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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION OF
BANKSIA HILL JUVENILE DETENTION CENTRE



Report of an Announced Inspection of
Banksia Hill Juvenile Detention Centre

Office of the Inspector of Custodial Services
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The Inspector's Overview

BANKSIA HILL JUVENILE DETENTION CENTRE: THE CHALLENGE OF FUTURE ACCOMMODATION PLANNING

The second inspection of Banksia Hill Juvenile Detention Centre was carried out from 15 to 20 June 2008, and at the time of the inspection the centre, which was originally designed to hold sentenced detainees (male and female) held a mix of sentenced and remanded male detainees. At the last inspection in March 2005 the Inspector concluded that Banksia Hill was 'one of the best-performing institutions within the remit of the Department of Corrective Services'.

The conclusion to be drawn from this inspection is not so fulsome. Unfortunately the centre has failed to make noticeable progress over the three years since the first inspection, and indeed some areas of good practice have slipped, requiring improvement to restore the centre to a position of strong performance. However, the centre has maintained a strong pro-social environment with good staff-detainee interactions in the intervening period, and detainees, staff and visitors to the centre generally reported feeling safe in the centre most or all of the time. This achievement should not be diminished, as the facility is under pressure on a number of fronts, in particular from an increase in detainee population and change of population mix, insufficient staffing, and pressure on infrastructure.

These matters are detailed in the Report, however the primary issue confronting Banksia Hill and the juvenile estate at this juncture is the growth in the detainee population over the last three years, and the shift in the proportion of sentenced to remanded detainees whereby remandees now make up some 60 per cent of the total population of juveniles in custody. With limited options for responding to these developments the Department of Corrective Services, in October 2005, decided to house all female detainees (sentenced and remand) at the Rangeview Juvenile Remand Centre, with Banksia Hill as a consequence accommodating more remand males. Whilst this may have been the only viable response to the circumstances, it has compromised the function of Banksia Hill as a detention centre for sentenced juveniles, and placed the sentenced female population in a facility that was never intended for such a purpose. The result is Banksia Hill now routinely managing a more volatile, unsentenced, shorter stay male population, and Rangeview housing sentenced females without the facilities or adequate services to meet their needs. A wholly unsatisfactory situation.

Notwithstanding this arrangement, the pressure on accommodation through increased detainee numbers continues. The present bed pressure is not as critical as it has been in the recent past, when on one occasion in March 2007 the Superintendent of Rangeview refused an intake of juveniles arrested by Police because the centre was at capacity. However, the reality is that even if more effective use of diversion results from the current Pilot Youth Justice Initiative¹, the detainee population will continue to grow. The planned response to this pressure at the time of the inspection of Banksia Hill was a building program to add an additional 24 beds on the site. The plan was a late response to the crisis, the beds are needed now but will not be ready until 2010, and there has been some debate about the intended purpose of the 24 beds. Initially it was proposed the beds would be used to

1 The Pilot Youth Justice Initiative is intended to foster a collaborative inter-agency approach to case manage young offenders to divert them away from custodial outcomes. It was initiated by the President of the Children's Court and is being facilitated of the Department of Corrective Services.

BANKSIA HILL JUVENILE DETENTION CENTRE: THE CHALLENGE OF FUTURE ACCOMMODATION PLANNING

accommodate girls on the site, but the intention at the time of the inspection had been changed and the beds were to be used to accommodate boys.

The proposal was criticized by this Office in that the 24 beds did not come with appropriate ongoing funding for support services, e.g., education, programs, and case management, and this was not acceptable, particularly as Banksia Hill is already short of services and programs venues, interview rooms, office space, etc. The proposal also offered no solution to the significant issue of future accommodation planning for the sentenced girls, who clearly needed their own dedicated precinct if not facility. We called for a comprehensive review of the infrastructure needs and integrated accommodation planning not only for Banksia Hill, but for the Juvenile estate as a whole.

