

MEDIA RELEASE

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Directed Review of Allegations Made By Amnesty International Australia about ill-treatment at Banksia Hill Detention Centre

The Inspector of Custodial Services, Neil Morgan, has released a review into allegations by Amnesty International Australia of the mistreatment of two boys ('John' and 'Richard') at Banksia Hill Detention Centre (Banksia Hill).

In separate incidents at Banksia Hill on 4 and 5 May 2017, 16 boys threatened staff and other young people, and caused fires and serious damage. Richard was involved in the first incident, and both Richard and John in the second. In the aftermath of these incidents, a restrictive regime was imposed for all young people in order to restore stability, safety and security. Richard, John and a number of others were placed in the centre's Intensive Support Unit (ISU).

Amnesty has alleged, in letters and a concerted media campaign, that in the period from 5 May 2017 to the end of 2017, John and Richard were held in prolonged solitary confinement in the ISU and denied basic services. They claimed the regime constituted torture, drew parallels with the disgraced Don Dale Detention Centre in the Northern Territory, and called for the ISU to be closed.

Given the seriousness of the allegations, the Minister for Corrective Services, Hon Fran Logan MLA, directed the Inspector to review and report on them.

Professor Morgan said that Amnesty's claims of abuse were generally not substantiated:

"I have called many times for better education, programs and psychological supports for young people at Banksia Hill. That call still stands. But it cannot be said that John and Richard were denied access. In some respects, they actually had better access and more personal attention.

There is no evidence that John attempted self-harm over 100 times while in the ISU. In fact, his self-harm levels dropped.

There is no evidence that John was regularly strip-searched. I am also pleased that Banksia Hill has greatly reduced the use of strip-searching in response to our previous reports.

There is no evidence that John and Richard were deprived of food, electricity or showers.

It was also claimed that John and Richard were held in cells that were akin to dog kennels and just five square metres in size. That is not so. Their accommodation was austere, but little different from the rest of the centre”

In response to the claim of prolonged solitary confinement, Professor Morgan said:

“Under international law, solitary confinement means the isolation of a person without meaningful human contact for 22 hours a day or more. Prolonged solitary confinement means solitary confinement for more than 15 consecutive days.

For ten days after the May 2017 incidents, John and Richard did not have the required two hours out of cell per day. In that sense they were arguably in solitary confinement.

However, the site was neither secure nor safe. Cells and fences had been breached, and the site was littered with broken glass, debris, and potential weapons. The problems were compounded by the misguided decision in 2009 to make Banksia Hill the state’s sole juvenile detention centre. This meant there were no dispersal options. In these circumstances, a restrictive regime was the only prudent short-term option.

John and Richard were certainly not held in ‘prolonged’ solitary confinement. After ten days, both of them had more than two hours out of cell and more access to services. And Richard was actually released to the community after 11 days.”

Although Amnesty’s allegations were largely unsubstantiated, the report recommends improvements to processes and record-keeping and an overhaul of the obsolete legislation governing isolation and confinement. Mr Morgan noted that the Department of Justice had already accepted and actioned most of the recommendations.

Mr Morgan also emphasised that this report should be read alongside his other recent reports:

‘Everyone who spoke to us, including the young people’s advocates, recognised the improvements at Banksia Hill since May 2017. This is a tribute to staff and management. But the centre still faces serious challenges. Above all, it is risky, wrong and ineffectual to keep all young people in the one place. We need to follow the lead of other states and have smaller facilities that cater for regional, age and gender diversity.’

Mr Morgan also reflected on the current circumstances of John and Richard:

‘John is now 19 years old and has moved to an adult prison. His supporters have welcomed the move. However, the reality is that he will have less space, less privacy, less personal attention, and less to do in the adult setting. The state does not have a

comprehensive strategy for addressing the needs of young men and women in prison, and more needs to be done in this space.

Richard remains at Banksia Hill. He moved out of the ISU in February 2018 and has made good progress. He has been engaged in a number of positive activities, and his behaviour has improved markedly. For Richard, Banksia Hill's approach to behaviour management appears to be working.'

Neil Morgan
Inspector

For more detail, please see the Inspector's Overview to the Report (attached).

For Further Media Information

The Inspector, Mr Neil Morgan, will be available for comment from 12noon on Tuesday 14 August 2018 and can be contacted on 0427 426 471.

The full report will be available on the Inspector's website (www.oics.wa.gov.au)