



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

OCTOBER 2013

**THE MANAGEMENT OF YOUNG WOMEN AND
GIRLS AT BANKSIA HILL DETENTION CENTRE**

86

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that contributes to a more
accountable public sector.*

**The Management of Young Women and Girls
at Banksia Hill Detention Centre**

Office of the Inspector of Custodial Services
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469 Wellington Street,
Perth WA 6000

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OPPORTUNITY KNOCKS: INCARCERATED GIRLS AND YOUNG WOMEN

CONTEXT

The riot at the Banksia Hill Juvenile Detention Centre ('Banksia Hill') on 20 January 2013, the ensuing court casesⁱ and the publication of two independent reportsⁱⁱ have resulted in considerable debate in government, the media and the non-government sector about youth justice services in Western Australia. It appears to be accepted that the shortcomings that led to the riot were reflective of systemic problems and that organisational and cultural change is needed to improve service delivery, efficiencies and correctional outcomes.

The boys held in detention have attracted the most attention. This is not surprising: they represent by far the majority of detainees (over 90 per cent), it was the boys who were responsible for the 20 January riot, and it was the boys who were subsequently transferred to Hakea Prison. However, it is vitally important that the specific needs and challenges of girls in detention are not subsumed by the demands of the boys. This report aims to assess the current 'state of play' with respect to incarcerated girls and to promote further debate and focus.

The report is the outcome of an inspection of the girls' unit at Banksia Hill (Yeeda Unit) in April/May 2013. It contains a number of recommendations regarding services and systems and also some more strategic recommendations. While the report stands in its own right, it needs to be read alongside the report of the directed review into the Banksia Hill riot.ⁱⁱⁱ Pleasingly, the Department of Corrective Services ('DCS') has supported almost all the recommendations.

The girls in detention were formerly placed at Rangeview Remand Centre. They were transferred to Banksia Hill in September 2012 and it was universally recognised that their facilities and services at Rangeview had been too limited and did not provide an adequate female focus. The Yeeda Unit was intended to provide the opportunity for innovation and improved services and outcomes. Our overall conclusion is that there has been some progress but that a good deal remains to be done. To some degree the shortfalls to date have reflected the 'backwash' from the riot. First, although the girls were only peripherally involved on the night itself, the incident had a profound effect on all detainees and staff and hindered the roll out of a 'new way of doing business'. Secondly, because of the sensible decision not to house the younger male detainees at Hakea, for a good deal of the period from February to October 2013, these boys were being accommodated in Yeeda as well as the girls.

i Wilson -v- Joseph Michael Francis, Minister for Corrective Services for the State of Western Australia [2013] WASC 157; B (a child) -v- Hepple [2013] WASC 303; WW (a child) -v- Williams [2013] WASC 363; The State of Western Australia v JAB [2013] WACC 3.

ii Office of the Inspector of Custodial Services (OICS), *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013), and Office of the Auditor General, *The Banksia Hill Detention Centre Redevelopment Project*, Report 12 (August 2013).

iii OICS, *ibid.*

CURRENT SITUATION: A WINDOW OF OPPORTUNITY

By late October 2013, all the male detainees had returned to Banksia Hill. Significantly, the number of detainees, both male and female, is well down from previous levels. At the time of the riot, there were around 220 detainees but the figure is currently less than 150. At 220, Banksia Hill was crowded and persistent staff shortages and fragile management had exacerbated significant service delivery issues. The 25–30 per cent reduction in numbers is unlikely to be sustained but it does provide a window of opportunity that DCS must grasp and maximise; the recruitment of new staff and the appointment of a stronger management team in youth custodial services are also promising signs.

In the report into the 20 January riot I recommended that responsibility for youth justice should be transitioned out of the Department of Corrective Services to a specific Youth Justice Commission or Department. If this does not occur, major organisational change is required in the Department of Corrective Services to ensure a dedicated and stronger focus on youth justice, including prevention, diversion and custodial services.

GIRLS AT YEEDA: ACHIEVEMENTS AND OPPORTUNITIES

The main achievements at the new Yeeda Unit have been as follows:

- Vastly improved infrastructure
- Increased access to traineeships
- Provision of a dedicated case manager
- Engagement of a full time mental health nurse at the Centre
- Dedicated observation facilities within the unit

The opportunities for improvement at Yeeda include the following:

- Broaden the range of recreation options
- Broaden the range of life skilling, employment, training and educational opportunities
- Provide better integration of the services provided to the girls
- Evaluate ‘what works’ for girls and provide targeted intervention programs
- Provide access to case management to a wider category of girls in custody

IMPROVING THE FOCUS ON YOUNG ADULT WOMEN

In 2008 the government wisely committed to establishing a new prison with a focus on reducing recidivism amongst young male adults aged 18 to 24. The result is the privately-operated Wandoo Reintegration Facility for young adult men at the former Rangeview site.

However, there are no dedicated facilities for young women in our prisons. This needs further consideration: the number of women in prison is increasing faster than the number of men and the younger female prisoners invariably face enormous challenges. Generally speaking they are victims of violence as well as offenders, many are young mothers, most have histories of substance abuse, and many have mental health issues. Sadly, the older juvenile detainees tend to share exactly the same characteristics and face exactly the same challenges.

This report calls for a renewed focus on the needs of women prisoners aged 18 to 24, and it may be time for some lateral thinking if the state's current custodial resources are to be used to best effect. The main women's prison, Bandyup, is overcrowded and under considerable stress. The small number of female juveniles also creates problems for service delivery at Banksia Hill as there is not always a sufficient 'critical mass' of detainees and there is a rapid turnover. This report therefore recommends that consideration be given to whether some young adult females could be safely and sensibly placed at the Yeeda Unit. This recommendation is not made lightly: for very good reason, the *Young Offenders Act*, in line with the provisions of United Nations conventions, is premised on the separation of adults and children. However, in the interests of the community, more needs to be done for incarcerated young women and girls and the aim of the recommendation is to promote innovation, service improvements and efficiencies.

Neil Morgan

29 October 2013

Fact Page

NAME

The Yeeda Young Women and Girl's Precinct

LOCATION

Yeeda is a precinct within the Banksia Hill Detention Centre, located in Canning Vale in the Perth Metropolitan area.

ROLE

The detention of young women and girls who are aged between 10 and 18 years at the time of admission, and are:

- under arrest pending court or bail;
- remanded into custody pending their next court hearing; or
- convicted and awaiting sentencing.

The detention of young women and girls serving a sentence, who are aged between 10 and 18 years at the time of sentencing.

BRIEF HISTORY

The Yeeda Precinct is a distinct compound within the greater perimeter of the Banksia Hill Detention Centre. It was constructed as part of the expansion of the Banksia Hill to replace the Rangeview Remand Centre.

The Yeeda Precinct became operational in September 2012, when the young women and girls were transferred in from Rangeview. This report details the first inspection of the precinct, conducted in April/May 2013.

DESIGN CAPACITY

33

NUMBER OF DETAINEES HELD AT TIME OF INSPECTION

Nine

DESCRIPTION OF ACCOMMODATION

Yeeda – 23 single cells and one double cell.

Peel – four self-care rooms.

ADDITIONAL INFRASTRUCTURE

Cue – four observation and isolation cells.

Nichol – staff offices, amenities, and a small nursing station.

Education – three classrooms, an activity room, education office and a dedicated programs room.

Chapter 1

RESEARCH ON GIRLS, YOUNG WOMEN AND JUVENILE JUSTICE: IMPLICATIONS FOR WESTERN AUSTRALIA

BANKSIA HILL GIRLS INSPECTION: THE CONTEXT

- 1.1 This inspection of the management of girls in custody at Banksia Hill Detention Centre took place over four days in late April and early May 2013. This was just over three months after a riot took place at the Centre, involving 61 detainees escaping their cells (all male) as well as a significant number causing damage to their cells (including some girls).¹ This resulted in the majority of the male detainees being transferred to units at Hakea Prison and the remainder being accommodated in one functional unit of the facility. The infrastructure in the girls' precinct, Yeeda, remained relatively untouched, and following some initial restrictions the girls continued to be accommodated there.
- 1.2 Given the gravity of this recent event, it could have been argued that an inspection of the management of girls at Banksia Hill should have been postponed, and that option was considered by the Inspector. The decision to move forward with an inspection was therefore one not made lightly. Before the riot occurred, an inspection of the Centre had been scheduled for mid-March 2013, in line with legislative requirements for a facility to be inspected at least once every three years. The first consideration, therefore, was that to not inspect the services to girls would have breached that legal requirement.
- 1.3 Following from the riot, the Inspector was directed by the Minister for Corrective Services to undertake a wide ranging review into the riot, its causes and how young people were being managed in its wake. This resulted in a series of thorough review papers and ultimately a Directed Review Report.² As the girls were only peripherally involved in the riot and had not moved from the Centre in its aftermath, the review opted not to examine their management in the context of the Directed Review, but would rather undertake this separate inspection to more widely examine their circumstances.
- 1.4 Another factor was the recent amalgamation of the juvenile custodial estate in Western Australia to operate from one single Centre. The way this amalgamation was managed and the impact on the youth in custody and staff were examined in the context of the Directed Review.³ The impact of this process on the girls and their experience was equally as important to specifically examine as the wider context and experience of the boys, and so a reflection of that process from their perspective was included in this inspection.
- 1.5 The final consideration was the fact that the specific circumstances and management of girls in custody in Western Australia had not been previously examined by the Office of the Inspector of Custodial Services ('the Office') as an issue in its own right. As a comparatively small proportion of the overall youth in custody, girls in custody have historically been marginalised. The Inspector has been concerned about the place and priority for females in custody generally for some time, and so this inspection seeks to add to the discourse surrounding the need to consider the needs of females (and young women) more centrally within government and departmental planning and priorities.

1 Office of the Inspector of Custodial Services (OICS), *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013), see [1.2].

2 Ibid.

3 See OICS, *Management, Staffing and Amalgamation Review Paper* (August 2013); and *ibid*, Chapter 4.

THE HISTORY OF GIRLS IN CUSTODY

- 1.6 Girls have long been treated differently from boys within the juvenile justice systems of developed countries. Historically, they have been subject more to welfare than criminal justice intervention, on the grounds that their wayward behaviour is assumed to be more a symptom of sexual promiscuity than criminal proclivity. In the case of indigenous girls, the perception of their need for the system to ensure their 'welfare' is often further amplified. Incarceration has been imposed on girls more 'for their own protection' than for that of society. Or so it was argued.
- 1.7 Over the past 30 years, however, this supposedly benign approach to 'troubled' girls has been challenged repeatedly by a wide range of researchers from a variety of perspectives. Some have argued that the welfare approach was as much about punishing and controlling wayward girls as it was about protecting them. Others have argued that the rise of 'women's liberation' has meant that girls are increasingly behaving as badly as boys and should be subject to the same punishment. Yet others have argued that it is not so much the behaviour of girls that has changed as public and policy attitudes towards them.
- 1.8 Consequently, despite (or perhaps because of) their consistently small numbers in comparison with boys, 'myths, muddles and misconceptions' about girls' delinquent behaviour abound.⁴ Gender stereotypes are implicitly and explicitly reinforced in theory, policy and practice and it is difficult to establish valid data because they are always too few to count. In the Western Australian context, the fact that the majority of girls in custody are Aboriginal often provides an additional dimension to those stereotypes. Their treatment and experiences tend to be either ignored or amplified. This chapter aims, therefore, to provide an overview of the key findings of contemporary international research and to consider the implications of some of these for policy and practice with girls and young women in custody in Western Australia.

INTERNATIONAL PERSPECTIVES ON GIRLS' PATHWAYS INTO CRIME

- 1.9 There is no shortage of international research on girls' pathways into crime in developed countries. Most of it emanates from the USA and Canada but there is a substantial body of literature from the UK and, to a lesser extent, Australia and New Zealand. Broadly speaking, the research addresses the following questions:
 - How prevalent is offending by girls?
 - What is the nature of offending by girls?
 - What are the causes of offending by girls?
 - What changes, if any, have there been in the prevalence, nature and causes of offending by girls?