Subsequently, with the change of government, the Liberal Government have committed \$40 million to build, within the first term of government, a Young Offenders Prison with a capacity for 80 persons for non-violent male young offenders between the ages of 18 and 22.² This recent development offers an opportunity for the Department of Corrective Services to completely rework its future accommodation planning for juveniles. It should go to Government with a capital works plan that while addressing the policy commitment, also remedies the problems and short-comings inherent in the designated use of the current facilities. There must be potential, by using the current infrastructure and available funding, for a solution that meets the policy imperatives and delivers more rational and appropriate accommodation for juveniles. The minimum expectation should be separate facilities for young offenders, and remand and sentenced juveniles, with a dedicated purpose-build precinct for sentenced juvenile females.

Barry Cram
Acting Inspector of Custodial Services
5 December 2008

2 Liberal Plan for the First 100 days of Government.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

- This is the report of the second inspection of Banksia Hill Juvenile Detention Centre, ('Banksia Hill') undertaken from 15 June 2008 to 20 June 2008.
- The most positive finding of the inspection was that the centre had maintained the strong pro-social environment with good staff–detainee interactions within the centre. Detainees, staff and visitors to the centre generally reported feeling safe in the centre most or all of the time.
- However, the centre had failed to make noticeable progress over the three years since the first inspection, and indeed some areas of good practice had slipped, requiring improvement to restore the centre to a position of strong performance. This slippage had resulted from the centre being under siege from various pressures:
 - An overall increase in detainee population and change of population mix, with an increase in remand population and transfer of all female detainees to Rangeview Remand Centre.
 - Insufficient resources available for staffing across all service areas to meet increased demand, particularly in regard to custodial officers.
 - Pressure on infrastructure and amenities in the centre to cope with increased demand and wear from population increases.

Recommendation 1

That the Department identify and fund the current and future funding and resource requirements of Banksia Hill (for recurrent, minor and capital works) to effectively manage the detainee population. This should take into account projections of future population mix and numbers.

Recommendation 2

That the Department deliver and maintain a full staffing complement to Banksia Hill by 31 December 2009.

- The manifestation of continual pressures on the centre have been characterised by:
 - A diverted focus within the centre towards a more reactive, crisis-management style of 'coping' with the population and staffing pressures.
 - Overcrowding and poor response planning regarding staffing resources as well as infrastructure and services for detainees.
 - The failure to retain or develop an adequate internal review capability to drive change and progress within the centre and across juvenile custodial services generally.
 - Gradual eroding of standards in the centre, particularly in terms of the built environment, service delivery to detainees, and staff training.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

- Incongruous thinking on core issues such as risk management. For example, security procedures such as strip-searching and restrictions on detainee access to external activities were at odds with the rehabilitative intent of the philosophy of juvenile custodial services.

Recommendation 3

That the Department change the practice of strip-searching juvenile detainees to cease unnecessary routine strip-searches and ensure search methods are consistent with protecting the human rights and dignity of detainees. A thorough risk analysis and review of other security strategies to support this initiative is also required.

- While the good interactions between staff and detainees generally enabled minor issues and complaints to be resolved verbally in an informal manner, there was a lack of recordkeeping of complaints or concerns raised outside of the formal process. There was also no central record for tracking the progress and outcomes of complaints lodged, and no guarantee complaints raised would be actioned, nor any mechanism for detainees to check on the progress of their complaints.

Recommendation 4

Beyond the formalised written complaints process, that the Department establish a robust and safe way for detainees to have a direct voice in complaints and concerns regarding their management in the juvenile custodial centres. This should include a tracking and feedback mechanism to advise detainees of the progress and outcomes of their complaints.

- These pressures are not solely within the ability of the centre to address. While there is some work to do at the centre level, there is much that needs to be addressed at the executive level of juvenile custodial services and the Department generally.
- While overall the operations of the centre in terms of care and wellbeing were positive, there were a few areas that could be improved to further enhance the functioning of the centre in this regard. There was a need for a more formally stated acknowledgement of the centre as primarily Aboriginal, with strategies put in place to support this. Orientation information and procedures could be reinforced, and health services (while performing well in the provision of general health care) could benefit from resources for specific services addressing the specific needs of the centre's population. There could also be a stronger, centre-wide strategy promoting healthy eating and healthy living, incorporating all areas of the centre.

Recommendation 5

That the Department develop and implement a service delivery framework that addresses the particular needs of Aboriginal detainees in its juvenile centres.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

- Family contact was strongly supported and encouraged within the philosophy of the centre, which is very good. More could be done to practically support this, particularly in terms of formal ways to better maintain social and cultural contact for detainees from regional and remote areas.

