

Inspector's Overview

Progress at Banksia Hill since the 2013 riot, but still some way to go

Banksia Hill Detention Centre (Banksia Hill) is currently Western Australia's only custodial facility for young people who have been sentenced to detention or remanded in custody by the Children's Court. After performing well in the mid-2000's, Banksia Hill had become increasingly unstable during 2011 and 2012. On 20 January 2013 a serious riot erupted.

This report of an inspection in August 2014 concludes that Banksia Hill has made significant progress since the depths of 2012/2013. However, it still has some way to go before it will be totally confident, clear in its sense of direction, and meeting high performance standards.

Banksia Hill 1997 to January 2013

It is important to look ahead and not to dwell on past failings. However, Banksia Hill's history is critical to understanding the key findings in this report and also the opportunities and challenges the Centre faces in the coming years.

1997-2008

Banksia Hill opened in 1997 and for the first decade of its life it was nationally regarded as a positive example of the delivery of youth custodial services. The basic design of the Centre was good but more importantly it had a strong sense of purpose and was delivering good quality services. In his first report on Banksia Hill in 2005, my predecessor Professor Richard Harding concluded that it was 'certainly one of the best performing institutions within the remit of the Department of Corrective Services.' The strengths included strong and stable management, leadership and direction, a busy and purposeful day for detainees, a positive staff culture, and respectful staff/detainee interactions.

By the time of this Office's 2008 report, performance had slipped and risks had increased. Staff morale had dropped, the regime was less purposeful, there were too many unscheduled lockdowns, and a stronger focus was required on behaviour management and community reintegration. The inspection also revealed significant security deficiencies.

2009-2010

In early 2009, the government confirmed that there would be major changes to youth custody. The Rangeview Juvenile Remand Centre was to be converted into a reintegration facility for young men aged 18-24, and Banksia Hill was to be redeveloped as the state's sole juvenile detention centre. The 'amalgamation' of Banksia Hill and Rangeview, as it became known, was scheduled for late 2011.

The amalgamation project provided some opportunities for improvement but also carried serious operational and systemic risks. Rangeview had typically housed around a third of the total juvenile population, including all female detainees and the majority of young people being held on remand. It had also housed some sentenced males and had provided a valuable alternative placement for those who were not functioning well at Banksia Hill.

The result of amalgamation was that Banksia Hill would be required to house every male and female detainee, sentenced and remand, from as young as ten years of age to over 18, and from every part of the state. Its population would increase substantially (by around 60 per cent), the detainee profile would change, and there would be no alternative or additional placement options.

Young people in detention pose a multitude of challenges and risks and no other state chooses to place all its youth in one centre. Managing major construction work inside an operating facility posed additional risks and, on top of this, Rangeview and Banksia Hill had developed two such different workforce cultures and practices that it was necessary to invest heavily in change management processes to amalgamate the staff. Clearly, the amalgamation project required the Department to have a very strong sense of direction, combined with effective risk assessment systems and rigorous and prudent planning.

2011- January 2013

Our mid-2011 inspection found that Banksia Hill was on the cusp. On the one hand, there was evidence of significant planning for amalgamation, but much of the planning was under-developed and there were a number of fragilities and emerging risks at the Centre. These included low staff morale, high levels of absenteeism, excessive unscheduled lockdowns of detainees, inconsistent and ineffective responses to detainee misbehaviour, and deteriorating staff/detainee relations.

Unfortunately, the Department appeared to be in denial about the severity of these issues. Certainly, it did not address most of them. The building expansion also took longer than expected and was creating significant risks. By mid-2012, the Centre was in a parlous state. There had been far too many serious incidents, including an extremely dangerous escape, some serious assaults, and numerous 'roof ascents'. Staff morale and confidence plunged further, absenteeism rose higher, and staff shortages and lockdowns increased.

The situation was compounded by a lax security culture at the site, and inconsistent local and head office leadership. The Department failed to follow through on promised risk mitigation strategies, and neglected the change management processes required for the successful amalgamation of Rangeview and Banksia Hill staff.

Despite such volatility and fragility, and in the face of warnings, the Department proceeded with amalgamation in the last quarter of 2012. It was entirely predictable that the Centre would experience another serious incident, and on 20 January 2013 it did. A riot broke out

and more than 60 male detainees – a third of the male population - managed to break out of their cells. Many other detainees, both male and female, damaged their cells internally.

Although the riot did not result in injuries to staff or detainees, it did cause massive physical damage, rendering most of the site inoperable, and for the following nine months, most of the male detainees were accommodated at Hakea Prison. The riot also caused immeasurable cultural and emotional damage.

