



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

2023 INSPECTION OF BANKSIA HILL
DETENTION CENTRE AND UNIT 18 AT
CASUARINA PRISON (PART ONE)

148

MAY 2023

*Independent oversight
that contributes to a more
accountable public sector*

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2023 Inspection of Banksia Hill Detention Centre and Unit 18 at Casuarina Prison (Part One)

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Table of Contents

| | |
|--|-----------|
| Inspector’s Overview..... | iii |
| Executive Summary..... | vii |
| List of recommendations | viii |
| 1 Why this report?..... | 1 |
| 1.1 A very restricted regime..... | 1 |
| 1.2 A truncated report | 1 |
| 2 Young people in crisis..... | 3 |
| 2.1 Too many at risk, and no one accessing criminogenic programs..... | 3 |
| 2.2 A small number of young people were involved in critical incidents | 5 |
| 2.3 The perceived removal of behaviour management tools has undermined staff’s ability to set boundaries with young people | 7 |
| 2.4 Purpose and function of Unit 18 is having the reverse intended effect at Banksia Hill | 9 |
| 3 Staffing in crisis | 11 |
| 3.1 The custodial workforce has been broken but is not beyond repair..... | 11 |
| 3.2 Without enough custodial staff, young people were confined to cell..... | 14 |
| 3.3 Reimagining the staffing model..... | 16 |
| 3.4 Non-custodial staff were working tirelessly trying to deliver services..... | 18 |
| 4 Physical environment in crisis..... | 21 |
| 4.1 Infrastructure repairs, target hardening and a new build | 21 |
| 4.2 Environmental hygiene and living conditions have become a low priority..... | 23 |
| Appendix 1 Bibliography | 26 |
| Appendix 2 Acronyms..... | 28 |
| Appendix 3 Department of Justice’s response | 29 |
| Appendix 4 Inspection details | 37 |

Inspector's Overview

Effective rehabilitation keeps our community safe

Our system of justice for young people is based on a model where offending behaviour results in intervention, consequences and/or punishment.

There are many diversion programs and initiatives built into the system that are designed to redirect young people away from offending behaviours. Interventions intensify where young people continue to come into contact with the youth justice system, with detention as the last resort.

For a relatively small number of young people, often with histories of repeated offending or unsuccessful interventions, punishment ultimately results in detention. At the time of writing that number sat at a little over 100. Currently, there is one young person held in detention for every 15 (or so) young people being actively managed or supervised in the community.

Once a young person is sent to detention by the courts, the next step should be effective intervention aimed at rehabilitation and diversion away from offending behaviours. This is where it gets complicated and determining what effective rehabilitation looks like and how it is delivered is a very difficult question. There are so many variable factors and no 'one size fits all' solution.

Effective rehabilitation interventions – which include, programs, education, recreation, training, family reconnection, and physical and mental health support – build life skills and change the behaviour of many of those sent to detention. In the absence of such interventions, the exact opposite occurs; young people just cycle through and after they are released from detention often reoffend.

It goes without saying that for interventions to be successful, they must be appropriate and delivered on a consistent basis and in the right environment. This leads us to the current situation at Banksia Hill and Unit 18 where consistency of delivery has not been possible for most of 2023 due to the staffing crisis.

Banksia Hill has been the subject of intense scrutiny

We have produced many reports on Banksia Hill over the years. It has been the most heavily scrutinised custodial facility in the state, and for good reason. This is due to the inherent risks of safely accommodating young people with complex needs in detention and also because of its history of significant instability. The problems have been well defined and do not need repeating in detail here. What is worth stating, however, is that there is no quick fix.

The current staffing crisis is the immediate issue. Our report sets out the situation as we saw it in February this year. Much of what is written arises from not having sufficient numbers of custodial staff available each day to safely operate Banksia Hill and Unit 18 on a normal daily routine. This has led to increases in lockdowns, critical incidents, staff assaults, significant infrastructure damage and self-harm attempts. Despite these challenges, we noted the considerable efforts of management

and staff in both facilities trying to get detainees out of cell each day for as much time as possible given the daily staffing numbers.

On the issue of staffing, we have to acknowledge the Department has been actively recruiting new Youth Custodial Officers (YCO) throughout last year and again into this year. There is another group of around 40 YCOs due to graduate in May 2023 with further recruit schools planned.

However, the rate of attrition is having a significant impact on daily availability of YCOs. In 2022 there were 50 resignations or retirements throughout the year which undermined the impact of having 83 new recruits commence. An annual attrition rate of almost 20 per cent of a trained workforce is not sustainable. By the time of our inspection in February, there had already been 16 resignations in 2023 which were due for separation by the end of March. On top of the high attrition rates, the number of YCOs on workers' compensation leave at the time of our inspection sat at around 50. Add to this daily staff absences and it goes some way to explaining the daily staff shortages.

New operating model of care

Many of our previous reports have covered similar themes and made similar recommendations. But perhaps the most consistent of these related to adopting a trauma informed operational philosophy. It was encouraging to see the Department engage a consulting firm to develop a new operating philosophy and service model. From what we have seen, this body of work has considerable potential for wholesale reform; but it will not be easy, and it is not an immediate quick fix.

More recently, the appointment of the highly respected, Mr Tim Marney, to lead the implementation of this reform is a positive step. But implementation will require a cultural shift away from a primarily security and custodial focused approach to one that is driven by rehabilitation and security working side by side. Both are necessary in equal parts and this is clearly what is intended in the proposed operating philosophy and service model.

In our 2021 inspection report for Banksia Hill (Report 141) we made a recommendation to 'embed an additional welfare focussed, non-custodial workforce to supplement the existing workforce in the ISU and Cue Unit at Banksia Hill Detention Centre'. The Department's response supported the recommendation as an existing initiative, pointing to the work being done to develop a new operating philosophy and service model. We have progressed this idea in more specific detail in this report with recommendation 6 relating to the establishment of a specialist youth care role to work alongside custodial officers. This would not be a major departure from what has previously been in place with officers having a youth welfare focus. The Department's response indicated in-principle support for this recommendation, again referring to the work being done as part of the new model of care that is being implemented.

Inspection report in two parts

We have written this inspection report (Part One) to focus on the immediate issues and concerns. But during the inspection we also heard about a range of supports and initiatives that are planned

or are currently available. The difficulty at that time was the young people were not accessing to them due to staffing issues.

It is our intention to prepare a second report (Part Two) in the coming months which will focus on the welfare and other supports that are available to the young people. This will draw on the contributions of our expert advisers and a critical aspect will be to see the provision of these various supports in a facility operating on, or close to, a normal daily regime. We have done some preliminary work in this area, but a key component will be to observe the operation and delivery of these services.

It was pleasing that the Department's response to this draft report indicated a positive level of support for eight of the 10 proposed recommendations.

The Department noted recommendation 1 in relation to building a second facility stating it was a matter for Government. This recommendation was intended to address the medium to long term needs of youth detention in Western Australia. It is not an immediate fix to any of the current issues. But over time the Banksia Hill population is likely to increase again, and the complexity is unlikely to change. The current and future needs of different cohorts of young people - young women and girls, remand versus sentenced young people, and those with high security needs - have to be considered and addressed. Otherwise, we may well find ourselves stuck in the same situation in the years to come.

Finally, we acknowledge the Government's commitment to build a Crisis Care Unit as part of an extensive package of investment in Banksia Hill. However, the Department's response did not support recommendation 9 in relation to the proposed location of the Unit, noting that the site was selected as the most appropriate available option. We made this recommendation having listened to the concerns raised by many staff and from our experience over the years seeing Banksia Hill operate on a normal routine. An important consideration in making this recommendation was the impact of having a significant building site in the middle of the facility. Hopefully, by the time construction commences some stability of routine will have returned to Banksia Hill. However, we were concerned about the potential for significant disruption once that is re-established. We stand by the intent of this recommendation.

ACKNOWLEDGMENTS

We have four Independent Detention Centre Visitors who are community volunteers appointed by the Minister for Corrective Services. They attend Banksia Hill and Unit 18 on a regular basis providing an opportunity for the young people to raise issues and feedback that information to our office. I acknowledge the importance of their work and thank them for the contribution they have made to our ongoing monitoring of Banksia Hill and Unit 18.

I acknowledge also the support and cooperation we received throughout the inspection from the acting Superintendent and staff at Banksia Hill and Unit 18 and from key personnel in the Department.

The young people who took the time to speak with us and share their perspective also deserve our acknowledgement and thanks.

Finally, I would like to thank the members of the inspection team for their expertise and hard work throughout the inspection. I would particularly acknowledge and thank our expert advisers, Dr Jocelyn Jones, Dr Katinka Morton, Ms Janet Connor, Ms Shirley Parer, and Ms Laura Jackman. Finally, I want to acknowledge Cliff Holdom for his hard work in planning this inspection and Christine Wyatt as principal drafter of this report.

Eamon Ryan

Inspector of Custodial Services

3 May 2023

Executive Summary

Young people in crisis

The experience for young people in custody has deteriorated since our last full inspection of Banksia Hill in 2020. This is despite the opening of Unit 18 at Casuarina Prison as a circuit-breaker initiative. Ongoing lockdowns and decreased time out of cell has increased the 'temperature' within both facilities, leading to regular critical incidents such as staff assaults, roof ascents and riotous behaviour.

Lockdowns have also negatively impacted mental health. The rates of self-harm and attempted suicides have remained high since we inspected the Intensive Support Unit at Banksia Hill in December 2021. However, mental health care services were stretched. The mental health team were managing up to 30 young people on the At-Risk Management System on any given day, limiting the availability of offence-specific counselling for rehabilitative purposes.

Staffing in crisis

Staff at Banksia Hill and Unit 18 were burnt out, demoralised and felt unsafe. Staff reported feeling more stressed and having a poorer quality of working life in comparison to our previous inspection. And, many were suffering the impacts of trauma and compassion fatigue. Still, many remained optimistic, displayed courage and resilience, and were learning to do more with less.

With recruitment efforts struggling to keep pace with high attrition rates, staffing shortages will continue to be an issue. Reforms to the existing staffing model need to be explored to help address shortages and to transform the care and engagement offered to young people in custody.

Physical environment in crisis

In response to the ongoing destruction and damage to infrastructure caused by some young people, the Department continues to make adjustments and harden elements of the built form. The Department is also progressing the construction of a standalone crisis care unit. This is a welcomed development, but we are concerned about the construction phase and how its placement within Banksia Hill may compromise sight lines and reduce recreation options.