Recommendation 6

That the visits facilities at Banksia Hill be upgraded to provide a service more conducive for family and social interaction.

- There are very few Western Australian detainees able to participate in external ‘day release’ activities. Those detainees who could access day release from Banksia Hill had to first be classified minimum-security and have an approved regular activity arranged to attend in the community, in line with their proposed release plan.
- The requirement for minimum-security classification for day release for external activities prevented the vast majority of young people from accessing these activities prior to release.
- Risk assessment of juvenile detainees must be approached differently to risk assessment of adult prisoners. Security classification alone should not prevent access to community-based activities for detainees.¹ This aspect of rehabilitation and preparation for life in the community is vital and yet is not occurring on any systemic level in this state.

Recommendation 7

That the Department ensure increased detainee participation in external activities and programs independent of security classification.

- While the philosophy of throughcare and individual case management is espoused by all service areas of Banksia Hill, and staff had a genuine desire to assist detainees to develop positive skills and behaviours to move towards release, there was a lack of cohesion between service areas. There was the need for a stronger, cross-centre case management system to integrate services within the centre to better deliver throughcare outcomes to detainees.

Recommendation 8

That the Department improve the coordination and coherence of its throughcare processes across the spectrum of a detainee’s involvement with the custodial system (regardless of whether sentenced or on remand). Particular reference is made here to ensuring that case management is adequately supported across all service areas.

- There had been an increase in programs aimed specifically at remandees, and transport home was being arranged but there was little evidence of other improvements in relation to case management for remandees. Complicating this, insufficient staff resources and insufficient program and interview spaces were hampering delivery of services related to case management.

¹ The Office will discuss further with the Department the challenges in developing a validated risk-assessment tool for security classification of juveniles and will monitor progress in this area.

Chapter 1

INTRODUCTION

- 1.1 Banksia Hill Detention Centre ('Banksia Hill') is one of two juvenile detention centres in Western Australia, the other being Rangeview Remand Centre ('Rangeview'). Both are located in the Perth metropolitan area. Banksia Hill was originally designed to hold sentenced detainees (male and female), but at the time of the inspection in June 2008, the centre held a mix of sentenced and remanded male detainees.²
- 1.2 Early in 2007 the juvenile detainee population was approaching maximum capacity, with pressure on Banksia Hill to take additional remanded male detainees unable to be housed at Rangeview, in part due to that facility accommodating all female detainees. In March of that year, Rangeview refused to accept detainees from police custody after arrest due to a lack of beds.³ Detainee numbers eased back following activity by concerned stakeholders,⁴ but in late 2007 and early 2008 the population peaked once more across both centres and Rangeview again refused to take arrested detainees in March 2008. These refusals created significant tension between the Department of Corrective Services ('the Department') and the police, but positively led to a renewed use of the alternatives to custody already available (bail options, cautions, notices to attend) and reinforced the use of custody as the option of last resort.⁵
- 1.3 The Juvenile Custodial Directorate is a very small part of the Department and does not have its own standalone structure within its division.⁶ The overwhelming demands of the adult custodial system, within a context of unprecedented prisoner populations, staff shortages and infrastructure deficits, and staffing pressures within the adult community justice services have been a greater priority than the relatively small juvenile custodial estate.⁷
- 1.4 There is a need for stronger support, attention and direction at an executive level within the Department to highlight and address the neglected needs of the juvenile custodial estate and juvenile justice generally.⁸

2 All female detainees, sentenced and remand, have been housed at Rangeview since October 2005.

3 The young people in police custody were held in a police lock-up until appearing in court the next working day.

4 As discussed in Office of the Inspector of Custodial Services (OICS), *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) iii–iv.

5 This is provided for within legislated principles of juvenile justice, *Young Offenders Act 1994 (WA)* s 7. The need for better use of alternatives to detention was a key finding within the recent review of juvenile justice in Western Australia: Office of the Auditor General, *The Juvenile Justice System: Dealing with Young People Under the Young Offenders Act 1994* (June 2008).

6 Juvenile Justice is part of the Department's Community and Juvenile Justice Division – issues and needs within adult community justice tend to swamp the smaller juvenile directorate.