4 Gelsthorpe L. & Worrall A, 'Looking for trouble: a recent history of girls, young women and youth justice', *Youth Justice* (2009) 9, 3, 209–223.

- 1.10 It is universally accepted that girls commit less crime than boys, though how much less and the reasons for the difference remain contested. While some argue that girls are biologically less inclined towards aggression, a more widely accepted explanation is that girls are socialised to be more conforming and are subject to greater adult supervision than boys. While minor criminal activity is accepted as being an unfortunate but common aspect of male development ('boys will be boys'), the same behaviour is tolerated far less in girls.
- 1.11 The peak age for offending, in terms of quantity rather than seriousness, for both males and females is 14–15 years and some studies indicate that girls will admit to committing about half as many crimes as boys at this age. But they are much quicker to grow out of crime and by the time they reach adulthood, women commit only 20 per cent of all known crime and 10 per cent of serious crime.
- 1.12 As with adult women, the majority of crime committed by girls is non-violent property crime and deception/fraud. Studies from the USA also emphasise that many more girls than boys are arrested for status offences, such as truancy, running away from home and being 'at risk', that would not be crimes if they were adults. Drugs and drug-related crimes have featured more significantly in recent years but the most vociferous debates have been about the extent to which girls' offending has become more violent.
- 1.13 It is beyond dispute that more girls are coming to the notice of the criminal justice system for offences of violence and public disorder. Western Australia's Department of Corrective Services ('DCS') explicitly recognises this in the context of female offenders generally within the State.⁵ At the time of our visit, almost all the girls at Banksia Hill were on remand for, or had been convicted of, acts of violence or public disorder. What remains in dispute is whether, and to what extent, this reflects an actual increase in such behaviour or an increase in our awareness of such behaviour and a decrease in our willingness to tolerate such behaviour in girls. The details of this controversy are pursued later in this report when considering society's responses to offending by girls. At this stage, we simply note that apparent increases in violence by girls should not be taken at face value.
- 1.14 The popular media and some researchers would have us believe that girls' behaviour is 'getting worse'. There is a widespread public belief that girls are behaving 'like boys', especially in relation to violent and public order offences and this is blamed on feminism, female empowerment and equal opportunities. Research in Australia, the UK, the USA and Canada reveals a far more complex picture.⁶ To the extent that girls' offending *has* increased, this appears to be due not to feminism (which raises girls' aspirations and makes them less, rather than more, likely to offend) but to continued gender inequality that leaves marginalised girls, especially ethnic minority and Aboriginal girls, with few legitimate means of achieving a worthwhile existence.

5 Department of Corrective Services (Adult Custodial), *Female Prisoners Plan 2012–2022* (July 2012) 9.
6 Alder C & Worrall A (eds), *Girls' violence: myths and realities* (New York, SUNY, 2004).

WHO ARE THE GIRLS IN CUSTODY?

- 1.15 Recent research in the USA and the UK has suggested that girls who offend have very much the same demographic and personal characteristics as in past generations.⁷ They have backgrounds of domestic abuse, both physical and sexual and as both victims and witnesses. They have experienced a disproportionate amount of loss and bereavement. They have had dysfunctional and abusive upbringings, fractured family relationships, poor educational performance, early and abusive sexual experience, and inconsistent care. To this list, the USA study adds drugs, alcohol, peer pressure, fighting, boyfriends, older men, and pregnancy as things that ‘get girls into trouble’.
- 1.16 The UK study highlighted difficult relationships with mothers, problems at school, early pregnancy and motherhood, self-harm, and, finally, misuse of alcohol and drugs. In terms of providing explanations of their own behaviour, this research found girls who were bored, looking for fun (and if that meant trouble, so be it), wanting to please boys and wanting to buy into consumerism and fashion. But it also found girls who felt abandoned, uncared for, disrespected and angry. These are emphatically not ‘liberated’ young women. Rather they are young women who have no more control over their own lives than their mothers or grandmothers did.
- 1.17 There is little detailed research in Western Australia on girls in custody, however DCS has undertaken regular profiles of women in prison.⁸ These profiles provide some picture of the girls in custody, as they have found that most adult female offenders had a history of offending as juveniles. Unsurprisingly, the profile identifies similar issues to those in the studies discussed above, incorporating histories of substance misuse, sexual, physical and emotional abuse, mental health issues and social disadvantage.⁹ Significantly, Aboriginal women, and particularly those from regional Western Australia, are over represented in custody.
- 1.18 The demographic profile of the young women and girls held in the Yeeda precinct at Banksia Hill is dynamic. At the time of the inspection, Yeeda held only nine girls aging from 12 through to 18 years of age. Five were Aboriginal and four were non-aboriginal Australians. Significantly, of the nine girls held only one was sentenced, with the remaining eight being on remand. Regionally, five came from the metropolitan area, one from the far north, one from the mid-west, one from the south-west and one from the Goldfields. Therefore, this very small group of girls represented an extremely diverse population of varied needs, developmental age, and cultural backgrounds.

7 Sharpe G, *Offending girls: young women and youth justice* (Abingdon, Routledge, 2012); Garcia C.A & Lane J, ‘What a girl wants, what a girl needs: findings from a gender-specific focus group study’, *Crime and Delinquency* (2013) 59, 4, 536–561; Youth Justice Board, *Girls and offending: patterns, perceptions and interventions* (London, Youth Justice Board, 2009).

8 DCS, *Profile of Women in Prison* (2001, 2003, 2005, 2008).

9 DCS, (Adult Custodial), *Female Prisoners Plan 2012–2022* (July 2012) 12–13.

HOW DIFFERENT ARE GIRLS' NEEDS? RESPONSES TO GIRLS' OFFENDING

- 1.19 The history of juvenile justice has been a history of the conflict between 'justice' and 'welfare' concerns and girls have tended to experience both the advantages and disadvantages of 'welfarism' to a greater extent than boys, on the grounds that they are 'at risk', 'in moral danger' and 'in need of protection'. 'Troublesome' girls have always provoked anxiety in those who work with them, and fear and suspicion in those who look on. They have been regarded as, on the one hand, deeply maladjusted misfits and, on the other (and more recently), dangerous folk devils, symbolic of post-modern adolescent femininity and the hidden (or perhaps not-so-hidden) cause of much bad behaviour by boys. Although welfare concerns have traditionally dominated professional responses to girls 'in trouble', concerns to provide protection to girls have always been mingled with anxieties about the wildness and dangerousness of girls who are 'out of control'.¹⁰
- 1.20 Research into historical attitudes towards delinquent girls demonstrates that the global increase in the numbers of girls appearing in court is not necessarily an indication of actual increases in offending. Rather, it is indicative of changes in public and professional attitudes and official policy towards bad behaviour by girls.¹¹ Some researchers have suggested that there has been a paradigm shift in attitudes that has resulted from a belief that 'women's liberation' has made girls 'worse'. There is no doubt that feminism has raised awareness of bad behaviour by some girls and has challenged historical assumptions about the benign nature of welfare approaches. Patronising and discriminatory attitudes towards girls, based on traditional gender-stereotyped expectations, have been rightly called into question. But the result has been to impose a gender-neutral 'justice' approach which has had two main consequences.

10 Alder C, 'Passionate and wilful girls: confronting practices', *Women and Criminal Justice* (1998) 9, 4, 81–101.

11 Gelsthorpe L & Worrall A, 'Looking for trouble: a recent history of girls, young women and youth justice', *Youth Justice* (2009) 9, 3, 209–223.

- 1.21 First, more girls who commit crimes are being channelled through the criminal justice system rather than the child protection (welfare) system.¹² Their unacceptable behaviour is being classified as criminal, requiring criminal justice intervention, rather than being downgraded as a symptom of family or personal problems, requiring welfare/social work intervention.



Photo 1: Some of the Yeeda girls' work on display.

- 1.22 Second, more behaviour that might be regarded as youthful excesses in boys (such as fighting, rowdiness, getting drunk, being verbally abusive, bullying) is tolerated less in girls. One researcher has illustrated this by describing a 'public space trifecta' of girls' bad street behaviour which escalates from relatively minor verbal abuse and rowdiness to resisting arrest and, finally, to the serious offence of assault on a police officer – all in one incident.¹³ Such a change has been brought about not so much by changes in behaviour as by changes in the way such behaviour is perceived and dealt with.
- 1.23 Despite this, rates of involvement by girls and young women in the juvenile justice system in Australia as a whole remain very low in comparison to any other demographic group and their numbers decrease steadily as the justice process progresses. The police are twice as likely to proceed against boys as girls; the Children's Courts are three times more likely to find boys than girls guilty; boys are four times more likely than girls to be under community-based supervision; and, boys are five times as likely as girls to be in detention.¹⁴

12 Carrington K, 'Does feminism spoil girls? Explanations for official rises in female delinquency', *The Australia and New Zealand Journal of Criminology* (2006) 39, 1, 34–53.

13 Worrall A, 'Twisted sisters, ladettes and the new penology' in Alder C & Worrall A (eds) *Girls' Violence: myths and realities* (New York, SUNY, 2004).

14 Australian Institute of Health and Welfare, *Girls and young women in the juvenile justice system*, Bulletin 107, (Canberra, Australian Government, 2012).

- 1.24 Over the past 30 years in Australia, as in the UK, there has been a significant reduction in the numbers of juveniles in custody, though there has been an upturn in recent years.¹⁵ This general trend of reduction has been even more marked for girls than for boys, though rates in WA remain among the highest in Australia and Aboriginal girls continue to be disproportionately represented. Another worrying recent trend (borne out at Banksia Hill) is a disproportionate increase in juveniles remanded in custody. As stated previously, of the nine girls at Banksia Hill during the inspection, only one was sentenced and eight were remandees. It has been suggested that there are two main reasons for this: lack of suitable alternative accommodation and overly demanding bail conditions for juveniles.
- 1.25 DCS and the staff at Banksia Hill recognise that girls and young women who offend have different needs from boys and young men. Numerous policy documents – and specifically the Document of Intent for the girls unit at Banksia Hill¹⁶ – acknowledge that this small but complex and ‘high need’ group has many gender-specific personal, health and social issues. There is no absence of awareness of the unique challenges posed by this group, nor lack of good intentions to provide an environment that promotes personal development and growth for girls and young women in custody. There has been, however, an absence of thought-through philosophy and, consequently, a danger of a failure to steer policy and practice steadily through the minefield of changing attitudes towards bad behaviour by girls in particular.
- 1.26 Adopting a ‘different needs’ discourse in relation to girls in custody may be a necessary precondition for good practice but it is not a sufficient precondition and, indeed, there is a danger that it could prove counter-productive. In many ways, girls’ needs are the *same* as boys’ needs and are related more to their age and developmental stage than to their gender. Girls’ needs for education, skills development, structured activities, recreation, general health provision and emotional support should be given equal priority to those of boys, regardless of their small numbers, and consideration should be given to limited and supervised gender-mixing in some of these areas.
- 1.27 Where girls’ needs differ from those of boys (for example, gender-specific health needs, cultural needs, social and relationship needs, some recreational needs, sexual identity) care must be taken to avoid the pitfalls of stereotypical gender expectations. There is a place for doing ‘girly’ things with other girls and without the presence of boys but this has to be balanced with challenging and aspirational activity that builds confidence and self-esteem, opening up opportunities rather than restricting them. By and large, the staff working in the girls’ unit at Banksia Hill understand these problems at a practical level but the absence of clear organisational and management support and vision means that the precinct regime will always be fragile and susceptible to being undermined by prejudice and pressure from other priorities.

15 Richards K, *Trends in juvenile detention in Australia*, Trends and Issues 416 (Canberra, Australian Institute of Criminology, 2011).

16 DCS, *Document of Intent: Female Precinct Delivery Service Model* (8 August 2012).

WHAT DO GIRLS IN CUSTODY WANT?