Environmental hygiene and living conditions had been neglected as staffing numbers reached critically low levels. This was causing a health and safety issue for the young people and staff. Much of the physical infrastructure at Banksia Hill had also declined into a state of disrepair.

List of recommendations

| | Page |
|---|------|
| Recommendation 1 | 7 |
| Commit to the design and construction of a second youth custodial facility that meets the complex needs of different cohorts of young people. | |
| Recommendation 2 | 8 |
| Empower staff to use all of the behaviour management tools that are available to them under relevant policy and legislation. | |
| Recommendation 3 | 9 |
| Re-implement detention centre charges and set tight timeframes for their hearing. | |
| Recommendation 4 | 12 |
| Review the 'safe exit' technique and safe alternatives to this practice. | |
| Recommendation 5 | 13 |
| Urgently address staff support and retention issues. | |
| Recommendation 6 | 17 |
| Reimagine and establish a youth care role – separate from youth custodial officers – to support and guide young people in every aspect of their day in custody. | |
| Recommendation 7 | 18 |
| Develop and implement a mixed-shift system to maximise consistency and continuity of care for young people. | |
| Recommendation 8 | 20 |
| Advertise and urgently recruit the additional Aboriginal Youth Support Officer (AYSO) positions and the Aboriginal Services Manager. | |
| Recommendation 9 | 23 |
| Examine alternative options for the location of the Crisis Care Unit. | |
| Recommendation 10 | 25 |
| Implement a structured vocational training program that offers accredited training and work skills to prepare young people for employment on release. | |

FACT PAGE – BHDC & UNIT 18 INSPECTION



NAME OF FACILITY

Banksia Hill Detention Centre (inclusive of Unit 18 at Casuarina Prison).

LOCATION



Banksia Hill is located on Whadjuk Noongar land in the suburb of Canning Vale in Perth, Western Australia.

Unit 18 is within Casuarina Prison in the suburb of Casuarina, Perth.



INSPECTION DATE

6 – 15 February 2023

ROLE OF FACILITY

Banksia Hill Detention Centre (Banksia Hill) is a maximum-security facility that holds sentenced and unsentenced boys and girls from all regions of Western Australia. Unsensented young people there can range from 10 to 17 years of age. Any young person sentenced before they turn 18 can stay there until they reach their earliest release date unless a court orders their transfer to adult prison.

HISTORY

Banksia Hill opened in October 1997. The centre underwent a major redevelopment from 2010 to 2012. Following this, the Rangeview Remand Centre was closed and converted into an adult prison. In October 2012, Banksia Hill became Western Australia's only youth detention centre. There was a major riot in January 2013, after which most of the male detainees were placed in two units in Hakea Prison until October 2013.

In July 2022, following persistent destruction of cells and other infrastructure, Unit 18 within Casuarina Prison was gazetted as a youth detention centre to temporarily house disruptive male detainees.

NUMBER OF YOUNG PEOPLE HELD ON FIRST DAY OF INSPECTION

100



1 Why this report?

It cannot be denied that in conducting this inspection, we found an emergency. Every element of Banksia Hill was failing, often through no fault of its own or the efforts of staff. But, on most days, the centre was insufficiently staffed to ensure the safe and secure management of, and service delivery to, the young people placed there.

The irony was then, and is now, that the commitment to the current staffing model (the 1:8 custodial staff-to-young people ratio and 12-hour shifts) appears so inflexible that it further risks the safety and security of the centre with continued lockdowns. It is a self-perpetuating cycle. Providing safety for young people when there are not enough staff means more time locked in cell. This isolation increases the young people's anxieties, anger and frustration and some respond negatively towards themselves, others, and infrastructure/property. Staff must respond, which often leads to more or longer lockdowns. And the cycle repeats.

Ultimately, this inspection found young people, staff, and a physical environment in acute crisis.

1.1 A very restricted regime

This inspection was scheduled from Monday 6 until Wednesday 15 February 2023. We intended to follow standard inspection processes, including visiting outside of work hours to observe:

- the early morning processes before the young people were unlocked
- the evening routine serving dinner to the young people and overnight lockdown procedures
- weekend recreation and visits.

But despite the best efforts of staff, much of our time was spent observing a proverbial 'ghost town'. So much so, most of our team did not return on-site after the first five days. Site-wide confinement orders were in place for every day of the inspection. These orders, discussed in more detail in Chapter 4, were intended to address legal compliance issues around confinement in cell when there was a serious lack of staff that would compromise the 'good order and security' of the centre. This prevented a normal daily routine of activities. Regardless of questions around its legality, the constant lockdowns can cause further trauma, anger, and negative development.

1.2 A truncated report

This inspection was part of our routine three-yearly schedule set to look at all facets of life in Banksia Hill and the gazetted Unit 18 at Casuarina Prison (Unit 18). Our inspection team included specialist advisers covering education, young people, health and mental health, and cultural safety.

Given what we know about the needs of the young people in custody in Western Australia, our intention was to use our experts' knowledge and advice to examine whether the care being provided to the young people was trauma informed and contemporary. We had intended to overlay various perspectives to the inspection report.

1. Cultural – On any given day more than 70 per cent of young people in custody are First Nations young people.
2. Impairment – A 2018 study at Banksia Hill found the prevalence of neurodevelopmental impairment was almost 90 per cent while more than a third of youth had Fetal Alcohol Spectrum Disorder (Bower C, 2018).
3. Health and Mental health – Many of the young people in custody are impacted by mental health issues, backgrounds and histories of grief, trauma, family neglect or abuse, sexual abuse, and intergenerational trauma. Furthermore, incidents of self-harm and attempted suicide reached unprecedented levels in late 2021 which, in part, led to our unscheduled inspection of the Intensive Support Unit (ISU) (OICS, 2022).

Despite this objective, we have been unable to apply such focus to this report. The situation we observed was so far from a normal routine that anything above getting many of the young people out of cell for a few hours each day seemed unattainable.

That is not to say the Department of Justice (the Department) is not, or should not, be future focussed. Plans beyond time out of cell are being put in place but they are dependent on a time when the centre has enough staff. The Department must consider every option now for that time to be expedited. And in the interim, it must ensure the delivery of basic children's rights.

By necessity, this report focusses almost entirely on the current crisis. We will at a later time consider the merits of producing a more detailed report covering the original objectives that we set for this inspection.

2 Young people in crisis

Following our last full inspection of Banksia Hill in 2020, the experience for young people in custody in Western Australia deteriorated significantly to the point of crisis. By late 2021, we were concerned enough to take the unusual step of conducting an unscheduled inspection which resulted in the issuing of a Show Cause Notice under Section 33A of the *Inspector of Custodial Services Act 2003*. Through ongoing monitoring, we observed some welcome improvements, particularly between August and October 2022, after the opening of Unit 18 at Casuarina Prison. However, from October 2022 through to the time of the inspection, the centre again de-stabilised and we now consider the situation to be critical.

2.1 Too many at risk, and no one accessing criminogenic programs

Self-harm rates were high, but at-risk management processes were sound

For almost 18 months leading up to our inspection, the rates of self-harm and attempted suicide among young people in custody were unprecedentedly high. There had been a significant rise in recorded incidents of self-harm and attempted suicides from September 2021 and numbers have remained high ever since.

Part of the increase could be attributed to a focus within the centre on more accurately identifying all incidents of self-harm. However, this was also a period when critical incidents were increasing, leading to a more unstable centre and young people spending more time confined in cell. We have previously observed a correlation between extended time spent in cell and incidents of self-harm by young people (OICS, 2022, pp. 8-10).

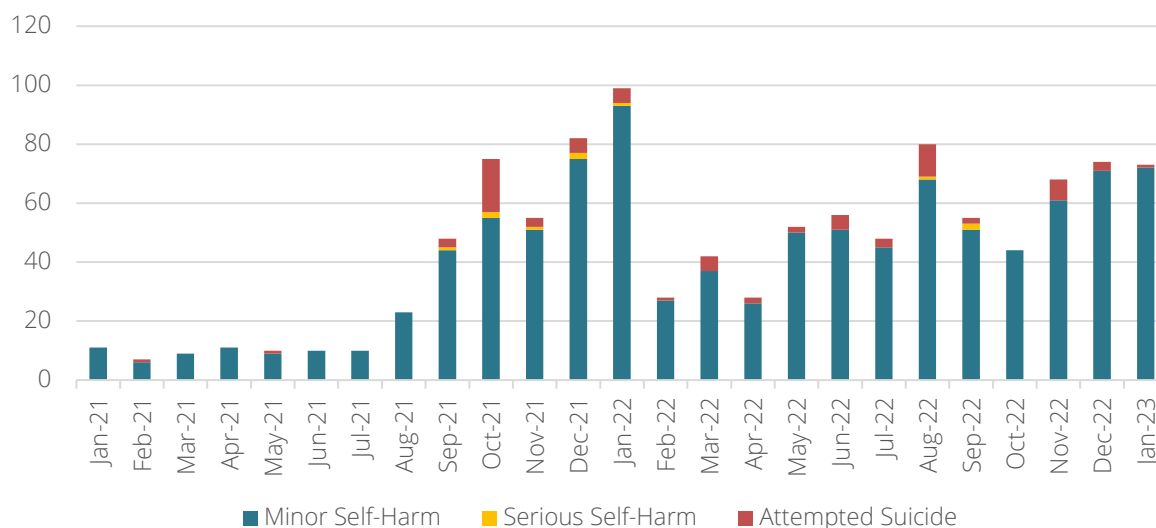


Figure 2.1 Incidents of self-harm and attempted suicide at Banksia Hill and Unit 18 (January 2021–January 2023)

During the inspection, many young people reported they were struggling as a result of the regular lockdowns. This was confirmed by the results of our pre-inspection survey in which nine young

people specifically commented that the lockdowns led them to thinking about self-harm and suicide. There were also many comments about feeling depressed, sad and lonely. Ordinarily, young people at significant risk would be placed in the observation wing. However, the observation facilities in the ISU were so degraded they had been closed for complete refurbishment. Young people who needed to be under observation were kept in cells under camera in another wing of the ISU or they stayed in mainstream units with their cell monitored by a portable CCTV system. In extreme cases, boys had been co-located with girls in the Cue Unit (the female observation and management unit).

It just makes me feel like I'm trapped.

It makes me feel suicidal and I'm always depressed, and I stress out a lot.