7 The two systems cannot simply be compared in terms of case numbers as juvenile management can often be much more resource-intensive than adult management.

8 Some months after the inspection, the Deputy Commissioner announced a project to create a dedicated business area for juvenile justice (both community and custodial services) within the division. This has the potential to strengthen the representation for juvenile needs at a higher level within the Department in the future if successfully implemented. The project was to commence in September 2008. Progress of this initiative will be monitored by this Office.

INTRODUCTION

PREVIOUS JUVENILE INSPECTIONS

- 1.5 The first inspection of Banksia Hill occurred in March 2005. The first inspection found that overall the centre was performing well, with a positive atmosphere, committed staff and a focus on therapeutic and rehabilitative activities. Other positives included the good interaction and respect between staff and detainees and the strong educational program.
- 1.6 Some identified areas for improvement included the need for better integration between the different services within the centre; more attention to security and safety in the centre; an improved complaints system for detainees; and better pre-release preparation for detainees. Also, given the very high proportion of Aboriginal detainees and very low proportion of Aboriginal staff at all levels, more culturally sensitive recruiting and retention processes were needed.⁹
- 1.7 The 2008 inspection was the fourth inspection of the juvenile custodial estate by this Office.¹⁰ There was also a directed review undertaken into the use of force and restraints in the juvenile custodial setting in early 2007.¹¹ Because of the high degree of overlap between Banksia Hill and Rangeview, many of the findings from the most recent Rangeview inspection are also relevant to Banksia Hill; in particular, chronic staff shortages and inadequate infrastructure to manage the population pressures.¹²
- 1.8 As during the previous inspection of Banksia Hill, the nationally endorsed Australasian Juvenile Justice Administrators (AJJA) standards were used as a reference point for inspection activities,¹³ in addition to current policy and legislation governing juvenile justice in Western Australia. This is in line with the Office's move towards a standards-driven model of inspection.¹⁴ However, the AJJA standards are only referred to in this report where directly relevant, as there have been some gaps or a lack of detail identified in regard to the Western Australian context. This is particularly so in areas such as remand management, transportation of juveniles, integration with community agencies and Aboriginal issues. Also, these national standards were in the process of being updated at the time of the inspection.

9 For more detailed information about the centre and findings of the first inspection, see OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006).

10 *The Inspector of Custodial Services Act 2003* (WA) was proclaimed in December 2003 and gave the Office jurisdiction to inspect juvenile custodial facilities in addition to its existing jurisdiction to inspect adult custodial facilities. The first juvenile inspection was of Rangeview in June 2004, then Banksia Hill in March 2005. Second round inspections were undertaken of Rangeview in October 2007 and Banksia Hill in June 2008.

11 OICS, *Directed Review into an Incident at Rangeview Juvenile Remand Centre and its Implications for Management and Reporting*, Report No. 41 (April 2007). The Department subsequently provided responses to the recommendations of that review which were published as an Appendix within OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) 64–65.

12 See OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) for more information.

13 Australasian Juvenile Justice Administrators (AJJA), *Standards for Juvenile Custodial Facilities* (1999).

14 The Office has developed standards for inspecting adult prisons: OICS, *Code of Inspection Standards for Adult Custodial Services* (version 1, April 2007) and recently also *Inspection Standards for Aboriginal Prisoners* (version 1, July 2008). A future project is planned to develop inspection standards specifically for juvenile facilities.

Chapter 2

RESOURCES AND SYSTEMS

2.1 The population mix at Banksia Hill had changed substantially since the first inspection. Since 2005 there had been:

- the removal of sentenced female detainees from Banksia Hill in October 2005 to be housed as a group with the remanded female detainees at Rangeview;
- an overall increase in the number of juvenile detainees in the system (primarily in the remand population), so consequently both centres had been running near capacity for extended periods without respite;¹⁵
- a significant increase in the remand population housed at Banksia Hill, as more remanded male detainees were transferred from Rangeview to compensate for the sentenced female population and also as Rangeview did not have sufficient beds for the increased remand numbers; and
- a lengthening of time on remand and decreasing time on sentence, so while the number of sentenced detainees had been fairly constant, turnover had increased.¹⁶

The overall impact has been that the original purpose of Banksia Hill – to manage sentenced juvenile offenders – is no longer applicable. The infrastructure, resourcing and staffing needs that had previously been provided need urgent reassessment.¹⁷ While the centre was found to be striving to provide a good service, it was under siege at multiple levels and needed strong and sustained support and leadership from the Department’s executive and also from government in terms of required improvements to infrastructure and resources.