2013-2014: Corporate and Onsite Overhaul

The riot, a series of negative news stories, and increasing government concern about the Department's culture and operations, triggered a major shakeup. It was clear that change was coming shortly after the March 2013 election, with the appointment of a new Minister who was soon calling for a complete 'top down and ground up' rebuild.

My Inquiry into the riot had reached the same conclusion. In fact, it had gone further in one respect, arguing for youth justice services to be removed from the Department and placed with a new Commissioning body akin to the Mental Health Commission, or a new government department.¹ Although the government did not go this far, they did agree that youth justice required a much stronger focus and a new sense of direction.

The former Commissioner of Corrective Services, Mr Ian Johnson, left in April 2013. His replacement, Mr James McMahon, did not take over until the end of October 2013. During this hiatus, a great deal of work was done but inevitably the Department remained in something of a 'holding pattern': future strategic planning and decisions regarding the Department's restructuring had to await the new Commissioner's appointment.

Late 2013 and 2014 saw rapid and far reaching organisational and personnel changes. The Department was restructured to establish a separate Youth Justice division, and the vast majority of the previous executive team departed. Fortunately, although the new Deputy Commissioner for Youth Justice was not appointed until after our August 2014 inspection, the Department was well served by the interim Deputy Commissioner and the Assistant Commissioner. In addition, a Youth Justice Board was appointed to advise the Commissioner.

During 2013 and early 2014, Banksia Hill itself was also in a period of change and turmoil. Physically, the site changed markedly, with additional 'target hardening' and fencing; there was too much turnover in the management team, and still a lack of clear direction; and the staff had needed to focus on the task of 're-amalgamation' when they and the detainees returned from Hakea in late October 2013.

¹ OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013).

Banksia Hill in August 2014: Moving Up but Fragile (4/10)

The August 2014 inspection occurred less than 12 months after the Departmental restructure and 're-amalgamation', and at a time when the Centre was still finding its way.

In the course of the inspection, we asked management onsite and at head office, as well as the various staff groups, where they thought the Centre now stood on a scale of 1-10, if 1 reflected the state of the Centre in late 2012/early 2013, and 10 represented a highly functioning place. The vast majority of respondents said it was at around 4/10.

A score of 4/10 does not seem good but I regarded this as a very realistic assessment. It also provided a positive building block for the future. The score acknowledged that genuine progress had been made but that there was still a considerable way to go. I was particularly pleased that staff and management were showing more enthusiasm and confidence in the future but that they were in no way complacent about the challenges that lay ahead.

Arguably the most significant change that has allowed the Centre to make progress has nothing to do with Departmental change. Rather, it is the fact that detainee numbers have declined markedly from the time of the riot when it held 207. In the first half of 2013, numbers dropped back to around 160, and they have generally been at that level since then. If numbers return to previous levels, especially while Banksia Hill's philosophy, culture and operations are still being rebuilt, it is very likely that the gains will be lost and the risks will increase.

As outlined in Chapter Two, the improvements at the Centre included:

- A relatively calm and settled atmosphere; compared with 2012, there were fewer major incidents and tension was much reduced;
- A stronger local management team;
- Improved staff numbers and some improvement in staff morale;
- Improved security and safety focus;
- A busier daily regime and fewer lockdown hours;
- Improved living conditions;
- Decent general health services; and
- Signs of improvements in the girls' unit (Yeeda).

However, progress was generally partial at best. One of the core weaknesses at the time of the riot was that the Centre lacked an operational philosophy, and therefore a sense of direction. This had still not been resolved and at the time of writing, 21 months after the riot, the Department is still in the process of drafting a youth justice philosophy, from which a Banksia Hill philosophy will evolve.

Other areas of concern, many of which reflect the absence of a clear philosophy, were the following:

- While security and safety had seen some improvement, relational security (staff/detainee relations) still needed improvement;
- Staff perceptions of their personal safety were much worse than in adult prisons;
- Strip-searching was excessive;
- Levels of personal leave and workers compensation leave had dropped but remained too high;
- The security classification system was severely under-developed;
- Although unscheduled lockdown hours had reduced, there was still room for improvement;
- While the position of girls at the Yeeda unit had improved to a degree, they remained marginalised in a number of respects;
- Case management was only in the early stages of being reinvigorated;
- Education services need to be refocused and better resourced;
- Mental health services were very stretched and the facilities for distressed children at Banksia Hill were counter-therapeutic;
- There was insufficient focus on Aboriginal culture; and
- Programs for young men aged 18, or approaching 18, were still undeveloped.