When we get locked down at normal routine times its fine, but when we get locked in cell for days on end sometimes weeks, it gives boys bad thoughts

I feel trapped and alone I get really sad and depressed because all they give us is a TV and I don't like watching TV.

Quotes from young people in our pre-inspection survey.

On a more positive note, the At-Risk Management System (ARMS) manual for youth custodial services had been finalised since the last inspection. This provided comprehensive guidance on the management of young people deemed at risk of self-harm. Key to the ARMS process was a multidisciplinary team known as the At-Risk Assessment Group (ARAG), which met daily to assess each young person being managed under ARMS. The ARAG was chaired by the Assistant Superintendent Safer Practice and Detainee Services and included representatives from the psychology team, mental health team, Aboriginal Youth Support Officers, and custodial staff. The ARAG process was well-established and robust, and all disciplines contributed.

The mental health and psychology teams were struggling to meet demand

Given the significant increase in self-harm and attempted suicide risk over the last 18 months, we were concerned to find mental health and psychological services not operating at their best. There was limited mental health screening of young people when they entered custody and there were no policies or procedures for prioritising assessment by the psychiatrist. This was compounded by restrictions on psychiatric services, which at the time of the inspection were only available via video-link for those aged 16 years and over. Furthermore, regular meetings between mental health clinicians and the psychology team were not being held. We understand that after our inspection a new psychiatrist had commenced and there was no age restriction on who could be seen.

We also found that the psychology team was under-strength due to vacancies and having to work at Banksia Hill and Unit 18. The team was struggling to manage the workload associated



with high numbers of young people on ARMS. In 2022, there were an average of 31 active ARMS alerts on any given day – almost 30 per cent of the average daily population. This generated a large amount of work for psychologists who were required to review young people on ARMS for the daily ARAG meetings.

It is hoped that the new Child, Adolescent and Youth Forensic Outreach Service (announced February 2021) may soon augment services at Banksia Hill increasing the provision of mental health care and allowing the psychologists to focus on addressing offence-specific counselling. However, in the interim, the ARMS workload for psychologists was high-pressure and occupied most of their time. Psychologists wanted the opportunity to provide more ongoing support and engage in individual offence-specific counselling with the young people. Unfortunately, the ARMS workload meant that there was no capacity for this work. This was significant given that group programs addressing offending behaviour were not being run.

Clinical programs had not been delivered for almost 18 months

Banksia Hill had a small suite of evidence-based clinical programs aimed at addressing offending behaviours. Unfortunately, like so many areas, program delivery staffing had been unstable. There were two Senior Programs Officers (SPO) at the time of our inspection, with a third position vacant. For about six months in 2022, there was only one SPO but two are required to deliver a program. In addition, the custodial staffing shortages, sustained lockdowns and frequent incidents throughout 2022 had made it particularly difficult to access a group of suitable young people with the same clinical need to participate in a program.

Consequently, the last time that a clinical program had been delivered at Banksia Hill was in September–October 2021. The centre had developed a short, three-session, non-criminogenic program called *Do It Easy* which introduced emotional regulation and coping strategies. But this was the only program that had been delivered by the SPOs since the end of 2021.

2.2 A small number of young people were involved in critical incidents

Between 2020 and 2022 there were 943 critical incidents across Banksia Hill and Unit 18. These included attempted suicides and serious self-harm events, assaults on staff, property damage, disturbances and riotous behaviour. The breakdown by year saw a significant increase between 2020 and 2021. There were 85 critical incidents at Banksia Hill in 2020 involving 147 different young people – meaning most critical incidents involved more than one participant. The number of critical incidents more than tripled in 2021 to 304 incidents, but the number of distinct young people involved hardly changed (152). This meant the same number of young people were tending to involve themselves in more incidents.

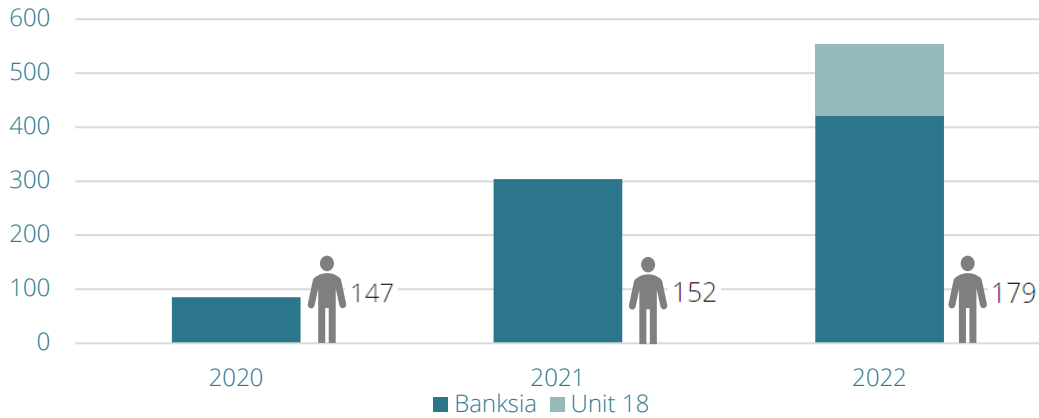


Figure 2.2 Number of critical incidents, by facility (2020–2022)

We heard that some of this increase could be attributed to a change in policy relating to how incidents were categorised between 2020 and 2021. However, the policy change could not explain such a significant increase the following year. By the end of 2022, there were 422 critical incidents recorded at Banksia Hill and another 132 critical incidents at Unit 18. The number of young people involved increased to 179. Of those, there were 25 young people involved in the critical incidents at Unit 18, all of whom had some level of engagement in similar events during their time at Banksia Hill.

Those 25 young people were collectively involved in 627 critical incidents or two-thirds of all critical incidents occurring over the past three years (66.5%). One young person was involved in 108 critical incidents – this young man has been in custody 49 times. He suffers from an intellectual disability and is under the care of the Department of Communities. He has a prolific self-harm history and has repeatedly been managed under ARMS since his first time in custody as a 10-year-old.

Table 1 The frequency of involvement in critical incidents (2020–2022)

| Number of critical incidents | 5-10 | 11-20 | 21-30 | 31-40 | 41-50 | 50+ |
|------------------------------|------|-------|-------|-------|-------|-----|
| Number of young people | 2 | 8 | 6 | 3 | 1 | 5 |

This data demonstrates the difficulties in trying to manage a complex cohort of young people and supports the argument that, in the long-term, Banksia Hill cannot remain as the sole youth custodial facility in Western Australia. Smaller facilities are needed to adequately support the individual and diverse needs of young people involved in the justice system. In essence, what we are saying is that the data is showing that the decision to amalgamate Rangeview Remand Centre with Banksia Hill has failed.

There is limited capacity within this report to explore the specific needs of each cohort because we are focussed on the immediacy of the current situation. However, in the past we have recommended smaller facilities across Western Australia to cater for the needs of these various groups - including for example: facilities for remand and sentenced; male and female; younger and older detainees; and those from regional versus metropolitan locations (OICS, 2017; OICS, 2013).

Impact of a single facility on different cohorts

In November 2022, three boys at Banksia Hill scaled and sat on a fence. Consequently, the whole centre was locked down. Despite having their own secure compound, the lockdown included the girls. One said:

'It's not fair that we have to go back in our cells because those boys have gone off again.'

So then three girls scaled a roof and stayed up there for nearly five hours. The distinct needs of the young women and girls are always overshadowed in the single centre.

But in the long term, it is clear that a smaller facility for those demonstrating complex behavioural needs is warranted. This would allow for the intensive engagement and therapeutic support that these particular young people need. It would also provide a dispersal and separation option to mitigate any negative influences those with highly complex behavioural needs may exhibit.

The analysis here and throughout the remainder of this report builds a strong argument for a second purpose built juvenile detention facility in Western Australia.

Recommendation 1

Commit to the design and construction of a second youth custodial facility that meets the complex needs of different cohorts of young people.

2.3 The perceived removal of behaviour management tools has undermined staff's ability to set boundaries with young people

Behaviour management practices at Banksia Hill and Unit 18 are governed by various departmental policies and Local Orders (DOJ, 2021A; DOJ, 2021B; DOJ, 2022). Together they provide a framework intended to reinforce positive behaviour within a hierarchical system of supervision levels and privileges. Where unacceptable behaviour presents, staff can take various actions to 'minimise and deter the behaviour(s) and provide the detainee with the opportunity to develop self-awareness and self-management skills' (DOJ, 2021A).

However, staff repeatedly told us that one of the main drivers of the current crisis was a lack of consequences and boundaries for the young people. Staff felt stripped of their tools to manage the young people's behaviours, starting with minor infractions.

They explained that minor infractions were not, and in some cases, could not be dealt with immediately. In part, this was due to staffing pressures and lockdowns, as well as the inexperience of many of their colleagues. But we also heard about inconsistent practice, which meant some staff, including managers and senior management, would override a consequence, leaving those who initiated it feeling disempowered and undermined.

Experience has shown that when minor infractions are not dealt with immediately, they are likely to be repeated and escalate. A lack of response leads young people, both those involved and those observing, to believe that the behaviour is acceptable. This fails to set boundaries for young people, and staff felt it was contributing to an increasing resistance to instructions.

Somewhat surprisingly, we also heard a similar story from a group of young people. They said there were no consequences for poor behaviour, citing the example that if someone smashed their television, it would be replaced, and this sends the wrong message to them and others.



Figure 2.3 Staff can take a range of actions in response to unacceptable behaviour

Members of the senior management team acknowledged the staff's perceptions and concerns. But we were advised that no options had been removed from the officers' behaviour management tool kit. Rather, there was a stronger focus on staff compliance with policy and legislation, and this created additional requirements around documentation. The management team recognised the need for more communication around this issue to re-affirm with staff their responsibilities and powers. Without this, the centre cannot expect to address unacceptable behaviour before it escalates, help young people develop self-awareness and self-management skills, or run a successful hierarchical model of incentives and privileges.

Recommendation 2

Empower staff to use all of the behaviour management tools that are available to them under relevant policy and legislation.

Detention centre charges are not used

Despite the increase in incidents and critical incidents over the last three years, no detention centre charges had been laid since late 2020. In November 2022, the President of the Children's Court, Hon. Judge Quail heavily criticised this approach. He raised concerns about the Department operating outside of its jurisdiction by not using detention centre charges in response to behavioural incidents (Shine, 2022).

During the inspection we heard that there was an intention to reintroduce detention centre charges, but this had been delayed because of ongoing staffing issues.