1.28 Girls are very articulate about what they want. Their greater talkativeness and emotional expressiveness is frequently cited by practitioners as the reason that girls are, on the one hand, more difficult to work with than boys and, on the other, more enjoyable and rewarding to work with. The expectation that girls are more willing than boys to talk about their problems does, however, lead to some misjudgements. First, the girl who is *not* articulate and engaging may be viewed as being unresponsive or uncooperative and judged in a way that a boy behaving similarly would not. This is particularly problematic when managing Aboriginal girls from remote and regional areas. Second, and perhaps more commonly, the very fact that girls talk a lot about their issues is taken to mean that their needs are greater and more intractable than those of boys, when it may well be an indication that they can ‘name’ and ‘talk through’ their problems more skilfully than boys. Consequently, it may be inaccurate to assess a girl who appears to have ‘high needs’ as necessarily being at ‘high risk’ in terms of either reoffending or custodial security requirements.

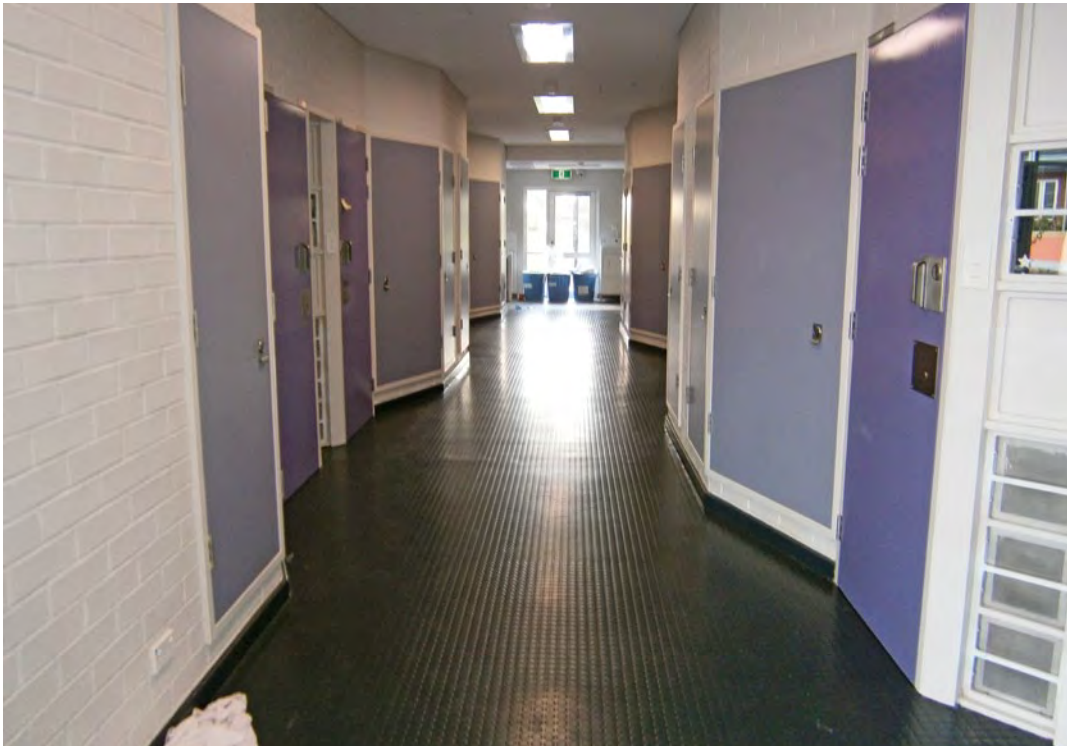


Photo 2: The view down one of the accommodation wings.

1.29 Research that asks girls what they want from the criminal justice system has been consistent in its findings over time and across locations. Over ten years ago, research in WA¹⁷ and the UK¹⁸ found that, in addition to practical help, girls want to be listened to by those in authority, have a better understanding of the legal and welfare systems, be treated fairly and have access to programs that will help resolve their problems and which are led by staff who genuinely care about them. Most recent research from the USA¹⁹ lists the following things that girls say they want or need:

- A voice – to participate in what happens to them
- Caring program staff
- Practical life skills
- Understanding of the process they are subjected to
- Respect
- Help in dealing with abuse
- Mentors and role models
- More structure and consistent consequences in their lives rather than lack of structure followed by punishment.

DO GIRLS NEED TO BE IN DETENTION AT ALL?

1.30 In the longer term, the government needs to consider whether girls and young women under 18 years need to be detained in maximum security detention centres at all. Given the very small numbers that are in custody, disproportionately on remand, there might be an argument for changing the present arrangements. For example, consideration should be given to accommodating girls under the age of 15 years in children's homes or the community. This would bring WA into line with some other states in Australia and with current thinking in the UK, Canada and the USA. At present, WA rates of juveniles in detention are among the highest in Australia.

1.31 In England and Wales, in March 2013, of a prison population of over 84,000, there were 1,300 children under 18 years in custody – a drop of 45 per cent over the previous five years. Of these, only 54 were girls. This is only one third of the number that were in custody in 1991, when a government policy paper suggested that it might be possible to abolish custody altogether for this group and replace it with tough, demanding community sentences. This never happened but the commitment to keeping girls out of custody has been genuine. Placement in young offender institutions is now only available for 17-year-old girls.

17 Youth Legal Service, *Demons, Damsels or Discards: exploring the legal needs of young women* (Perth, Youth Legal Service, 2002).

18 The Howard League for Penal Reform, *Advice, understanding and underwear: working with girls in prison* (London, Howard League, 2004).

19 Garcia C.A & Lane J, 'What a girl wants, what a girl needs: findings from a gender-specific focus group study', *Crime and Delinquency* (2013) 59, 4, 536–561.

RESEARCH ON GIRLS, YOUNG WOMEN AND JUVENILE JUSTICE:
IMPLICATIONS FOR WESTERN AUSTRALIA

Younger girls are placed in secure training centres (in separate single sex units within a mixed establishment) or secure children's homes (in a mixed environment), both run by children's services rather than the prison service.²⁰

- 1.32 The decisions about placement of young people in custody are made by the Youth Justice Board following sentence and are dependent on age, previous experience of the secure estate, risk assessment and any special needs. The Youth Justice Board has decommissioned around 600 secure places (for boys and girls) in the children's estate over the past 3 years. While this has meant that children may be placed further from their homes, it has been a broadly welcome move in the drive to keep children out of custody.
- 1.33 Recent research by the Howard League²¹ has resulted in a call for the closure of all places for girls in young offender institutions and secure training centres, leaving child-centred secure children's homes as the only alternative to community sentences. It argues that girls who end up in custody are likely to have very high needs that cannot be met in a custodial setting. It also argues that standard gender-neutral risk assessment tools are likely to translate girls' high needs into high risk and thus over-assess their security category.
- 1.34 At the time of our inspection, the youngest girl being held at Yeeda was 12 years of age, with two being 13 years old, one aged 14 years and another 15. If the younger girls could be removed altogether and placed in more child-centred accommodation, there might be a case for creating a unit for young women at Yeeda (or elsewhere) to accommodate young women from, say, 15 or 16 to 20 or 21 years of age. Victoria is currently the only Australian jurisdiction that manages young women in custody in this way. The Melbourne Youth Justice Precinct accepts young women if sentenced before attaining 22 years of age and can stay there to 25 years. Other jurisdictions, like WA will generally allow young women (and men) to complete a sentence imposed as a juvenile (under 18 in most states) in detention.
- 1.35 This immediately challenges the internationally received wisdom, supported by the UN Convention on the Rights of the Child, that juvenile offenders should not be mixed with adults over the age of 18 years. The grounds for separation are widely accepted and consist of fears over a) the physical and emotional safety of juveniles and b) the contamination of juveniles by an adult crime-supportive culture.

20 On 7 July 2013 it was announced that all girls would no longer be held in prisons in the UK, and instead would be placed in secure training centres or secure children's homes, in effect eliminating pure detention options for girls: <http://www.telegraph.co.uk/news/uknews/law-and-order/10165360/All-prison-places-for-teenage-girls-axed-to-save-money.html>. At the time of the announcement there were only 41 places for girls in prisons in the UK.

21 Howard League for Penal Reform, *Inquiry on girls: from courts to custody* (London, Howard League, 2012); and *Keeping girls out of the penal system*, (London, Howard League, 2012).

- 1.36 While these principles remain generally valid, recent research suggests that they might be overridden in very specific situations, where the benefits of age-mixing might outweigh its risks. One such situation is that of young women in custody. Because of the very small numbers involved, young women in custody are already disadvantaged in terms of being provided with appropriate facilities and regimes. It could also be argued that young women of 15 or 16 years, who may already be mothers, have more in common with 21-year-olds than with 12-year-olds. Recent research in New Zealand²² has suggested that young adult female prisoners can add a degree of stability to the custodial culture for older juveniles. The research also raises a very important question about the wisdom of separating Aboriginal girls from older women. Aboriginal girls are very much bound to a culture of family authority and current custodial arrangements arguably cut them off from this source of support. Limited age-mixing in WA could provide a suitable environment for reconsidering the possibility of voluntary participation in a therapeutic community²³ for some longer-term young female prisoners.

Recommendation 1

That Government examine alternative options for sentencing young girls to custody, such as safe and secure houses, or community-based accommodation.

Recommendation 2

That the Department of Corrective Services develop new initiatives for the mixing of appropriately assessed girls and young adult women in custody to allow improved service delivery and correctional outcomes.²⁴

22 Goldingay S, 'Without fists: age-mixing and its influence on safety and criminal contamination in women's prisons', *Youth Studies Australia* (2012) 31, 2, 17–25.

23 See Chapter 2 at [2.13]–[2.23] for a discussion about the proposal to introduce a therapeutic community model to the operation of Yeeda unit at Banksia Hill.

24 See also, OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) Recommendation 34.

Chapter 2

THE YEEDA STORY – GOOD INTENTIONS GONE ASTRAY

- 2.1 As was detailed in the Directed Review,²⁵ once the decision to amalgamate Western Australia's two juvenile detention centres had been made, there were significant time pressures, but also a real opportunity to establish a new direction for youth custodial services. The following sections examine the process of dedicated planning that commenced and the subsequent loss of direction and momentum that occurred. Despite the planning and commitment to a new philosophy for girls being lost on the journey to the creation of Yeeda, Chapter Three will show that many positive outcomes have been achieved for girls in custody and there is a way forward for even more improvements to come.

NEEDING A DIFFERENT APPROACH

- 2.2 In May 2009 the Government announced its intention to transform Rangeview Juvenile Remand Centre into a Young Adult Facility ('YAF') for men.²⁶ The follow-on effect of this was that the young people accommodated at Rangeview – boys on remand and all girls in detention – would be consolidated with the sentenced boys at an expanded Banksia Hill Juvenile Detention Centre ('Banksia Hill').
- 2.3 While accommodating all young people in custody at one site was driven politically rather than by departmental initiated policy,²⁷ the DCS, and in particular its Youth Custodial Services ('YCS') directorate, took the announced changes as an opportunity to reassess the effectiveness of its services to young people in custody. It stated that '[T]he planned expansion of Banksia Hill...presents a unique opportunity to revitalise the services we deliver' with the aim 'to review current practices, investigate existing best practice and test new ideas in order to deliver a nation-leading juvenile custodial service'.²⁸
- 2.4 Included in this was an examination of the way in which young women and girls had been managed by DCS since it had taken responsibility for managing young people in custody in 1993 from the then Department for Community Development. In this review process, DCS acknowledged the long-established relative disadvantage experienced by girls accommodated within male detention centres over the years, accepting that they have largely been 'invisible' and disadvantaged due to their relatively small numbers, the 'masculinist' orientation and militaristic nature of prisons systems and their preoccupation with containment, discipline and security over service delivery.²⁹

25 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) [4.24]–[4.29].

26 Hon C Porter MLA, *State Budget 2009–10: Young adults' prison addressing specific needs*, media statement (14 May 2009).

27 It should be noted, however, that once the intention to establish a Young Adult Facility was announced the DCS itself did identify Rangeview as the preferred location for the facility: see Office of the Auditor General Western Australia, *The Banksia Hill Detention Centre Redevelopment Project*, Report 12 (2013) 6.

28 DCS, *Making a Positive Difference in the Lives of Young People in Youth Custodial Services: A report regarding the re-development of Youth Custodial Services in Western Australia* (April 2011) 2.

29 *Ibid*, 28.

