

OICS - Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013

Rec. No.	Recommendation	Level of Support	Response
1	<p>The regime at Banksia Hill should be re-engineered so as to reflect a clear and consistent philosophy that accords with legislative requirements relating to juvenile detention. This philosophy should emphasise that the ultimate purpose is, as far as possible, to rehabilitate the young people and prepare them for release back into the community. To that end, and in order to improve safety and security, there must be a stronger emphasis on the provision of a full and active regime and positive rehabilitative programs, including:</p> <ul style="list-style-type: none"> • education; • skills training; • recreation and sport; and • counselling and offender programs. 	Supported	<p>A Philosophy and Vision has been developed for Banksia Hill Detention Centre (BHDC) and endorsed by Commissioners Executive Team (CET) in the interim. Further refinement is required to place stronger emphasis on the provision of a full and active regime and positive rehabilitation programs. The revised philosophy and vision to be submitted to CET within 3 months, will provide for the provision of a structured day including all programs such as education, recreation, skills training, therapeutic and developmental interventions and preparation for reintegration.</p>
2	<p>The conditions of detention at Banksia Hill should be enhanced so as to meet improved standards of decency and dignity, including:</p> <ul style="list-style-type: none"> • minimisation of lockdown arrangements; • cessation as far as possible of double-bunking (other than necessary buddy-cell arrangements); • effective climate control measures, particularly in summer; • improved dietary standards; and • attention to standards of bedding and clothing. 	Supported	<p>The Department is committed to enhancing conditions of detention to meet improved standards of decency and dignity, in particular with the following areas identified:</p> <ul style="list-style-type: none"> -An undertaking has been given to install climate control systems by December 2013. -A Standing Order has been drafted to manage unscheduled lock downs -Unit plans and philosophies have been developed outlining staff responsibilities toward the management of young people. -Criteria has been developed for circumstances around double bunking e.g. siblings, welfare needs of detainees. -The dietary needs and requirements for detainees has been reviewed and a new menu developed in line with this. In addition, monthly meetings are now taking place to monitor dietary standards. -The provision of bedding has been reviewed and supports national standards. -The current allocation of clothing to detainees is in line with commercial standards and is being reviewed in line with health standards for growing adolescents.
3	<p>The balance between physical, procedural and dynamic security should be re-calibrated in ways that are consistent with the above objectives and the Department should develop and promulgate a statement as to how these matters should be balanced.</p>	Supported	<p>Security rules and policies including vehicle movements, searches, continuity of evidence, use of force and restraints, perimeter checks, roof ascents and assembly points have been reviewed, amended and developed accordingly. In addition, staff are in the process of being trained in these new procedures and all updates will be provided for the new Entry Level Training Programme for Youth Custodial Officers. An emergency management plan has also been developed for BHDC and ongoing training will be provided. This plan provides a structure for incident response, reporting and management. Regular security meetings are now taking place to review and monitor security functions and evolving risks.</p>
4	<p>The Department should review its criteria and processes for making security ratings, ensure that these processes are consistently applied, and spell out in Youth Custodial Rules or elsewhere the operational and regime implications for each level of security.</p>	Supported	<p>A review of the BHDC security assessment tool has commenced with the intent of establishing a process which has rigor and addresses the complexities of young people in detention. This will include the management of detainees based on age, offending history and risk following an assessment on reception.</p>
5	<p>The Department must ensure that the Youth Custodial Rules and Standing Orders relating to Banksia Hill are brought fully up to date. It should also institute processes for ensuring that they are regularly reviewed, remain relevant to changing circumstances and effectively communicated with staff with the provision of appropriate training.</p>	Supported	<p>A review of the Youth Custodial Rules and Standing Orders has been undertaken. Given the volume of work required, the rules have been prioritised based on importance, risk, security and detainee return. Twelve Youth Custodial Rules and a larger number of Standing Orders have been completed as of 3 September 2013. The review has also consolidated and simplified the layers of policy. In addition, the maintenance and updates to rules will be overseen and managed centrally by the Performance, Policy and Planning Directorate.</p>