However, there was some contention regarding which charges should be progressed through a reintroduced process. Some staff did not feel a detention centre charge was sufficient for staff assaults or significant damage incidents. But not all agreed, highlighting that there was no guarantee

that police would lay criminal charges. And even if the offences were proven in court, concurrent sentencing was common.

Another important consideration was that, for young people, timeliness of response is critical. This is due to their ability to associate the infraction with the consequence, and also due to the generally short time young people stay in custody (detention centre charges must be imposed during a young person’s current time in detention). Regardless, timely and meaningful use of detention centre charges is an essential behaviour management tool that should be reinstated.

Recommendation 3
Re-implement detention centre charges and set tight timeframes for their hearing.

2.4 Purpose and function of Unit 18 is having the reverse intended effect at Banksia Hill

Our last report on Banksia Hill noted the increasing frequency of critical incidents (OICS, 2022). It called for an immediate circuit-breaker by embedding a welfare-focused non-custodial workforce to supplement the custodial and security efforts. Subsequent to this report being published, the situation deteriorated further with significant damage leading to cell breaches. The Department responded by gazetting Unit 18 at Casuarina Prison to provide more robust infrastructure for a group of young people it was struggling to manage. It was also proposed to allow for infrastructure upgrades and maintenance to occur at Banksia Hill.

The criteria for those sent to Unit 18 ‘predominantly came down to behaviour ... individuals who have been significantly involved in [fence climbs, unit roof ascents, assaults on staff, self-harm, and significant cell damage] and who ... needed to be managed in a more secure area for a period of time’ (Tomison, 2022, p. 396).

In the early days, the opening of Unit 18 did act as a circuit-breaker. The transfer of young people occurred in July 2022 and there was a significant reduction in the number of incidents at Banksia Hill in August, September and October. However, by November 2022, incidents there began increasing again.

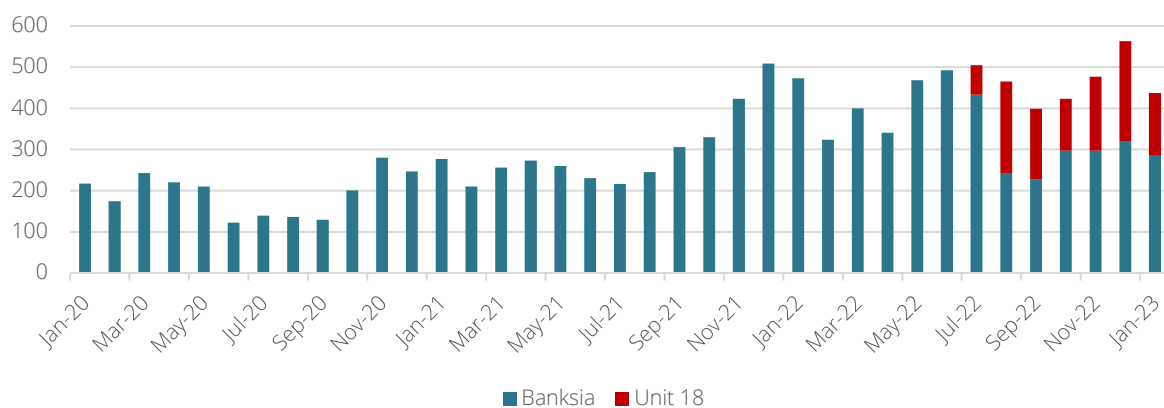


Figure 2.4 Number of incidents, by facility (2020–January 2023)

Some young people were misbehaving in order to transfer to Unit 18

The intense scrutiny regarding the move to Unit 18 meant there has been a focus on maintaining a full complement of staff there. So, it has been rare for there to be a custodial staffing shortfall at that facility. And when this did occur, officers from Banksia Hill were redeployed to cover vacancies. We were told this was to ensure the minimum rights to out-of-cell hours were met at Unit 18. But the redeployment of staff from Banksia Hill was often to the detriment of young people there.

We were told that in addition to the full staffing levels, Unit 18 offered:

- a consistent structure and regime
- more intensive support services and engagement with non-custodial staff
- a youth population that was less transient
- many privileges that were not available to those at Banksia Hill.

During the inspection staff throughout the centre told us that many young people were now requesting to be placed at Unit 18. Some young people, who were not previously involved in incidents, had begun to misbehave in order to be transferred there.

This is not to paint too rosy a picture of conditions at Unit 18. Young people there still spent a considerable amount of time secured in their cell (for example, they were getting an average of only 2–3 hours out of cell per day during the inspection) and security was still prioritised with a heavy presence of custodial staff, including adult prison officers.

And yet, if Unit 18 was less like an adult prison in infrastructure and staffing, it would be closer to what should be expected for the management of complex, high needs young people in detention. The intensive support and embedded involvement of health staff, psychologists, programs officers, teachers, and external service providers should be the norm for all young people in detention. We saw many of these support services, a mental health nurse, and a Department of Communities representative (for those in the care of the Department of Communities) included in the Unit 18 Multidisciplinary Team meetings. It is evidence of a shift in thinking towards more holistic support for and decision-making about the young people. No doubt this is the kind of approach being planned for in the new operating philosophy and service model.

3 Staffing in crisis

Banksia Hill has 254 positions for custodial staff from Youth Custodial Officers (YCOs) to senior officers, including 12 regional transport staff. This does not include management, administrative staff or those working in education, health, case planning, psychology, programs, recreation or support roles. At the time of the inspection, there were about 50 staff with workers' compensation claims and approximately 20 officer vacancies. This has led to a major deficiency in staff available to undertake standard shifts.

3.1 The custodial workforce has been damaged but is not beyond repair

Staff were burnt out, demoralised and did not feel safe

The courage and resilience of many of the staff we met was remarkable. Many remained optimistic and committed to placing the interests of young people at the centre of what they do. Some continued to turn up for work despite having suffered multiple instances of abuse and physical assault. 'We make it work' was their mantra. But it was also clear that many were impacted by their experiences and what they perceived as inadequate recognition and support from the Department. There was also evidence among some staff of compassion fatigue, frayed nerves and hypervigilance which, despite their best intentions, negatively affected their interactions with young people.

Trauma experienced by staff can be cumulative and ultimately takes a toll. And there has been a significant loss of longer-term, experienced staff over the last two years due to extended workers' compensation leave, resignations, and retirements. This has often left probationary staff running units with very little guidance from more experienced staff. We heard that two-thirds of the custodial workforce had less than 18 months' experience. And unit manager and/or senior officer positions were often filled by staff without relevant training or having undergone a selection process to determine their suitability.

It was not surprising then that staff survey respondents said their quality of working life was very low (4.65/10), compounded by a very high level of work-related stress (7.21/10). These are the worst results for these questions in a staff survey for any Western Australian custodial facility. Over a third of staff surveyed also said they mostly felt unsafe or almost never felt safe (37%) while less than half said they always or mainly felt safe (46%). This was down from 85 per cent last inspection.

WORK RELATED STRESS

7.21 / 10 ↑

(6.07 last inspection)

QUALITY OF WORKING LIFE

4.65 / 10 ↓

(6.29 last inspection)

Staff have learned to do more with less and accepted more risk

Staff availability has steadily declined since our 2020 inspection (OICS, 2021). The full custodial day shift roster is 65, set to manage up to 215 youth. With smaller populations, 55 became the required number for normal operations. But sustained lockdowns became far more common from late 2020, and for much of 2021, due to slightly higher population numbers; high levels of staff attrition; rising workers' compensation claims; and the COVID-19 pandemic.

By late 2021, the Department was so concerned about staffing levels at Banksia Hill that it invited prison officers to do overtime there to boost numbers.

Staff were then further stretched from July 2022 when Unit 18 came online requiring 15-16 staff daily. Prison officers continued to be called on to help fill some of those shifts. With some of the most challenging young people placed at Unit 18, management at Banksia Hill persuaded staff that it was safe to operate a normal daily routine with only 35 custodial staff. Between August and November 2022, largely standard operations ran at Banksia Hill with youth able to attend school, and some other activities and afterschool sports. However, extra pressures on staffing for hospital escorts, or due to higher levels of personal leave, especially on weekends, still caused intermittent lockdowns.

The situation deteriorated in December 2022, despite an on-paper increase in YCOs – there were 50 resignations in 2022 compared to 83 new recruits. COVID-19 took hold again depleting staff numbers and forcing some young people into extra lockdowns for isolation after testing positive or becoming a close contact. Other young people became increasingly involved in serious disruptive incidents, culminating in the New Year's Eve incident involving 22 young people. Unit 18 also faced serious incidents, especially during January 2023, after some of the alleged New Year's Eve perpetrators were transferred there from Banksia Hill.



We were told that workers' compensation claims also increased in December 2022 arising from the new 'safe exit' technique. The technique was researched, developed, taught and deployed within a fortnight to replace the 'figure 4' restraint which earned significant media attention following the ABC's Four Corners program. Staff told us the new technique meant young people were repeatedly able to twist around and spit on and physically assault staff before they could exit the cell. Some young people also managed to exit the cell ahead of staff and had to be recaptured, restrained and returned to cell. We understand that since the inspection Banksia Hill has been further investigating alternative options to the 'safe exit' technique including a Velcro leg wrap that is used in other Australian jurisdictions.

Recommendation 4

Review the 'safe exit' technique and safe alternatives to this practice.

During the 10 days of the inspection, there were less than 30 custodial staff available for each day shift. The weekend before the inspection, the centre ran with just 15 officers on one day and 16 the next. That weekend, the situation was so dire that young people from the Murchison Unit were employed to serve meals to other youth in the centre. Rolling lockdowns occurred throughout this period and had a considerable impact on youth and the ability to run any sort of daily program. We heard that it was also demoralising for staff, repeatedly having to lock young people in cell and not properly meet their needs. It also elevates risk when young people object to having to go to cell yet again, especially if they have not had a reasonable opportunity to make a successful phone call to family or friends.

‘No one is coming to work to lock kids down all day’

Staffing is in terminal decline and retention efforts must be redoubled

The Department is putting significant efforts into the recruitment and training of YCOs, but high attrition rates are having a disastrous impact. By the first day of the inspection (6 February 2023), there had already been 16 resignations for 2023, with separations due to take effect later in February or March. Most were moving onto other careers.

