

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

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