6	<p>The staff culture in relation to dynamic and procedural security should be addressed as a matter of urgency, with a particular emphasis on training needs and ongoing reinforcement. Where appropriate, the Department should be prepared to invoke disciplinary provisions if individual staff members fail to comply with requirements.</p>	Supported	<p>The appointment of the new Director and Security Team is critical in ensuring this issue is addressed. Additional resources have been approved and recruitment has commenced. Security governance at BHDC has been aligned with the direction of the State-wide Security Framework, currently in development. Generic security training material is to be distributed to all Security Managers to enable consistent local training to occur. Disciplinary procedures, where appropriate, are utilised in accordance with Departmental policies.</p>

7	Physical security assessments should be regularly undertaken at Banksia Hill by the Department's Emergency Support Group or other independent experts. The testing should reflect practical risk not just the physical strength of a structure. Where weaknesses are identified, appropriate remedial measures should be taken in a timely way and in a manner consistent with detention centre philosophies. All decisions and actions should be clearly recorded.	Supported	The Security Services Directorate and Infrastructure Services are developing Design and Testing Standards which will set the standard for future departmental infrastructure design and testing. Once the security team is in place, regular routine physical security checks will be conducted i.e. fence, alarms, locks, cell and building fabric etc. Where deficiencies/faults are identified remedial measures will be taken. In the event of the requirement to conduct an in-depth physical assessment specialist advice will be sought from the Security Services Directorate.
8	It is recommended that the Department undertakes a comprehensive assessment of how dynamic, procedural and physical security weaknesses are contributing to the high number of roof ascents by detainees and implements appropriate remedial measures.	Supported	Considerable progress has already been made following the OICS Audit of Custodial Roof Incidents. Subsequently a roof ascender incident has been added to the Emergency Management Plan and a roof ascender Standing Order has been developed to manage detainees with an active roof ascender alert. In addition, known roof access points have been identified and works have been scheduled to modify these.
9	The Department should ensure that it engages proactively with the Department of Fire and Emergency Services with respect to fire fighting capability at every site where new units or fences have been built or where other major construction activity has occurred.	Supported	The Department of Fire and Emergency Services (DFES) attend and review all sites annually. DFES have been engaged in relation to the location of the new precinct fencing and the access egress was endorsed at the design stage. Upon the completion of the fencing, DFES will be engaged to physically walk the site and if necessary conduct on-site scenarios to ensure the access/egress is correct.
10	The Department should examine ways to enhance its intelligence capacity through improvements to proactive as well as reactive information gathering/analysis.	Supported	An Intelligence Collator position for BHDC has been approved. Once the collator position is filled, intelligence capacity will improve enabling proactive and reactive information gathering/analysis. In addition, Senior Security Officer positions have been approved and will be appointed in due course thereby increasing capacity to monitor security and proactively address security issues.
11	The Department should resource and develop the on-site Security Team at Banksia Hill. Subject to ensuring that juvenile detention facilities are not equated with adult prisons, enhanced central security expertise should also be provided.	Supported	The recruitment process for Assistant Superintendent Security is in progress and following the appointment, a team will be established to enhance security and intelligence functions.
12	In order to improve emergency management preparedness the Department should: (a) ensure that emergency management plans at all adult and juvenile facilities are regularly reviewed, fully up to date, and include viable emergency evacuation plans; and (b) Improve staff training in emergency management and keep clear records of the findings and recommendations arising from scenario training and reviews of critical incidents.	Supported	a) The DCS Emergency Management (EM) Framework is being updated and part of the review is a move to a new format for local EM plans inclusive of 22 minimum compulsory incident types inclusive of evacuation plans. The BHDC local EM plan was recently updated by the Manager Emergency Services (MEM) and includes viable guiding evacuation plans for internal partial evacuations as well as whole of centre evacuations. b) Adult Custodial Policy Directive 72 directs prisons to conduct six emergency management exercises per year (1 x live and 5 x desktop). Upon completion of the exercise a report must be submitted to the MEM to be reviewed and accepted as a completed exercise. The Community and Youth Justice (CYJ) Division requirements will be inserted into the DCS EM Framework with the same requirements as above with priority given to ensuring compliance by BHDC.