Two training schools with up to 40 recruits were due to commence in February with a scheduled graduation in May 2023. However, most recruit schools have drop outs during training or shortly after graduation, so the final number could be lower than 40. If the attrition rate seen in the first two months of 2023 continued, the actual impact of these two schools could be minimal. We heard that due to the 12-hour shift structure and depending on the actual attrition rate and the final number of graduates, the impact could be to only add one or two additional staff per shift. This potentially leaves the centre’s roster still well below the minimum 35 officers per shift needed to run the day program under its current model.

Two more schools are scheduled later in the year, but attracting suitable candidates was challenging. We heard that sustained negative media coverage of the centres, and of custodial work generally, was deterring potential applicants. In much the same way as it had been a factor for many of those who had resigned.

The Banksia Hill attrition rate has been about 50+ officers each year, or a fifth of the custodial workforce. This is unsustainable. Even if replaced by recruits, it is hard to see how an effective workforce can be established in the immediate short term. The problem is compounded by very high rates of workers’ compensation and high daily staff absences. An effective strategy is needed to stop the workforce declining at such a rate.

Recommendation 5

Urgently address staff support and retention issues.

3.2 Without enough custodial staff, young people were confined to cell

Out of cell hours were skewed by poor record keeping and the few young people with privileges

The average time out of cell at Banksia Hill has declined over the last three years. Young people are locked in cell overnight (for 12 hours and 45 minutes) so, at most, they can be unlocked for 11 hours and 15 minutes per day. However, they are also locked down for staff breaks (two 40-minute meal breaks) which further restricts out-of-cell-hours (OOCH) to just nine hours 55 minutes per day. If these were the only lockdowns, the issue of OOCH would draw less criticism (OICS, 2022; OICS, 2021; OICS, 2018A; OICS, 2018B; OICS, 2017; OICS, 2015). However, young people are also frequently locked down for other reasons, including: insufficient staffing; in response to an incident occurring; and every Friday morning to allow for staff training.

Departmental OOCH averages indicate that in January 2023, young people spent an average of 7.5 hours out of cell at Banksia Hill and 3.3 hours out of cell at Unit 18. During the inspection the averages were roughly seven and three hours respectively. However, this did not align with our observations and did not reflect the reality of individual experiences for the young people.

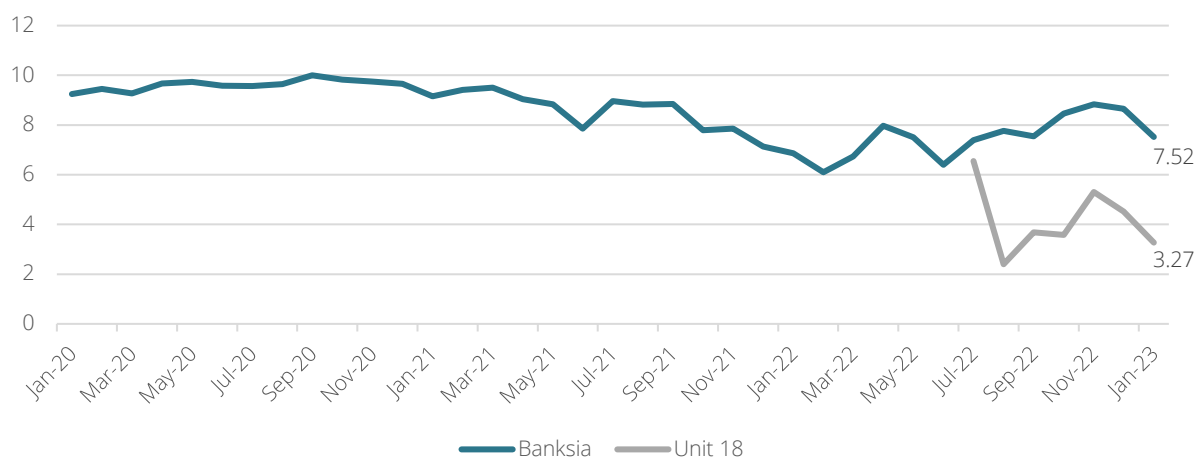


Figure 3.1 Average OOCH, by facility (2020–January 2023)

On 4 and 5 February 2023, the weekend before the inspection, Banksia Hill had such critically low staffing numbers that members of the Senior Management Team, former employees and prison staff came on-site to assist with night-manning the facility. Night-manning means a staff member performs regular checks on young people locked in cell, as would occur overnight. Fewer staff are required compared to a standard dayshift when the 1:8 supervision ratio is required.

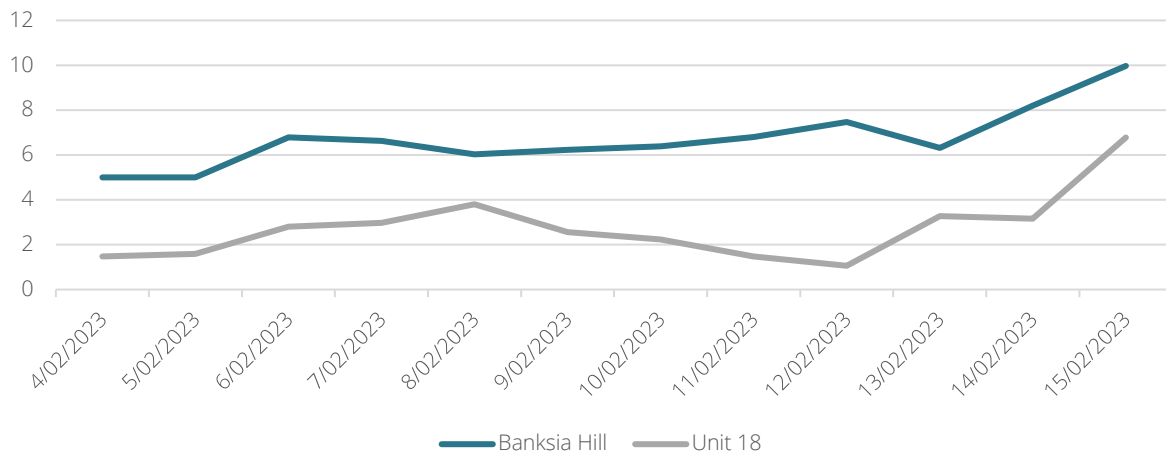


Figure 3.2 Average OUCH during the inspection, by facility (4–15 February 2023)

On the first afternoon of the inspection (6 February 2023), some young people told us they had not been out of cell since Friday 3 February 2023. Yet, departmental records indicated that on average, the young people at Banksia Hill had five hours out of cell each day of the weekend.

The data showed that young people in Urquhart and Murchison units, and the self-care units, were not recorded as locked down. It was likely this was accurate for those in the Murchison and self-care units. However, various sources advised us that those young people in Urquhart were locked in cell. These inaccuracies and the extra time out of cell for those with privileges, had a significant, positive impact on the average OUCH reported for the two days. In fact, time out of cell for young people elsewhere in the centre ranged from no time at all (for 12 young people on Saturday and 30 on Sunday) to a few of hours for the young women and girls in the Yeeda unit.

On the last day of the inspection, departmental representatives appeared before a Parliamentary Committee and acknowledged that the accuracy of the OUCH record keeping could not be guaranteed for the last financial year (Parliament of Western Australia, 2023). Discussions with staff at Banksia Hill and Unit 18 indicated that accuracy concerns were only significantly rectified in December 2022. In the course of writing this report, the Department ceased compiling average OUCH reports and was now recording individual records against each young person.

Confinement practices and lawfulness have been tested in the courts

In August 2022, Western Australian Supreme Court Justice Tottle declared that the confinement of a young person for more the 20 hours a day at Banksia Hill on 26 different occasions across four months in early 2022 was unlawful (ALSWA, 2022). In December 2022, another case brought before the Supreme Court on behalf of three other young people also identified concerns around the legality of extreme lockdowns and confinement of detainees (Torre, 2022). In addition, there has been widespread concern including that raised by the President of the Children’s Court about the lawfulness of extended lockdowns due to staff shortages (Styles, 2022).

Confinement of young people either for a proven detention centre charge or for the good government, good order or security of the centre, is permissible under the *Young Offenders Act 1994*

(YOA) (Part 9) and the *Young Offenders Regulations 1995* (Part 9). There are strict criteria stipulated about how these provisions are to be applied, including minimum time out of cell during the confinement period. These provisions and their interpretation were at the centre of the Supreme Court cases referred to earlier. In both cases His Honour Justice Tottle found that extended lockdowns of the individuals as consequence of staff shortages were in contravention of the YOA. Since the latest judgement, the Department and the two centres have spent considerable time and resources trying to improve systems and processes to ensure the lockdowns are compliant and accurately recorded.

3.3 Reimagining the staffing model

More care staff in the units is essential

For some time, staff have campaigned to have two officers allocated to each wing, arguing that the current 1:8 ratio is unsafe. This argument is too simplistic as experience has shown over many years that often some groups of young people have been cooperative and non-threatening. In the past, management has placed additional staff in high risk areas, but this has been the exception, rather than the rule. Many young people are highly volatile, impulsive, and hard to read. And, there has been a well-documented increase in abuse and assaults recently. We are not arguing against changing the 1:8 ratio, simply that the solution is more complex than that.



The ratio of staff-to-young people should not be conceived primarily as a matter of safety. No other Australian jurisdictions maintains such a high ratio for its frontline detention staff. For example, the design of Brisbane Youth Detention Centre was inspired by Banksia Hill with wings accommodating eight. However, it has always run with two youth workers per wing, or a 1:4 ratio.

It is easier to manage the diverse needs of the young people with two staff in a wing. Moreover, with adequate continuity of care, staff can get to know young people much better, provide consistent support, better understand their personal and external circumstances, and help them work through their personal challenges and opportunities. This has shown to be safer for staff as many young people invest in these relationships, and their issues and triggers are better known and managed.

