meeting preceding the on-site phase of the inspection, the acting-Superintendent outlined a number of matters relating to the treatment of girls that are being addressed, which is very much to be welcomed. However the accommodation plan presented to the Inspectorate during the inspection period is viewed as the preferred option and the current placement of girls at Rangeview is not considered by this Office to be the most satisfactory resolution to the issue.

ISSUES FOR FEMALE STAFF

- 4.22 While the staff survey and interviews with staff indicate that there was cautious optimism with a change in management, it was clear that female staff felt marginalised and there were general concerns about equal opportunities and training for working with juvenile detainees. A lengthy group discussion with a representative sample of female group workers revealed some stereotypical attitudes towards the female custodial staff exist at Banksia Hill. For example, it was identified that there was an attitude that female group workers can only be a unit manager for the female accommodation unit, and should remain in a ‘support’ role to the male group workers in the male units.

RESPECT

- 4.23 Furthermore, they felt there was a perception that the female group workers were not able to withstand a severe physical confrontation and not able to physically restrain a male detainee if required. This caused them to be perceived as safety and security ‘liabilities’ and not as able as their male colleagues.
- 4.24 Female staff reported often being given the more menial tasks to perform. They did not feel recognised in the same way as male group workers for the good work that they do in relation to the detainees. They also reported double standards in terms of male group workers being able to ‘get away with’ behaviour that they could not. Besides examples given in terms of duties undertaken, they also reported that male group workers make inappropriate comments about the female group workers over the radio on the weekends when senior management are not around. They reported that opportunities for female group workers and the general working environment were better at Rangeview Remand Centre.
- 4.25 The group workers that participated in this discussion were committed to their work as well as to the rehabilitation of the young detainees. They were, however, demoralised about their career prospects at the centre, by the types of responsibilities they were given and by the pervading culture that seems to have been nurtured by the previous management team.
- 4.26 The current management team appeared to have adopted an inclusive, consultative approach towards staff at the centre, and staff seemed cautiously optimistic about their future at Banksia Hill. It was, however, early days for the new management team, and staff did report ongoing issues of concern during the inspection. Whether the new management will successfully negotiate these issues, or whether they will remain issues of concern for staff will only be clarified as time and the efforts of the new senior management team proceed.
- 4.27 Staffing is a complex problem at Banksia Hill it was clear that there are problems relating to staffing at Banksia Hill that need to be addressed to bring the centre in line with the appropriate rules and standards in terms of supervision of young offenders.

REMANDEES

- 4.28 There is no AJJA standard applicable to the management of young people on remand being held in custody with those who have been convicted and sentenced. The process for determining the placement of a remandee at Banksia Hill (rather than at Rangeview) is based on clear selection criteria for assessing which remandees it will take. Selection is based on a balance of:
- The length of remand period – the longer the period the more likely the transfer to Banksia Hill.
 - The likelihood of a custodial sentence – the more likely the receipt of a custodial term, the more likely the transfer to Banksia Hill.
 - The remandee’s prior custodial history – those without a prior custodial sentence are less likely to be transferred to Banksia Hill.
 - The accessibility of family support at Banksia Hill – having better family support

RESPECT

- (relatives in custody) at one centre influences whether the person is transferred or not.
- The suitability of and benefit from programs and education – if the young person would benefit from greater program or educational access then they may be transferred to Banksia Hill.
 - The remandee’s need for medical attention – if the young person requires a high level of medical care they will not be transferred to Banksia Hill as Rangeview has a 24-hour health service and Banksia Hill does not.
- 4.29 All juveniles at Banksia Hill have the same level of access to services regardless of their remand or sentenced status. This access is generally as good as or better than that available at Rangeview. That is, there is no systemic or service level disadvantage to the remanded young person being at Banksia Hill.
- 4.30 The integration of remandees within Banksia Hill appeared to be good. All juveniles, regardless of remand or sentenced status, are spread throughout the centre (including self-care). Remandees are often considered less settled than sentenced detainees, and can be somewhat more difficult to manage. Overall, however, the inclusion of remandee juveniles at Banksia Hill appeared to have very limited negative impact (if any) on the functioning of the centre and presented some strong benefits for the juveniles involved.
- 4.31 Given the selection criteria, the average population of five to 10 remandees seems to be sustainable. As it stands the current selection process and management system appears to be predicated on providing the best continuity of services, stability and quality of care to the young person. As a note of caution, however, it must be stated that continued strict management of the selection process will need to occur in order to ensure the centre does not become a holding centre for remandees that are simply too many or too troublesome for Rangeview.

ARRIVAL IN CUSTODY

Transfers and Escorts

- 4.32 Juvenile Custodial Services took over the transportation of all detainees within the Perth metropolitan area from a private contractor in late 2004. This change resulted in an enhanced service that is better integrated into service delivery within the centre. Transportation requirements are now met by group worker staff recruited for the task from within the ranks of the two juvenile custodial centres. This has the benefit of ensuring that qualified staff with experience and knowledge of the client group deliver transfer and escort services. Members of the inspection team observed movement of detainees returning from a funeral and found the information exchange between the centre and transport staff to be appropriate and to a good standard.

Reception

- 4.33 All young people received at Banksia Hill will have spent some time at Rangeview Remand Centre – either as remandees for a period of time prior to the determination of their charges in court or for a brief assessment period following sentencing if they had been on

RESPECT

bail or not held in custody prior to appearing. Thorough assessments are conducted on each young person at Rangeview (by health staff and psychologists) and that information is passed on to Banksia Hill upon transfer. A significant part of the process is that a detainee only becomes eligible for transfer to Banksia Hill from Rangeview with the approval of the Assistant Superintendent of Rangeview Remand or his delegate, once they have consulted with medical and psychological staff at Rangeview and these staff agree that the transfer is appropriate in the first instance. As Banksia Hill does not have 24-hour medical coverage non-eligibility on medical or psychological grounds is not uncommon.

- 4.34 The transfer of an eligible detainee includes an exchange of information both verbal and written. Detainees are transferred in the main during ‘normal business hours’ and after formal communication between centres has occurred. Written information in every case was also transferred with the detainee in the form of the detainee ‘main centre file’ and the detainee ‘medical records file’. Documentation of this information appears on computer records and in a hard-copy file that arrives with the detainee. Prior to a detainee’s arrival health staff, psychologists and the assistant superintendents at each facility have also conversed about those being transferred and relevant information shared.
- 4.35 All new admissions are provided with the opportunity to have a shower. A strip-search is then conducted.⁵³ The area provided for searches affords appropriate privacy away from the sight of other detainees and any staff not involved in the searching procedure. Two group workers must always be present during a search and a group worker of the same gender, as the detainee must actually conduct the search. Staff indicated that there are occasions when insufficient female staff are available to enable both group workers searching a female detainee to also be female. On these occasions a female worker will do the actual search while a male staff member stands in a position so he can see his fellow staff member, but not the detainee. While this is a workable solution, it could be compromising for both detainee and the male worker involved.
- 4.36 The detainee will then immediately be escorted to the medical centre for a physical and mental health check. If there are concerns about the wellbeing of the young person following the checks, he or she will usually be sent to Harding Unit where they can be observed more closely until seen by the psychologist. Medical and operational staff will therefore have assessed all detainees, and if current or historical at risk indicators are identified, these are formally reported to the Rangeview psychologist for follow-up.
- 4.37 Full psychological assessment is only done on those detainees serving a sentence of longer than four months. Shorter assessments are done on those with sentences of less than four months. A full comprehensive admission assessment will take up to two weeks to occur. This could present a missed opportunity to diagnose mental health issues of young people in a timely way.⁵⁴ Additionally, the two-week assessment timeframe can delay the initial case planning conference, as it cannot proceed without the psychological assessment. When conducted, the assessment aims to identify offending risk factors and what can be addressed

53 Banksia Hill Detention Centre Standing Order 14 (1.2.1) and Juvenile Custodial Rule 212.

54 The excessive demands on psychologists at the centre that create this delay in assessments is more fully discussed in Chapter Five.

RESPECT

during the term of incarceration; individual counselling needs; attitudes to offending; appropriate program referrals; and referrals for continuation of treatment outside the centre. Detainees identified by health staff as settling well are then escorted to the Karrakin orientation accommodation unit.

- 4.38 The inspection team found that procedures were consistent, the combination of staff involved all displayed abilities to recognise risk factors, initial screening and risk assessment were completed in acceptable time frames and any at risk detainees were identified to relevant staff. The system in place is probably best described as informal but professional – appropriate for the age, cultural and literacy considerations of the clients in question. Improvements to the process to better meet the standard would include specific staff training in risk factor identification and better timeframes for the completion of more comprehensive psychological assessments and initial review by the Management Review Committee.

Orientation

- 4.39 The regular procedure at Banksia Hill was for all new male detainees to be accommodated for a period of time at the orientation unit, Karakin,⁵⁵ even if the detainee has previously been detained at the centre. All female detainees were accommodated in Murchison Unit, where they undergo an identical orientation procedure.
- 4.40 Banksia Hill Operational Procedure 23 sets out the responsibilities of the orientation unit manager in an orientation checklist, all of which must be undertaken within 24 hours of a detainee's arrival in the unit. Upon completion of the checklist the detainee is required to sign off that he or she has, in fact, received all the orientation outlined above. The checklist is then filed on the detainee's unit file. This does not necessarily mean, however, that the detainee understands all that has been discussed as they may be very anxious and not taking in the details of what they have been told. Staff indicated that they try to be patient with new arrivals and give them time to absorb and learn all the new information. Newly admitted detainees interviewed indicated that staff were very fair in applying rules and answering questions.⁵⁶
- 4.41 Individualised interviews with various staff during the process provide a forum for detainees to voice concerns and clarify any areas where they lack understanding. While this is positive, some detainees may well lack the confidence or the language abilities to fully express themselves at orientation and the team is looking for more practical demonstrations of ensuring that the voices of all detainees, including those who are shy, frightened, speak different languages or inarticulate are heard.
- 4.42 Given the high number of Aboriginal detainees at Banksia Hill, it is notable that there does not appear to be any process of ensuring there is an Indigenous member of staff permanently available at orientation.⁵⁷ The AWOs are attached to case planning and are not formally

55 Since the time of inspection, the orientation unit has been moved to Harding.

56 This was also the observation of those who participated in the partial survey.

57 As of September 2005, the current dispersal of Aboriginal staff was as follows: one unit manager at Karakin Unit and one at Jasper Unit. In terms of Aboriginal group workers, one is located at Jasper Unit, two are at Lennard Unit and three are scheduled for the gatehouse/recovery/Harding unit roster. One Aboriginal group worker is currently on leave and thus not allocated.

RESPECT

involved in the orientation process. While it is possible for them to participate in the orientation of new detainees, this does not generally happen and as AWOs work public service hours, they are not available in the evenings and on weekends to spend time inducting new Aboriginal detainees. It is true that detainees are advised during the orientation process of the role of AWOs, their availability, location and how to access them, but it begs the question about how well this information can be communicated given the language and literacy issues facing many Indigenous detainees.

- 4.43 The length of time that a detainee will remain in the orientation unit is individualised, dependent upon how easily the detainee settles into the centre, their understanding and adherence to the centre rules, any safety or security issues, if family members are also at the centre and any other relevant factors. Information is gathered from a variety of staff who come into contact with the young person in making the decision to place a new detainee in a standard accommodation unit and the orientation unit manager will determine when a new detainee is ready to move. While in practice information-sharing is good in achieving appropriate outcomes, there is no single document that shows what information was used in making the decision and how the decision was made. A clear documentation of the factors used to decide these things would ensure a thorough process and assist those staff making the decisions about when to move a detainee out of the orientation unit and which unit he or she will be moved to.

CLOTHING

- 4.44 On reception juveniles are issued with multiples of each item of general clothing (for example, three pairs each of shorts, shirts and trousers; two of jumpers and pyjamas; and five of socks and underwear)⁵⁸ so that in the normal course of events the young person should be able to have sufficient clothing and some choice.
- 4.45 The number of each item issued has been determined by a desire to prompt the detainees to acquire both the skills and habit to wash their clothes on a regular basis and thus take responsibility for their own cleanliness. It is useful to teach teenagers laundry skills so they can become more independent and responsible; however, detainees as young as 10 may require additional assistance and some may take a little longer to learn these skills.
- 4.46 The quality of the clothing appeared to be reasonable. All clothing except, shoes, socks and underwear is re-used. Private clothing is not generally allowed, though an exception is made for footwear, where the young person could demonstrate that the provided footwear was physically inappropriate for them. This presents a problem for the centre as the normal issue is secured by Velcro (to reduce self-harm risk) and private shoes tend to have laces. There does not appear to be a process in place to assess the risk of allowing a detainee to have his or her own shoes or to monitor the ongoing risk. The centre should address this issue with some form of risk assessment.

58 See Appendix E for the full list in accordance with Operational Procedure No. 7 (Admission and Discharge).

RESPECT

4.47 Whilst the majority of clothing issued is common to all, there are some exceptions. Each unit has recently been issued a colour and as a result t-shirts, jumpers and a number of other types of clothing are available in each unit colour. The juveniles from each unit are required to wear the colour of that unit. This is a relatively new initiative that perhaps facilitates a sense of ‘belonging’ to a unit in the same way as school children have a sense of allegiance to their sporting ‘house’ or ‘faction’.

COMPLAINTS AND GRIEVANCES

4.48 One of the sample indicators for the AJJA Standard 2.7 ‘Complaints and Grievances’ is that ‘[y]oung people and their advocates know about and understand the internal and external complaints procedures, and report satisfaction with the centre’s practices’.⁵⁹ During the inspection it became clear that most detainees lacked clarity about the means for complaint or how to raise grievances both internally and externally. This does not mean that complaints are not made – many detainees demonstrated their willingness to make a verbal complaint during the inspection and it was clear that the mutually respectful attitude of group workers and other staff with detainees means that there is a good deal of communication.

4.49 Most detainees and particularly the girls perceived the Assistant Superintendent as the apex of the complaints system and had confidence in how they would be managed. It is appropriate that detainees have recourse to a verbal complaints system, especially given the language and literacy issues of many detainees. This becomes problematic, however, when the formal complaints system is actually written rather than verbal as it creates a separation between verbal complaints that are dealt with informally and not documented, and written complaints that become part of the centre’s formal documented complaints system. The lack of record keeping and uniform processes to deal with grievances and complaints, including verbal complaints, is a concern particularly because the young people did not really seem to know what recourses were open to them if they ran into a real and persistent problem.

