

## Appendix C Department's response to recommendations

Response to the Directed Review:  
Allegations made by Amnesty International Australia about ill-treatment at Banksia Hill Detention

---

### Section 3 – Department's Response to Recommendations

#### **OICS Recommendation 1**

Ensure that allegations of misconduct, abuse or poor treatment are prioritised for internal assessment and investigation.

#### **Department's Response:**

The Department of Justice (the Department) takes the allegations of misconduct, abuse and poor treatment of detainees, staff and/or visitors seriously.

Suspected breaches of conduct are referred to the Corrective Services Investigation Services Branch (ISB), for assessment. Referrals are triaged in accordance with Corrective Services' Policy and can be dealt with in one of a number of ways including:

- Referred to external agency (for example Corruption & Crime Commission, Western Australia Police)
- Referred for internal investigation
- No Action required
- Referred to intelligence for consideration
- Managerial Intervention (Local Management)
- Complaints may also be received by the Corrective Services' ACCESS area and where allegations of misconduct are disclosed, they are forwarded to Investigation Services for assessment

The Department acknowledges that improvements to record-keeping within the ISB are required and appropriate action to address this is being implemented to ensure matters under investigation – and outcomes – are adequately recorded.

**Responsible Business Area:** Regulation and Operational Services  
**Proposed Completion Date:** In progress  
**Level of Acceptance:** Supported

**OICS Recommendation 2**

Amend Departmental policies to:

- require caregivers to be notified whenever a young person has:
- self-harmed
- attempted self-harm
- threatened self-harm
- ensure notifications are recorded on the young person's departmental notes

**Department's Response:**

The Department has made significant enhancements in managing and reporting on a young person's mental health and wellbeing. The reduction in self-harm incidents at Banksia Hill is testimony to the enhancements made.

A Superintendent Notice (SN 14/2018 – April 2018) has been issued to all staff at Banksia Hill to reiterate that the detainees' parent(s) and/or care giver is to be informed at all times and as soon as practicable in the event of an attempted or actual self-harm incident. This will be recorded in minutes and the Department's Total Offender Management System (TOMS) database.

In addition, the Department has prioritised the review of all Youth Custodial Rules, Policies and Procedures to ensure they are contemporary, streamlined and consistent, and aligns with the legislative framework. A project team comprising of six FTE has been approved for a period of 18 months to carry out this work together with prison-based rules, supported by the State Solicitors Office. The recruitment process for the project team is in progress.

**Responsible Business Area:** Regulation and Operational Services  
**Proposed Completion Date:** 31 December 2019 (or earlier)  
**Level of Acceptance:** Supported

**OICS Recommendation 3**

Ensure that all uses of physical and mechanical restraints are recorded, including those prescribed in a plan, and that the records include reasons for their use.

**Department's Response:**

A Superintendent Notice (SN 14/2018 – April 2018) has been issued at BHDC to remind all staff of their obligations to record all uses of mechanical restraints together with reasons for its use. This will apply to both, internal and external escorts. The Notes page within TOMS will be used to record this information with immediate effect.

In parallel, enhancements are being made to TOMS to specifically record and report on the use of the mechanical restraints.

**Responsible Business Area:** Banksia Hill Detention Centre  
**Proposed Completion Date:** Completed  
**Level of Acceptance:** Supported

**OICS Recommendation 4**

Ensure that any removal of a young person's bedding from cell occurs only when the young person is at risk or in a short term holding cell, and that both the removal and reason for removal are recorded.

**Department's Response:**

The Department notes that there was no evidence to support this allegation. It is existing practice at Banksia Hill to only remove bedding in circumstances where a young person has threatened or is considered at risk of self-harm, or when items of bedding are used to obscure the cell camera.

To reinforce this practice, the Superintendent has issued clear guidelines and instruction to staff on the removal of bedding, and for all instances to be recorded in TOMS.

**Responsible Business Area:** Banksia Hill Detention Centre  
**Proposed Completion Date:** Completed  
**Level of Acceptance:** Supported – existing Departmental initiative

**OICS Recommendation 5**

Amend the Young Offenders Act 1994 and the Young Offenders Regulations 1995 by:

- Repealing the provisions governing 'confinement';
- Enacting a framework for managing special regimes such as the ISU, including adequate protections for young people; and
- Ensuring that all young people are entitled to a minimum of two hours out of cell each day.

**Department's Response:**

The Department agrees it is timely to review legislation and will consider reviewing the Young Offenders Act 1994 and the Young Offenders Regulations 1995 as a priority, including provisions governing confinement.

**Responsible Business Area:** Strategic Reform  
**Proposed Completion Date:** 31 December 2019  
**Level of Acceptance:** Supported in principle