INFRASTRUCTURE PRESSURES

2.2 The continuing high number of detainees had put significant strain on the physical resources at Banksia Hill. In its pre-inspection briefing to the Office, the Department admitted that there had been insufficient forward planning and projected population modelling for the juvenile estate, which meant there was a lack of immediate solutions for overcrowding.¹⁸ Banksia Hill is therefore likely to hold a significant proportion of remandees and remain near capacity for the foreseeable future.

15 There had been a 31% increase in the overall juvenile detainee population from 1 July 2004 to 30 June 2007 – a daily average population increase from 110 to 145. It was common for remandees to constitute around 60% of the detainee population at the time of the inspection, whereas previously this would have been around 40%. Brett McMerrin, A/Director Juvenile Custodial Services, ‘Re: Announced Inspection of Banksia Hill Detention Centre’, letter (7 June 2008) 1.

16 Average sentence length had decreased from 20 weeks (2004–2005) to 16.2 weeks (2006–2007). In contrast, the time on remand had increased, thus making for a shorter period available once sentenced to address offending issues for many detainees. Figures from Department of Corrective Services, *Annual Report 2004–2005* (August 2005) 89, and *Annual Report 2006–2007* (September 2007) 39.

17 Similarly, the original intent of Rangeview as a short-stay remand centre is no longer relevant, as discussed in OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008).

18 Department of Corrective Services, Juvenile Custodial Services, *Banksia Hill Detention Centre Inspection 2008: Head Office Briefing* (6 June 2008).

RESOURCES AND SYSTEMS

- 2.3 The Department had recently funded a project to develop additional accommodation at Banksia Hill in the form of a 24-bed accommodation unit.¹⁹ This unit will not be completed until at least March 2010. Unfortunately, the planned development fails to address the need for additional accommodation now let alone into the future and does not include additional infrastructure or recurrent funding for support services.²⁰
- 2.4 Rehabilitative services and facilities for service delivery are vital, yet physical space for education, programs and other activities was becoming scant at Banksia Hill given the increased pressures from persisting high detainee numbers. As a short- to medium-term solution to provide more facilities for essential case management services, the Department had committed to providing the centre with a transportable building.²¹ The structure was to be configured to provide more office space, program delivery space and interview rooms to expand the existing case planning area. While this may provide a remedy to some of the immediate obstacles to improving services to detainees, it is not a permanent solution for the inadequacy of the infrastructure and should not be accepted as such by the centre or the Department. Nor will it address the increasingly difficult circumstances under which other services are operating within the centre due to similar infrastructure shortfalls.
- 2.5 During the inspection, numerous areas in need of maintenance, upgrade or just a thorough clean were noted, with routine maintenance of the centre slipping in the three years since the previous inspection. The stress on the centre's infrastructure from managing persisting high detainee numbers made this even more important but perhaps more difficult to maintain, in terms of inability to close units for upgrade, and increased use of facilities increasing wear and tear.
- 2.6 Positively, some areas had been upgraded in the period between inspections, and further works had commenced or had been approved for funding. In particular, kitchens in the standard accommodation units had been refitted with industry-grade benches and cupboards, as previous domestic-grade fittings had degraded under intensive use, laundry areas in several units had also been upgraded with new appliances and some units had recently been painted. Funding had been approved for resurfacing of concrete paths, installation of additional lighting and other minor improvements, some of which had commenced at the time of the inspection.

19 Funding was found by diverting money set aside for a 'Young Women's and Girls Project', which had been allocated \$6.6 million to plan and construct gender-specific accommodation for female detainees at Rangeview. This was cancelled as the project required demolishing an existing accommodation unit, which could not be spared given the existing population pressures. Furthermore, this project would not have suitably addressed the overall disadvantage of the female detainees. See OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) 8–10 for more information.