4.50 The inspection team could not find documented evidence to show how compliance with the written procedures for handling complaints (within the centre or to external agencies) is monitored at the centre. It appears, then, as though the complaints system overall, both verbal and written, requires considerable work and development and staff require refresher training in how to handle both verbal and written complaints and grievances both internally and to external agencies.

Recommendation 9

Juvenile Custodial Services need to upgrade the grievance and complaints process within the centre. This includes continuous training and the development of a monitoring system

59 AJJA Standards (Revised 1999) standard 2.7 (Complaints and Grievances, Sample Indicator C).

RESPECT

ACCOMMODATION

4.51 There are levels of hierarchy of accommodation at Banksia Hill Detention Centre. This model includes:

A range of accommodation options, different levels of supervision, earned privileges and incentive schemes and rewards and sanctions based on the detainee's behaviour and participation in unit responsibilities, education, vocational training and work.⁶⁰

4.52 Unless the detainee displays disruptive behaviour or there are other issues to be considered, detainees are usually placed in a standard living unit upon admission to the centre. Life for the detainees in these units is intended to imitate life in a 'normal', functional household in the world outside the detention centre. Thus, the detainees are expected to share responsibility for cooking, cleaning, gardening, maintenance, laundry, upkeep of equipment and other chores. Progression (or regression) through the hierarchy of accommodation depends on various factors, including the behaviour of the detainee and the status of her or his sentence.

4.53 Consideration of the needs of the majority of juveniles has played a significant role in the design of Banksia Hill and consequently most detainees are satisfied with the facility. There are well-equipped leisure and recreational areas within and attached to each unit as well as communal areas such as the oval and gymnasium to exercise or play sport. In addition, the raised design of the site provides sensory stimuli in terms of allowing detainees to see the landscape beyond the fence. The commitment to the development of a quality facility is best demonstrated in the effort put into the various art projects throughout the centre, which demonstrates that it is providing interesting sensory stimuli in the form of art installations.

4.54 The design of the accommodation units allowed detainees considerable privacy, with each detainee having a single-occupancy room and those in standard accommodation units having their own toilet and shower facilities in-cell. In addition to the design of the site, the AJJA Standards also require that the 'centre's buildings, grounds, furnishings and equipment are kept in good repair and working order'.⁶¹

4.55 The inspection found that the Department meets the applicable standard in relation to accommodation and physical structures. Although, there were some concerns about Harding Unit. Harding A (transition to self-care) looks the same internally as Harding C, the punishment/regression wing and was clearly not built as a transition to self-care unit. On the one hand there is the issue of devaluing the status of self-care by accommodating those who are doing well within the system in the same unit as those who are coping and/or behaving least well. In addition, combining these different populations in the same unit can present opportunities for detainees with the highest amount of freedoms within the centre, to convey items to those who are most restricted.

4.56 At the time of the inspection, Murchison Unit only accommodated female detainees, although in the past it had been used to accommodate younger male detainees when the

60 Banksia Hill Detention Centre, Standing Order No. 8

61 *AJJA Standards* (Revised 1999) standard 9.2 (Cyclic Maintenance).

RESPECT

centre reached capacity. In these instances, the male and female detainees share a communal outdoor area in the front of the unit (but are not housed in the same wing). However, when the population rises above 100, management has to consider accommodating males in the Murchison Unit and decisions then have to be made as to which detainees can be appropriately accommodated in this area with girls. In terms of our concerns raised in Chapter Three regarding the safety of girls at Banksia Hill, there ought to be better alternatives available to the centre.

- 4.57 Subsequent to the inspection all female juveniles in custody have been moved to Rangeview Remand Centre. This provides a critical mass which improves the provision of services and ensures that services are appropriate to the group. However, as previously stated the current policy of locating all females at Rangeview can only be viewed as temporary policy and there is still a need to develop a purpose built environment for young women and girls; this needs to occur in the context of a holistic plan which identifies the specific needs of this group.

PASTORAL CARE

- 4.58 The AJJA Standard states that ‘the centre recognises and responds appropriately to the expressed religious and spiritual needs of young people’⁶² and that ‘young people report that the centre allows them to satisfy their religious and spiritual needs’.⁶³ Banksia Hill has a communal area for interfaith meetings and an Aboriginal meeting place where religious ceremonies could be held. There are two ministers representing broad Christian faith areas who attend the centre. The Catholic minister has a part-time role within the centre and attends irregularly and on demand. A Pentecostal pastor attends more regularly and runs a prayer service on a Thursday. Major Christian feasts are generally observed and there is a request process whereby other feasts and faiths can also be serviced. This is a positive but basic level of service.
- 4.59 Like many of the services at Banksia Hill, the pastoral service is highly compartmentalised. The pastors have little to do with the centre’s management and the pastoral care of the juveniles is therefore not being coordinated in any meaningful sense and certainly there is no indication that pastorally these young people are being assisted in moving away from offending and developing as young people. It appears as if this issue is being put to one side because it is considered too difficult to deal with by both the centre’s management and its chaplain. While it is recognised that the chaplain is highly experienced and well-respected within the Aboriginal community, more frequent and regular attendance would be beneficial to further development and integration of the pastoral care program within Banksia Hill.
- 4.60 There is no Aboriginal Elders program operating at the centre. Detainees would benefit from increased contact with ‘uncles’ and ‘aunts’. Substantial effort has been made at Banksia Hill to build an Aboriginal meeting place. In a symbolic gesture, sand from around the state was bought to the centre and scattered during a dedication ceremony. Unfortunately, the area,

62 Ibid., standard 2.2 (Religious Observance).

63 Ibid., Sample Indicator E.

RESPECT

which is located in front of the boys' self care unit, is very run-down and difficult to locate.

- 4.61 As a result, detainees have developed their own meeting areas. It is clearly understood between the regional groups whose area is whose and this is largely respected by detainees. There is no evidence that the detainees would like a communal meeting area and with the existing animosity between groups it is unlikely that the site would be used in any meaningful way. It could be argued that before any real effort is put into restoring the meeting place it would be useful to gauge the level of need among the detainees.

HEALTHCARE

- 4.62 The task of assessing and addressing healthcare needs among the juvenile detainee population is significant due to the scale of trauma and substance abuse experienced by many. For some young people, incarceration may provide their first opportunity to access physical and mental health assessment. The scale of need therefore must be commensurate with the demand.
- 4.63 Health assessments are being regularly undertaken with all new receptions at Banksia Hill.⁶⁴ Two nurses provide nursing cover five days a week (Monday–Friday) from 7.00 am to 9.30 pm. Health centre staff will liaise with Rangeview and are satisfied with the after-hours support offered by the psychologists and the doctor. Surprisingly, the psychiatrist also provides good after-hours support and will attend the centre if necessary. A doctor visits once a week.
- 4.64 The health centre was generally well laid out and well-equipped. There are a couple of ward beds in separate rooms but these are not used. Both rooms have multiple ligature points and this must be addressed if there is ever any contemplation of use.
- 4.65 Health services at Banksia Hill were strongly and unanimously supported by detainees in terms of the respect, standard of care and competent treatment they received from the nursing staff. Given the intense time pressures the nursing staff in particular are under, it is outstanding that detainees perceive they are always able to access health services as required and commented 'they take really good care of you down there' and 'they are good people'. The quantity and quality of care provided by health services to detainees is one of the highlights of the running of the Banksia Hill.

Physical Health

- 4.66 Both of the nursing staff interviewed had considerable experience working with juveniles in custody – 10 years and four years respectively. Despite the specialised nature of their role, the Department provides no training specifically relating to adolescent health. Due to the infrequency of visits by the doctor, nursing staff are called upon to perform diagnosis, examination, prescription and treatment. None have had any specific instruction in this, which is not a part of normal nursing training. In addition, there is no relationship with adolescent health at Princess Margaret Hospital that could provide support to centre staff. There was no evidence that the Department differentiates between the health needs of

64 More fully discussed above in the discussions of reception and orientation in this chapter.

RESPECT

juveniles and those of adults in terms of training, services and infrastructure.

Recommendation 10

Departmental Health Services management should establish a formal relationship with adolescent health at Princess Margaret Hospital in order to take advantage of the expertise and experience of their staff and access their training programs.

- 4.67 It is difficult for health staff to access detainees; the regime operated in such a way that young people were not allowed down for standard consultations or medications before the working day began at 9.00 am so that the nurses were having to call them out from other activities and this caused resentment and resistance. Similarly, they often found that at the other end of the day the young people had commenced recreation before they would be permitted to attend health services (that is, 5.00 pm) and that this too put a strain of some kind upon their services. In a broader context, it is quite clear that at Banksia Hill there is no one in overall charge of the timetabling of the variety of activities required of detainees, so that health services simply have to take ‘potluck’. More effective use could be made of health services between the hours of 9.00 am and 5.00 pm, thus maximising (not marginalising) this critical resource.
- 4.68 There are in effect no dental services even though there is a very small, but functional dental surgery. The instructions from head office are only to send detainees out to a dentist if it is ‘a dire emergency’ and a number of detainees complained about the difficulty in accessing dental services. Essentially, the Department is acting in loco parentis and thus denying detainees regular dental healthcare, ‘both preventative and remedial’, does not satisfy the duty of care nor AJJA Standard 6.1 which states that detainees’ health must be both maintained and improved.⁶⁵
- 4.69 In terms of its ability to meet the needs of detainees with physical disabilities, the centre is well-equipped both in the physical layout of the complex and in the range of educational and recreational opportunities on offer. Those with physical health issues or disabilities are identified through the reception process and the associated health assessment and the process seems to be adequate. The centre also has a process to separately and specially manage detainees with physical disabilities to ensure that their needs are met and that they are included rather than excluded from activities.

Alcohol and Drug Issues

- 4.70 The nurses at Banksia Hill report that they feel confident in assessing and treating drug-related problems and this was supported by the inspection findings. Nurses assess detainees’ health needs at reception, also taking a short history including alcohol and drug use. Current practice is for detainees’ health status (including any detoxification from alcohol and drugs) to be stable before they are transferred to Banksia Hill.⁶⁶ Any detainee who continues to be agitated after transfer from Rangeview is managed conservatively. Exercise, a healthy diet and rest are encouraged.

65 *AJJA Standards* (Revised 1999) standard 6.1 (Healthcare).

66 Rangeview provides 24-hour nursing cover so is better positioned to provide fully supervised nursing cover.

RESPECT

- 4.71 All detainees are screened for blood-borne viruses, including Hepatitis C.⁶⁷ Of the files reviewed, all of the detainees had been tested as required. Infection rates were low which is consistent with the reported levels of intravenous drug use.

Mental Health

- 4.72 Research from the UK and USA indicates that the rate of juveniles presenting mental health issues in custody is significantly and alarmingly higher than the rate found among juveniles in the community. This is substantiated by Australian research, which found that ‘young people in detention suffer rates of mental illness four times greater than young people in the general community’.⁶⁸
- 4.73 Mental health problems can include periods of mental illness, such as depression, anxiety and post-traumatic stress disorder, as well as diagnosable mental health disorders. Given high rates of truancy and/or exclusion from mainstream schooling, it is common for juveniles in custody present with previously undiagnosed learning and/or cognitive difficulties. Furthermore, many detainees present with previously unaddressed problems such as physical and/or sexual abuse, parental drug or alcohol use, personal substance misuse and family discord.
- 4.74 While the initial assessment of health undertaken by nursing staff appears to be sufficient to identify those juveniles with physical disabilities and major mental illnesses, it must be stated that none of the nursing staff have had any formal mental health training.⁶⁹ The Sample Indicator for the AJJA Standard for Mental Health requires that ‘[s]taff are adequately trained and supported in the management of mental health issues’.⁷⁰ Most comprehensive assessments are undertaken at Rangeview by a psychologist prior to the detainee’s arrival at Banksia Hill and communication between the two centres is good, but nursing staff need further support to manage the daily demands of detainees with mental health issues.
- 4.75 Banksia Hill is supported by a psychiatrist who visits once a fortnight however there is no psychiatric nurse on the staff at Banksia Hill and given the scale of need indicated by both national and international research, additional staff are required. Records suggest that more between 10 per cent and 25 per cent of detainees at Banksia Hill have mental health issues at any one time.

Recommendation 11

The Department should seek additional resources to ensure specialist psychiatric nursing staff and/or trained mental health workers are available to support the mental health assessment and treatment process, particularly for very young detainees.

67 In over 95 per cent of Hepatitis C infections intravenous drug use is identified as the risk behaviour, therefore infection rates are one of the indicators of IVDU in a population.

68 Hicks S & McCormack C, ‘A Collaborative Approach to the Delivery of Mental Health Services to Juvenile Offenders’, paper presented at the *Juvenile Justice: From Lessons of the Past to a Road Map for the Future* (Sydney: Australian Institute of Criminology and Department of Juvenile Justice (NSW), 1–2 December 2003) 1.

69 Some in-service training has been delivered by the psychiatric nurse at Hakea Prison, however there has been no specialist training in adolescent mental health delivered to those who undertake the assessments at Banksia Hill.

70 *AJJA Standards* (Revised 1999) standard 6.4 (Mental Health, Sample Indicator B).

RESPECT

4.76 In theory, juveniles with a mental illness can be separately managed within Banksia Hill; however, the reality is that the medical centre does not communicate confidential health information to the unit staff. Staff are frequently aware that a detainee is on medication, and they may be aware of the condition being treated either from asking the youth or via the health centre, but the conditions of treatment and extent of disability do not appear to be communicated. Effectively, this denies staff crucial information about potentially serious issues such as the management of side effects and what to expect should the juvenile not take the prescribed medication. This was an area of concern for staff both in the survey where only 35 per cent of respondents felt confident of their ability to manage youth with mental health issues and in the inspection team's discussions with unit staff.