But there are also tried and proven alternative models of care. For example, in its 2019 report to the Northern Territory Government, Spanish youth detention agency Diagrama (which follows a very different model of care) outlined three distinct roles in its centres: social educators, a technical team (psychology, health, social worker, reintegration workers) and security staff. The first of these roles is described as:

Social educators - Qualified to degree level and guided by the technical team, they support young people throughout every aspect of their day, from getting up in the morning to when they go to bed and are included in classes, vocational training and leisure activities. They are at the heart of our approach and genuinely care about the young people they work with (Diagrama Foundation, 2019, p. 15)

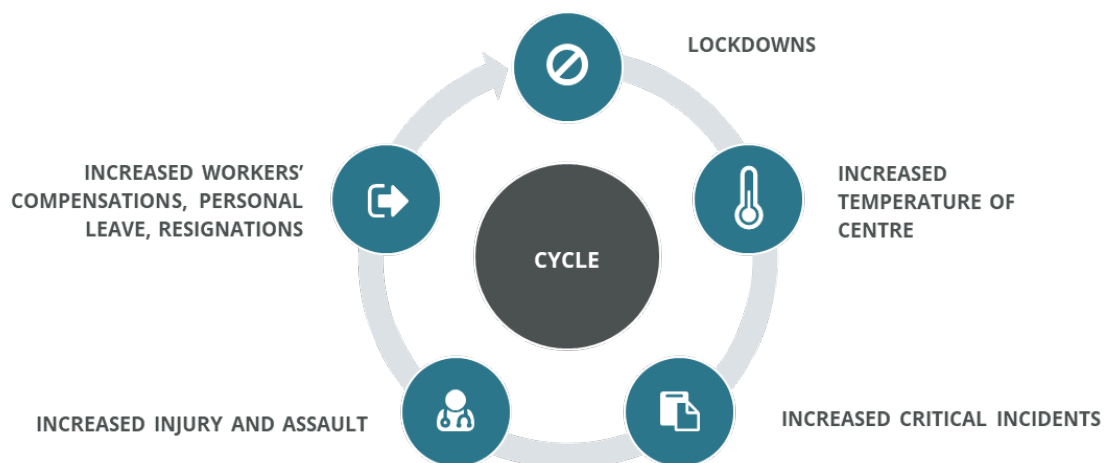
Such an approach in Western Australia would be innovative and revolutionary, with the potential to transform the kind of care and engagement that could be offered to young people. In practice, it would not be too far beyond what has already been tried with some limited success in Unit 18 by way of extensive additional supports. It would most likely require a separate vocation from the YCO role, with implications for pre-requisites, levels of training, and remuneration.

Recommendation 6

Reimagine and establish a youth care role – separate from youth custodial officers – to support and guide young people in every aspect of their day in custody.

Only significant reform can break the cycle

It is well understood that stress factors, such as extended lockdowns, often precede serious incidents in custodial places (Shuard PSM, 2018; OICS, 2013). It is a vicious cycle. Lockdowns increase the 'temperature' of a facility which in turn increases the number of critical incidents. This often means more staff are injured or assaulted, which drives up the number who are on workers' compensation or subject to return-to-work conditions. It also leads to more people booking off shift because they are psychologically unable to face the day or from exhaustion having to take on additional work. Increased resignations/separations often follow so there are even fewer staff to perform standard duties resulting in further and often lengthier lockdowns. The cycle repeats over again.



In youth detention, one of the reasons for this spiral is likely to be to the current staffing model and rosters (for example the 1:8 ratio and the 12-hour shift system). In saying this, we recognise this will

be very unpopular with staff. Ironically, the inflexibility of this model means that it further risks the safety and security of the centre by contributing to the cycle of continued lockdowns.

Major reform is needed to break the cycle. There needs to be innovation to reshape the workforce to make the job safer and more meaningful for staff and more effective in the provision of care and rehabilitation for young people. Such reforms should also improve staff retention and attract new recruits. The new proposed operating philosophy and service model specifies that young people should reliably have at least 10 hours, preferably more than 12 hours, out of cell per day (Nous Consulting, 2022, p. 42. Standard 1.2.1). It also stipulates that rosters be designed to promote greater continuity and consistency between young people and staff (Nous Consulting, 2022, p. 59. Standard 3.1.1). This is a major component in a balanced approach to safety and security. It points to best practice in other states indicating that this can be achieved through eight-hour shift systems (Nous Consulting, 2022, p. 32).

We acknowledge the 12-hour shift system is popular with many staff as it reduces attendance to 10 shifts in 21 days and attracts a shift allowance. However, it also limits continuity of care and is not how youth-facing roles should be organised (Nous Consulting, 2022, p. 36). A mixed-shift system is critically needed at Banksia Hill, with those working with young people in eight- or 10-hour shifts, working four to five day shifts per week. It may be feasible to pilot such a system with the current recruitment schools on graduation.

Recommendation 7

Develop and implement a mixed-shift system to maximise consistency and continuity of care for young people.

3.4 Non-custodial staff were working tirelessly trying to deliver services

Lockdowns due to short staffing issues were having a significant impact on non-custodial service delivery.

The Department has professional and other non-custodial staff employed to provide services to young people. Some were essentially prevented from doing their job at all, while most were seriously compromised in what work they could do. Some service areas were also affected by their own staff shortages or deficiencies while administrative staff were also under pressure.

Workers from other agencies and non-government organisations are also based in, or regularly attend, Banksia Hill to provide a variety of support services. These include sporting activities; re-entry services; drug counselling; health and personal development programs; mentoring; cultural support; and other services to young people. Some of the higher-impact programs include Army Cadets, the Department of Fire and Emergency Services Youth Program and the Banksia Beats Hip-Hop Program. These services were often reduced or turned away altogether due to lockdowns.

Educators were willing and able but all too often unable to provide classes

Education staff used much of their considerable downtime since 2020 reforming the centre's approach to education. Based on the Berry Street (trauma informed) model and implementing a 'direct explicit instruction' approach, education was working well in terms three and four of 2022 when the daily program at Banksia Hill was operating more consistently. But no teaching occurred during our inspection. Approximately 30 dedicated and skilled staff were regularly unable to deliver meaningful education classes, and in effect their core duties.

Health workers offer much but too many opportunities were lost

Health Services rely on detainees being escorted to the health centre and custodial staff being responsive to the health concerns raised by young people. Both are very difficult at present and pose a significant risk to the health and welfare of the young people if access to health care cannot be prioritised. Essential or immediate needs were being met but initial health reviews were being missed. This meant valuable opportunities for early intervention and treatment were being lost. We heard that some young people were unable to attend clinic appointments due to lockdowns and noted that allied health provision was often lacking.

Case managers were tied up with more work beyond their normal remit

The work of case managers routinely involves assessing risk, planning interventions, mediating with family and other community, making referrals, guiding youth, assisting in release preparations and reporting to sentencing and releasing authorities. For some time now, courts and the Supervised Release Review Board have been seeking more detailed detention reports about young people, with a particular focus on time spent in cell. We heard that case managers were spending most of their time on this work. They were also diverted to preparing documentation for case-by-case consideration of whether to approach the Children's Court for the transfer of young people aged 17 or older to adult prisons. At the time of the inspection, this amounted to half the population.

While case managers still case managed the young people, especially the more complex cases, they told us they have been unable to do much of the other assessment, planning and intervention referrals required.

Aboriginal Youth Support Officers were stretched

The Aboriginal Youth Support Officers (AYSOs) were non-custodial staff who provide much needed support to young people in units at both Banksia Hill and Unit 18 during unlock hours. With only four positions, they were stretched, but additional positions had been created and advertised. We understand that in the weeks after our onsite inspection that two additional AYSOs had commenced.

At the Disabilities Royal Commission hearing in Perth, the Department committed to establishing a senior Aboriginal Services Manager at Banksia Hill (Reynolds, 2022). But at the time of the inspection we were told that the job description was yet to be finalised. When eventually advertised and filled,

this role should provide an important support and advocacy for Aboriginal staff and young people in the centre.

Recommendation 8

Advertise and urgently recruit the additional Aboriginal Youth Support Officer (AYSO) positions and the Aboriginal Services Manager.

Visits and recreation were also severely compromised

Although we did see a special visit being facilitated for one young person on his birthday, we heard that family visits were often cancelled, including on weekends, due to the lockdowns. While young people had embraced e-visits, phone contact remained the main way they kept in touch with family and friends. But access to the phone was seriously restricted due to lockdowns; often during such times young people are only allowed out of cell for a phone call. It is time to explore in-cell technologies to facilitate video or audio calls, and possibly emails, with family. Such technology would also provide opportunities for education and training material to be available for young people during lockdowns and in the evenings.

The centre has two recreation officers who coordinate the weekly recreation program for the centre. During the inspection due to restrictions they were mainly seen in units, working with the youth who were up between lockdowns. External agencies engaged to provide sport after school and on the weekend were often turned away because of lockdowns.

4 Physical environment in crisis

Banksia Hill opened in 1997. At the time, its campus style was regarded as a national benchmark and it influenced the design of other youth detention facilities throughout Australia. It received an award for its outstanding design and embraced the idea that young people's sightlines should not be obscured by the secure perimeter (OICS, 2013). However, since 2010, the physical environment has been regularly upgraded with new builds and additional security measures. During this inspection we continued to find these upgrades occurring, but also that the centre was in a general state of disrepair with a very limited sense of ownership.

4.1 Infrastructure repairs, target hardening and a new build

Young people learned to defeat Banksia Hill's secure cells

Despite Banksia Hill's designation as a maximum-security facility, its cells have proven to be unfit for purpose many times over. In the early 2000s, young people broke out through ceilings, which all had to be reinforced. In the 2013 riot, windows were smashed, from the inside and outside, so bars were added. Following the riot, high cowling-capped fences were installed throughout the centre with the intention of containing youth within their units. However, young people soon learned to scale the cowling and now use it as a pathway around the centre.

In late 2021, a few young people found they could compromise the infrastructure of the cells and break out. On occasions, staffing was so low at these times, that it was impossible to intervene when a young person started damaging their cell. And, having destroyed and possibly escaped from one cell, some young people simply destroyed the next one they were placed in. The word soon spread, and cells were destroyed throughout the centre. Over a period of several months in the first half of 2022, over 100 cells were put out of commission. Considerable damage was also caused to roof fittings and materials, and inside roof spaces. Debris from the damage was also sometimes used as weapons against staff.

Unit 18 became a new challenge for those intent on damage

By mid-2022, there was a cohort of young people who were difficult to contain securely. The extent of the damage they were causing was such that Banksia Hill was unable to keep up with repairs and the facility was running out of secure, undamaged cells. Unit 18 was set up as the least-worst option to manage them. In preparation, Unit 18 cells were stripped of mirrors, most cell furniture, and porcelain toilets and basins were replaced by metal ones. But the young people placed there appeared to see their new environment as a challenge. Over the first two months, they repeatedly attacked their cells. They:

- destroyed cell windows
- exposed wiring
- set fires
- destroyed cell hatches

- ripped out the metal toilets and basins
- destroyed the concrete screen walls that marked off the wet area
- ripped out their bed frames and used them as weapons
- attacked and set off sprinkler systems leading to flooding of whole floors.