20 Information sourced from Department of Corrective Services, Juvenile Custodial Services, *Major Initiatives for 2008–2009* and other business planning documents.

21 This had been approved in principle at the time of the inspection but no funding was yet available. A similar process occurred at Rangeview after the 2007 inspection, in response to severe shortage of office and administrative space. See OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) for more information on these issues.

- 2.7 While it was positive that some works had been done, the sheer volume of work needed to maintain the basic infrastructure of the centre overwhelmed the ability to address the overall deterioration of the centre through intermittent minor works alone. Problems around the centre have built up over years of gradual under-provision of maintenance and require substantial attention.

Physical security systems as an area of concern

- 2.8 Most security systems at Banksia Hill were failing in some way at the time of the inspection. Many of the systems in place were ageing or obsolete, with repair or replacement becoming more difficult.²² The finer details of the security issues identified during the inspection are not reproduced in this Report but were provided to the Department and the Minister's Office for attention as a priority. While some issues were predominantly of nuisance value, some were of great concern regarding security and the safety of staff and detainees. The centre overall was in need of maintenance, repair and upgrade – this was equally relevant to the physical security systems within the centre and around the perimeter.

Recommendation 1

That the Department identify and fund the current and future funding and resource requirements of Banksia Hill (for recurrent, minor and capital works) to effectively manage the detainee population. This should take into account projections of future population mix and numbers.

STAFFING

Morale and staff relations

- 2.9 Evidence gathered during the inspection indicated that morale among operational staff at Banksia Hill had become low. In unravelling the reasons behind this, it appeared that the low feelings of some staff, and indeed some managers, was not the result of a single issue but the culmination of many converging factors persisting over a period of time. All of the issues discussed below in some way have contributed to the general malaise found at the centre.²³
- 2.10 While claims of bullying are often anecdotally raised during inspections of custodial facilities they are usually difficult to corroborate, but at this inspection bullying behaviour amongst some staff was actually witnessed by members of the inspection team. There was a small number of custodial staff at Banksia Hill that have been the source of bullying behaviour and much of the onsite negativity that was found during the inspection. Bullying behaviour is absolutely inappropriate and cannot be tolerated in any workplace. Senior management and juvenile custodial executive staff were aware of the problems and stated their commitment to eradicate it at the conclusion of the inspection.

22 These issues were also raised in the first inspection report: see OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006) [3.55].

23 Other factors impacting on morale and stress levels discussed elsewhere in this Report include the high detainee numbers and persisting custodial staff shortages.

RESOURCES AND SYSTEMS

- 2.11 Of concern was that many staff expressed little confidence in the ability of management to address bullying locally and even less confidence in the Department's official anti-bullying strategy and staff grievance processes. Some of this failure may be linked to the long-time lack of effective performance management systems within the centre. The lack of such systems reduces management's ability not only to address poor behaviours like bullying, but also to link rewards to good behaviours, such as enhanced training opportunities, professional development and promotions. The Department had commenced a rollout of a performance management system for all custodial facilities (commencing in adult prisons in July 2008). It is essential that this is properly supported, training provided and monitoring undertaken to ensure it is operating properly, being particularly mindful of the differences between the juvenile and adult custodial systems. Management must also be given some level of authority to deal with allegations of bullying or other misconduct in an effective manner.²⁴
- 2.12 It should be emphasised, however, that there were still many staff on site that were extremely positive about the centre and enjoyed working there. Many of these staff attributed the bad feelings to the actions and attitudes of a small group of staff impacting negatively on the work environment. It is important that this group not be permitted to make negativity the norm within the centre. There was also a perception held by many staff at Banksia Hill that communication and consultation could be improved within the centre. With concentrated efforts from head office, management and the staffing group to address these issues, Banksia Hill can become a more cohesive and buoyant place.