Psychological Services

- 4.77 Banksia Hill is fortunate in that it is supported by the psychological services team for Juvenile Custodial Services, which operates across Banksia Hill, Rangeview and the community. The team is centrally managed and has a combined staff of 12 full-time and part-time psychologists (comprising 3.2 Full Time Equivalent) and a principal clinical psychologist. Central management allows for staff to work across the centres and into the community, facilitating continuity of care for young people upon their arrival within the custodial setting (and perhaps even prior to custody) and beyond the gates once they leave. This has obvious benefits, including enabling both throughcare and a positive exchange of information.
- 4.78 However, there can be a point of difficulty in that there is no line management back to the Superintendent, and thus a strange situation arises where the local manager does not control a significant number of staff that provides an essential and highly valued service within the Centre. Tensions can arise when staff are caught between conflicting views or instructions of local management and their own line manager.
- 4.79 Palmerston, Yirra and Noongar Alcohol and Substance Abuse Service (NASAS) conduct individual counselling for substance abuse issues.⁷¹ Outside psychologists are contracted to provide intensive counselling for high-risk detainees. At the time of the inspection a contract psychologist was seeing one detainee who required intensive support on a daily basis. The extensive range of services and demands placed on the centre's psychological services team prevents them from being able to undertake general individualised counselling.
- 4.80 Detainees who had been referred to the psychology team were able to identify their centre psychologist by name. A good practice within this centre was that once a psychologist is assigned to a detainee it is policy to maintain the relationship, especially after rapport had been struck with a client. In addition to this psychologists are able to follow their client's progress back into the community due to the structure of Juvenile Justice Psychological Services covering both community and centre requirements.

71 These agencies are recognised and well established in the alcohol and drug field. JCS relies on the providing agency for supervising the workers and ensuring the quality of their work.

RESPECT

- 4.81 Psychological services maintain their own files and because of a professional Code of Conduct will not allow anyone else to look at their files. This perceived reluctance to share information⁷² has created an impression among other staff that the psychologists are professional but somewhat precious. Nurses reported that feedback information given to health services as a follow up to a referral was scant. Education staff, nurses and group workers all stated that they would benefit by increased case consultation and information exchange with the psychologists.

Recommendation 12

Protocols need to be developed that enable psychiatric services and the psychological services team to exchange vital information with unit, health and education staff.

FAMILY CONTACT

- 4.82 Detainees identified maintaining contact with family as the most important element of their detention.⁷³ It is undeniable that family is very important for all young people; however, for traditional Aboriginal youth, identity is defined in a relational way – where they are positioned in relation to other extended family members and their land. For Aboriginal people, separation from family and country results in emotional and spiritual discomfort. Some even attribute self-harm in custody to separation from country.⁷⁴ Regardless, research has widely found that:

The successful rehabilitation of youth in the system, and their sustained reintegration into the community rely upon the mutual support of juvenile justice systems and their families.⁷⁵

- 4.83 Banksia Hill Detention Centre does acknowledge the importance of allowing the detainees to maintain contact with family, significant others and friends. This is in keeping with the AJJA Standards and is reflected in the centre's Standing Orders. It is within this context that the inspection considered visits and other ways of maintaining contact with families and the home community.

Visits

- 4.84 Banksia Hill Detention Centre has incorporated times during which detainees may receive social visits into the structured day program. Two visits sessions of one hour each are available each weekday (with an extra hour on Wednesday), and four one-hour sessions on weekend

72 What is perceived as reluctance can partially be attributed to strict adherence to a Code of Practice that prevents breaches of confidentiality.

73 A series of groups were held with detainees from the key regional areas. The Community Liaison Officer from the Office, who is a Noongar, facilitated the groups.

74 Traditional Aboriginal prisoners who were interviewed as part of the inspection of Eastern Goldfields Regional Prison (February 2005) attributed self-harm among prisoners in Perth prisons to the spiritual damage done when they leave their country. Prisoners described a spiritual loss that went beyond missing a place or people, as we would imagine in a Western way.

75 Osher T & Hunt P, 'Involving Families of Youth Who Are in Contact with the Juvenile Justice System', Research & Program Brief (National Centre for Mental Health and Juvenile Justice, December 2002) 4.

RESPECT

days. Each detainee is permitted four hours of visits each week with a maximum of four adult visitors each visit. There is a bus service provided to transport visitors to Banksia Hill Detention Centre on Wednesdays and Sundays, from Cannington train station. Visitors are required to book visits in advance through the Visits Booking System. Visits staff are professional yet friendly in their approach to both the detainees and their visitors.

- 4.85 Observation of the practical implementation of the visits system at Banksia Hill revealed that management adopt a flexible approach to the visiting rules in an attempt to encourage and support the continued contact between detainees and their families. Thus, for example, visitors who arrive at the centre without having booked their visit are not necessarily turned away, unless the visits area is overcrowded. Further, during the inspection, members of the team did observe a detainee during a visit in which there were more than four adult visitors visiting the detainee. Finally, there is allowance (as contained in Standing Order 12) for visits to occur outside of the designated visiting times where special circumstances can be shown. This is entirely appropriate when visitors may have travelled significant distances to visit and when one is dealing with detainees for whom a visit is often quite an unusual but extremely important event. Banksia Hill is to be commended in this regard.
- 4.86 There are detainees in Banksia Hill who have young children that visit. These may be their own children or younger siblings or other family members that accompany the adult visitors. The facilities available for these young children are inadequate. The baby changing facility in the female toilet block adjacent to the visits area consisted of a table type platform attached to a wall. This was not in easy reaching distance of the basin or the paper hand towel dispenser. In other words, it had not been practically designed. During the times any of the inspection team observed visits, there were no toys available in the visits centre for the visiting children to play with or books to read.

Recommendation 13

The visits centre should be upgraded to ensure that the needs of children visiting are catered for. This includes the development of specific children's play areas.

- 4.87 There is no operational outside visits facility at Banksia Hill Detention Centre. The level of supervision required to adequately monitor the detainees and their visitors in an outside facility is such that it exceeds the staffing resources available at the centre. The inspection team was informed that when the outside visits area was in use, the incidence of contraband in the centre increased. The response of management at Banksia Hill, therefore, to cease using the outside area for social contact between detainees and their external visitors is understandable. However, the question remains whether the lack of outside visits is desirable. Visiting families can often feel intimidated and uncomfortable in a custodial environment, and an outdoor area can reduce these stressors, as it is less formal. It was not clear what other alternatives were considered before the decision to 'ban' the use of the outside area was implemented.
- 4.88 The centre does have a facility for non-contact visits. None were observed during the inspection and there is certainly a reluctance to impose a non-contact visit on a detainee.

RESPECT

Families, particularly those with small children, still need to be made to feel comfortable during a non-contact visit.

- 4.89 The visits' schedule was relatively quiet during the inspection period. There were occasions on which visitors who had booked visits in advance did not arrive for their visit. This is a difficult issue for the centre to manage, given the importance of social visits for the detainees. The centre manages this through an (unwritten) policy of not informing a detainee that a visit has been booked and only informs the detainee of the visit when the visitor actually arrives. Often, however, the visitor will inform the detainee of their intention to visit, which can lead to problems should something happen that prevents the visitor from being able to keep the scheduled appointment to visit.
- 4.90 There are no strategies in place for those detainees who are not receiving visits. In the first instance, there is no analysis of why detainees may not be receiving visits, which makes it impossible to implement constructive strategies to address this. The centre does not seem to be investing thought into creative ways to increase social contact with the outside community. In effect, it appears that the centre has adopted a passive, rather than an active approach to fostering social contact. Further, this passive approach is one-sided and does not extend to encouraging community involvement in the lives of the detainees at the centre in any meaningful, structured way.

Phone Calls, Mail and Video-Link

- 4.91 Use of telephone, mail and video-links are other means, besides physical visits, whereby detainees maintain contact with the world outside the centre. A computerised telephone system is in place at Banksia Hill Detention Centre that allows detainees to access approved telephone numbers at any time during unlock, when they are not attending education or programs, with the use of a personalised PIN.⁷⁶ All detainees are entitled to four free social phone calls per week and calls not utilised during a weekly period may be accumulated. Calls are limited to 10 minutes per call. Detainees may request to make other calls, besides social calls, in which case a relevant staff member may make the call on behalf of the detainee and transfer it once connected. Detainees are allowed to make as many social telephone calls as they wish, however, calls over and above the allocated four free calls are charged at \$0.40 per call. Detainees can purchase additional calls through the canteen or laundry officer twice per week.
- 4.92 Those detainees at Banksia Hill who were interviewed in relation to access to and ability to make telephone calls during the inspection all reported that they did not have difficulty accessing telephone calls. They did, however, complain that the 10-minute time limit was too short. This was particularly relevant for those detainees making calls to community phones in remote areas. In these instances, it may take longer than 10 minutes for the person who answers the phone to locate the relevant individual to come to the phone. This often means that a call is terminated before the recipient even arrives to take the call.

76 Personal Identification Number.

PHOTOGRAPHS OF BANKSIA HILL JUVENILE DETENTION CENTRE



Main entrance



Classroom

The centre has several multi-purpose classrooms such as this, as well as a specialised computer room, art room and workshops.

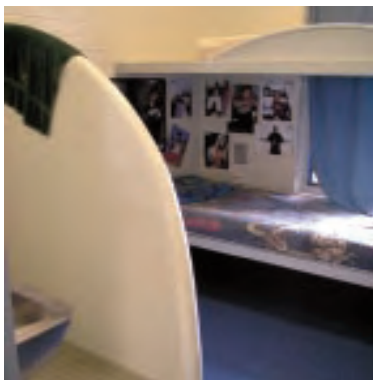


Detainees at work in woodwork workshop



Clinic space in the health centre

PHOTOGRAPHS OF BANKSIA HILL JUVENILE DETENTION CENTRE



Standard accommodation cell (Karakin unit)

Most cells are designed for single-occupancy, with one each unit having one double cell (as shown). The option to double-bunk detainees is very rarely used in the centre.

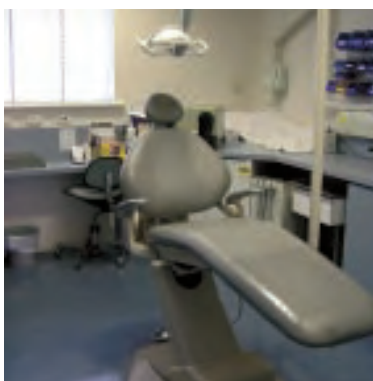


Gymnasium

The gym is used for a variety of active recreation (detainees involved in volleyball game pictured), as well as special events and detainee assemblies.



Aboriginal meeting place



Dental clinic in the health centre

A dentist is scheduled to attend the centre once a fortnight.

PHOTOGRAPHS OF BANKSIA HILL JUVENILE DETENTION CENTRE



Visits centre

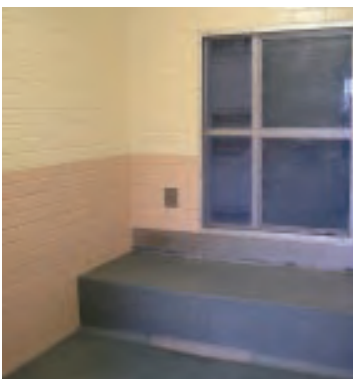
There is only one non-contact visit room available (not pictured), and the outdoor area behind the visits centre is no longer utilised during visits, due to an increased risk of contraband trafficking.



Detainee at work in metalwork workshop



Standard accommodation detainee communal area (Karakin unit)



Punishment cell in Harding B wing

PHOTOGRAPHS OF BANKSIA HILL JUVENILE DETENTION CENTRE



Gym equipment for detainee use



Feature wall

The external areas of the centre contain many examples of art and creative design, such as this feature wall on way from Admin block towards the main body of the centre.



View across amphitheatre towards standard accommodation units

The amphitheatre is used regularly for special events and presentations



Detainee library

RESPECT

- 4.93 Detainees felt that the four free calls was an inadequate allowance and staff agreed that the calls are quickly used early in the week, resulting in a lack of contact for the rest of the week. For detainees from regional and remote areas phone is often the only means of contact with family. Extending the number and length of calls would benefit the maintenance of family connections where no other means are available.
- 4.94 It is a concern that phone access is linked into the sanctions scheme, in that phone calls can be forfeited by bad behaviour. As previously mentioned, it would be much more positive to tie additional phone calls into a reward scheme. However, it is crucial that all detainees, particularly those from regional and remote areas, are actively encouraged to maintain and develop their family and community links regardless of their behaviour. Preparation for release and re-settlement should not be confused with rewards or punishment. There should be an enormous increase in the use of free or officer-initiated phone calls particularly for detainees from remote regions.
- 4.95 Use of video-links as a method of maintaining contact is practised at Banksia Hill – indeed members of the inspection team observed video-links being held on two occasions during the week of the inspection. Although a positive initiative, video visits are facilitated if a detainee requests one, rather than as encouraged and marketed among the detainees as an alternative method for maintaining contact, particularly for those detainees from remote areas who are unable to receive visitors.
- 4.96 Detainees are able to post their mail at any time and generally do so when entering or leaving the education area or when they are in the mall area of the centre. In the context of promoting literacy and continuing contact with family and friends, it is good to see that detainee mail is posted at the expense of the centre and is not subject to restrictions.

FOOD

- 4.97 Meals are prepared in the main kitchen and in each of the accommodation units. The cook-chill process⁷⁷ is used in all non self-care units to prepare the evening meal during weekdays. The Inspector commented that ‘it is clear to us that the food quality and presentation suffers markedly with this system’⁷⁸ and this Office has a number of basic concerns regarding cook-chill processes:
- The use of detainee labour in this process complicates the ability of the Department to guarantee the temperature control of the process, particularly where group workers and detainees report a lack of training for their role.
 - Research is available to show that the nutritional value of chilled food may decrease during the storage period.⁷⁹

77 Cook-chill refers to a catering process whereby meals or meal components are partly or fully cooked, then cooled by controlled chilling and subsequently stored at a temperature above freezing point prior to transportation to the units for reheating and regeneration.

78 Ibid.

79 Hunt C, ‘Nutrition and catering: nutrient losses in cook-freeze and cook-chill catering’ (1984) 38(1) *Human Nutrition and Applied Nutrition* 50–59.