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- 2.5 When the then Department of Justice assumed responsibility for young people in custody, girls had already lost their dedicated detention facilities. In 1970, Nyandi opened as the primary accommodation for girls, but it lost this focus in 1986 when younger boys (aged up to 14) became co-located there due to population increases across the system. Girls had also been held at the mixed gender Longmore Training Centre until its closure in 1997. The accommodation of girls at predominantly male detention centres continued as DCS opened new facilities – first Rangeview Remand Centre in 1994 and then Banksia Hill in 1997.
- 2.6 The detention of girls in units within male facilities has meant that they have always experienced living in what many describe as ‘fish bowl’ conditions, always highly scrutinised and monitored in comparison to (and sometimes by) their male counterparts. While limited mixing was permitted at both the remand (Rangeview) and sentenced (Banksia Hill) centres, separation of the sexes became the key focus for operations. As a result, and because of their small number, girls often forfeited access to services because it was ‘too hard’ to provide these to them without compromising this basic rule.³⁰
- 2.7 Recognition of the disadvantage caused by this co-location has long existed and efforts had been made previously to address this. For example, in 2004 a reform initiative, the ‘Positive Pathways Team’, was put together with a key objective to better meet the needs of young women and girls in the juvenile justice system. The ultimate goal was to develop a business case for a dedicated facility for girls within Banksia Hill. This process halted in October 2005 when all girls were transferred to Rangeview following a sexual encounter between a girl and boy at Banksia Hill. Plans were then made to construct some new facilities for girls at Rangeview, but with no recurrent spending dedicated to services for the girls the project failed.³¹
- 2.8 Girls had therefore remained accommodated within a small precinct at Rangeview since 2005, with limited access to many services and an emphasis on separation. While over the course of time some improvements had been achieved for the group, such as better access to education and some ability to mix at special occasion events (such as NAIDOC), the physical size and layout of Rangeview, and the limited resources available, meant change was marginal.
- 2.9 The 2009 announcement, therefore, provided a long-overdue opportunity to devise a better way for managing young women and girls in custody holistically. It also provided the chance to design a purpose built facility and precinct that could reflect the specific needs of girls and young women.³² It would be important that the new operational philosophy devised for the girls should drive the design decisions for the physical infrastructure of the new precinct.

30 For example, see OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) [2.14]–[2.15], [3.11]–[3.12], [3.30]; and *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 69 (May 2010) [4.47]–[4.49].

31 See: OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (June 2008) [2.19]–[2.20].

32 See Chapter 1 for a discussion about best practice and research into the needs of young women and girls in custody.

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- 2.10 This position and approach would also have been consistent with the development of the overarching DCS *Female Offender Policy* taking place around this time. The final policy document contained a number of statements recognising that the specific needs of female offenders had not been adequately addressed to date.³³ The document provides a gender-specific approach to the development and delivery of services taking into account the diverse and unique needs, characteristics, life experiences and family circumstances of all female offenders in Western Australia. This was subsequently developed further in the *Female Prisoners Plan 2012–2022*, which similarly recognised the ‘substantially different considerations’ required to manage females in custody.³⁴
- 2.11 Importantly for young women and girls, the policy scope includes all females ‘of any age, who are offenders, or are on remand or participating in diversion programs’.³⁵ The policy also stipulates that policy and services should ‘provide for age specific needs of young female offenders and consider their vulnerability and intellectual and emotional immaturity’ and should ‘incorporate practices and interventions that are matched to the age, developmental, cultural and individual needs of the young female offender’.³⁶
- 2.12 This further supported the aspirational approach taken to the planning for the accommodation and service delivery for the young women and girls at Yeeda, and recognised past failures to do so. The journey these aspirations took will be examined further later in this chapter, and their practical implementation in the reality for the young women and girls accommodated at Yeeda during this inspection will be examined in Chapter 3.

MAKING A POSITIVE DIFFERENCE

- 2.13 In November 2010 the Commissioner’s Executive Team (CET) of DCS endorsed the first version of the philosophical blueprint for the new juvenile detention centre that would result from the amalgamation of Banksia Hill and Rangeview. *Making a Positive Difference: A report regarding the re-development of Youth Custodial Services in Western Australia*³⁷ (‘*Making a Positive Difference*’) outlined the way in which services would be delivered at the new facility and provided details about the new policy and operational settings for young people in custody in:³⁸
- case management and through-care;
 - health services;
 - the constructive day;
 - staff training and staff support;

33 DCS, *Female Offender Policy* (September 2011) 1.

34 DCS, *Female Prisoners Plan 2012–2022* (July 2012) 3.

35 DCS, *Female Offender Policy* (September 2011).

36 *Ibid.*, 3.

37 DCS, *Making a Positive Difference in the Lives of Young People in Youth Custodial Services: A report regarding the re-development of Youth Custodial Services in Western Australia* (September 2010). Note that a revised version of the document was consequently endorsed in April 2011 (with the document dated December 2010).

38 Note that there were some issues regarding the endorsement of the document and a new version being produced very soon after the initial endorsement: see OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) [4.24]–[4.29].

- rules, standing orders and procedures;
- security;
- information technology; and
- young women and girls.

2.14 Working groups were established for each of the above areas in March 2010 to work towards the development of new policy and operational guidelines. The group responsible for developing the young women and girls' precinct had wide ranging terms of reference, with a mandate to focus strongly on gender specific management, services and operational models for young women in custody.³⁹ The original membership of the group came from diverse areas across DCS and from different areas of management, operations and service delivery. Identified stakeholders were also invited to participate in different ways, including government agencies, non-government organisations, business areas within DCS and young people and their families.

2.15 From this process a new model for the management of young women and girls in custody was developed and endorsed. The executive summary from the CET endorsed document summarised its primary outcome as:

[A] model of therapeutic community and therapeutic care to be introduced into the specific precinct for young women and girls. In this model, the community (the young women and girls and staff) become the primary means through which positive change is achieved. The therapeutic community will provide a safe learning environment in which a young person can develop insight into their behaviours, attitudes and actions, be assisted to develop new skills...and practice these new skills.⁴⁰

2.16 The working group found that the existing and historical practices used to manage young women and girls were having 'only limited success in reducing...offending' and that therapeutic community models had proven successful elsewhere with similar populations. The document goes on to discuss the basis for such a treatment approach and the specific precursors required to enable the new precinct to operate under such a model.⁴¹ The model relies heavily on communication, collaboration and self-development.

2.17 Staff (both uniformed and civilian) who interact with the girls on a daily basis are integral to improvements in management and services. Their involvement from the outset was identified as 'a fundamental strategy' and it was stated that 'learning to be a part of a collaborative team' would require specialist training.⁴² It was recognised that this would not be an easy task: '[A] significant challenge will be for the operational staff to adapt to the new model' and that it was 'very different to any model that has been previously in place for young women'.⁴³ *Making a Positive Difference* went on to acknowledge that the

39 DCS, *Youth Justice Services, Youth Custodial Services Redevelopment (Youth Detention Centre) Developing the Female Precinct – Working Group terms of reference* (March 2010) 3.

40 DCS, *Making a Positive Difference in the Lives of Young People in Youth Custodial Services: A report regarding the re-development of Youth Custodial Services in Western Australia* (April 2011) 5.

41 Ibid, 29–30.

42 DCS, *Making a Positive Difference in the Lives of Young People in Youth Custodial Services: A report regarding the re-development of Youth Custodial Services in Western Australia* (April 2011) 31.

43 Ibid, 54.

model currently used for managing young people in custody – that of regression and progression based on behaviour – was entrenched within staff’s thinking, and a change would require a fundamental shift.

2.18 It was decided, therefore, that specific uniformed staff would need to be identified to be rostered to the precinct and that a more holistic approach across service delivery areas would be needed to ensure the model’s success. The plan stated that ‘[I]t is the view of the committee that the “right people” are required...to find staff that not only have a genuine interest in working with the girls, but are also effective in such work’.⁴⁴ It also said that staff would need to commit to a number of activities, including:⁴⁵

- Professional development, meetings and reading.
- Being a ‘reflective practitioner’ within the community and have this built into their professional assessment process.
- Attend community meetings.
- Mentor young women and girls and role model their behaviour.
- Participate in and facilitate life skills programs.

2.19 Overall, the plan recognised that it was essential that planning, training and committed staff had to be in place before the young women and girls’ precinct could open and operate according to its new direction. Once a commitment had been made to following the therapeutic community path work would need to commence in finding the ‘right people’, training them and developing a holistic program for the delivery of services.

2.20 Following the CET endorsement of the plan, in 2011 senior management within YCS and the working group began upon the path of implementing the required change towards a therapeutic community for the young women and girls’ precinct. Staff were identified who wanted to work in the precinct via a staff survey, training modules were developed and some training towards working with young women and girls was commenced. Despite this, over approximately the next 18 months, the vision and drive towards the girls’ precinct gradually lost momentum and eventually disappeared.

44 Ibid, 60.

45 Ibid, 58-59.

How Appropriate is the Therapeutic Community Model?

2.21 While there has been a broad consensus that girls in custody require a therapeutic *environment*, there are aspects of the therapeutic *community* model (as understood globally) that may not be appropriate for this population and may have accounted for some of the resistance that the inspection team were told that the working group encountered.⁴⁶

The guiding principles of a therapeutic community⁴⁷ are:

- That every aspect of communal living is significant in the therapeutic process
- That every member of the community has responsibility for the therapeutic process
- That every member of the community is a voluntary participant who can be removed, or can remove themselves, to an alternative regime if they are failing to benefit from the community or are persistently harming it
- That every member of the community can and should be challenged about their behaviour and its impact
- That every member of the community is equal in terms of value and respect and that hierarchical roles and responsibilities are kept to a minimum commensurate with safety and security

2.22 Although many therapeutic communities exist within custodial settings around the world, they are not unproblematic and their success is disputed. It is agreed that they are most successful when dealing with very serious offenders who are highly motivated to change and who experience the community for at least 18 months.

2.23 On all these counts, it is questionable whether such a regime is suitable for girls such as those housed at Banksia Hill. Although their offences may be serious for their age and gender, they do not have the entrenched criminal histories of the older men who most frequently participate in therapeutic communities. Very few of them are likely to spend at least 18 months in detention, and it is doubtful whether the younger girls have the mental and emotional capacity to benefit from the demanding regime. Finally, and ethically, they are not voluntary participants. They have no choice about being at the Yeeda Unit in Banksia Hill, nor are there any alternatives to which they can be removed or request removal.

46 See [2.55]–[2.57].

47 Stevens A, *Offender rehabilitation and therapeutic communities: enabling change the TC way* (Abingdon, Routledge, 2013).

THE REALITY OF YEEDA – A PHILOSOPHICAL VACUUM

- 2.24 The initial planned date for the amalgamation of the two juvenile detention centres was November 2011. As such, the original schedule of selection and training of staff revolved around this date. It became evident early in 2011 that delays to the building program meant that the amalgamation would not be occurring as planned. As the delays continued into 2011, DCS management decided to suspend the working groups and much of the operational and training work towards amalgamation. From this point forward a complex mix of factors further contributed to the loss of the philosophical framework, not just for girls, but for the whole amalgamation project. As the Inspector has previously noted ‘[I]n fact, it can serve as a text-book example of how not to undertake an amalgamation, despite the best intentions of the individuals involved.’⁴⁸
- 2.25 For the new precinct to succeed it was essential that there be a clear vision and a clear strategy in place for working towards that vision, with strong leadership and all staff on board to achieve this clear, shared goal. While starting out well with the general *Making a Positive Difference* overarching philosophy, the amalgamation eventually commenced some 10 months later than scheduled in late September 2012 with no comprehensive overarching philosophy in place and consequently no real difference for the management of girls in custody.⁴⁹
- 2.26 The following sections will examine a number of factors that the inspection found contributed to the deterioration of the vision for what became the young women and girls’ precinct, Yeeda. As the next chapter will detail, the operational reality of Yeeda once the girls transferred there from Rangeview was very familiar, with little change in their day to day management at all.