13	The Department should examine and implement improvements to its systems and processes for conducting safety and welfare checks of detainees and prisoners in the event of incidents of mass disorder such as that which occurred at Banksia Hill on 20 January 2013.	Supported	Utilisation of the AIMS model and local Emergency Management Plans during an incident will assist in ensuring that all required essential services (welfare checks, meals, medical etc) throughout the facility are delivered. The model is being used by Banksia Hill management and staff and is included in the emergency management staff training.

14	In order to improve its emergency management responses the Department should: (a) Further develop its protocols regarding the roles of the on-site Superintendent and the Emergency Support Group (ESG) Superintendent, especially in situations involving a whole-of-site incident; (b) Evaluate the resources needed by the ESG to improve response times at weekends and evenings; and (c) In consultation with WA Police, evaluate the opportunities for improved site navigation capacity during emergency situations.	Supported	The Department is committed to improving its emergency management responses. To date the following has been identified and actioned: a) Protocols regarding roles will be reviewed. b) An evaluation of ESG response times at weekends has occurred and an additional two response staff are now on duty on weekends between 0700 and 1900 hours. c) Maps have been updated and in the event of an incident will be readily available to Emergency Services. WAPOL will be notified of procedures impacting on their functions.
15	Staff generally, and the Primary Response Team (PRT) in particular, should be provided with better training for responding to unfolding incidents and de-escalation techniques. This should occur in the context of more general training in dynamic and procedural security (see Recommendation 8). The PRT should not be equipped with weapons such as batons, pepper spray and Tasers.	Supported	The Department agrees with PRT not being equipped with weapons. The ESG will be conducting a review of the Department's PRT capability and requirements. The Satellite Trainers attached to Youth Custodial Services schedule components of the PRT training requirements as necessary and the Security Manager has been tasked to review the tactical skills requirements of BHDC.
16	The Department should examine the lessons to be learned from events in the youth custodial system since 20 January 2013 with respect to recovery from emergencies. In particular, it should ensure that debriefs are organised for all staff and that longer term strategies are implemented to rebuild staff confidence and resilience.	Supported	The BHDC Emergency Management Plan has been reviewed and amended to include the necessity for immediate and formal debriefs to occur. Templates have been attached to the document. In addition this requirement has been added to the DCS EM Framework.
17	The senior management structure of the Department should be reviewed with a focus on improving correctional outcomes, efficiencies and service delivery. This process will require external direction and needs to be commenced urgently. Depending on the results of this review, a revised structure can then be implemented soon after the appointment of a new Commissioner and in consultation with that person.	Government Decision	Not required.
18	(a) Appointments to all management positions at Banksia Hill should be finalised; and (b) Adequate head office support must be provided in areas such as finance and human resources.	Supported	a) Vacant management positions have been advertised and have either been finalised (i.e. Director) and filled or are close to finalisation (i.e. Assistant Superintendent Security). b) Provision of adequate head office support is in progress and will continue.
19	There should be an independent review of FTE staffing levels in Youth Custodial Services, taking into account comparative data about the numbers and deployment of staffing in other Australian juvenile detention facilities and prevailing standards. This needs to be undertaken as a matter of urgency.	Supported	A Business Case was previously completed detailing the preferred staffing ratio numbers required to manage young people in detention. This will be revisited to include a jurisdictional analysis prior to being submitted to Treasury for consideration. In addition, the Department will have the Business Case reviewed independently by another jurisdiction.
20	The above review should examine the drawbacks and benefits of the 12-hour shift system currently pursued in the juvenile detention system and alternative models.	Supported	The independent review will include an examination of the current shift patterns and consider their suitability to the current issues facing BHDC and whether they support contemporary detention centre management.
21	The above review should investigate the present arrangements for and use of personal leave and the causes for and impact of workers' compensation claims in the Youth Custodial area.	Supported	The Department has undertaken a considerable amount of work around the use of personal leave, absenteeism and workers' compensation within the Youth Custodial area. To address the specific use of personal leave and to manage absenteeism at BHDC in March 2013, the Department developed 'Youth Custodial Officer – Guidelines for Absence Management'. The 'Guidelines' are an annexure to the department's 'Personal Leave Policy and Procedures' and are being implemented by BHDC management. They include regular 'health and well-being checks' on staff and staff are held accountable for extreme patterns of absences that must be evidenced primarily through medical certification and / or statutory declaration etc. The focus on workers' compensation remains rigorous. The Department has also exercised its right to medically board Youth Custodial staff who have been deemed by an independent panel of medical practitioners to be 'medically unfit' to perform pre-injury duties. The independent review of FTE staffing levels in Youth Custodial Services will consider progress to date in this area.