RESPECT

- Some foods (such as those that should have a crisp texture) cannot be prepared by cook-chill methods, limiting the scope of menus.
 - The detainees are not well enough informed about cook-chill processes. As a result, they lacked confidence in the food presented to them and many appeared unconvinced that the food was adequately cooked or that it was palatable.
- 4.98 On weekends and public holidays all units are responsible for cooking or preparing all their own meals based in principle on menus provided by the kitchen. Self-care units are similarly able to cook their own evening meals, with sample menus provided by the kitchen. Weekday lunches are prepared in bulk on the day of consumption and chilled until required. Breakfasts are taken in the units based on cereals and bread provided from the main kitchen.
- 4.99 The main kitchen was clean and well stocked. Food types were appropriately stored in separate areas and health guidelines for the preparation and storage of foodstuffs appeared to be being followed. The centre's kitchen provides a rolling menu system that delivers a variety of food and food types and from varying cultural backgrounds. All this results in considerable flexibility in the food eaten by the juveniles but the style of food is typically Western with some Asian influence.
- 4.100 There was little input from detainees into the food presented to the youths. Despite 50 per cent of the population being regional Aboriginals, no traditional food was available from the main kitchen outside NAIDOC week and there was no acknowledgement of the need for traditional foods. The detainees had a mixed reaction to this issue – Indigenous detainees from metropolitan areas were not all that interested in traditional foods. Indigenous detainees from rural and regional areas were split equally in their desire for traditional foods, half wanted more traditional foods and half did not.
- 4.101 All accommodation units have the ability and are required to add to the food arriving to them from the main kitchen. The detainees were able to exert some limited choice over the preparation and nature of the food they were served and was negotiated with the group workers, who are required to supervise the juveniles in reconstituting the cook-chill serving coming from the kitchen and to supplement these with fresh vegetables or salads. This was most evident in the male self-care units.
- 4.102 On the weekends and public holidays the main kitchen prints a suggested menu and provides the accommodation units the ingredients to make these dishes. It is then up to the individual unit to determine what food is served. All units have small quantities of fruit, vegetables, spices, oil etc on hand. Self-care units, while still very limited, have more stock in the units and tend to rely less on cook-chill food delivered from the main kitchen and more on preparing fresh produce and a weekly fast food serving.
- 4.103 The education and medical staff confirmed that they had not contributed to the diet or nutritional training of detainees. The centre should seriously consider this issue, particularly in light of global statistics that indicate increased risk of eating disorders among adolescent females and increased obesity amongst youth.
-

RESPECT

- 4.104 In addition, the intent of the food served at Banksia Hill was unclear. The position of the centre was that the meals were all nutritious and low fat. When discussing the intent of diet with health services, they stressed the need for many of the juveniles to increase weight. These two views are not necessarily in conflict and with individual portioning, special diets, unit-based meal supplementation, and coordination both should be able to be delivered.
- 4.105 The reality through was considerably less than this. There was no communication between the health staff and the kitchen on the general intent of diet, with the only communication arising should a detainee require a special diet (such as no nuts). Neither obesity nor malnutrition was considered to require a special diet, though extremes of these may have qualified. At the time of the inspection, the kitchen was providing no special diets but had the ability to do so. The medical staff confirmed that there were no detainees in the centre who required specific diets, though it did identify a number as considerably under-weight. The health staff were reliant on weight gain by detainees as a result of eating the centre's 'low fat' diet, a situation they were happy with as they did not view the diet as low fat and were confident that the majority of youths in the centre would add weight over the time of their custody. However, our concern is that some of the detainee population is likely to have impaired liver function, which means that high-fat diets must be avoided.
- 4.106 As in the adult system the low fat claim seems to be based on a dietary review by the Health Department of Western Australia (HDWA).⁸⁰ Subsequent menu changes proposed by the Department aimed to reduce dietary fat to the maximum for total fat allowance and 30 per cent over the maximum for saturated fat. It is misleading to refer to this menu as low fat. This Office rejects the assertion that a diet with fat levels at the maximum recommended intake and indeed in excess of the maximum recommended levels could be conceived of as low fat. Further, these maximum recommended fat levels were designed for a healthy, active, average weight male adult. Only a small number of the juveniles in Banksia Hill fit this description and explicitly the HDWA assessment did not take into account special needs groups.
- 4.107 The HDWA report – and the Department – also indicated that detainees should take some responsibility for minimising their own fat intake through the removal of excess fat and adjusted its estimates of the fat content of meals accordingly. Whilst this may make sense in a community setting, in Banksia Hill this may be an unrealistic expectation. Neither the group workers nor the detainees themselves report having had recent training in the healthy preparation of food or even at the basic level, about diet and fat intake. There has never been a follow-up to ensure that the food cooked in the units was being prepared up to standard and no training was provided to staff on cooking.

80 Department of Health, 'Dietary Review of Custodial Facilities in Western Australia: Nutritional and Physical Activity Series: No. 1' (2004).

Chapter 5

PURPOSEFUL ACTIVITY

- 5.1 While Chapters Three and Four were concerned with whether the treatment of young people at Banksia Hill is humane and safe, Chapters Five and Six focus on ‘the effect of the centre’s intervention in the life of a young person, and [the centre’s] attempts to measure that effect’.⁸¹ In short, they are concerned with how well Banksia Hill Detention Centre imparts ‘skills to enable community integration’.⁸²
- 5.2 There is no doubt that there is a considerable amount of activity at Banksia Hill provided in documentation detailing the structured day. Besides the AJJA Standards specific to education, programs and recreation, there are three AJJA Standards that must underpin the design and delivery of all activities at the centre:

The centre promotes the individuality and diversity of young people, builds on their strengths, encourages their personal growth, and respects their dignity as human beings.⁸³

The centre provides age-appropriate and gender-appropriate services in recognition of the differing needs of young people at different stages of development and the specific needs of young females.⁸⁴

In their daily interactions with young people, centre staff provide young people with opportunities and support to make decisions, and to responsibly manage their own behaviour.⁸⁵

It is these three standards in particular that form the basis of our inspection assessment of purposeful activity at Banksia Hill.

CASE PLANNING AND CASE MANAGEMENT

- 5.3 The Case Planning Unit at Banksia Hill is responsible for the case management of all detainees at the centre. The overall obligations of the unit are:
- to ensure that a young person’s time in custody is used productively in preparation for release into the community;
 - to consult detainees and families in all aspects of case management;
 - to plan and coordinate interventions available at the centre;
 - to monitor the welfare of detainees throughout their stay; and
 - to liaise with external agencies in relation to the young person.
- 5.4 In addition to the construction of case plans and the ongoing case management of detainees, the unit is also responsible for:
- information regarding sentences (including sentence calculation, ongoing sentence

81 *AJJA Standards* (Revised 1999) 7 (Introduction).

82 *Ibid.*

83 *Ibid.*, standard 1.2 (Respect, Dignity, Individual Focus).

84 *Ibid.*, standard 1.3 (Regard to Age and Gender).

85 *Ibid.*, standard 7.1 (Personal and Social Responsibility).

PURPOSEFUL ACTIVITY

- details and liaison with detainees and families about this information);
 - release planning coordination and recommendations to the Supervised Release Review Board;
 - transportation for detainees on release;
 - maintaining contact with families to facilitate information sharing;
 - coordination of day release for approved detainees;
 - coordination of applications for authorised absences and day release; and
 - applications for detainees to be transferred to an adult prison.
- 5.5 Staff in the unit consisted of one manager, two senior case planning officers (known as ‘caseworkers’), two AWOs and one clerical support officer. Only the manager and caseworkers have case management loads, requiring each staff member to manage as many as 25 cases at one time. One consequence of this high caseload is that most detainees will not have formal contact with the unit until about four weeks after arrival in custody.⁸⁶
- 5.6 The caseworker should make a preliminary case assessment within two weeks of arrival. However, due to the significant demands on the time of Case Planning Unit staff, it does not appear that these assessments are always achieved within this timeframe. Given that case planning cannot properly commence until these assessments are undertaken, this duty should be prioritised.
- 5.7 As individual case plans rely on initial assessments, it is worrying that there has been no evaluation of the tools used, no clear identification of the purposes of the assessment and no risk assessment incorporated. The effectiveness of Banksia Hill’s case management process is potentially compromised by the lack of an evaluation of the process since its implementation in 1995.
- 5.8 Following assessments by psychologists and education services an initial admission planning meeting is held to develop a detainee’s plan for their time in custody and for release. The caseworker, detainee, parent/caregiver, Juvenile Justice Officer (JJO), unit manager and education officer attend these meetings, and on occasion a psychologist may also attend.⁸⁷ All relevant staff table reports to assist in the assessment of the young person’s needs and the views of parents and detainees should be taken into account.⁸⁸ As a result of the meeting, appropriate treatment program referrals should be made, education curriculum determined and counselling needs identified. A range of personal development programs will also be identified as pertinent to the detainee.
- 5.9 After the initial assessment the Case Planning Unit aims to have at least fortnightly contact; however, due to high work demands this generally does not occur. Formal interim planning meetings to address the progress of the detainee are only held every three months during

86 There may have been informal contact or earlier contact on an ‘as needs’ basis.

87 Note that while Banksia Hill issues written invitations to parents to attend meetings it is the responsibility of the JJO to contact parents personally before all meetings to facilitate attendance.

88 Custodial Juvenile Rule 302 governs the sharing of information and consideration of detainees’ views in assessments and planning.

the young person's stay, and while informal contact may occur, there is no system in place to facilitate more regular interaction. This is not an acceptable timeframe, especially in light of the short sentences of many detainees. Ideally these meetings should be more planned and frequent. The high caseloads of the three case planning staff means that it is difficult for them to have the requisite in-depth knowledge about each individual to ensure effective case management.

- 5.10 There is an additional concern about how well services within the centre are integrated. A lack of coordination between the different areas of service delivery in the centre – education, recreation, psychological services, programs and case planning – is evident but has not been addressed.
- 5.11 The inspection team reviewed a random selection of detainee case files that resulted in a questioning of the usefulness of some of the reports from different service areas. Lack of useful detail reflects that case management is not as effective as it could be. This activity is at the very core of what the centre is supposed to be doing; yet it is not fully supported. In particular, the education unit, which is so good in itself, is not fully cooperative with the Case Planning Unit. The problem is that education works to a different line of management, sees itself as a kind of 'neutral zone' within the prison rather than as part of JCS, and tends to be grudging about its exchange of information.
- 5.12 Importantly, we noted that detainees were too often denied access to services due to their sentence length and there is no systemic way of ensuring all young people can access at least one suitable program. It appears that detainees are not systematically planned into programs and many only complete a program 'just in time' for their appearance at the Supervised Release Review Board.
- 5.13 Additionally, it appears that many programs offered are of such a length that they exclude so many detainees who are simply not at the centre long enough to participate. Programs that can be tailored to meet the needs of all detainees, even those on the shortest sentences, would be beneficial.
- 5.14 The inclusion of parents or significant family members should play a central role in case planning – this is the context from which young people have come and to which they will return. The acting-Superintendent described case planning as the 'interface with the family' and other than visits represents one of the few ways that families are involved with the centre. It has to be acknowledged that many of the young people in custody come from families with complex histories who have extensive involvement with various government agencies. Both of these factors, in addition to cultural and language barriers, can make it difficult to engage families in the plans for young offenders.
- 5.15 While the policies and guidelines for case planning and management incorporate reference to the inclusion of family, in reality this is sometimes 'hit and miss' as it depends a great deal on the individual JJO assigned to the offender. While the Case Planning Unit also makes some initial contact with families and sometimes sends information to home addresses, it is very

much the JJO that maintains contact with families and facilitates their involvement.

- 5.16 While the written case management policies of the Case Planning Unit at Banksia Hill mostly fulfil the standard required by the AJJA, the practice is falling behind. Time and resource constraints result in some young offenders having only minimal contact with case planning at all. There is a serious lack of integration and coordination of services within the facility to meet the needs of detainees. While every young person nominally has a case plan, the ability for case managers to have an active ongoing role throughout the detention period of a young person is severely limited. There is some question whether programs available really meet the individual needs of all young offenders, as there has been no assessment or evaluation of the programs on offer. There needs to be more innovation applied in the engagement of the families of young people, rather than simply writing off initial reluctance or inability to engage.

Recommendation 14

The centre needs ensure that all detainees have prompt, increased and regular access to case planning and that shorter or more modular programs are developed to ensure those on shorter sentence lengths can also access programs that directly address their offending behaviour

STRUCTURED DAY

- 5.17 The inspection team found that all detainees participated in the centre's activities unless they had a specific reason for not doing so, or were doing some other sanctioned activity. This demonstrated an embedded culture of expectation that the detainees will become engaged at Banksia Hill and the centre is to be commended for this.
- 5.18 The structure of the day is clear and well laid out. The general structure and the specific day-to-day activities that make up such things as education and recreation are clearly communicated to staff and detainees. Daily lists of participants are collated by the education area and distributed to all staff. All of the young people spoken to by the inspection team about the structured day were aware of the daily regime and clear about what they were doing next. Consequently, the day appears to flow adequately although some confusion occurs periodically when a young person is listed as attending in multiple places simultaneously. This is generally sorted out quickly and towards the preference of the young person.
- 5.19 Within the restriction that compulsory program activity takes precedence, detainees can generally elect which other activities they wish to participate in. The inspection team found staff to be very flexible in this regard and found the only limitations to be the 1:8 staff-detainee ratio and space, for example in the woodwork workshop.
- 5.20 There is a morning program and an afternoon program of activities. The morning and afternoon activities are similar with some variation in the non-education and non-training activities. Most juveniles participate in the same type of activity in the morning as in the afternoon. That is, those doing a particular education activity in the morning tend to do the same in the afternoon.

- 5.21 There is a structure for detainees to transfer to another type of activity and considerable variation in activities. For example, during the inspection one detainee decided that he had had enough of school-based learning and requested a transfer to the woodwork activity. He made a request and this was approved by education staff so when a space became available in the woodwork class, he was promptly transferred. This kind of flexibility is completely appropriate for those who have largely negative experience of mainstream education (if in fact they attended at all) and is a good example of bending the system to suit the needs of the individual.⁸⁹
- 5.22 The centre was able to provide activities for all detainees. However, it must be noted that should the population reach maximum capacity, it is likely that class sizes would necessarily increase in order to accommodate additional detainees.