Lost Opportunity – Infrastructure and Facilities

- 2.27 The Banksia Hill precinct does represent an improvement on the quality of facilities available to the girls previously (at any facility in recent history) and also provided access to some dedicated spaces for their service needs, such as a programs room, classrooms, nursing triage room and a small observation area. The key objective of providing these, however, was to ensure that the girls could be contained as much as possible in Yeeda without having to move around within Banksia Hill. As such, the spaces are quite standard to those found in other (male) parts of the Centre and do not necessarily ideally suit use for the girls.

48 OICS, *Banksia Hill Directed Review: Staffing Review Paper* (May 2013) [6.10].

49 See also OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) [4.24]–[4.29].

- 2.28 The first disappointment for the Yeeda precinct was that the new operational philosophy developed through the working group process did not drive its physical design. Rather, the inspection found that the design for the expanded Banksia Hill predated the completed work of the groups and was driven primarily by cost and functional outcomes.⁵⁰ Without infrastructure that would support the idea of a community living model, any chance for a therapeutic model to succeed was already jeopardised. Interviews with managers responsible for input to the physical design of Yeeda indicated a desire to try and match design and need more closely, however, the budget allocated to the project could not meet any of the outcomes required in a centre that would enable it to be more ‘female centric’.
- 2.29 This presented the first lost opportunity for the better management of girls. As had occurred historically, the design for the accommodation at Yeeda essentially replicated existing standard wing designs, primarily with males in mind. This should be contrasted with the outcomes of the DCS process for the build of Boronia Pre-release Centre for Women. Here the Metropolitan Low Security Prison for Women Project Brief specified that ‘normalisation’ of living arrangements should be a key objective⁵¹ and this resulted in the construction of a number of small secure cottages of a public housing standard.⁵²



Photo 3: Part of the Yeeda Precinct

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- 50 Design development of Stage 1 was completed on 11 November 2009 and Stage 2 on 7 April 2010, see: DCS, *Project Status Report: Banksia Hill Expansion* (November 2010).
- 51 Salomone, J, *Towards Best Practice in Women’s Corrections: The Western Australian Low Security Prison for Women* (undated) Department of Justice, 5.
- 52 For a comprehensive discussion of infrastructure design of Boronia see: OICS, *Report of an Announced Inspection of Boronia Pre-release Centre for Women*, Report No. 42 (April 2007) [2.1]–[2.4].

- 2.30 One of the most disappointing aspects of the design is the lack of substantial active recreation space. While it might not be possible to replicate a whole oval, there are no gym facilities, no grassed area for running or ball sports and a paved area for basketball that is not even half the size of a regular court. It is unclear whether this occurred due to an assumption that young women and girls would not need the same recreation spaces as boys, or simply because of the limits of the site, but either way it certainly does not meet the girls' needs.⁵³

Leadership and Management

- 2.31 Initially, evidence showed that the amalgamation was being actively managed at multiple levels in DCS and the working group process to produce initial philosophical and operational direction was strong. As the delays to the building process began to increase, this came to dominate the minds and time of the leadership. By mid-2011 this resulted in the decision to suspend the planning and working group activities and from this point forward the inspection found that the project never got fully back on track.
- 2.32 Management at the time believed there was no point in continuing the amalgamation planning process given the extensive delays. Management also stated that frontline staff became less engaged in the process due to the delays and to a number of serious incidents, including escapes and staff assaults, which occurred at Banksia Hill in late 2011 and 2012. The working groups were re-established approximately six months before the amalgamation. However, the lack of planning for the interim period proved critical to the decline of the project.
- 2.33 In relation to the young women and girls' precinct planning, the inspection team believes that the delay in amalgamation should have been used as an opportunity, rather than being seen as an obstacle to success. Given the acknowledgement of all concerned in developing the new philosophy for the precinct that it would be a dramatic shift for staff and require significant training and engagement, this extra time could have been used constructively to educate staff better in what a therapeutic community would mean in reality and how it could work.
- 2.34 Evidence gathered during the Office's Inquiry into the Riot at Banksia Hill also indicated that *Making a Positive Difference* had not been distributed widely amongst staff. The time delays could have been used to better educate staff in this regard and assist in the change management process required to ensure the amalgamated centre would work as DCS wanted under the new vision.
- 2.35 It was also concerning that various individuals who had been in leadership positions at different times during the project shared doubts about the proposed new operational direction, and the extent to which it would be supported by staff. While staff reluctance was possibly understandable, the statements raise the question of why management presented the model to CET as the preferred way forward, if they retained doubts about its implementation. Alternatively, if management believed in the new philosophy as the best option for change then it was incumbent on the leadership to bring staff on board and change manage the new way forward.

53 More findings relating to recreation opportunities for the girls can be found at [3.40]–[3.42].

- 2.36 Another significant contributor to the failure of the new operational philosophy was the constant change in leadership at all levels within Youth Justice over the duration of the project. Compounding this were decisions from head office management to consolidate or merge positions, or to not replace some key positions at all.
- 2.37 Banksia Hill had five Superintendents/Directors between the beginning of 2009 and the time of this inspection. At the start of 2012 the acting Director was only in place for a few months before being replaced. This replacement Director was also overseeing the capital works, in addition to being the project manager for the amalgamation. The capital works portion of the role was removed shortly after in an attempt to reduce the Director's workload.
- 2.38 The reason for this acting Director having to take on so many roles was that, at the end of 2011, the project coordinator position had been abolished, leaving the amalgamation without a position dedicated to its progression for the first five months of 2012. Consequently, the Director at the time had to take on further project management responsibility in addition to the operational and strategic roles of being the Superintendent and Director.⁵⁴
- 2.39 Head office managerial changes also occurred throughout the project. The Assistant Commissioner Youth Justice role was held by three different individuals over the period of the amalgamation. In addition, the two Deputy Commissioners for Community and Youth Justice and Adult Custodial Services swapped roles only six months prior to the amalgamation. Decisions to undertake change of fundamental leadership positions at such critical times have to be questioned, and should only occur when unavoidable. There was no evidence to suggest that this was the case.
- 2.40 However, one positive outcome was the creation of the Assistant Superintendent Specialist position that had, among its responsibilities, the young women and girls' precinct. This created a greater sense of leadership, ownership and commitment to the needs and services provided to the girls. At the time of the inspection that position also had other, quite high demand, areas within its remit and so to some extent the ability for resources to be properly dedicated to the role was limited. We were informed that a proposal has been put forward to change the leadership team to ensure that position can be more focussed on the young women, and the Inspector supports this plan.⁵⁵
- 2.41 The constant changes in leadership had obvious impacts in terms of success of the project, and the capacity for DCS to maintain a cohesive culture and vision forward. It also resulted in a lack of preparedness for the move from Rangeview to Banksia Hill. Staff were very critical of the handling of the amalgamation in surveys conducted by the Office, with over 40 per cent of staff stating that all aspects of the amalgamation were 'very unprepared'.⁵⁶ Such conditions made it impossible for the new centre to be able to make a positive difference.

54 It is noted that the Assistant Superintendent Youth Justice Services role also includes strategic responsibilities.

55 The proposed role title would be Assistant Superintendent Female Services and Culture.

56 OICS, *Banksia Hill Directed Review: Staffing Review Paper* (May 2013) [6.11].

Staff Resistance

- 2.42 From the time the announcement that Rangeview and Banksia Hill were going to be amalgamated was made, many staff did not support the creation of a single centre, for varying reasons. A smaller but significant number were more virulent in their objection, and were more active in their resistance. Statements from those involved in the process said this included refusal to participate in activities for forward planning, failure to agree to roster changes and increased absenteeism.⁵⁷
- 2.43 As was extensively examined in the *Banksia Hill Inquiry Staffing Review Paper*, the impact of staff shortages created by a combination of high levels of vacancies, workers' compensation and unplanned leave, was critical to the failure of the amalgamation and the capacity to change manage the site to a new operational philosophy. The review paper indicated that the number of unplanned absences on a daily basis was 15–30 individual staff members, with an average of 22 per day in the month leading up to the incident on 20 January 2013. This was not unusual in the period leading up to the amalgamation itself as well.⁵⁸
- 2.44 Another contributor to increased staff resistance to the amalgamation was a series of security related events at Banksia Hill during the build. These included detainee escapes, assaults on staff and detainee roof assents. The cumulative effect over time was deterioration in overall staff morale, a negative shift in attitude of some staff towards detainees and reinforcement for many that the expansion and amalgamation was a poor idea.⁵⁹ These attitudinal changes were also obviously the antithesis of the philosophies envisaged in the *Making a Positive Difference* document, and contributed to its failure to take hold.
- 2.45 One of the reasons given by some staff for their resistance to amalgamation was their view on the co-location of male and female detainees on one site. Negative views of girls as being difficult to manage, high maintenance and the cause of management problems on site were prevalent in the conversations held on this point, consistent with historical stereotypical attitudes towards young women and girls in custody.⁶⁰ To some extent then, the girls became a symbol (for some) of everything bad about the amalgamation and some attitudes towards their presence on site were hostile from the outset.
- 2.46 These attitudes were generally more evident in staff who had been working at Banksia Hill pre-amalgamation, where they had not accommodated girls since 2005. This was reinforced by the pejorative tone of comments of some staff that Yeeda was run like 'a mini Rangeview' and the observation that most staff who worked in the girls' precinct were former Rangeview staff. The inspection team heard from numerous people during the inspection that the resistance to girls being on site ran to the point of the precinct being unprepared to accept the girls on the day of their arrival. There were no mattresses on beds in the unit, the unit office contained no equipment and there were no sanitary disposal facilities in place. Adequate local orders in place for management of girls on site, and in combination with the lack of preparation indicated management oversight of the preparations for the arrival of girls was lacking.

57 See *ibid*, [3.6], [6.12] and [6.33]–[6.37].

58 *Ibid*, [5.32].

59 *Ibid*, [7.37]–[7.50].

60 See Chapter 1 for a detailed analysis of views about girls in custody generally.



Photo 4: An empty cell during the inspection.

- 2.47 If young women and girls must be in custody, it would be preferable for them to have their own dedicated facility, constructed specifically to meet their needs. At this point in time this is not going to occur. In that context, the most important issue from the perspective of the Office, therefore, is that young women and girls are managed safely, respectfully and with the resources to meet all of their needs, wherever that may be. Co-location can work if it is carefully and proactively managed and there is a clear sense of direction. As the following sections and the next chapter will detail, there are currently significant gaps in this regard.

Staffing Yeeda

- 2.48 One positive aspect of the planning process for the young women and girls' precinct was the acknowledgement that identifying appropriate staff to work within Yeeda would be a key factor to its success. There is a risk that negative attitudes of some staff, discussed above, could sabotage the benefits of the establishment of a dedicated precinct.
- 2.49 Early in the planning process, staff participated in a survey to indicate the areas of the new Banksia Hill facility in which they would like to work. Only those who indicated working in the young women and girls' precinct in their top three choices were considered for rostering in Yeeda. Perhaps not surprisingly, the majority of staff who indicated a desire to work with the girls came from the existing Rangeview staffing group, as they had recent experience and had debunked some of the myths surrounding working with girls. There were also, however, a smaller number of other staff either from the Banksia Hill staffing group or new recruits, who volunteered to work in Yeeda.

- 2.50 The precinct was also able to secure the appointment of a dedicated Senior Officer and a Unit Manager, so there were managers with frontline ownership and interest in successful outcomes for the girls. Previously, the girls' residential unit was managed within a wider scope of responsibility by uniformed managers that often faced deciding between conflicting/ competing interests of boys and girls. Given the critical mass of boys, it seemed that more often than not their needs were given precedence. The new management structure would mean that, at frontline management level, there would be a dedicated advocate for the girls' interests.
- 2.51 A specific training package for working with young women and girls was constructed by the DCS Training Academy, based on the modules delivered to adult uniformed staff for working with women. The Inspection Team examined the modules within the unit and were satisfied that the basic elements of the course were a good starting point for those wanting to work with girls. It will be important, however, that ongoing training of specific relevance continues to be accessible to those who want to work in Yeeda, and support is given to them to do so.
- 2.52 Notably, however, training in the originally envisaged philosophy for the precinct, in the operation of a therapeutic community, was never developed or sourced, and never delivered to any staff. There is also no evidence in the training package material provided of any philosophical grounding for the unit and the expectations for the staff in that regard. This was a missed opportunity to engage staff that are already interested in supporting young women and girls in becoming involved in any possible new management philosophy.
- 2.53 Unfortunately, the proposed dedicated staffing of Yeeda was affected by wider staffing level difficulties experienced by the youth custodial estate. As was examined in the *Banksia Hill Directed Review: Staffing Review Paper*, chronic staffing shortages within the juvenile custodial centres resulted in lockdowns and staff having to be redeployed across the centres to areas of 'essential operation' to ensure they could function. This also resulted in poor morale and attitudes amongst some staff.⁶¹ This meant that even though the dedicated staff rostered to Yeeda may have turned up to work, they were often redeployed to other areas of the prison, resulting in the girls also experiencing lockdowns.
- 2.54 This also meant that sometimes staff who had not 'volunteered' to work with the young women and girls had to be rostered to the precinct, and this would have disproportionate impact on the running of the unit. Both staff and young women reported that having staff in the unit with less positive attitudes often resulted in higher levels of tension and confrontation and could derail the operations within Yeeda for that day.