Staff recruitment and retention

- 2.13 The table below shows the operational staffing situation for Banksia Hill.²⁵

| Title | Approved Full-Time Equivalent (FTE) for 2007-2008 financial year | Actual FTE employed during the inspection (June 2008) |
|------------------------------------|--|---|
| Managers/Admin | 9 | 7 |
| Admin Support | 6 | 2 (plus 2 acting in higher duties) |
| Senior Officers | 10 | 8 |
| Unit Managers | 10 | 7 |
| Juvenile Custodial Officers (JCOs) | 81 | 55 (plus 2 on workers' compensation leave) |

- 2.14 This table shows a considerable number of vacancies, particularly among juvenile custodial officers.²⁶ Of the 101 approved custodial officer positions (including unit managers and senior officers), only 70 were actually filled at the time of the inspection. As a result, a significant amount of overtime was used. The approved overtime budget for Banksia Hill

24 A related area is that of internal investigations and staff disciplinary action – the systems in place for this are convoluted and too time consuming, with investigations often taking months (and in many cases, years) to resolve, a totally inappropriate amount of time to place those under investigation and those providing evidence under the stress of an active case.

25 Department of Corrective Services, *Banksia Hill Detention Centre Approved FTE 2007/2008*.

26 This is the reverse of the situation in the adult prison system where the Department has made strong and continued efforts to recruit new officers, resulting in an improvement in staffing but insufficient officers at senior ranks.

in the 2007–2008 financial year was \$195,654, yet at the time of the inspection the actual expenditure on overtime was more than four times this, at \$819,513.²⁷ This situation is absolutely unsustainable.

- 2.15 The ongoing problem of inadequate staffing levels at both juvenile centres had led the Department to look at modifying its recruitment practices, albeit within a limited scope and some time after the need for additional officers had become a critical issue. In particular, the Juvenile Custodial Services directorate had been proactive over the 2007–2008 financial year in identifying areas for improvement in order to increase the number of new juvenile custodial officers recruited. The first step taken has been to increase the number of recruitment drives for new intakes; for the foreseeable future there will be two training intakes each year, whereas previously this was undertaken annually. A temporary recruitment manager position was created several months prior to the inspection to spearhead improvements to the recruitment (and training) process for new officers, including provision of information sessions, expanding and modifying advertising campaigns, attending career expos and running overseas recruitment drives (in conjunction with prisons and police).
- 2.16 Retention of custodial staff generally is likely to become more difficult in the coming years, compounded by the significant number of staff nearing retirement age.²⁸ Figures supplied by the centre indicated that of the 180 juvenile custodial staff (at the two juvenile centres), 30 were over the age of 50 years and a further 28 over the age of 55 years. This is the potential loss of more than 30 per cent of the total custodial workforce to retirement over the next five years. This is problematic not only because of the potential drop in staff numbers, but also the experience and knowledge that may be lost.

Recommendation 2

That the Department deliver and maintain a full staffing complement to Banksia Hill by 31 December 2009.

Staff training

- 2.17 National standards for juvenile custodial facilities require that any staff training program ‘meets the competency and job-related training needs of staff, and is planned, coordinated and reviewed’.²⁹ This cannot be said to have been the case at Banksia Hill at the time of the inspection, with little regularity or diversity in the training delivered to staff. The basic ‘essential’ training had not been able to be adequately facilitated, let alone any other desirable training to improve the overall skills of staff working with young people.
- 2.18 Results from the pre-inspection staff survey reflected the poor access to ongoing training. More than 50 per cent of survey respondents did not believe that they received enough training in general. These results were indicative of comments heard from staff across the centre regarding training during the on-site inspection.

27 Figures provided by Banksia Hill’s resource manager, up to the end of May 2008.

28 Banksia Hill Detention Centre, *Resignations/Retirements since 1.7.1999* (internal records) shows an increase in attrition since the previous inspection – four custodial staff departed during the 2005–2006 year, 18 during the 2006–2007 year and a further nine had left up until March 2008 (with more leaving after this date).