ACADEMIC AND VOCATIONAL PROGRAMS

- 5.23 The value of effective educational delivery to offenders of all ages in terms of reducing the likelihood of reoffending has now been widely accepted. It is becoming increasingly clear that this process is age-bound; that is, as offenders get older, they become more resistant to change and thus less likely to address their offending behaviours through an educational learning process. The teenage years seem to be the optimum time of receptivity. Therefore, investing significant resources in the delivery of high quality learning experiences to adolescents in custody is likely to reap the highest rewards:

The most common finding of over 20 years of research is that young people who participate in custodial education programmes are more likely in later life to be employed and less likely to end up back in custody than non-participants.⁹⁰

- 5.24 Education services at Banksia Hill Detention Centre therefore have a critical role to play within the process of throughcare and assisting the Department achieve its goal of reduced recidivism.
- 5.25 The centre appears to be striving to provide opportunities for all detainees at Banksia Hill to attain normal milestones. The AJJA Standard relevant to an assessment of education services provides that:

The centre's coordinated and varied educational and accredited vocational programs are suited to individual needs, interests and market-place opportunities, provide positive

89 We would, however, issue a note of caution in this regard. It would be disappointing to see such flexibility become a tool to remove those who are considered too problematic or troublesome from education. If the aim is to try to engage detainees in education in order to equip them to progress to further studies in the community, detainees will need to learn to adapt to a 'mainstream' style of learning environment, such as that offered by education services. It is appropriate that each detainee has a tailored learning plan and some may need to gradually engage with education services, building up their class time until they are demonstrating what would be considered acceptable levels of attendance at school or TAFE. The expectations must always be, as they are now, that detainees will engage with education services and progress their skills levels while in custody at Banksia Hill.

90 Youth Justice Board, *National Specification for Learning & Skills: For people on a Detention and Training Order in Prison Service Accommodation* (UK: Home Office, 2002) 4.

PURPOSEFUL ACTIVITY

learning experiences, and systematically assess and improve the numeracy levels, literacy levels and the work-place knowledge, experience, and qualifications of young people.⁹¹

Education services is one of Banksia Hill's strengths and one of the highlights of many detainees' experiences of the centre.

Resources

- 5.26 There are many aspects of education services at Banksia Hill that mirror mainstream provision. The physical resources available to the detainees are of an excellent standard and compare well with those available to students in a modern government secondary school. The detainees and staff take obvious pride in their surroundings and the areas outside of the classrooms as well as the workshops, garden areas, undercover area and classrooms are attractive and well-maintained. The 'campus' environment of the 'school' is supportive of learning and provides a stimulating and organised educational environment.

Detainees

- 5.27 The high level of valuing, caring and respect of young people demonstrated by education staff is excellent. There was evidence that a high level of valuing, caring and respect of their students is demonstrated by staff. The staff had a positive sense of purpose, were non-confrontational and focused on relationship building in their classroom management. Support for learning was based on encouragement and negotiation. The positive relationships with students were explicit, purposeful and genuine. The staff supported the skills and abilities of the students.
- 5.28 Staff interviewed reported that they enjoyed working with their students and had positive expectations for detainees. Our expert inspection officers from the Department of Education were deeply impressed with the level of respect shown to students of all ages – compulsory school aged and post-compulsory school aged – and that is a matter of considerable praise.
- 5.29 This has a positive impact on the detainees' willingness to participate in education. The inspection found that the educational program for the young people at Banksia Hill showed considerable evidence that the students were actively engaged in educational pursuits that were appropriate. For the vast majority of students this active engagement was a significant achievement given that more than two-thirds of the young people have not attended any secondary schooling on a regular basis (that is, at least three days of attendance per week). Significantly, the majority of boys interviewed by the expert education inspection officer said they felt the education program at Banksia Hill was positive.

Staff

- 5.30 There is a high level of care extended by the education centre management to the education services staff. Staff morale was very high and the staff exhibited a high degree of job satisfaction. There is a general awareness of the health and wellbeing of the staff and regular relief staff were also included in professional development and planning sessions because their value to education services is recognised. Those staff interviewed reported that they

91 *AJJA Standards* (Revised 1999) standard 4.2 (Academic and Vocational Programs).

feel supported by the education administration and they have full access to professional development opportunities to improve their teaching. This support is evidenced practically in that staff coverage, recruitment and succession planning are well catered for and there are staff training plans.

Assessment

- 5.31 Very limited information appears to be gained about the educational background of detainees, though a small number of students retained links with their 'home' schools and this was well supported. There were some significant relationships with other education providers (such as SIDE and Geraldton Secondary College) for the continuation of existing educational programs for some students. The efforts in ensuring continuity of education appropriately enabled those students to complete their specific course.
- 5.32 It is not clear why educational assessment is occurring for the first time within the first two weeks of a detainee's arrival at Banksia Hill, as it seems that the majority of educational assessments could be undertaken while a young person is in Rangeview Remand Centre. Given the relatively short sentences, time is precious for these young people and if they wish to achieve any sort of accreditation that has currency in the community, they cannot really afford to lose two weeks before commencing their educational course. This is especially true of young people who may return to the centre as records of their entry assessments do not appear to be kept in any database and they must be reassessed.

Curriculum

- 5.33 The curriculum at Banksia Hill is built around the Certificate of General Education for Adults (CGEA). The actual course content is written by the staff, moderated and reflected in the Individual Education Plans (IEPs). As a result the courses are student-centred, engaging and based heavily on the acquisition of literacy and numeracy. Accreditation of CGEA is provided through TAFE.
- 5.34 In terms of linking the CGEA to mainstream provision, there was little evidence of the use of Curriculum Council progress maps and the draft standards – all of which would still be very useful within the context of the CGEA approach and essential for movement to the Western Australian mainstream system. Teaching staff were comfortable with the CGEA approach and the linking to the curriculum framework and needed to be provided with professional development in this important area. It is important that the Curriculum Council is engaged in reviewing the suitability of the CGEA as a framework for delivery of education services at Banksia Hill and its agreement should be sought. If compliant, this would provide valuable pathways for students to enrol at TAFE upon release.
- 5.35 Curricula that offer shorter courses with opportunities for modular accreditation would be useful in the detention centre setting, as it would not rely on the student completing a whole course in order to receive any accreditation. Credit could be given for modules completed within a larger course, which would provide an incentive for the young person to continue with studies upon release. While it is also understandable that much focus is placed on

achievement of learning and not purely accreditation for these students, it is still important to provide both outcomes within the learning framework at the centre.

- 5.36 Education services were unable to give information about the numbers of young people completing accredited vocational or academic programs. If one considers that an outcome may be accreditation, it is acceptable to require information such as how many of those engaged in vocational training or an academic course for, say, the past six months, have achieved at least one learning outcome or performance criteria.
- 5.37 For those who were not engaged in a vocational course or whose academic progress is of such a low level that it will take a long time to achieve accreditation, there still needs to be some robust process of assessing the educational distance travelled by detainees while they are at Banksia Hill. Currently, education services measure a detainee's progress through small outcomes that may not comprise a whole learning outcome of an accredited course but these are not really formally recordable. This is understandable and appropriate. Detainees are also assessed at entry but then not again for 12 months due to the nature of the assessment tools. This means that those in custody for less than 12 months who do not complete accreditation are not really recognised within the system as having made progress. It would be highly beneficial to the centre, teaching staff and detainees if more regular assessment were undertaken throughout a young person's period of detention. Alternatively, if assessment was undertaken on exit, an appropriate assessment tool should be developed which can demonstrate a detainee's educational progress over time, however slight.

Recommendation 15

A standard assessment tool other than accreditation achievement is required to record the detainee's educational progress.

Vocational Training

- 5.38 Horticulture is the only identified traineeship on offer at Banksia Hill and is supported by Challenger TAFE. The deficiency in traineeships has been identified by education services at Banksia Hill and interviews with the staff and administration support the view that additional traineeships are a priority. Areas such as food preparation and cleaning have been identified as potential traineeships. A whole-of-centre commitment to this need is required if more traineeships are to be provided and this should include an examination of the expansion of options for post-compulsory school aged detainees.

Recommendation 16

There is a need to identify and construct more opportunities for traineeships that assist in the acquisition of employability skills.

- 5.39 Again, the issue of providing appropriate opportunities for female detainees presented a challenge for Banksia Hill. Catering adequately for the education of a small minority group is difficult and there have been some good efforts by staff to address this problem. However, it was clear that girls did not have equal access to the curriculum enjoyed by the boys. The inspection found that girls were less satisfied with their educational experiences at Banksia

Hill than boys, and this was largely due to their limited timetable.⁹² A needs analysis must be undertaken in respect to the educational and vocational requirements of female detainees and opportunities put in place for them to be achieved.

- 5.40 More vocational training opportunities could be provided relatively easily by ensuring work already done at the centre is accredited within the framework of an approved vocational training course. For example, the work undertaken by detainees in the kitchens and those in the cleaning party seems particularly suited to an accredited vocational training course. It struck some members of the inspection team that the canteen provides an ideal opportunity for vocational training in customer service.
- 5.41 Ideally all workshops operating within the centre would offer associated and accredited vocational training in conjunction with the work. Such work then becomes work experience or real vocational training. Without training and accreditation opportunities, asking detainees to undertake labour essential to the running of the centre, such as cleaning and in the kitchens, is in danger of simply being cheap labour. Perhaps even more importantly, any work done by detainees in areas of the centre that are not yet accredited cannot be recognised by the community upon release. Accreditation provides young people with the documentation they require to have currency in the marketplace and thus raises their employability.

Integration of Education Services

- 5.42 The inspection team was concerned by a lack of integration of education services with the activities delivered by other services within the centre. That education is delivering a fine service is undisputed; however, it appears as though it has become somewhat introverted and cut off from the rest of the centre.
- 5.43 Collaborative practices that cater for the individual detainee at Banksia Hill need to be strengthened. In particular, greater integration and communication opportunities between custodial, education, programs and case management need to be pursued. Education staff are to be commended for ensuring each detainee has a sound individual learning plan and there is evidence that this planning encompasses case management; however, the information captured on a detainee's IEP is not easily transferred to the Case Planning Unit. For example, educational services uses its own database to update the students' IEPs, and this does not interface with TOMS. There is an urgent need to provide a user-friendly IT solution between case management and education.
- 5.44 Additionally, the information forwarded by education to the Case Planning Unit is not particularly satisfactory. Case planning and education have both expressed dissatisfaction with the current system of reporting. The common view is that this does not serve the need of the students and their families. The student reports used by education and case planning is an area that needs urgent review and future developments must be fully collaborative.

92 Girls were only permitted to access one workshop: woodwork.

PURPOSEFUL ACTIVITY

Recommendation 17

Protocols and systems for sharing information between education and case planning need to be agreed and implemented.

- 5.45 The centre's management is aware that service provision across Banksia Hill Detention Centre seems compartmentalised and has identified this area for improvement. Increasing ease of information flow is likely to result in greater integration of the Case Planning Unit and education services, and also improve the quality of education reports for case management reviews. As a minimum, each services area must be fully aware of what the others are doing and communication systems need to assist in the integration of service. Being mindful of throughcare, it would be ideal if the information requirements of education services could be incorporated into the existing TOMS system in order to ensure information flows easily both within the centre and to the community.

Opportunities for Joint Provision

- 5.46 Furthermore, there is potential for recreation and education at Banksia Hill to develop an integrated approach to program delivery. As already mentioned elsewhere, there is no health education or promotion currently delivered at the centre by nursing staff. There would be many opportunities for staff delivering psychology-based programs, health, recreation and education, together with group workers, to operate more collaboratively to reinforce common behavioural standards, social skills, relationship skills and learning.

RECREATION

- 5.47 Non-educational activity is divided into four broad categories: recreation, chores, feeding and preparation for sleep. These activities allow for considerable self-determination by the young people. They are in general able to move around the centre for a significant period and interact with young people from other units. The loose fit of activities and the later lockdown period (relative to most adult prisons) also mirrors to some extent the pre-prison experience for these youths.

- 5.48 The AJJA Standard for recreation and leisure states:

The centre provides a broad range of coordinated physical and passive recreational and leisure activities that are enjoyable and improve the fitness levels, skills, self-esteem, and community interaction, and include activities initiated by young people themselves.⁹³

- 5.49 Recreational activities are organised through the recreation officers who distribute the equipment, ensure activity spaces are available and appropriate and who tend to umpire the larger group activities. Group workers interested in the alternate activities oversee those, with the default for group workers also being the larger group activities. It is also the group workers' responsibility to collect the names of interested juveniles and to some extent promote the activities they are supervising. The default for not electing an activity was the larger group

93 *AJJA Standards* (Revised 1999) standard 4.5 (Recreation and Leisure).

PURPOSEFUL ACTIVITY

activities, such as soccer or softball.

- 5.50 Of particular note were the positive comments regarding the involvement and efforts of the recreation officers and the group workers. The recreation officers and many of the group workers were actively engaged with the young people in their recreational activities and were accepted and sought out by the young people for their interaction.⁹⁴
- 5.51 The inspection found a number of different recreational activities were on offer during these periods. The list included vigorous physical, low impact physical and passive options. The young people were able to choose the level of physical effort and to some extent the nature of that effort. Numbers participating in each activity were to some extent limited by the ability of staff to supervise (one group worker to eight juveniles) but where a larger number than eight elected a particular activity, an additional group worker was allocated. No detainees indicated that they could not do the activity of their choice due to staffing limitations.
- 5.52 Facilities for recreation within the units were predominantly of an active nature (table tennis, cricket, basketball, football) with limited passive recreation. There were some games in some units, though most of these were missing the majority of their contents. Cards appeared to be the predominant passive recreation preference. Some units also had a computer games console that was shared between the juveniles. An interesting anomaly was that due to the nature of the design of the self-care area, access to unit-based recreation was diminished by virtue of the reduced numbers in each unit and the lack of table tennis and sporting areas (there was a basketball court but this was physically distant to the accommodation). Contrary to the normal intent of self-care (in the adult system at least), this may lead to lesser pro-social interaction and increased isolation of those living in these units. This was primarily a concern on weekends when there were fewer options available and when the sporting options tend to be dominated by the older males. Attention needs to be given to developing further recreational opportunities for those in self-care.
- 5.53 The level of active recreation appears sufficient to meet the needs and community experience of most of the juveniles. Most of the detainees spoken with by the inspection team expressed considerable interest, saying they derived enjoyment out of the recreational activities on offer. There did appear to be two exceptions to this – girls and small boys. Both these groups were less actively involved in physical recreation, tending to opt out and spend the recreation period talking among themselves. There were a number of comments from detainees that the football games were often too large. That is, there were sometimes games of 20–25 players per side. On these occasions, the detainees said that bullying cloaked in the guise of tackling occurred far more easily.