61 OICS, *Banksia Hill Directed Review: Staffing Review Paper* (May 2013) [5.1]–[5.6].

Lack of Commitment to the Therapeutic Community Model

- 2.55 As stated above, the evidence provided to the Inspection revealed that there were doubts at many levels about the implementation of the therapeutic community model in Yeeda. This lack of commitment to a model that requires a very specific structure and adherence to its principles was always a significant risk to its success.
- 2.56 DCS was right to acknowledge the difficulty that could be expected in realistically ensuring full staff commitment to the proposed new therapeutic community model.⁶² It was always questionable whether staff working with the girls could realistically be expected to relinquish their authority roles on a daily basis as would be required in a therapeutic community where ‘every member of the community can and should be challenged about their behaviour and its impact’ and ‘every member of the community is equal in terms of value and respect’.⁶³ Indeed, one researcher has given a salutary illustration of what can happen when ‘empowered’ but politically naive girls voiced so many complaints about their therapeutically styled community home that the ‘men in suits’ took a long-desired opportunity to close it down.⁶⁴
- 2.57 The term ‘therapeutic community’ is very specific and technical and, as suggested at [2.21]–[2.23], benefits only a small and particular proportion of the prison population. Its underpinning philosophy is complex and extremely demanding for all concerned. However well-intentioned such a proposal was, it was inevitable that there would be opposition to the model and that this opposition would have some validity. By deciding, perhaps correctly, to abandon this particular philosophy, a vacuum was created whereby the whole enterprise of developing a thought-through vision for Yeeda became ‘too hard’ and the focus turned to practicalities.

Working in Silos

- 2.58 Outside of the negative staffing attitudes discussed, the majority of staff (uniformed and non-uniformed) were very aware of the relative disadvantage experienced by young women and girls in the past and expressed a desire to improve their access to services and meaningful interventions.
- 2.59 It was evident, however, that there was a lack of cohesion amongst the efforts in place to address these perceived needs. The absence of a communicated overarching philosophy and operational direction for the girls has only reinforced this lack of cohesion. A number of different issues were raised by staff from different service areas, all stemming from a lack of awareness about what the other was doing, including:
- Need for better communication about services, plans and direction for management of the girls,
 - Coordination about service delivery, and
 - Expressed fear of ‘treading on someone’s toes’ if they try to introduce ideas for services to the girls.

62 See [2.17].

63 Stevens A, *Offender rehabilitation and therapeutic communities: enabling change the TC way* (Abingdon, Routledge, 2013).

64 Haney L.A., *Offending women: power, punishment and the regulation of desire* (Los Angeles, University of California Press, 2010).

- 2.60 Nearly everyone reported that the ‘Rangeview culture’ was more collaborative in style with Youth Justice Officers working as a team with Education Officers, Psychologists and Health professionals in the management of each young person. Banksia Hill on the other hand was seen as having operated in silos for a number of years. In the move to Yeeda it seems some of this latter style of operation may have developed.
- 2.61 While the Making a Positive Difference working group constituted a diverse group of staff, when it ceased and the philosophy disappeared, it was not sufficiently replaced with anything that provided such a multi-disciplinary approach to the management of the young women. In moving forward it would be beneficial for all, but especially the young women and girls, to take an approach that enables all staff to work together to provide a holistic program within the Yeeda precinct.

CONCLUSION

- 2.62 Given a somewhat inauspicious start, and the impact of the riot on 20 January 2013, it is to the credit of all involved that Yeeda was functioning as well as it was during our visit. There was a clear commitment to a therapeutic approach from all those staff who had elected to work at Yeeda. However, the only documented evidence of a ‘different’ approach in managing the young women and girls to support their work was a skeleton framework, *Document of Intent: Female Precinct*, completed only a month before the girls were transferred to Yeeda from Rangeview. It is subtitled ‘A new beginning for youth custodial services towards the effective management of young females in custody’ but provides only limited statements of some hoped-for outcomes.
- 2.63 The best intentions and efforts of those committed to the management of the girls seemed to be constantly undermined in a number of ways from the time of their arrival. First, designated Yeeda staff were frequently called away to other duties in the Centre that were considered to be more of a priority. Second, staff rosters for Yeeda included other non-selected staff, some of whom made it clear that they did not want to work with the girls. This problem was exacerbated during our visit because a small number of young boys were being temporarily housed in Yeeda (in a separate wing) requiring their own staff to be present in the precinct.
- 2.64 Third, there was constant tension about the allocation of time in different facilities at the Centre. For example, the gym was only available to the girls when not in use by the boys; the library was unavailable to the girls; work opportunities in the kitchen were denied to the girls. All this was at a time when very few boys were housed at Banksia Hill and the opportunity could have been taken to negotiate proper arrangements for sharing facilities.
- 2.65 The next chapter will examine in detail the realities of life for the young women and girls in Yeeda, and to what extent the visions that began in 2009–2010 have been achieved.

Chapter 3

REALITY BITES: LIFE FOR GIRLS SINCE MOVING TO BANKSIA HILL

A SUMMARY OF SERVICES AVAILABLE TO YOUNG FEMALE DETAINEES AT BANKSIA HILL

Methodology

- 3.1 The 2013 inspection of Yeeda took place over a four day period from Monday April 29 to Thursday May 2. The inspection happened to fall within a school holiday period for both the girls and education staff, which enabled inspection team members to have greater access to the detainees. However this also meant that the team was unable to observe the typical structure of a ‘normal day’ in the precinct. The inspection team consisted of three individuals, who were present at all interviews, improving both information collection and accountability.
- 3.2 The broad conclusion offered by the Inspector in the exit debrief was that despite the fact that the move to Yeeda had improved the situation for girls in many ways, it did not meet the original aspirations for a new girls’ precinct. As has been previously noted the gap between aspiration and reality can be attributed jointly to problems regarding staff culture, and the planning and implementation of the project itself.

Description of Yeeda

- 3.3 The Yeeda precinct is a distinct compound within the greater perimeter of the Banksia Hill Detention Centre. It includes two main accommodation blocks comprising three wings of cells (A, B and C wings), with a total capacity of 25. Three smaller blocks include four self-care rooms (Peel)⁶⁵, four observation and isolation cells (Cue), and staff offices (Nichol). The precinct further has an education building, including three classrooms, and a dedicated programs room. The majority of the outside area of the compound is either landscaped or paved, however there is an area of grass which surrounds a concrete area for playing basketball.



Photo 5: View across the Yeeda Precinct.

65 Not in use during our visit.

- 3.4 In terms of infrastructure, the Yeeda precinct represents a great improvement on the facilities available to young female detainees at Rangeview. The inclusion of dedicated education and program facilities in particular is commendable. The entire precinct was intended to be purely the domain of the female detainees and the precinct's selected staff. However, during the inspection a degree of clawback was observed which indicated that the reality of life in Yeeda is not that which was envisaged by its planners.
- 3.5 One clear example of this was the fact that after only four months of operation, one wing in the Yeeda precinct was being used as emergency overflow accommodation for young male detainees.⁶⁶ Following the events of January 20, Banksia Hill was left with only one unit (Harding) that could be used to safely accommodate male detainees. The majority of the boys were transferred to Hakea, and Harding was used to accommodate the remaining boys who were deemed too young to be at Hakea or were required to attend court. To avoid double bunking the youngest and most vulnerable boys with the older detainees, it was decided that those aged between 10 and 14 years would be transferred to A wing in Yeeda.
- 3.6 In practice, the boys are kept separate from the female detainees at all times, and reside in Yeeda only during periods of lockdown.⁶⁷ While such steps have been taken to minimise their impact on the daily life of the female detainees, their presence is nonetheless felt. In the weeks both leading up to and following the inspection, incidents of verbal sexual abuse from the boys had been reported by staff. This is extremely disappointing, and no doubt proved distressing to the female detainees.
- 3.7 Despite the extenuating circumstances of the January riot, it was a stark reminder that the promise of a girls-only precinct did not survive long. The placement of young males into a new unit that had only been operational for four months created precisely the type of environment it was intended to do away with. While this Office acknowledges that decisions had to be made in the aftermath of an emergency situation, it is regrettable that yet again, the primary needs of the girls were put to one side for the operational needs of the boys.
- 3.8 Another example was the accessibility of the girls' observation cells in Cue Block. The creation of the block was intended to remove any need to transfer the girls across the facility, and allow them to continue to have contact with familiar Youth Custodial Officers (YCOs), and represented a huge improvement on the situation at Rangeview, where the girls would be placed into particularly oppressive multi-purpose cells adjacent to male detainees.

66 DCS, *Interim Standing Order – Management of Detainees* (March 2013) 5.

67 At all other times they are transferred to various areas of Banksia Hill in line with their structured day. *Ibid.*

- 3.9 However, at the time of the inspection the cells in Cue were often not being used when required due to staff shortages.⁶⁸ When a girl is placed in Cue it requires a dedicated staff member to be present at all times. If the Yeeda roster is not full due to its own shortages or redeployment to staff other units of the Centre, a staff member cannot be spared to Cue without closing down the rest of the precinct. Thus, if a female detainee became a management issue or was deemed at risk of self-harm, they would be transferred to the Admissions block (on the other side of the Centre) for observation.

Managing a Small but Complex Group

- 3.10 Chapter One detailed the dynamic nature of the demographic profile of the young women and girls held in Yeeda.⁶⁹ The diverse range of age, ethnicity, culture, sentence status and home location made for an extremely varied group with vastly different developmental, emotional and physical needs. The challenge of providing services to adequately meet the needs of such a group was clear.
- 3.11 To complicate matters further, during the inspection two of the girls were involved in a conflict that had originated outside of the Centre. To manage the issue unit staff implemented a policy of total separation of the girls, meaning that the remaining girls also had to be split into two groups. The effect of this was that the already small and diverse group was split in two to live and access all activities and services separately so the challenge of meeting their needs was exacerbated. The two groups were not permitted to recreate together for fear that a physical altercation would ensue forcing YCOs to find ways to keep two groups of four and five girls entertained independently. This appeared to result in an ad hoc approach to arranging activities, the extent of which seemed to include basketball (in a group of either four or five), and playing cards or completing jigsaw puzzles in their day rooms. Disappointingly, the inspection observed a distinct lack of structured, meaningful and productive activity throughout the inspection.

68 Indeed, staff reported that there had often been times that Cue could not be utilised due to staff shortages since the time Yeeda had opened.

69 See [1.18].

EDUCATION

3.12 Yeeda provides a distinctly improved education infrastructure for the young female detainees, with three bright and spacious dedicated classrooms. These are a huge improvement on the two small rooms that were in use at Rangeview. Three teachers were employed for the girls' precinct, all of whom were qualified to teach both general education and a vocational skill. Conversations with the female detainees provided positive feedback about the teachers, with some individuals in particular holding them in very high regard.



Photo 7: One of Yeeda's classrooms.

- 3.13 Each girl had an individual learning program tailored to meet their needs. There was a focus on the education program being designed to complement, not replace, public education back out in the community, and enabled the girls to maintain their enrolment in the school system. This is essential in terms of throughcare and resettlement upon release for the girls.
- 3.14 The record keeping software program Pathlore had recently been introduced to Banksia Hill and was proving to be of great benefit. The program allows detainees to receive a record of their completed education and training modules, to use when applying for employment or further education.