However, unlike the situation at Banksia Hill, no one was able to escape from their cell.

Repairs included replacing glass windows with polycarbonate, hardening cell hatches, installing stronger toilets and basins, and removing any remaining bed bases. This left the cells bare, with mattresses and other effects directly on the floor. Only then did incidents of significant cell damage cease.

Outside of the cells, there were several riotous incidents which included fires, broken windows in common areas and young people scrambling up grilles to access ceiling panels and roof spaces. There were three roof space incidents in January 2023, including one by a single youth which we were told allegedly caused an estimated \$250,000 damage. When we inspected, both day rooms were out of action due to the damage and we heard it would take another five weeks to fix. Day rooms were used for meals and various other activities and programs such as education, music, art, and hip-hop.



Photo 1 and Photo 2 Recent infrastructure damage at Unit 18

More security hardening was underway at Banksia Hill, but it was unclear if the new precinct would also facilitate work spaces for essential civilian services

Unit 18 is only a temporary solution. And work had commenced to harden the ISU and Jasper Unit into a precinct to manage the most disruptive and behaviourally challenging youth when they return to Banksia Hill. Cells in the ISU D-Wing have been significantly strengthened and similar work is intended for the cells in Jasper. The cowling fences in the area are being removed and replaced by high anti-climb mesh fences with similar material attached to the roof perimeters.

Jasper and the yards behind the ISU have been a building site for several months and during the inspection we found the ISU's multipurpose and observation cells were also under renovation. Those

cells were being fully refurbished and the B-Wing yard, known as 'the cage' had been demolished and a large yard, with high walls and uncovered roof was planned as a replacement.

We were told that works were expected to be completed by mid-2023, enabling Unit 18 to be closed. Although there have been many serious incidents at Unit 18, there has also been some success at times in providing meaningful programs and activities for a group of very challenging young people. Much of that success was credited to the presence of a range of civilian staff providing mentoring and support in the large indoor common and amenities areas. Comparable facilities for this type of ongoing support and engagement are not currently available in the ISU or Jasper Unit. Indeed, the works in B-Wing of the ISU will remove the only interview room for civilian staff that doubles as a visits room for family and lawyers. There is also a high likelihood that the newly hardened infrastructure will again present as a challenge to those returning to Banksia Hill from Unit 18. Adequate accommodation for the non-custodial service providers to allow them to be based in these units may help reduce this risk.

The proposed location of the new crisis care unit is a cause for concern

This Office has long recommended building a crisis care unit at Banksia Hill (OICS, 2021; OICS, 2018B; OICS, 2015). We were pleased to hear it was included as part of the \$100 million upgrade planned for the centre and that a conceptual design had been developed. But we were told that the likely site is on the volleyball court and cricket nets next to the oval and Murchison Unit. This would create a building site in the centre of the facility, permanently interrupt sight lines in the centre, and reduce recreation options.

We appreciate that the final site for the crisis care unit may not have been selected but it would be remis of us to not raise these obvious concerns. We believe that all other options should be considered, including building it outside the existing secure perimeter fence and then extending the fence once it is completed.

Recommendation 9

Examine alternative options for the location of the Crisis Care Unit.

4.2 Environmental hygiene and living conditions have become a low priority

Given the stretched staffing resources across Banksia Hill, it was unsurprising that many other priorities appeared to have fallen by the wayside. To their credit, custodial staff were focussed on getting young people out of cell to facilitate social contact via visits and phone calls, and to provide access to active or passive recreation based on the young people's interests. Consequently, general cleaning of the residential units and cells by the young people was deprioritised. In some cases, youth said they had been unable to clean their rooms for days because of the lockdowns.

Discarded food was seen in many of the young people's cells we visited, and in cells that were empty and/or out of order. Bags of rubbish and piles of soiled clothes were visible throughout the units adding to the generally unhygienic conditions. We observed rat faeces throughout the centre

including in unit offices where staff were expected to work. Staff advised us that there was an infestation with tens of rats seen emerging after the evening lockdown. In one unit, vermin had clearly perished in the ceiling and the smell was potent enough that some staff refused to work inside the office.



Photo 3 Rat faeces on a unit office cutting board



Photo 4 Dirty laundry and general untidiness in a residential unit



Photo 5 Food stuffs left in cell

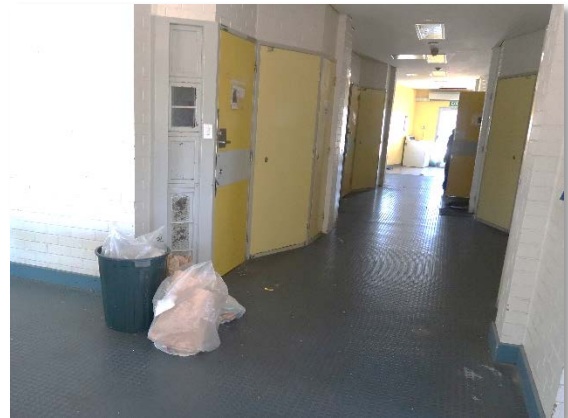


Photo 6 Bags piled of rubbish in a locked down unit

Together these problems posed significant health and safety risks to both staff and young people. In the weeks immediately after the inspection, we were advised the Department had outsourced some of the cleaning required to reduce these risks. This was a welcomed development and involved an initial deep clean of the centre including any unused cells. The contract would also involve regular cleaning of the units which would be complimented by monthly deep cleans. Similarly, we were also relieved to hear that the Department had engaged pest exterminators to eradicate the vermin and we heard it was having some initial success.

General disrepair, lack of ownership and unkempt grounds

In addition to cleanliness and hygiene concerns, parts of Banksia Hill presented in a general state of disrepair. Repairing significant damage and target hardening infrastructure had been prioritised after many months of critical incidents. For example, Karakin Unit was so damaged it was taken

offline in late 2022 and only reopened a few weeks before the inspection. Similarly, two wings in Urquhart Unit were also so significantly damaged they remained closed pending repair. While necessary, these works had come at the cost of general maintenance. A lack of ownership and pride was apparent across parts of the centre, and the grounds, particularly in the residential units, were unkempt.

In previous years, Banksia Hill has had various work teams, led by an officer, where young people could obtain work skills and knowledge, and in some cases, vocational training certificates. These included a cleaning party which would collect rubbish across the site, and a gardens team where young people would care for the gardens learning about lawn maintenance, equipment use, and grounds reticulation systems. When required, the centre has also formed a painting team to refresh areas of the facility and to remove graffiti. It has been many years since the centre relied on these teams, instead it employed civilian staff who were unable to supervise young people in the absence of a custodial officer.

At the time of the inspection, 43 young people at Banksia Hill and another eight at Unit 18, were aged 17 years and over - beyond compulsory school age. That was 51 per cent of the population at that time. Engaging these older detainees in practical, vocational skills-based training should be a priority for the Department to help rehabilitate young people and reduce recidivism. Reinstating these parties in a structured vocational training program could offer real life opportunities to young people to build the skills and credentials they need to find employment when they are released.



Photo 7 Extensive graffiti written over cell walls



Photo 8 An out-of-order cell due to significant damage to the door with rubbish piled outside



Photo 9 Broken glass needs urgent replacement

Recommendation 10

Implement a structured vocational training program that offers accredited training and work skills to prepare young people for employment on release.

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Appendix 2 Acronyms

| | |
|----------|-------------------------------------|
| ABC | Australian Broadcasting Corporation |
| ARAG | At-Risk Assessment Group |
| ARMS | At-Risk Management System |
| AYSO | Aboriginal Youth Support Officer |
| COVID-19 | Coronavirus disease |
| ISU | Intensive Support Unit |
| OOCH | Out of cell hours |
| SPO | Senior Programs Officer |
| YCO | Youth Custodial Officer |
| YOA | <i>Young Offender Act 1994</i> |

Appendix 3 Department of Justice's response



Government of **Western Australia**
Department of **Justice**
Corrective **Services**

Response to OICS Draft Report:

2023 Inspection of Banksia Hill Detention Centre including Unit 18 at Casuarina

2 May 2023

Version 1.1 (Amended Final)

Response Overview

Introduction

On 24 October 2022, the Office of the Inspector of Custodial Services (OICS) announced the 2023 Inspection of Banksia Hill Detention Centre (Banksia Hill) including Unit 18 at Casuarina (Unit 18). The inspection was scheduled to occur between 6 to 15 February 2023.

To assist with the inspection, the Department of Justice (the Department) facilitated the provision of a wide range of documentation, including policies and procedures, as well as access to systems, facilities, staff, detainees, and contractors upon OICS' request for the purpose of the inspection.

On 16 March 2023, the Department received a draft inspection report from OICS, for review and comment.

The Department has reviewed the draft report and provides further context, comments, and responses to the ten recommendations.

Appendix A contains comments linked to sections in the draft report for the Inspector's consideration when finalising the document.

Department Comments

The Department welcomes the inspection and acknowledges the findings in the draft report (the report) received following the 2023 Inspection of Banksia Hill and Unit 18.

Outlined below are actions completed by the Department and planning underway to address other issues identified.

The Department acknowledges staffing issues at the facility make running a full program difficult. The complex behaviours of some young people have resulted in staff assaults and contributed to increased workers compensation and personal leave. The current national labour market and media reports of incidents have made attraction and retention of staff even more difficult. Regrettably, this has a flow on effect on the provision of services to detainees.

Numerous initiatives are being progressed at Banksia Hill and Unit 18 to maximise out-of-cell hours for each young person, including the recruitment of additional youth custodial officers (YCOs) and further campaigns to attract staff. These include a range of financial incentives and allowances.

The 39 successful applicants from a recent recruitment campaign have commenced as trainees as part of the Entry Level Training Program (ELTP). These recruits are anticipated to complete the ELTP in May 2023 and will be deployed to Banksia Hill as probationary officers following their training.

A Staffing Taskforce has commenced on site to assist in the management of staffing matters with a view to maximising the number of YCOs working with young people in the centre.

A new operating philosophy and service model (model of care) for Banksia Hill is now being implemented. The model is based on world best practice in youth justice and focuses on rehabilitation and reducing reoffending behaviour through a trauma-informed, therapeutic approach. On 28 March 2023, former Mental Health

Commissioner and Under Treasurer Tim Marney joined the Department to implement a comprehensive change management plan and put the new model of care into practice.

The model of care is supported by \$95 million in State Government resourcing for Banksia Hill, which is funding infrastructure upgrades, a staged expansion of staffing, expanded mental health services and support programs, a new Crisis Care Unit (CCU) and a new Aboriginal Services Unit (ASU).