94 A noticeable exception to this was a knot of group workers on the Wednesday during this inspection who had congregated in the gym where the large group activity (soccer) was being played. These group workers were all female and did not appear to be engaged with either the activity or the detainees. This appeared to be standard practice for this cohort. The interaction with and supervision of the juveniles is a core component of the role of the group worker and the actions of these staff appear at odds with this. The lack of engagement with the detainees who were involved in the activity is puzzling and disappointing. It would be useful for management to review both the activities and levels of staff participation in order to ensure that all group workers are actively engaged with detainees at all times.

PURPOSEFUL ACTIVITY

- 5.54 Currently, teachers are encouraged to book the gym for at least an hour a week for some sort of physical activity such as a game of basketball. Aside from this, there is no physical education offered as an educational subject. Given that many detainees are of compulsory school age it is advisable to develop a timetable that includes structured physical education as one would find in mainstream education and to ensure that suitably trained staff deliver that training. This would provide staff with another vehicle to encourage teamwork, coordination and self-esteem. In addition, if physical education was delivered as part of the core week, the fact that some people then become marginalised during recreation periods and are forced back into passive recreation would be less prejudicial.

Recommendation 18

That in conjunction with recreation officers, the education unit at Banksia Hill develops a physical education course suitable for all ages and both genders of detainees, mirroring mainstream provision.

PROGRAMS

- 5.55 Standard 4.3, Offender Programs, requires that ‘the centre provides programs that assist young people to understand why they offend and what measures that can take to stop or reduce their offending’.⁹⁵ The programs area is part of the Young Offender Development Branch (YODB) and has the responsibility of ensuring that a range of programs aimed at reducing offending and enhancing life skills are delivered to the detainees. The manager of YODB has responsibility for program delivery at both Banksia Hill and Rangeview (and also manages education, psychological services and recreation). The manager of programs⁹⁶ has no clinical role and manages the day-to-day operations of the programs.
- 5.56 The area has suffered from having had seven managers in the last seven years. Systems had been allowed to run down resulting in poor accountability. Budgets had not been adequately monitored, there was virtually no quality control of programs and records were poorly kept. The current manager (only recently appointed) was able to demonstrate some improvement in the operation of the programs branch including:
- monitoring of the budget;
 - planning and implementation of the new tendering process for program provision; and
 - improvements in monitoring and recording program attendance and activities of the outside providers.⁹⁷
- 5.57 Allocation to programs is a part of the assessment process and is undertaken done by psychologists and case planning staff. Programs are delivered by outside providers, specially trained group workers or, in the case of the Protective Behaviours program, a combination of a psychologist and a group worker. Supervision of group worker facilitators is the role of the

95 *AJJA Standards* (Revised 1999) standard 4.3 (Offender Programs).

96 The Manager, Programs is line managed by the Manager, Young Offender Development Branch.

97 The arrangements for the delivery of programs at Banksia Hill has been somewhat peculiar in that until recently there had been no dedicated program staff who have a clinical role.

psychologists. This disjointed arrangement has contributed to deficits in program delivery.

- 5.58 Problems with program delivery have been recognised by JCS and resulted in a number of proposals that, if delivered, will improve services. Initiatives that are planned or have already been implemented include:
- appointment of a new Manager of Offender Development at Level 8;
 - appointment of a Senior Programs Officer to provide supervision and upskilling of group workers;
 - establishment of a 0.4 FTE Level 6 research position;
 - streamlining of operational matters to improve accountability; and
 - implementation of a new management structure.
- 5.59 The changes as proposed are very positive and hopefully will be resourced adequately and will be delivered in a timely fashion. These initiatives will help ensure a quality and accountability that has previously been lacking in the programs branch.
- 5.60 There has been a fundamental failure to demonstrate that the programs delivered are meeting the needs of the detainees or contributing to the reduction of reoffending. The effectiveness of the programs offered at Banksia Hill has not been established. A project evaluating the YOPDP has been running for the past seven years, and while it is nearing completion, there are serious concerns regarding its sample size.⁹⁸ Additionally, there has been no assessment of the suitability of the suite of programs for Aboriginal youth or female participants specifically.⁹⁹
- 5.61 To date Banksia Hill has relied on the program provider to manage its own performance. Proposed changes to the tendering process, whereby it is proposed that providers will be required to demonstrate that they are able to supply a quality product, are being introduced. All current providers will be required to re-tender and a pool of providers will be developed from those assessed as being suitable.¹⁰⁰ This is a welcome development.
- 5.62 There are also some concerns about the process of selection, training and ongoing supervision of group workers involved in program delivery. The process is one of self-nomination, with no selection process for suitability. All who nominate are trained and there is no assessment of competency at the end of training and minimal ongoing support and supervision. A more rigorous process must be implemented to ensure program integrity.
- 5.63 The Army Cadet program conducted at Banksia Hill is a first for Defence Force Cadets; it has approximately 70 trainees and has had a positive impact. One detainee has been subject to 'special release' twice to attend field exercises. The Army Cadet program promoted teamwork and problem solving skills, and could provide a pathway to further vocational training and employment upon release. This program appealed to both boys and girls and it would be good

98 Only 10 per cent of eligible participants were sampled.

99 One positive development is that a separate DROP group is now run for girls, but an examination of the suitability of the program for females has not been addressed.

100 Tender documents for the *Provision of Rehabilitation Programs for Juveniles in Custodial Settings* (Western Australia: Department of Treasury and Finance for the Department of Justice, undated).

PURPOSEFUL ACTIVITY

to see other similar in-reach programs leading to training and employment opportunities as a matter of course at the centre.

Recommendation 19

The Department should implement an outcomes based evaluation program that encompasses all aspect of juvenile rehabilitation services including programs and psychological counselling.

Chapter 6

REINTEGRATION

- 6.1 A common theme in international rules regarding juveniles in custody is that they must be encouraged to maintain and strengthen family and community bonds while in custody to facilitate both rehabilitation and a smooth reintegration upon release. The AJJA Standard for transition support provides that:

The return of young people to the community happens in a planned and supported manner. Where local laws enable early or conditional release, these options are used to the greatest possible extent and are granted at the earliest possible time.¹⁰¹

The onus is thus on the Department to engage the ‘home’ communities of each detainee and ensure a positive relationship is established prior to the detainee’s release back to his or her community.

- 6.2 The idea that successful resettlement from custody to the community helps reduce reoffending means that rehabilitation and reintegration are inextricably linked. Consequently, family and community relationships are an essential part of these processes:

The evidence presented indicates that the degree to which individuals and communities are connected to each other makes a significant difference to a range of outcomes including school, health and political democracy even when other factors such as income, wealth and ethnic conditions are taken into account.¹⁰²

This is particularly true of Indigenous young people, and is arguably of more importance to those from regional or remote areas. It is of considerable concern to this Office that these young people are the most disadvantaged at Banksia Hill in terms of being able to maintain community and family contact given their distance from home.

- 6.3 With the often short sentences handed down to many juvenile offenders this means having sound systems and resources in place to facilitate the immediate commencement of release planning. Involvement of the young person in the construction of plans will assist in the successful completion/participation of the detainee. A group of young offenders¹⁰³ within two weeks of release from Banksia Hill were interviewed during the course of the inspection. All were aware of the existence of their release plans but did not indicate that they felt they had much genuine input into them. While two said they felt they had significant input, others indicated they felt they had to support what was being prepared or suggested by staff in order to make sure they had the best chance of being successful before the Supervised Release Review Board.
- 6.4 In terms of the initial process, a JJO conducts the first assessment of an offender’s needs in preparation for the court sentencing following a finding of guilt. Usually that same JJO

101 *AJJA Standards* (Revised 1999) standard 5.3 (Transition Support).

102 Campbell S & Duggan F, ‘The Development of A Learning Culture in a Youth Detention Centre and its Effects on Staff and Clients’, paper presented at the *Juvenile Justice: From Lessons of the Past to a Road Map for the Future Conference* (Sydney: Australian Institute of Criminology and Department of Juvenile Justice (NSW), 1–2 December 2003) 8.

103 Note that two of these offenders were to be released having completed the whole of their sentence and therefore did not have comprehensive release plans – they would be released unconditionally with the only requirement that someone attend the facility into whose custody they could be released.

will remain attached to the offender's case throughout the term of detention and then be responsible for the supervision of the offender when released into the community. This continuity of care is good practice.

- 6.5 Offenders' needs are further identified by a case planning preliminary assessment. As outlined in Chapter Five, an admission planning meeting (that also involves the JJO) where custodial and release needs are discussed with the offender and his or her family (if they attend), and interim planning meetings follow the young person's progress (only held every three months). A discharge planning meeting is held with the same parties about two weeks before the offender is scheduled to appear before the Supervised Release Review Board or before their release date. This meeting seeks to finalise the release plan and to agree upon a recommendation to the Supervised Release Review Board whether to approve or reject the early release of the offender. Case planning guidelines emphasise that the young person involved has the right to be aware of any likely negative recommendation to the Board and their right to be heard individually by the Board (in person or in writing).
- 6.6 A significant issue is that due to short sentence lengths and delays in conducting admissions meetings, the first meeting concerning a young person in custody often functions as both the admissions *and* discharge meeting. This prevents good organisation of release options for young people.
- 6.7 The JJO is primarily responsible for the preparation of the release plan for an offender, facilitated by the case planning officers within Banksia Hill for the duration of the offender's time in custody. There was a concern from some at Banksia Hill that the quality of resettlement plans for young people varied according to the individual JJO responsible for the offender – some were more able or more willing to prepare thorough plans for their clients than others. Too often it is the case that once a detainee receives a custodial sentence, he or she is 'out of sight, out of mind' for the JJO. In one sense this is understandable – the JJO will be aware that the young person will now be in a stable, relatively safe environment with regular services and opportunities available to address his or her offending behaviour. The large workload requires JJOs to prioritise and perhaps young offenders or those at risk of offending in the community take precedence because they are more visible. Regardless of the reasons for these inconsistencies, the JJO's role is critical in the overall process of throughcare and the Department would do well to remind JJOs of their responsibilities to young people in custody and urge them to commence exit planning for detainees upon their conviction.

Recommendation 20

The Department must promote an ideology of throughcare by more closely aligning its provisions in the community and in custody to make the links between them more seamless.

- 6.8 It is also the role of the JJO to engage the family in the release planning of the young offender and in assessing the family context of the young person's release needs. Like most individuals working in the system, it seems that the capacity of JJOs is also at its limit and resources for them to secure appropriate accommodation, education, employment and counselling options for their young clients is also very limited.

-
-
- 6.9 The links with other state agencies, such as the Department of Community Development (DCD), need to be more effective. Sometimes the relevant documentation does not reflect the fact that detainees and/or their families are already engaged with the DCD. While it may be understandable why a DCD officer cannot attend meetings at the centre, it is not necessarily acceptable and this matter must be urgently resolved as it is integral to successful resettlement. This is especially the case for young people in custody who are actually wards of the state and therefore the responsibility of DCD.
- 6.10 Release plans are put before the Supervised Release Review Board, the body statutorily charged with determining applications by detainees for early release. In considering applications for supervised release orders, the Board requires plans to include accommodation, education/training/employment activities, treatment or counselling and any other information the JJO or case management staff may find relevant to the application. There are frustrations in terms of the lack of pre-release programs and post-release support available to detainees making the transition back to the community, but to a large extent, these are general community issues and not within the centre's remit to resolve.

Recommendation 21

Protocols need to be developed between the Department of Corrective Services and other government agencies to facilitate information sharing and seamless service delivery.

DAY RELEASE

- 6.11 An important part of reintegration missing for juveniles in custody is an accessible form of day release. A young person can only access any form of temporary release after the Supervised Release Review Board has approved the actual early release of a detainee in the near future, and then day release is only available for attendance at a narrow range of pre-approved programs. There is no allowance for release to reconnect with families or to attend family counselling. Day release should be an independent option for young people as part of reintegration, especially for those who have served substantial sentences in detention. It is recognised that this will require legislative change to allow more flexibility, however, options to increase the use of day release for participation in relevant counselling, educational or work related activities should be explored.

COMMUNITY AND FAMILY LINKS

- 6.12 Community links are not just important because of valuable support given to the centre, but are additionally important in terms of their key role in facilitating a smooth transition for young people from custody to the community. The AJJA Standards reflect this:

The centre maximises opportunities for young people at every stage of custody to interact with the community, and fosters community involvement in, and support for, the centre.¹⁰⁴

104 *AJJA Standards* (Revised 1999) standard 5.2 (Community Contact).

The Standards indicate that both in-reach and out-reach models are appropriate for young people in custody. Given the limitations associated with day release and the tiny numbers of detainees who are approved for day release, the in-reach model is even more important in terms of providing chances for the detainees to interact with both community local to the centre and their home community.

- 6.13 Banksia Hill has a long list of community agencies with whom it engages and there is some good in-reach. However, the list of external agencies supplied to this Office was inaccurate and the list of programs was out-of-date, perhaps indicating this has not been a priority area for the centre. There was a sense that some staff found an in-reach model rather burdensome in terms of logistics and there was a sense that volunteers were not welcome.
- 6.14 The inspection found, however, that Banksia Hill was very receptive to engaging with sporting groups. Community groups singled out individual staff members with whom they liaise for considerable praise and this is a promising sign. They also identified need for assistance from the programs area to work with sporting groups to ensure that activities provided have a sound theoretical base in keeping with what works best with juveniles in custody.
- 6.15 It should be noted that a significant number of detainees do not secure early release and serve the entirety of their sentence. This can often occur due to circumstances outside their control (for example no appropriate accommodation is available and therefore they cannot be approved for release). These young people are released unconditionally and are left to fit back into the community alone. Community links established during their time in custody can provide a lifeline for them upon release and their value should not be underestimated. Young people who are released from custody at the end of their sentence are particularly vulnerable, as no formal support plan exists for them. Someone must be given responsibility for planning the smooth transition of these young people back into the community. This is not in the sense of imposing a plan with specified rules that must be complied with, but in the sense of ensuring the young people are put in touch with a strong support network in their home community that can help them reduce the risk of reoffending upon release.
- 6.16 The lack of pre-release courses for young people leaving custody has already been mentioned, but it is particularly significant for those who are leaving the centre at the end of their sentence and thus without ongoing support. A generic pre-release course focusing on important issues would not only mirror community education provision, but would attempt to address the important issues of restoring and building new social understanding and bonds.
- 6.17 Even with the relatively small detainee population, it is clear that the centre's location cannot possibly facilitate access and contact between nearly half of the detainees and their families due to distance. Having said this, once a young person is released the arrangements for return to their homes appeared to be very good. The problem is essentially about continuity. Our point would be that a sound exit plan is somewhat more than good travel arrangements.