3.15 Prior to the riot at Banksia Hill in late January, some of the female detainees had regularly been working and training in the detention centre's kitchen. However the practice had halted following the incident, and given the degree of uncertainty across the juvenile estate at the time, it was difficult to predict when such activities would resume. It was disappointing that greater effort had not been made to reintroduce the girls to the kitchen, given the low numbers of young males on site at the time of the inspection.⁷⁰

Positive Initiatives on the Horizon

3.16 A number of positive initiatives for the young female detainees were being planned at the time of the inspection. These included:

- Barista course: Plans were well underway for a barista course to be run out of the Yeeda programs room. A commercial coffee making machine had already been purchased from the education budget, and trainer and assessors had been identified. Such programs run successfully at both Bandyup and Boronia, and have proven to be very popular.⁷¹
- Stephanie Alexander Kitchen Garden Program: The Kitchen Garden program is a national initiative to highlight healthy eating and food production in primary schools. Submissions have been made to restructure the program's application process to include detention centres as well as schools, in order for Banksia Hill to access funding. The program will involve the introduction of a garden into the Yeeda compound, from which the girls will be able to harvest and cook the resultant produce.⁷²
- Chicken pen: Education plans to introduce an expanded version of a program previously run at Rangeview, wherein fertilised chicken eggs were hatched in the classroom. At that time the grown chickens were relocated to a farm. However, current plans incorporate the design and introduction of a chicken pen adjacent to the Kitchen garden described above, in order to expand the education and personal responsibility benefits of the program.

3.17 Such initiatives represent an innovative approach to improving the potential of the Yeeda precinct. However, given the volatile state of juvenile custody at the time of writing, no set dates had been locked in for any of these programs, and the majority of attention has been diverted to preparing Banksia Hill for the return of the young male detainees housed at Hakea. While the education staff and management of Banksia Hill were dedicated to the success of these initiatives, it is vital that the momentum to introduce and successfully see these projects through is not lost in the push to return the centre to normality for the boys. This Office therefore strongly urges the staff and management of Banksia Hill to support these plans adequately and to see them through to fruition.

70 The Office acknowledges that female detainees had recommenced working and training in the kitchen by August 2013.

71 Since the inspection the course has commenced and the young women have been very positive and receptive to its inclusion to the education curriculum.

72 The Inspector has been informed that the Centre was not successful in gaining official access to the program; however a similar substitute program has been introduced.

Recommendation 3

That the Department of Corrective Services broaden the range of life skilling, employment, training and educational opportunities for the female detainees at Banksia Hill.

PROGRAMS AND CASE MANAGEMENT

Availability of Therapeutic Programs for Young Women and Girls

- 3.18 At the time of the last inspection of Rangeview in mid-2010, the facility had three programs available for young female detainees. These were the Extra Edge Careers Program for Girls (Bella), Red Cross (Save a Mate), and Family Planning Western Australia's safe sex program (Let's Talk About Sex). Further unstructured 'programs' were available, including visits from a group of 'knitting nannies' and local television personalities.⁷³
- 3.19 The onsite phase of the 2013 inspection heard that the number of programs available for the girls had increased markedly since arriving at Banksia Hill. In addition to the three programs previously available at Rangeview, a further two programs have been made available, from Hepatitis WA (Health In Health Out) and the Senior Programs Officers (Girls' Group). Additionally, the girls had access to two unstructured 'programs' provided by the community based organisations Jade Lewis and Friends and the Esther Foundation.
- 3.20 An additional program facilitated by Mission Australia (Pathways to Health), was due to be made available to the girls. However, in the disruption following the January 20 incident, the decision was made that this program would only be delivered to the boys at Hakea. At the time of the inspection, the expectation was that the girls would have access to this program once the boys had been resettled at Banksia Hill.
- 3.21 Although the number and variety of programs has increased substantially, the fact remains that a number of the programs consisted of only one to two sessions (including Health In Health Out, Let's Talk About Sex, and Save a Mate). More still lacked structure, and evidence based or evaluated therapeutic content (Jade Lewis and Friends and Esther House). Furthermore the religious, and at times evangelical, content of some courses may prove to be inappropriate for detainees. Attendance at these courses must be on a voluntary basis, and this clearly communicated to the young women and girls. Nonetheless, these programs provided a positive addition to the range of services available, and in particular provided much needed links to community support upon release.
- 3.22 As indicated, the Yeeda precinct has a dedicated Programs Room for the use of the female detainees. This represents a gain in infrastructure given that at Rangeview programs were run out of the two already cramped education rooms. Somewhat ironically however, during the onsite phase of the inspection, the team observed an incident where a group of Banksia Hill staff (notably *not* on the Yeeda staff roster) had booked the Yeeda programs room for the purposes of a meeting, during the only session of the week when the girls actually had a program to attend. Thus, instead of using their own programs room, the girls and their program facilitators were required to relocate to the dayroom of one

⁷³ OICS, *Report of an Announced Inspection of Rangeview Remand Centre*, Report No. 69 (October 2010) 40.

of the unit wings. Whether this represented an act of subtle bullying by the officers using the room or merely very poor planning, the effect was that the girls were once again sidelined in their own 'dedicated' precinct.

Meeting the Needs of a Small but Diverse Group

- 3.23 The highly variable demographics of the female detainee group at Banksia Hill makes delivery of appropriate programs and courses extremely challenging. This is exacerbated by the high turnover of the group, which often includes overnight stints from arrestees and a significant proportion on short term remand. The short length courses described above are no doubt beneficial to detainees, but their content deals mostly with issues related to safe sex and health care, and therefore may not address the offending behaviour which led to their initial detention.⁷⁴
- 3.24 Young male remandees have access to a one day life skills course presented by the Halo Leadership Development Agency. However, at the time of writing there was no such equivalent available to the female detainees. This represents a distinct lack in services, and a missed opportunity to connect with girls on issues related to their offending behaviour.
- 3.25 Conversations with staff responsible for case planning indicated that there was also an unaddressed need for parenting courses (for both young female and male detainees), trauma counselling and an across the board lack of through care options for young people upon their release.

CASE MANAGEMENT

- 3.26 The Office's previous report on Rangeview noted that case management for girls at Rangeview was undertaken by a visiting case planning officer from Banksia Hill, who visited on a needs basis only.⁷⁵ Following the amalgamation of the two centres, the girls now have a dedicated case manager. However as the case management mandate only applies to those detainees who have been sentenced (and at the time of the inspection, there was only one) comparatively few have access to this service. According to relevant staff, a degree of case management was intended to be made available for long term remandees, but the fact that most female remandees are only in detention for a short period precludes this. Furthermore the availability of case management to long term remandees is dependent on staffing levels, which at the time of the inspection were still somewhat fraught.
- 3.27 Case management staff further noted that their work was hampered by a number of external factors, including a lack of through-care options, and prevention and diversionary programs in the community. An absence of community accommodation options, including those provided by the Department of Child Protection (DCP), made release planning particularly challenging. One of the young detainees being held in Yeeda at the time of the inspection provides a case in point. The young female detainee was under the care of the DCP, who had vouched for her at a recent bail hearing. However, upon hearing of her release, the DCP had requested that Banksia Hill continue to hold

74 These courses included Save a Mate, Let's Talk About Sex, and Health In Health Out.

75 OICS, *Report of an Announced Inspection of Rangeview Remand Centre*, Report No. 69 (October 2010) 42.

her indefinitely, as they had no placement options available. This indicates a degree of miscommunication and under-resourcing that would be comic were it not impacting so harshly a disadvantaged young person.

HEALTH AND WELLBEING

Health Services

- 3.28 In a positive finding, the inspection team were advised that health services to the female detainees had remained consistent in the wake of both the move to Banksia Hill and the January riot. The new nurses' station in Nichol Block provides a local point from which daily medications are dispensed and minor medical issues can be assessed. Female detainees still therefore visit the medical centre for treatment and appointments if and when necessary.
- 3.29 Medical centre staff noted that there are times when male and female detainees cross paths or are required to be in the waiting rooms together, but as both parties are under escort no issues had arisen. This follows the same procedure that routinely took place at Rangeview prior to the amalgamation.
- 3.30 According to DCS management, the continuation of this process was always a clear and communicated intent. However, during the course of the inspection it became evident that some Banksia Hill staff believed that the addition of a nursing station in Nichol Block would mean that the female detainees would not be required or permitted to attend the medical centre at all. Whether this was the result of poor communication from management to staff, staff misunderstanding, or otherwise, the lack of a unified understanding of the intent behind Yeeda remains clear.
- 3.31 In order to make an appointment at the medical centre, the female detainees in Yeeda are required to ask a YCO to make the appointment for them. Medical staff were concerned at the lack of privacy this arrangement involved, as the YCOs are inevitably required to ask the detainees why they want or need an appointment. Given the daily attendance at the Nichol nursing station by a member of the medical centre staff, it should be possible to emulate arrangements used elsewhere in the corrections estate, such as dropping a designated medical appointment card into a locked box. This would permit the female detainees to arrange medical appointments without having to justify themselves to a YCO. Such an arrangement could furthermore provide the detainees with valuable life skills.

Recommendation 4

That the Department of Corrective Services introduced a means of booking medical appointments which both preserves the privacy of the female detainees and enhances their life skills.

Mental Health Services

- 3.32 Previous inspections of Rangeview and Banksia Hill noted the lack of a Mental Health Nurse (MHN), and thus recommended that DCS fund, implement and fill a dedicated MHN position within the juvenile estate.⁷⁶ In February 2012, a MHN was finally introduced at Rangeview in preparation for the establishment of improved services at the amalgamated Banksia Hill. The MHN is now co-located with health services in the Banksia Hill medical centre. The MHN sees detainees as required, and triages mental health issues for the psychiatrist who attends the centre weekly. Previously, the psychiatrist had attended Rangeview and Banksia Hill on alternate weeks,⁷⁷ so the current arrangement marks an improved level of service for Banksia Hill's detainees.
- 3.33 As with the health services described above, mental health services for girls have remained consistent and uninterrupted since the move from Rangeview to Banksia Hill, which under the circumstances is commendable. In fact it was apparent during the inspection that the MHN had far greater access to the girls than the boys. Furthermore, the female detainees were receiving a far greater degree of service from the centre's psychologists than the young males were able to access. Owing to the male population being split across two sites, the psychologists were only able to provide basic risk assessments to the boys at Banksia Hill, given that they were the somewhat transitory remand population only.
- 3.34 Targeted offence based counselling, however, was only available to detainees who had been sentenced, and given the demographic makeup of the group of female detainees this meant that only a very small minority were receiving such a service. For the remaining female detainees on remand, regular support was available; however, this is unable to provide the degree of intervention dealt with in regular and long term offence based sessions.

An Integrated Approach to Service Provision?

- 3.35 In the 2011 *Female Offender Policy*, DCS highlights integrated service delivery as one of its guiding principles.⁷⁸ This policy applies to all female offenders in the corrective services system, regardless of age. However, throughout the Yeeda inspection, the Office heard from various areas of service delivery about the perceived lack of an interdisciplinary approach to detainee management and welfare.
- 3.36 For example, the Psychological Services' counsellors described having had regular structured meetings at Rangeview regarding the progress of female detainees, which had been attended by relevant unit managers, psychological counsellors and teachers. This practice was not continued following the amalgamation. According to the counsellors, the reintroduction of such meetings was being discussed prior to the riot, but since then the focus had shifted to dealing with the situation at hand.