22	The Department should ensure that structured formal performance reviews are regularly conducted with staff in order to identify areas for improvement and areas of achievement.	Supported	A new Performance Appraisal and Development System (PADS) template has been developed specifically for BHDC staff and will be required to be reviewed and implemented in January 2014. Those staff required to conduct PADS agreements for staff under their supervision will be prioritised for training. In addition, the rate of PADS completed forms part of the new performance indicator framework for BHDC and approval has been given for the appointment of an additional Assistant Superintendent who will have carriage of the responsibility for compliance with the PADS process.

23	<p>It is recommended that the Department review the adequacy of its policies, procedures and resources in the following areas: (i) case planning; (ii) occupational health and safety; (iii) the roles and training of unit managers; and (iv) the employment of more Aboriginal people, including as mentors for young people.</p>	Supported	<p>The Department is currently reviewing the adequacy of its Youth Custodial policies, procedures and resources in all areas identified and where appropriate will amend accordingly. Specifically;</p> <ul style="list-style-type: none"> -Case planning practices are being reviewed to ensure a more contemporary and robust system that accommodates the complex needs of all young people in custody including those on remand and arrest. -Occupational Health and Safety (OH&S) duties are inherent in the Job Description Forms (JDF) of a number of positions at BHDC. Responsibility for OH&S requirements form part of the overall Departmental OH&S Framework through the BHDC OH&S committee. Corporate assistance and support will be provided to support local actions. -The JDF for Unit Managers is currently being reviewed to support the roll out of contemporary Unit Plans that have been developed for the return of detainees. Centre Management are developing a competency and evidence based recruitment process for Unit Managers and Youth Custodial Officers. Following this, a number of training modules will be developed to support learning and practice. -the employment and support of Aboriginal staff and mentors will continue to be explored including the use of Youth Support Officers, Aboriginal Welfare Officers and external stakeholders such as Elders and community members.
24	<p>The Department should ensure that</p> <ul style="list-style-type: none"> (a) The number of scheduled and unscheduled lockdowns of detainees is substantially reduced and that accurate records are kept of the reasons for any lockdowns and their duration; (b) Detainee participation in education, rehabilitative and recreational programs is substantially increased in keeping with the Department's standards for the management of youth custodial facilities; and (c) Accurate records are kept with respect to each and every detainee of all of these matters. 	Supported	<p>The Department is committed to ensuring;</p> <ul style="list-style-type: none"> a) the number of lockdowns are reduced and reasons and duration accurately recorded; b) detainee participation in education, rehabilitative and recreational programs are increased; and c) accurate records are kept with respect to detainees. <p>Specifically, the department has undertaken the following actions:</p> <ul style="list-style-type: none"> -a Youth Custodial Rule and supporting Standing Order has been developed prescribing the circumstances when detainees can be locked down and the associated mechanisms to record and account for these. An Interim Directors Notice has been drafted that will manage unscheduled lock downs until such time as the Rule and Standing Order have been endorsed. -The "structured day" policy has been prescribed in a Youth Custodial Rule and includes all programs such as education, recreation, skills training, therapeutic and developmental interventions and preparation for reintegration for young people in detention. -BHDC is currently reviewing how information pertaining to structured day activities and requirements including enrolment in education, programmes and other activities is recorded and maintained.