Looking Ahead: Numbers, Needs and Services

Numbers and capacity

It is most unlikely that Banksia Hill's numbers will remain as low as they have been, especially when pending amendments to the state's 'three strikes' home burglary laws take effect. The existing three strikes laws have impacted primarily on Aboriginal youth, who are already grossly over-represented in detention, and there is no reason to believe that the tightened laws will be any different. Although it is not possible to know the exact impact on future numbers, Banksia Hill is at risk if numbers increase much above current levels, especially as there are no other detention centres.

At first sight it might appear that Banksia Hill does have spare capacity in that current numbers are well below its total capacity based on general Departmental figures. However, the Centre must handle so many different cohorts of youth that 210 is not a 'real' or realistic actual operating capacity. For example, 28 cells are set aside for females, leaving 181 for males. Furthermore, this figure of 181 includes a number of double-bunked cells and also specialist cells which should only be used for specific purposes such as crisis care or behaviour management. The number of youth falling within each cohort will never neatly match the accommodation distribution.

Furthermore, in my view, children in detention should never be double bunked unless there are very specific reasons to the contrary, such as providing family support. Forced cell sharing for children is inappropriate and risky. It is not a routine practice in any other part of Australia and should not become so here. At the time of writing, there are already around

150 males at Banksia Hill and the mainstream male units are already close to full. Essential areas such as education are also operating at capacity and are not equipped to service more.

Reducing recidivism and detainee numbers

There are, of course, two ways to address the problem of numbers. One is to accept that numbers will go up and to pump more and more expensive infrastructure and resources into Banksia Hill. The other is to reduce numbers or to peg growth. Despite the current shortfalls in some services, the financial costs of incarceration are extraordinarily high: in 2013-14, it cost an average of \$817 per day or almost \$300,000 per year to keep one young person in detention in WA. The social and human costs are immense and immeasurable.

I therefore strongly welcome the Department's commitments in its new Strategic Plan, to put a stronger focus on diversion, support to offenders after release, to improve engagement with Aboriginal people, to focus on better post-release outcomes, and to be more innovative in its engagement with the non-government and private sectors. The government has also been flagging its interest in 'performance-linked' incentives and 'payment by results'.

It has recently been announced that Wirrapanda Foundation has been allocated \$320,000 to run the Moorditj Ngoorndiak program. This pilot program will run for 12 months and will support for ten participants and their families. It will target young Aboriginal males between the ages of 12 – 19 years and the Department will work with the Telethon Kids Institute to evaluate the program. A performance based incentive payment may be paid to the Wirrapanda Foundation at the completion of the 12 month program in the event the program participants do not reoffend for up to six months post-release from detention.

I strongly welcome all well-targeted initiatives to support young people, and if the Moorditj Ngoorndiak program works, then at \$32,000 per head it will be a sound investment. However, it is at best a small start: there are more than 150 children in detention, numbers are likely to rise, and young women are also in urgent need of better support programs.

Young adults

I also strongly welcome Acacia Prison's initiative in establishing, as part of its expansion program, a Young Adult Unit (YAU) for 18 to 26 year old men. The YAU aims to provide specialised services to young men while they are in prison and also additional post-release support. Serco, the operators of Acacia, have promoted such a unit despite the fact that it carries some risks. They deserve credit for this: it is a long-overdue initiative with no equivalent at any publicly operated prisons.

The YAU is an important development in its own right and, like the Moorditj Ngoorndiak program, its correctional outcomes need to be fully evaluated. However, it is also potentially important for Banksia Hill. Currently, juveniles who turn 18 while in detention will remain at Banksia Hill unless the Children's Court is prepared to allow their transfer to an adult prison.

This has been very rare, partly because of the lack of age-specific placements in the adult system hitherto. However, Banksia Hill has struggled to meet the needs of the older cohort. If the YAU does deliver on its intended services, this should allow it to be used for young men who are no longer best placed at Banksia Hill. The timing is also good: although Banksia Hill has been developing a program to expand services to its older detainees, it is facing funding limitations.

Summary

In summary, there has certainly been progress at Banksia Hill since the depths of 2012/13. There has also been progress in remodelling the Department with a sharper focus on performance and reduced recidivism. The foundations have been laid for a better future for youth justice as a result. Overall, however, progress has been slower than expected, some fragilities remain, and a number of core services are still only in the early stages of being rebuilt.

If Banksia Hill is to again become 'one of the best performing institutions within the remit of the Department of Corrective Services', as it was in 2003, it will need a clear sense of direction, a good deal of nurturing, improved services, and a set of priorities, targets and outcomes.

Neil Morgan

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