76 OICS, *Report of an Announced Inspection of Rangeview Remand Centre*, Report No. 69 (October 2010) 35.

77 OICS, *Report of an Announced Inspection of Rangeview Remand Centre*, Report No. 69 (October 2010) 34.

78 DCS, *Female Offender Policy* (September 2011) 2.

- 3.37 This is highly regrettable, as such an arrangement represented a positive, multi-disciplinary approach to detainee management and welfare. Furthermore, as the counsellors maintain contact with the same detainees throughout their contact with the Youth Custodial system, the counsellor and their continuity of contact are valuable resources which are currently being under-utilised. The reintroduction of this interdisciplinary practice would be of great benefit to all areas of detainee services, and assist in the provision of holistic detainee management.
- 3.38 The absence of evaluation and independent research, though not unique to Banksia Hill, was also commented upon. While DCS has been open to new ideas in the management of offenders in general and young women in custody in particular, it has failed to factor into its plans the need for new ideas to be evaluated and thus to make a contribution to the development of knowledge about ‘what works’ and ‘what matters’ in local, national and even international debates about the treatment of offenders.
- 3.39 On a positive note, however, the At Risk Management System (ARMS) employed in the adult custodial estate is soon to be rolled out in the juvenile estate. ARMS is a multi-disciplinary case management system for the monitoring and management of prisoners identified as at risk. The process includes input from representatives from areas that have regular contact with the detainee, for example unit managers, health and mental health representatives. The introduction of this process to the juvenile estate is a positive step, and one which has long been overdue. As well as allowing a greater focus on the mental health needs and status of Banksia Hill’s detainees, it will provide the opportunity for an enhanced multidisciplinary approach to detainee management. This Office hopes that the introduction of ARMS will serve as a springboard for the further integration of detainee services in line with Departmental principles.

Recommendation 5

That the Department of Corrective Services enhance and evaluate an integrated approach to service delivery and detainee management.

Recreation

- 3.40 The layout of the outdoor areas in Yeeda is dominated by multilevel paving and landscaping, with only a small section of grass surrounding a concrete area and basketball hoop. The girls commented that the basketball area is far too small to do anything except shoot hoops, and the grassed area is too restricted to run around on.⁷⁹ Simply put, the area is not conducive to play.

⁷⁹ Furthermore management advised that it had taken two months following the girl’s arrival to have a back-board fitted to their basketball hoop.

- 3.41 Since arriving at Banksia Hill, the female detainees have had no access to the Centre's oval or main library,⁸⁰ and were not permitted access to the gymnasium for two months. Disappointingly, this has meant that the recreation activities available to the girls have been severely curtailed since their move from Rangeview, where they had access to the oval, full size basketball courts, in-ground trampolines and the gymnasium.

Recommendation 6

That the Department of Corrective Services improve the recreation options for the female detainees at Banksia Hill including regular and structured access to the main oval and library.



Photo 8: Yeeda's small library.



Photo 9: The girl's recreation area.

- 3.42 For a school holiday week, the absence of recreation noted by the inspection team was unsatisfactory. In fact there was a distinct lack of structured activity available to the girls, a situation which was further hampered by a number of issues discussed earlier in this chapter, including the placement of young male detainees in Yeeda and the management of conflict between detainees. Furthermore the ensuing boredom only seemed to amplify the situation between the individuals in question, and unfortunately this was all too apparent throughout the inspection.

80 The oval has been out of bounds to all detainees since the riot on January 20.

Girl's Main Wish List

3.43 On meeting with the female detainees the inspection team asked what they would like to see available at Yeeda. It was telling that their requests were far from impractical, and many simply replicated the opportunities that had previously been available at Rangeview. These included:

- Access to the oval
- Access to the main library
- Ability to cook in the units
- A water fountain in the outdoor area
- More structured activity
- Inter-prison and intra-detention centre visits with family members

3.44 As indicated in the above list, the fact that many of the girls had male family members at Banksia Hill whom they were not allowed to see caused them significant frustration.



Photo 7: A privacy screen in the Yeeda Unit with the main oval just visible on the other side.

Interaction between Male and Female Detainees

- 3.45 Youth Custodial Rule 201 (YCR 201) relates to the association of male and female detainees, specifying a variety of detention centre areas, programs, and activities that shall or may be integrated. These include dining, recreation, work and medical areas of the facility, as well as certain programs and religious services. It notes that such association may ‘...affect the good order of a youth detention centre, damage the Department’s reputation, lead to public comment, or compromise staff or detainee safety’.⁸¹
- 3.46 Nonetheless, it also states that ‘[D]etention centre staff, contractors or service providers shall facilitate supervised, positive interaction between male and female detainees, which promotes and develops self-discipline and self-responsibility’.⁸²
- 3.47 Yet despite this, during the 2013 inspection no such interaction was occurring at all. As noted above, the female detainees said that they would like to be able to have visits with male relatives at Banksia Hill, as described in YCR 201, however no such visits were occurring or seemed even to be under management consideration.

Recommendation 7

That the Department of Corrective Services introduce inter- and intra-prison visits for detainees at Banksia Hill and their family members.

- 3.48 Furthermore the inspection team noted a distinct gap between the attitudes of some YCOs and the guidance contained in Youth Custodial Rule 201, with the apparent perception of some staff being that interaction between male and female detainees should be avoided at any cost. This is highly problematic. While this Office recognises the exceptional pressure that the Youth Custodial estate has experienced in recent times it should not be unreasonable to expect that the views of its staff should be in line with the Department’s regulations.

CONCLUDING OBSERVATIONS

- 3.49 From the outset, the intention of the Yeeda precinct at Banksia Hill was to provide a safe, stable and therapeutic environment for the young female detainees who would be housed there. The positive objectives of those tasked with planning and creating the vision for the project are clearly evident from the earliest planning documents. However, as has been discussed in earlier sections of this report, building delays and security incidents have had a severe impact on the reality of the project.

81 DCS, *Youth Custodial Rule 201 – Association of male and female detainees* (August 2012).

82 Ibid, [4.7].

- 3.50 In terms of positive findings, the infrastructure of the precinct represents a real improvement on that which was previously available to the female detainees at Rangeview. Among the most beneficial additions are the education and program rooms, and the inclusion of a nursing station and observation cells within the compound. There are a number of extremely promising projects on the horizon and program delivery has increased. The staff who either volunteered or were handpicked to work in Yeeda are dedicated, and this has proven to be of great benefit to their dealings with the detainees.
- 3.51 Nonetheless numerous challenges remain. The impact of the January riot has meant that bringing the vision of Yeeda to fruition has been stalled, and even during a period when the majority of male detainees were being held off-site, the girls' access to the greater facility has been extremely limited. The deliberate selection of staff for Yeeda has been unable to quarantine it from problems within the staff group at large, and the ability of the precinct to run as intended has been negatively impacted as a result. As is ever the case, the lower numbers of females in custody, along with the amplified diversity within the group, has meant that providing appropriate, adequate and timely intervention is extremely difficult.
- 3.52 But perhaps the most significant challenge to the success of the Yeeda precinct is the threat posed by ongoing destabilisation in the juvenile estate itself following the failures of the amalgamation process and the numerous security incidents that have plagued Banksia Hill in recent years.
- 3.53 This report has identified a number of areas which have the potential for significant improvement. Examples of this include the greater integration of service provision, enhanced access to opportunities for employment, resources and recreation opportunities around Banksia Hill, and the introduction of inter- and intra-facility visits.
- 3.54 In the 2010 report on Rangeview, this Office observed that whilst services and conditions for the young women and girls had improved since 2007, the 'nature of the facility inevitably discriminated against them', and that they subsequently 'remained an isolated group with limited opportunities.'⁸³ Observations from the 2013 inspection of the new Yeeda compound found that while the precinct's creation and management was done with the best of intentions, and the new infrastructure provided a distinct environmental improvement, the above statement sadly remains relevant.

Recommendation 8

The Department of Corrective Services build upon the positive beginnings achieved by Yeeda and must now:

- i. Maximise the opportunities offered by the Yeeda Precinct to provide an enhanced service to girls, having regard to the diversity of the population it accommodates, and*
- ii. Evaluate 'what works' for this cohort of girls in custody.*

83 OICS, *Report of an Announced Inspection of Rangeview Remand Centre*, Report No. 69 (October 2010) 40.

Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>1. That Government examine alternative options for sentencing young girls to custody, such as safe and secure houses, or community-based accommodation.</p>	<p>Supported The Department of Corrective Services supports the examination of alternative options for sentencing young girls to custody and will contribute to a whole of government review.</p>
<p>2. That the Department of Corrective Services develop new initiatives for the mixing of appropriately assessed girls and young adult women in custody to allow improved service delivery and correctional outcomes.</p>	<p>Supported in Principle Government support for a legislative review would need to occur to enable this to happen.</p>
<p>3. That the Department of Corrective Services broaden the range of life skilling, employment, training and educational opportunities for the female detainees at Banksia Hill.</p>	<p>Supported The Department of Corrective Services supports the expansion of programs, education and life skills training for young girls and there is significant work progressing in this regard. Formal recognition has been provided for BHDC to facilitate the Stephanie Alexander Garden Program and a garden location has been identified. The barista course has also commenced and kitchen training for self-care girls has been resumed. Evening programs delivered by Youth Custodial Officers are in the process of being developed with a focus on life skills. The programs will include communication skills, hygiene, baby healthcare, food and nutrition, financial management, alcohol and substance misuse, establishing healthy sexual relationships and dealing with difficult situations.</p>
<p>4. That the Department of Corrective Services introduced a means of booking medical appointments which both preserves the privacy of the female detainees and enhances their life skills.</p>	<p>Not Supported The proposed method of medical bookings (i.e. detainees filling out appointment cards) would in fact diminish attempts to preserve the privacy of detainees given the majority of detainees would require an Officer to fill out the card for them (owing to the low literacy levels of the detainee population).⁸⁴</p>

84 Paragraph 3.31 of this report suggests “dropping a designated medical appointment card into a locked box.” This refers to the method used by adult prisoners in certain parts of the estate to book appointments while bypassing both literacy and privacy concerns. Each prisoner receives a laminated medical appointment card with their name printed on it, which can be dropped into a locked box accessed by medical staff only. This enables the prisoners to advise medical staff they wish to have an appointment booked for them without having to fill in a form or discuss their request with an officer.

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>5. That the Department of Corrective Services enhance and evaluate an integrated approach to service delivery and detainee management.</p>	<p>Supported – Existing Departmental Initiative BHDC supports the implementation of an integrated service delivery model and will reinstate weekly meetings to discuss the management of each young female detainee with all relevant stakeholders.</p>
<p>6. That the Department of Corrective Services improve the recreation options for the female detainees at Banksia Hill including regular and structured access to the main oval and library.</p>	<p>Supported BHDC supports the improvement of recreational options for female detainees and has identified an area that will be turfed for this purpose. The Yeeda Precinct Unit Plan includes options for recreation and other activities which has been developed and implemented in line with the Structured Day philosophy.</p>
<p>7. That the Department of Corrective Services introduce inter- and intra-prison visits for detainees at Banksia Hill and their family members.</p>	<p>Supported BHDC will explore options to improve inter- and intra- prison visits between female detainees and their family members.</p>
<p>8. The Department of Corrective Services build upon the positive beginnings achieved by Yeeda and must now:</p> <ul style="list-style-type: none"> i. Maximise the opportunities offered by the Yeeda Precinct to provide an enhanced service to girls, having regard to the diversity of the population it accommodates, and ii. Evaluate 'what works' for this cohort of girls in custody. 	<p>Supported – Existing Departmental Initiative BHDC supports the recommendation and will continue to embed the new philosophy and vision for the Yeeda Precinct through regular staff training, new initiatives and communication strategies. Current and future Entry Level Training Programs (ELTP) will also focus on working with female detainees and developing specific unit plans as part of their introductory training.</p>

Appendix 2

THE INSPECTION TEAM

Natalie Gibson	Director Operations
Stephanie McFarlane	Inspections and Research Officer
Prof Anne Worrall	Expert Advisor

Appendix 4

KEY DATES

Formal notification of announced inspection	2 April 2013
Start of on-site phase	29 April 2013
Completion of on-site phase	2 May 2013
Inspection exit debrief	9 May 2013
Draft Report sent to the Department of Corrective Services	24 September 2013
Draft report returned by the Department of Corrective Services	23 October 2013
Declaration of Prepared Report	29 October 2013

*Inspection of prisons, court custody centres, prescribed lock-ups,
juvenile detention centres and review of custodial services in Western Australia.*



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

www.oics.wa.gov.au

Level 5, Albert Facey House, 469 Wellington Street, Perth, Western Australia, Australia 6000
Telephone: +61 8 6551 4200 Facsimile: +61 8 6551 4216