Recommendation 22

A specially designed pre-release course must be developed as a matter of urgency and delivered to all young people leaving Banksia Hill regardless of whether they are released at the end of their sentence or on a Supervised Early Release Order.

Chapter 7

MANAGEMENT

7.1 Banksia Hill has sufficient resources to be able to provide a baseline level of service that generally met the needs of most detainees. It was also well staffed in terms of the quality of staff and their commitment to making a positive difference in the lives of the children with whom they work. The centre has enormous potential to plan and deliver an excellent service and in so doing, encourage its detainees to aim high in their own lives. In order to achieve this, it is necessary to ensure that current services are maximised. Management systems and processes directly impact on the ability of departments to fully function and deliver and it is within this context that the inspection team considered the leadership of Banksia Hill Detention Centre.

7.2 The relevant AJJA Standard stipulates that:

The centre's management team, in consultation with other staff, formulates a vision and clear goals for the centre as a whole, translates the goals into clear and measurable objectives, facilitates decision-making by staff to achieve the objectives, monitors and evaluates the results, and takes decisive corrective action when necessary. Goals always include the timely, substantive and consistent implementation of all of the present standards.¹⁰⁵

This Report has previously referred to the recent change in management at Banksia Hill and to the fact that many of the senior managers, including the Superintendent, are appointed in an acting capacity until permanent appointments can be made. While this can clearly create a period of instability, it is fully recognised that this will be a short-term measure and the Department is seeking to make permanent appointments as soon as its recruitment and selection procedures allow.

7.3 It was clear during the on-site phase of the inspection that many staff were quietly hopeful about the new management team and many made comments about there being an improved atmosphere of openness and consultation.

105 Ibid., standard 11.2 (Supportive Leadership).

Chapter 8

CONCLUSIONS AND RECOMMENDATIONS

- 8.1 Banksia Hill Detention Centre is well up to standard overall. The foundations of a great facility are laid and a baseline level of service has been established. Things that cannot be easily or cheaply changed, such as the physical design of the centre, are basically good. The design creates a positive, pleasant, campus-like atmosphere that is conducive to therapeutic and rehabilitative processes. In addition, there appears to be a high level of commitment from a skilled staff team, despite the daily challenges they face and the history of recent management change. The acting-Superintendent and his staff are to be congratulated for their achievements thus far.
- 8.2 Things that can be easily developed now need to be. There is an immediate need for well thought-through policies in most areas that strive for excellence rather than just to meet or somewhat exceed the minimum standards. The development of workable procedures and implementation of rigorous monitoring systems are also urgently required. In particular, we would highlight the need for considerable strategic planning regarding systems and services for Aboriginal detainees and girls. While there is generally a consciousness of and sensitivity to the unique needs of Aboriginal detainees and those from remote or regional areas, there seems to be less awareness of the needs of the girls. The same understanding of and sensitivity to their needs is a matter of priority.
- 8.3 More proactive recruitment strategies of Aboriginal and female staff would go a considerable way towards developing a better understanding of the centre's uniquely diverse detainee population. Better integration of AWOs and a review of the role of the AVS are also key development areas.
- 8.4 The positive relationship between staff and detainees allows detainees to express their opinions and air their grievances. However, there is a need to review the complaints and grievances processes to improve access to the complaints system and to ensure all complaints are documented. The challenge for Banksia Hill is to formalise the process without creating onerous documentation on the part of staff or detainees.
- 8.5 The healthcare and education services provided by the centre are particularly worthy of commendation. Both services, however, need to be better integrated to overall service and program delivery to achieve a truly holistic service for the young people.
- 8.6 Case planning and management (including release planning) and the integration of services and activities need to be improved for the centre to fully and properly function. An improved case planning service is likely to maximise the much-needed services available to detainees while they are in custody and ensure a smoother transition upon release. The centre should also develop better links with families and both the local and home communities.

RECOMMENDATIONS

Recommendation 1: The Department must ensure that there is a comprehensive policy regarding personal safety and security within the centre. This policy specifically needs to address the training of group workers, the appropriate use of force, the safety of non-Indigenous juveniles and the safety of young women and girls

CONCLUSIONS AND RECOMMENDATIONS

Recommendation 2: The Department should establish a dedicated Young Offenders' Unit at Hakea Prison that will provide support and safety to young people upon their arrival in the adult estate and ensure the continued protection of detainees transferred from Banksia Hill.

Recommendation 3: The Department must make a substantial effort to implement training in the identification of risk behaviour for all centre staff and develop a validated risk assessment tool for use with Aboriginal detainees.

Recommendation 4: There needs to be a clarification of the policy and practice of regression and the associated use of Harding Unit.

Recommendation 5: The position of Senior Officer Security at Banksia Hill should be full-time, stabilised and appropriately classified.

Recommendation 6: A thorough review of the centre's current fire safety and emergency equipment needs to be urgently undertaken together with a specific training needs analysis in order to ensure the prompt provision of essential equipment and training to meet the objectives of a safe custodial environment.

Recommendation 7: The Department must prioritise the development of a more culturally sensitive recruitment process; this should include the development of appropriate selection tools and selection criteria.

Recommendation 8: The referral system to access Aboriginal welfare officers and the Aboriginal Visitors Scheme and the services delivered by these staff should be reviewed in order to ensure they are meeting the needs of detainees.

Recommendation 9: Juvenile Custodial Services need to upgrade the grievance and complaints process within the centre. This includes continuous training and the development of a monitoring system.

Recommendation 10: Departmental Health Services management should establish a formal relationship with adolescent health at Princess Margaret Hospital in order to take advantage of the expertise and experience of their staff and access their training programs.

Recommendation 11: The Department should seek additional resources to ensure specialist psychiatric nursing staff and/or trained mental health workers are available to support the mental health assessment and treatment process, particularly for very young detainees.

Recommendation 12: Protocols need to be developed that enable psychiatric services and the psychological services team to exchange vital information with unit, health and education staff.

Recommendation 13: The visits centre should be upgraded to ensure that the needs of children visiting are catered for. This includes the development of specific children's play areas.

CONCLUSIONS AND RECOMMENDATIONS

Recommendation 14: The centre needs ensure that all detainees have prompt, increased and regular access to case planning and that shorter or more modular programs are developed to ensure those on shorter sentence lengths can also access programs that directly address their offending behaviour.

Recommendation 15: A standard assessment tool other than accreditation achievement is required to record the detainee's educational progress.

Recommendation 16: There is a need to identify and construct more opportunities for traineeships that assist in the acquisition of employability skills.

Recommendation 17: Protocols and systems for sharing information between education and case planning need to be agreed and implemented.

Recommendation 18: That in conjunction with recreation officers, the education unit at Banksia Hill develops a physical education course suitable for all ages and both genders of detainees, mirroring mainstream provision.

Recommendation 19: The Department should implement an outcomes based evaluation program that encompasses all aspect of juvenile rehabilitation services including programs and psychological counselling.

Recommendation 20: The Department must promote an ideology of throughcare by more closely aligning its provisions in the community and in custody to make the links between them more seamless.

Recommendation 21: Protocols need to be developed between the Department of Corrective Services and other government agencies to facilitate information sharing and seamless service delivery.

Recommendation 22: A specially designed pre-release course must be developed as a matter of urgency and delivered to all young people leaving Banksia Hill regardless of whether they are released at the end of their sentence or on a Supervised Early Release Order.