The CCU will provide an integrated model of management aimed at reducing self-harm and attempted suicide for young people with mental health issues. Operational procedures will be developed to incorporate a multi-disciplinary team approach and reflect recommendations associated with best practice.

The CCU will be staffed by mental health and health services staff in addition to youth custodial officers, youth justice psychological services and Aboriginal Youth Support Officers.

In the interim, an area of the Intensive Support Unit (ISU) is being converted into a temporary crisis care wing with improved accommodation and external recreation areas.

The ASU will comprise of Aboriginal mental health, Aboriginal health clinical nurse and Aboriginal youth support officer specialist positions to provide dedicated expert services and cultural guidance and advice as part of their membership of the multi-disciplinary team (MDT). The ASU will contribute to the individual, operational and cultural care of all young people in custody and implementation of the service model.

The Child and Adolescent Forensic Service (CAFS) in-reach service commenced in mid-March 2023. This initially began as a service involving one day per week from the Child and Adolescent Psychiatrist and one day per week from the Mental Health Nurse. This is expected to be increased to a full-time Mental Health Nurse and a 0.4 FTE Psychiatric coverage. A number of meetings have been scheduled through April to further refine the collaboration between these services.

Discussions are ongoing between the Child and Adolescent Health Service, Child and Adolescent Forensic Service, Youth Justice Psychological Services and the Banksia Hill senior management team to refine the service model and operating principles for the in-reach service.

Additional funding was secured by the Mental Health Commission for an embedded mental health service comprising 8.0 FTE in the mid-year 2022/23 budget. Consultation has commenced to develop a model of care for this service, with a half-day planning workshop with all relevant stakeholders scheduled for mid- April 2023.

Ongoing training, including mentoring for new YCOs, is being facilitated to further educate staff on the behaviour management tools and practices available to promote and reinforce positive behaviour in young people. In line with this approach, a revised rewards and privileges scheme for good behaviour has been developed based on the complexities of managing young people in detention. The pilot scheme will commence at Banksia Hill in May 2023.

The Department continues to provide vocational training to provide young people with the work skills to prepare them for employment upon release. Some of the training options include white card, barista skill set, woodwork, horticulture, and music.

The 'Try - A -Trade' - painting and plumbing and master plumbing skills program is scheduled to commence in Term 3, 2023.

Currently 4.4 vocational teaching positions at Banksia Hill are filled with a recruitment process underway to fill two remaining vacancies. A further four vocational teaching positions will come online by December 2023.

Practical vocational skill-based training will be introduced, and funding will be requested through the next mid-year review process.

Detention centre charges have also been under review prior to the release of the draft report. The review has considered existing policies and procedures. Discussions between the President of the Children's Court and Banksia Hill's senior management team are ongoing for the smooth reintroduction of detention centre charges. Magistrates have been appointed as Visiting Justices and the Centre is progressing actions to train staff. Detention centre charges are expected to be able to be heard before visiting justices from 2 May 2023.

A new, enhanced cleaning schedule has commenced with a professional cleaning service and a rodent control program being undertaken every six weeks. Regular unit checks around cleanliness are conducted by the senior management team and improvements made as required.

Several actions to improve the living areas with soft furnishings, curtains, robust yet aesthetic furnishings that are young people friendly and more trauma informed have commenced with some already on order.

Multiple projects and works are progressing at Banksia Hill and while the structural improvements will make the facility more safe and secure, it is the model of care that will bring about long-term improvements in the care and support for young people and staff.

Unit 18 continues to house the most disruptive young people in custody who have been assessed as not able to be safely and securely managed at Banksia Hill. The intensive support structure introduced for the complex cohort of young people housed in Unit 18 will also be implemented in Jasper Unit which will be used to accommodate this cohort once works are completed. Unit 18 is a temporary facility for the young people while essential works are being completed at Banksia Hill.

Response to Recommendations

1 Commit to the design and construction of a second youth custodial facility that meets the complex needs of different cohorts of young people.

| | |
|--------------------------|--|
| Level of Acceptance: | Noted |
| Responsible Division: | Corporate Services |
| Responsible Directorate: | Procurement Infrastructure & Contracts |

Response:

The Department notes this recommendation is a matter for Government. Currently the commitment is to providing safe and secure accommodation and meeting the needs of different cohorts of young people at Banksia Hill.

2 Empower staff to use all of the behaviour management tools that are available to them under relevant policy and legislation.

| | |
|--------------------------|------------------------------|
| Level of Acceptance: | Supported – current practice |
| Responsible Division: | Corrective Services |
| Responsible Directorate: | Women and Young People |

Response:

The Department is committed to ensuring staff are aware of the behaviour management tools available to them, and that they understand the relationship between the behaviour of a young person and the consequence imposed for their actions.

Banksia Hill is piloting a new rewards and privileges scheme within select units of the centre in consultation with relevant specialists. The success of the pilot will determine the roll out of the scheme across other areas of the facility.

3 Re-implement detention centre charges and set tight timeframes for their hearing.

| | |
|--------------------------|------------------------|
| Level of Acceptance: | Supported |
| Responsible Division: | Corrective Services |
| Responsible Directorate: | Women and Young People |

Response:

The Department has liaised with the President of the Children's Court for the reintroduction of detention centre charges. Magistrates have been appointed as Visiting Justices and the Centre is progressing actions to train staff. It is expected detention centre charges will be heard by visiting justice from 2 May 2023.

4 Review the 'safe exit' technique and safe alternatives to this practice.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The Department's Security and Response branch has been conducting operational testing on alternative practices for the 'safe exit' technique since February 2023.

Training for any new technique will form part of a future rollout plan.

5 Urgently address staff support and retention issues.

Level of Acceptance: Supported – current practice
Responsible Division: Corporate Services
Responsible Directorate: Human Resources

Response:

The Department has implemented numerous mechanisms to support staff and improve attraction and retention rates. This includes additional incentive payments to YCOs who complete the current Entry Level Training Program (ELTP) and all YCOs at the end of this financial year.

A Staffing Taskforce has commenced on site to assist in the management of staffing matters with a view to maximising the number of YCOs working with young people in the centre.

The Department also expects to conduct an additional training program later this year, further to the two currently underway, and the planned June and September courses. This means it is anticipated at least five ELTPs will be conducted this year.

6 Reimagine and establish a youth care role – separate from youth custodial officers - to support and guide young people in every aspect of their day in custody.

Level of Acceptance: Supported in principle
Responsible Division: Corrective Services
Responsible Directorate: Women and Young People

Response:

The model of care for Banksia Hill includes a diverse range of support services staff and other experts. Multi-disciplinary teams include, custodial officers, contracted intensive youth support workers (mentors), Aboriginal youth support officers, program officers and educational and vocational support workers. These teams will be further augmented with other specialist services and funding will be requested through the next mid-year review process.

7 Develop and implement a mixed-shift system to maximise consistency and continuity of care for young people.

Level of Acceptance: Supported in principle
Responsible Division: Corrective Services
Responsible Directorate: Women and Young People

Response:

A review of the rosters at Banksia Hill is being undertaken.

8 Advertise and urgently recruit the additional AYSO positions and the Aboriginal Services Manager.

Level of Acceptance: Supported – current practice / project
Responsible Division: Corrective Services
Responsible Directorate: Women and Young People

Response:

Vacant AYSO positions have been filled and the Aboriginal Services Manager position has been advertised on 24 April 2023, closing on 8 May 2023.

9 Examine alternative options for the location of the Crisis Care Unit.

Level of Acceptance: Not Supported
Responsible Division: Corporate Services
Responsible Directorate: Procurement, Infrastructure and Contracts

Response:

As part of the development of the new Crisis Care Unit, the Department identified four suitable locations for construction that would not require a significant redesign of Banksia Hill. The current selected site was deemed the most appropriate based on the following:

- Its central location creates an integrated feel, with the three other site options being some distance away, which would create a sense of isolation.
- The location is adjacent to accommodation units ensuring equal access for all detainees.
- Its proximity to health, education, visits, and other support services.

10 Implement a structured vocational training program that offers accredited training and work skills to prepare young people for employment on release.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Women and Young People

Response:

The Department continues to provide vocational training to provide young people with the work skills to prepare them for employment upon release. Some of the training options include white card, barista skill set, woodwork, horticulture, and music.

The 'Try - A -Trade' - painting and plumbing and master plumbing skills program is scheduled to commence in Term 3, 2023.

Currently 4.4 vocational teaching positions at Banksia Hill are filled with a recruitment process underway to fill two remaining vacancies. A further four vocational teaching positions will come online by December 2023.

Practical vocational skill-based training will be introduced, and funding will be requested through the next mid-year review process.

Appendix 4 Inspection details

Previous full inspection

16-22 September 2020

Activity since previous inspection

| | |
|--|----|
| Liaison visits to Banksia Hill | 23 |
| Liaison visits to Unit 18 Casuarina Prison | 18 |
| Independent Visitor visits | 11 |

Surveys

| | | |
|--------------------------|----|-----------------------------------|
| Surveys for young people | 52 | 68% of the population at the time |
| Staff survey (online) | 91 | |

Inspection team

| | |
|--------------------|--|
| Eamon Ryan | Inspector |
| Natalie Gibson | A/Deputy Inspector |
| Christine Wyatt | A/Director Operations |
| Lauren Netto | Principal Inspections and Research Officer |
| Cliff Holdom | Inspections and Research Officer |
| Kieran Artelaris | Inspections and Research Officer |
| Ben Shaw | Inspections and Research Officer |
| Joseph Wallam | Community Liaison Officer |
| Shane Starling | A/Research and Review Officer |
| Dr Jocelyn Spencer | Senior Research Fellow – Indigenous expert |
| Dr Katinka Morton | Consultant Psychiatrist – Health expert |
| Janet Conner | Principal Education Officer – Education expert |
| Shirley Parer | Principal Education Officer – Education expert |
| Laura Jackman | Senior Policy Officer CCYP – Young people interviews |

Key dates

| | |
|--|-----------------------------|
| Inspection announced | 24 October 2022 |
| Start of on-site inspection | 6 February 2023 |
| Completion of on-site inspection | 15 February 2023 |
| Presentation of preliminary findings | 3 March 2023 (Banksia Hill) |
| | 8 March 2023 (Unit 18) |
| Draft report sent to Department of Justice | 16 March 2023 |
| Declaration of prepared report | 3 May 2023 |

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



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