25	<p>Mechanical restraints must not be used as a routine measure to control the movement of detainees within detention centres. They should only be used following a proper assessment of the risk posed for and by the particular individual to be restrained in accordance with section 11D of the Young Offenders Act 1994.</p>	Supported	<p>The use of mechanical restraints is no longer used as a routine measure to control the movement of detainees within detention centres and is only used to manage identified risks. Youth Custodial Rule 204 Use of Force which provides for the use of mechanical restraints, as well as Standing Order 18 which details the procedures to be used, have been reviewed and amended to reflect new practices. They are awaiting endorsement from the Director Youth Custodial Services prior to CET review.</p>
26	<p>The Department should review and alter its practices relating to the strip-searching of detainees:</p> <ul style="list-style-type: none"> (a) To cease the practice of routinely strip-searching detainees on every entry and exit to detention centres, particularly when they have been transported in a secure vehicle; and (b) To ensure that strip-searches in relation to social visits are not routine but are undertaken only on reasonable suspicion of contraband, assessed on a case by case basis. 	Supported	<p>The Department has reviewed practices relating to routine strip-searching and policies are being reviewed and amended. A Superintendents Notice has been issued that prescribes the circumstances under which a young person would be strip searched. The strip searching of detainees when travelling between secure facilities is no longer the default position. In addition the practice of social visit strip-searches are only undertaken where there is reasonable suspicion or cause and endorsed through management. The Youth Custodial Rule detailing searches has been reviewed and will be submitted to CET for approval.</p>
27	<p>The Department must improve the scope, detail, accuracy and availability of records across all aspects of Youth Custodial Services.</p>	Supported	<p>The Department has a renewed and ongoing focus on record keeping. The current review of Youth Custodial Rules and Orders has included, where applicable, record keeping expectations. Youth Custodial Services have commissioned IT Business Systems to develop modules within the TOMS framework to capture more accurate data and information on areas such as lock downs, programme participation, observation placement. In addition, a suite of performance indicators to capture data on performance has been developed and is now being reported against.</p>

28	It is recommended that the government conduct a high level review of expenditure on youth justice services across all agencies with a view to (i) gaining a more complete understanding of the full range and cost of services; (ii) appraising the balance between the budgets for custodial services, prevention and diversion schemes, and community based supervision; and (iii) assessing future options.	Government Decision	Not required.
29	It is recommended that the government: (a) Develop plans and processes to transition youth justice services out of the Department of Corrective Services to an agency whose sole focus is youth justice; and (b) To that end, establish either a Youth Justice Commission (modelled on the Youth Justice Board of England and Wales and the WA Mental Health Commission) or a stand-alone Youth Justice Department.	Government Decision	Not required.
30	It is recommended that the government sets clear service and performance requirements for Youth Custodial Services and ensures that these requirements are subject to external monitoring, assessment and reporting. These service and performance requirements should cover all relevant areas, including security and safety, detainees' access to employment, education programs and recreation, lockdowns, and staffing levels, absenteeism and management.	Government Decision	Not required.
31	It is recommended that government consider whether there are benefits in outsourcing some aspects of youth custodial operations, such as gatehouse security, allowing existing staff to be deployed to other areas.	Government Decision	Not required.
32	Subject to its evaluation of performance by the Department of Corrective Services and to decisions regarding investment in new detention facilities, it is recommended that government consider whether a contestability model for Youth Custodial Services delivery will lead to improved outcomes.	Government Decision	Not required.
33	It is recommended that government develop a master plan regarding the best use of existing adult and juvenile custodial facilities. The key outcomes of this should include: (a) Provision of a wider range of options for youth, in order to allow for the better separation of different cohorts of detainees and to provide improved services to target issues of age, gender, legal status, the needs of Aboriginal youth and youth from regional areas, and specific problems such as mental health; (b) Improvements to the conditions and services provided to adult female prisoners; and (c) Better targeting of the needs of adult prisoners in areas such as mental health/mental impairment.	Government Decision	Not required.
34	It is recommended that the Department, drawing on experience with the Wandoo Reintegration Facility, develops new initiatives and injects the necessary resources into developing a sharper focus on the needs of young adult men and women held at prisons other than Wandoo.	Supported	Regular meetings between Youth Custodial Services and Wandoo Reintegration Facility have already commenced. Close links have been established with the view of developing new initiatives and a sharper focus on the needs of young men and women.
35	Reforms and initiatives undertaken with respect to youth justice services should be underpinned by a focus on the needs of Aboriginal youth across the state, including innovative forms of engagement with Aboriginal organisations and service providers.	Government Decision	Not required.