Appendix 1

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006 RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p data-bbox="229 506 464 539"><i>Custody and security</i></p> <p data-bbox="229 546 759 846">1. The Department must ensure that there is a comprehensive policy regarding personal safety and security within the centre. This policy specifically needs to address the training of group workers, the appropriate use of force, the safety of non-Indigenous juveniles and the safety of young women and girls.</p>	<p data-bbox="821 506 975 539">Agree/Low</p> <p data-bbox="821 546 1350 981">Compulsory Entry-Level training includes comprehensive self-defence and restraint training. The first two days of these applications are theoretical principles and practice of managing detainees. The subsequent physical training is part of a wider course that includes First Aid, Security Orientation, Emergencies, Searches, Anti-bullying and EEO principles and practice, OH&S, Suicide Awareness, Stress Management, Dealing with Conflict and Fire Awareness.</p> <p data-bbox="821 1010 1359 1518">The issue regarding the availability of training for staff has recently been addressed in the Mahoney enquiry. An allocation of 9 extra juvenile custodial officer positions and the forthcoming appointment of a Project Officer. This position will examine current shortfalls and develop a sustainable model for both mandatory and routine training of all staff with the injection of new funding from September 2006. Stronger links will be developed with the DCS Training Branch and improvements will be made to the tracking and recording systems for individual training records.</p> <p data-bbox="821 1547 1350 1836">Since October 2005 all female detainees (sentenced and remand) are being managed at Rangeview Remand Centre. Planning is underway to utilise some minor Capital Funding to upgrade facilities at Rangeview, including the construction of the undercover area raised during the inspection at Rangeview.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p>Care and wellbeing</p> <p>2. The Department should implement a dedicated Young Offenders Unit at Hakea Prison that will provide support and safety to young people upon their arrival in the adult estate and ensure the continued protection of detainees transferred from Banksia Hill.</p>	<p>Agree/Low</p> <p>The Department has, from time to time, reviewed this concept and is not, in principle opposed to it. A paper has recently been prepared by Policy and Planning summarising the Departments current position on this issue.</p> <p>In summary the Department acknowledges that there is merit in a facility for 18–21 year old offenders but it is not a priority at this point. Any proposal in this direction would require a considerable planning commitment by government and appropriate capital and recurrent funding.</p> <p>The Department however continues to recognize the specific needs and vulnerabilities of young offenders. There is an increased focus to reduce juvenile offending and the progress to adult custodial services. The Intensive Supervision Program is showing excellent early progress with serious repeat juvenile offenders.</p>
<p>Care and wellbeing</p> <p>3. The Department must make a substantial effort to implement training in the identification of risk behaviour for all centre staff and develop a validated risk assessment tool for use with Aboriginal detainees.</p>	<p>Agree in part/Moderate</p> <p>Investigation has been undertaken as to the availability of an Aboriginal specific risk identification tool. Ms Tracey Westerman (Aboriginal Clinical Psychologist) was contacted and confirmed that there is no such tool currently available. She has developed a tool that can only be purchased and used after staff attend her two-day training. This option will be followed up.</p> <p>Following the inspection and Psychological Services' review by David Merriweather, Psychological Services trialled a Suicide Risk Assessment Form developed by the Lower Great Southern Health Service– Albany Regional Hospital (at David Merriweather's recommendation). However the form was</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
	<p>apparently originally designed for inpatient use after an incident of suicide or self harm. The trial found that the form was time consuming, not culturally appropriate, and did not appear to add any information to current assessments, thus the trial was ceased.</p> <p>Regarding training for centre staff, all new group workers attend suicide awareness training run by Psychological Services. There is also a two-day Suicide Awareness Training package run regularly by the CJS training unit and this is also available to Groupworkers. New funding (Mahoney) will allow management to release staff for essential training.</p> <p>Included in the Entry-Level Training is a consistent theme of safety for self and for others and an awareness of the vulnerability and high risk nature of young people whose socio-economic backgrounds have resulted in periods of detention. Included in this training are modules delivered by both internal and external agencies that focus on training in the ability to identify and respond to children and young people who are at risk of harm.</p>
<p>Care and wellbeing</p> <p>4. There needs to be a clarification of the policy and practice of regression and the associated use of Harding Unit.</p>	<p>Agree/Low</p> <p>The policy and practice of regression regimes and the associated use of the Harding Unit have already been reviewed.</p> <p>Subsequently the Operational Manual (Procedure 3 Part Two) has been amended to ensure that detainees and staff are clearly aware of the management regime and behavioural expectations for the detainees to progress through the stages of regression and achieve a return to normal mainstream living. Documentation to support this process and ensure detainee awareness and understanding has been developed and applied.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p><i>Custody and security</i></p> <p>5. The position of Senior Officer Security at Banksia Hill should be full-time, stabilised and appropriately classified.</p>	<p>Agree/Low</p> <p>A submission to establish the positions of Senior Officer Security and Senior Officer Training at Banksia Hill has been prepared.</p> <p>The potential application of the proposed model at Rangeview Remand Centre is being considered to ensure cross centre consistency. However the different staffing numbers may prove restrictive.</p> <p>If the proposal is endorsed the Senior Officer positions (Security and Training) will be stabilised by way of long term or permanent appointment.</p>
<p><i>Custody and security</i></p> <p>6 A thorough review of the centre's current fire safety and emergency equipment needs to be urgently undertaken together with a specific training needs analysis in order to ensure the prompt provision of essential equipment and training to meet the objectives of a custodial environment.</p>	<p>Agree/High</p> <p>JCS Centre's had a comprehensive fire inspection (Gilchrist Report) carried out approximately 3 years ago. The recommendations that were provided by the Gilchrist Report were implemented. On the 30 May 2006 the Manager Fire Safety, Special Services Branch was requested by Manager Resources to carry out another independent inspection. The advice given was that the Centre had all mandatory equipment/processes in place consistent with legislation. Areas of concern (eg thermal vs. smoke detection and ventilation considerations) are currently being addressed with a finalisation date of December 06 expected.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p>Staffing Issues</p> <p>7 The Department must prioritise the development of a more culturally sensitive recruitment process; this should include the development of appropriate selection tools and selection criteria.</p>	<p>Agree/Moderate</p> <p>In collaboration with the Aboriginal Workforce Development Unit (AWDU) the current recruitment drive will be accessing all the networks previously accessed on the 2003 indigenous traineeship referred to by the OICS report. The indigenous traineeship produced a 1 in 10 applicant success rate with regard to the recruitment of Aboriginal Group Workers. The most recent recruitment drive (2005) produced a 1 in 5 Indigenous applicant success rate.</p> <p>Building on the success of the 2005 recruitment drive and on-going liaison with the AWDU, the advertising process in all metropolitan community newspapers for the current recruitment drive commenced on May 8 2006 utilised culturally eye-catching artwork to draw attention to the application. The advert also includes the wording “<i>Aboriginal and Torres Strait Islander people are encouraged to apply</i>”.</p> <p>Briefing sessions regarding this recruitment process are also being held in an Aboriginal-specific support agency with members from the AWDU in attendance to assist and promote the application process.</p> <p>The ability and attitudinal assessments stages of the recruitment process have been revisited and all Aboriginal applicants are progressed through these stages to the operational interview stage</p> <p>Senior First Aid as a pre-requisite has been removed. It is now provided as part of the in the induction course. The only pre-requisite to applying for the position is to hold a C class drivers licence and be a permanent resident within Australia.</p> <p>The fitness testing has been adjusted to better accommodate the fitness levels of female applicants particularly the fact that many</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
	<p>women seek a return to the workforce after a domestic period of child-rearing and possible reduction in fitness levels.</p> <p>An evaluation of the 2006 current recruitment drive will produce determinants regarding a 50D-specific recruitment drive/traineeship.</p> <p>The division has recently agreed to accepting three (3) Aboriginal Trainees who will be located at Banksia Hill administration, Education Services and Psychological Services Unit.</p>
<p><i>Racism, Aboriginality and equity</i></p> <p>8 The referral system to access the Aboriginal Welfare Officers and Aboriginal Visitors Scheme and the services delivered by these staff should be reviewed in order to ensure they are meeting the needs of detainees</p>	<p>Agree/Low</p> <p>A young person's access to the AWO has never been denied, even if they have not filled in a request form. AWO's are available to the young person throughout the day at morning tea, lunch and in the afternoons. The forms are used more as an accountability tool for the AWO, who on most occasions complete them jointly with the young person.</p> <p>All detainees are informed of the supports in the Centre, (e.g. AWO) as part of their orientation process. In addition, AWO's are working more with families of new admissions (sentenced) to the centre.</p> <p>Clear procedures are in place with AVS and regular meetings held. The most recent meeting took place on 13 June 2006 at Banksia Hill confirming common themes between AVS and JCS.</p> <p>JCS is commencing exploration with AVS on how they can play a more active role in providing indigenous specific community links that will support case planning in the area of reintegration and through care.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p>Human Rights</p> <p>9. Juvenile Custodial Services need to upgrade the grievance and complaints process within the centre. This includes continuous training and the development of a monitoring system.</p>	<p>Agree/Low</p> <p>The internal grievance and complaints process at Banksia Hill has been reviewed and actions taken to ensure detainee understanding and access.</p> <p>Upon admission detainees are made aware of the internal and external complaints process, relevant information and documentation made readily available in all units, a secure post box established for complaints to the superintendent, Ombudsmen or Office of the Inspector of Custodial Services and staff awareness highlighted.</p> <p>Juvenile Custodial Services acknowledge the need to develop a formal, cross-centre system to monitor the complaint / grievance process and will undertake this project.</p>
<p>Health</p> <p>10. Departmental Health Services management should establish a formal relationship with adolescent health at Princess Margaret Hospital in order to take advantage of the expertise and experience of their staff and access their training programs.</p>	<p>Agree/Low</p> <p>Dental Services are now available to every detainee at Banksia has the chance to see the dentist.</p> <p>In the past 12 months, 2 ex PMH nurses have been employed who both worked on the adolescent ward at PMH.</p> <p>A link has been established with PMH staff development section and we can now access their training courses.</p>
<p>Health</p> <p>11. The Department should seek additional resources to ensure specialist Psychiatric nursing staff and/or trained mental health workers are available to support the mental health assessment and treatment process, particularly for very young detainees.</p>	<p>Agree/Low</p> <p>A joint Corrective Services and Health Department 'Business Case on Improved Mental Health Services for Offenders' was developed and submitted to Government in February 2006. Part of the request included funding for a forensic mental health unit for young people and additional detention in-reach and community mental health services for young people. The service model has a</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
	<p>strong Aboriginal and regional focus. The outcome of the Business Case will not be known until at least September 2006.</p> <p>Current mental health services are:</p> <ul style="list-style-type: none"> • One child and adolescent psychiatrist that is contracted by DCS to provide one session per week (3 hours) alternating between the two centres; and • Juvenile Psychological Services provides 3.5 FTE provided to Banksia Hill and 1.4 FTE to Rangeview. <p>All admissions to the detention centres have a psychological review conducted by Juvenile Psychological Services and referred and intervened as appropriate.</p>
<p>Health</p> <p>12. Protocols need to be developed that enable Psychiatric services and the Psychological Services team to exchange vital information with unit, health and education staff.</p>	<p>Agree in Part/Moderate</p> <p>Efforts have been made to increase communication between psychiatrists, case planning, health and operational staff. A fortnightly feedback meeting is held involving all the mentioned parties to allow for exchange of information following psychiatric consultations. In addition, a summary of contact form has also been developed by the psychologists for use by the Consulting Psychiatrist. This form enables Case Planning to advise the SRRB of psychiatric contact and recommended follow up community treatment. Psychologists also supply case planning, operational staff, education and nursing with a client progress form on a weekly basis that advises them of the current status of all counselling clients.</p> <p>There are regular operational meetings that facilitate the sharing of information between psychologists, nursing, education and case planning. Each department has the option</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
	<p>to send a representative to debrief meetings that are held on Monday, Wednesday and Friday. In addition further consultation can occur at the Detainee Management Review Committee. Psychological Services staff also consult with unit staff on a daily basis in regards to the management of at risk detainees. More informally, to further increase communication opportunities Psychological staff regularly hold their staff breaks with Education staff.</p> <p>It should also be noted that specific concerns which arise are often communicated to the Psychological Services team and other areas via phone consultations with the relevant areas.</p> <p>Health Services are to develop a form to inform staff when a detainee is commenced on what could be a mood or function-altering medication, a copy of which will go to the Unit Manager and Assistant Superintendent.</p>
<p>Care and wellbeing</p> <p>13. The visits centre should be upgraded to ensure that the needs of children visiting are catered for, This includes the development of specific children's play areas.</p>	<p>Agree/Moderate</p> <p>Education Services will co-ordinate a project to create a specific children's play area in the Visits Centre. Safety and health considerations will be paramount. Detainees will be engaged in the design and building activities as the project provides an excellent skills development opportunity and through inclusion ensures a sense of ownership.</p>
<p>Rehabilitation</p> <p>14. The Centre needs ensure that all detainees have prompt, increased and regular access to Case Planning and that shorter or more modular program are developed to ensure those on shorter sentence lengths can also access programs that directly address their offending behaviour.</p>	<p>Agree/Moderate</p> <p>All programs at BHDC are currently three sessions or shorter. They have been designed to fit in with shorter sentences. YOPDP is based upon a modular model and the longest module is two sessions. Young people can complete one YOPDP module without completing the others, if they are released. YOPDP was developed to address criminogenic variables.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p>Rehabilitation</p> <p>15. A standard assessment tool other than accreditation achievement is required to record the detainee’s educational progress.</p>	<p>Agree in Part/Moderate</p> <p>Education Services will continue to review and update suitable testing resources and processes for pre-release assessment. Due to the diverse range of educational development there is no standard assessment tool appropriate.</p> <p>Education Services and Case Planning will examine the suitability of developing an Exiting Report.</p>
<p>Rehabilitation</p> <p>16. There is a need to identify and construct more opportunities for traineeships that assist in the acquisition of employability skills.</p>	<p>Agree in Part/Low</p> <p>Traineeships are extremely difficult to implement at Banksia Hill and have been attempted previously with completion rates almost negligible.</p> <p>The preferred option that has been more successful is through the delivery of targeted training packages at Certificate I & II levels. In addition all detainees are being engaged in vocational training, developing skills in conjunction with the Certificate of General Education.</p> <p>There is also an Employability Skills Program that has been developed and implemented according to Department of Education & Training requirements and links to TAFE for post release education and training are working well at present.</p> <p>Continued simulated workplace projects such as the limestone blocks project has been in place for two years and shorter brick-paving and bricklaying courses are in place.</p>
<p>Rehabilitation</p> <p>17. Protocols and systems for sharing information between Education and Case Management need to be agreed and implemented.</p>	<p>Agree/Moderate</p> <p>Processes are implemented and already working as part of the formal case planning process whereby education is acknowledged as an essential part of the case planning process.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p>Rehabilitation</p> <p>18. That in conjunction with Recreation Officers, the Education Unit at Banksia Hill develops a Physical Education course suitable for all ages and both genders of detainees, mirroring mainstream provision.</p>	<p>Monthly meetings are conducted between Education Services, Case Planning, Senior Programs Officers and the Coordinator Centre Activities and Re-entry Programs to coordinate detainee supports and the delivery of programs to address offending behaviour and supporting re-entry.</p> <p>Agree/Low</p> <p>A further 0.6 FTE Recreational Officer has been temporarily funded by Young Offender Development with a view of developing an Outcome Based Educational (OBE) focus Physical Education Program. Thus we are now able to develop learning programs such as the recent links made with Swan TAFE (Indigenous funded educational program), that will establish OBE links to any physical education program conducted between the hours of 9am to 3pm (eg; TAFE – Certificate 1 in Recreational Activity).</p> <p>The TAFE supported focus will provide education specific approaches to all recreational activities during school hours and a timetable that will compliment OBE related aims and outcomes. These approaches will be aligned with and compliment the centres education program, as opposed to the distinctively different recreational activities that takes place outside of school hours.</p> <p>These recreationally generated learning opportunities can and are in some cases supported by external providers and sporting identities such as the Perth Wildcats. A focus to document lesson content is currently being developed and will provide clear written evidence to support the necessary accreditation requirements.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p>Rehabilitation</p> <p>19. The Department should implement an outcomes based evaluation program that encompasses all aspect of juvenile rehabilitation services including programs and psychological counselling.</p>	<p>Agree/Moderate</p> <p>The Young Offender Personal Development Program is part of an extensive research program, with it's effectiveness currently being evaluated. This evaluation is looking at the participant's satisfaction, uses a quiz to test knowledge gained in the group and also looks at recidivism data.</p> <p>A project is currently underway to develop a model of evaluating and assessing other programs and their effectiveness, to ensure they address criminogenic needs. The first phase of this project should be completed by October 2006 and it is intended that all new programs will be evaluated.</p>
<p>Rehabilitation</p> <p>20. The Department must promote an ideology of through-care by more closely aligning its Provisions in the community and in custody to make the links between them more seamless.</p>	<p>Agree/Moderate</p> <p>JCS has commenced working with JJ Community Field Directorate to develop ways of working more closely together to support young people in the immediate pre and post release period.</p> <p>Non government Agencies are contracted to provide programs and services to young people in detention. Upon release, a young person is referred to these agencies, on an as needed basis, to ensure continuity of service delivery</p>
<p>Administration and accountability</p> <p>21. Protocols need to be developed between the Department of Corrective Services and other Government agencies to facilitate Information sharing and seamless service delivery.</p>	<p>Agree/Moderate</p> <p>Recent legislative amendments to the Young Offenders Act 1994 (Section 15 (a)(b)) provide the scope for information sharing between agencies in particular circumstances.</p> <p>Protocols and communication strategies are in place between DCS and DCD, SAAP agencies, and all external service providers to JCS. Further there are communication guidelines in place between JCS and CJS in</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p>Rehabilitation</p> <p>22. A specially designed pre-release course must be developed as a matter of urgency and delivered to all young people leaving Banksia Hill regardless of whether they are released at the end of their sentence or on a Supervised Early Release Order.</p>	<p>relation to the sharing of information in relation to case management. New initiatives include the development of protocols between JCS and Centrelink in respect to the exchange of information to ensure appropriate service delivery to juveniles from this agency upon their discharge from detention. It should be noted that this area is continually under review and development to cater for changes in legislation etc and service delivery requirements.</p> <p>Agree/Moderate</p> <p>All programs and courses within JCS are designed to support detainees on release, individual plans are developed for each young person outlining their program needs while in detention, along with a release plan for their discharge.</p> <p>It should also be acknowledged that Prison sentences are a lot longer in comparison to juvenile sentences as such it is vital that programs offered within JCS are designed to be shorter to cater for this need.</p> <p>It is noted that the Day Release options currently available to JCS are very limited and does not fully support a detainee's re-entry to the community. Submissions have been made to the Minister jointly by JCS & CJS to broaden the options in this area. Still awaiting a response from the Minister's office.</p> <p>The issue of through-care is a high priority for Case Planning and the Programs Unit at Banksia Hill. Work will continue in developing a sustainable CJS/JCS Re-entry Model of service delivery as outlined Recommendation 20.</p>

Inaccurate information

Nil

Appendix 2

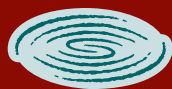
INSPECTION TEAM

Professor Richard Harding	The Inspector of Custodial Services
Mr Bob Stacey	Deputy Inspector of Custodial Services
Ms Dace Tomsons	A/Manager of Inspections and Research
Ms Natalie Gibson	Inspections and Research Officer
Mr John Acres	Inspections and Research Officer
Ms Lauren Netto	Inspections and Research Officer
Mr Steve Reddy	Inspections and Research Officer (Seconded from the Department of Corrective Services)
Ms Di Broadby	Manager Community Relations
Mr Joseph Wallam	Community Liaison Officer
Ms Fiona McGregor	Expert Adviser
Mr Gary Hewitt	Expert Adviser (Education Department of WA)
Ms Helen Slater	Expert Adviser (Education Department of WA)
Mr Peter Barratt	Expert Adviser (Health Department of WA)
Ms Jocelyn Jones	Expert Adviser (Health Department of WA)
Mr Mike Hepburn	Expert Adviser (Department of Community Development)
Ms Thaetra Frangos	Expert Adviser (Office of the State Ombudsman)

Appendix 3

KEY DATES

Formal notification of announced inspection	2 February 2005
Start of on site phase	20 March 2005
Completion of on site phase	24 March 2005
Inspection exit debrief notes	29 March 2005
Draft report sent to the Department of Corrective Services	17 April 2006
Draft report returned by the Department of Corrective Services	2 June 2006
Prepared report	26 June 2006



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

www.custodialinspector.wa.gov.au

Level 27, 197 St George's Terrace, Perth, Western Australia, Australia 6000
Telephone: +61 8 9212 6200 Facsimile: +61 8 9226 4616