29 AJJA, *Standards for Juvenile Custodial Facilities* (1999) Standard 10.5.1.

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- 2.19 When asked to rate their own competency in various areas, survey respondents highlighted a number of areas requiring improvement. Cross-cultural awareness attracted only a 52 per cent competency rating, information technology 51 per cent and the lowest rating was for case management and throughcare at 30 per cent. These figures reflected the poor access to training, but also may be related to the low morale experienced within the staffing group.³⁰
- 2.20 Recurrent training was offered to custodial staff at the centre one afternoon each week when detainees were locked down. This was not sufficient time to ensure all required training was completed; many activities continued to occur on site during this time that required the attendance of staff; and rostering arrangements could mean that staff missed certain training sessions or attended multiple training sessions in the same area. Additional training had been offered outside of this time (such as the option for staff to attend first aid training outside the centre on paid overtime), and custodial staff had access to the training calendar for Community Justice Services and could negotiate to attend such training outside of their rostered hours (though with the high levels of overtime this option was not attractive to staff already working over rostered hours). These measures had not addressed the chronic lack of training up until the inspection and much more needs to be done.³¹
- 2.21 An additional issue that had reduced the effectiveness of recurrent training for custodial staff was the absence of a substantive training officer at Banksia Hill. An individual had been acting in the role for several months at the time of the inspection, and prior to this senior officers had rotated through the role – thus there has been no one person taking ownership. Such an important area of staff development requires someone substantive in the role. Interviews had been conducted to fill the position permanently, and with the appointment of the successful applicant it is essential that this person drive forward with solutions to the identified problems.
- 2.22 The Mahoney Inquiry report, released in November 2005, included recommendations to provide proper access to training throughout the Department.³² Funds were subsequently allocated to provide nine extra juvenile custodial positions to allow for staff to rotate off the roster to attend training. However, the ongoing problems with recruitment and retention of custodial staff meant that there have not been enough officers to provide a full roster without resorting to overtime, let alone any to backfill for training, and as such these additional positions have never been appointed. The Department must accept that the Mahoney plan will not eventuate in the near future and devise alternative plans for delivery of staff training.³³

30 Note that the AJJA Standards also require that staff be ‘confident in their skills to perform their duties’: Standard 10.2, sample indicator B.

31 Subsequent to the inspection, the centre developed an additional training calendar, scheduling staff training every Thursday and Friday covering such areas as first aid, essential defence and restraints training, as well as leadership training for unit and shift managers and other relevant training. Due to staffing pressures, this was likely to require additional detainee lock-down periods to release staff for the required training; however, this was a reasonable compromise considering the urgent need for updated staff training.

32 Mahoney D, *Inquiry into the Management of Offenders in Custody and in the Community* (November 2005) recommendations 134–36.

33 This is not to say that the plan for extra staff to permit backfilling should be abandoned – this needs to be the long-term goal of Juvenile Custodial Services and strategies put in place for its ultimate achievement. The funds allocated from the Mahoney Inquiry must be preserved and quarantined for its eventual implementation.

THE NEED FOR STRATEGIC PLANNING AND REVIEW

- 2.23 The lack of strong representation within the higher levels of the Department to review and promote the needs of the juvenile custodial estate has led to a lack of strategic forward planning. The responses to the continual pressures on the system have tended to be reactive rather than planned or proactive, and this lack of forward planning flows down from the executive level to the operational management of the juvenile centres.

Locally, there had been little opportunity for broad review of the operations of Banksia Hill to ensure the centre was delivering the services required in the most effective ways. Changes had generally been made in response to pressing needs rather than arising from forward planning and regular review.³⁴

- 2.24 There were a number of symptoms of the stress on the system, such as practices slipping from documented procedures and a lack of review of procedures and practices broadly. This was compounded by the lack of refresher training for staff at all levels, and ultimately posed risks to the safety of staff and detainees. The examination of safety and security procedures set out below demonstrates areas in need of review and improvement identified during the inspection and which should be identified during any centre-wide evaluation of practices.

Security procedures in need of review

- 2.26 Much of security in the centre relied on good staff–detainee interactions and dynamic security, with supervision practices generally ensuring safety and good order. However, many security procedures were observed to be undertaken by rote, some staff were unaware of the actual procedures as written in the centre’s standing orders, and in some cases practices did not reflect what should have been happening according to the orders. Rigour in procedural security appeared to have fallen away.
- 2.27 A recent change to the structure of the Department had seen the statewide security directorate also take responsibility for security in the juvenile custodial estate. At the time of the inspection there were plans to implement a coordinating security manager position for the juvenile estate based in head office and permanent security officer positions to be implemented at each centre.³⁵ This will be a positive move to better raise the profile of security within the juvenile estate, allow the centres to tap into the wider security resources and support from the rest of the custodial estate and improve the flow of information and intelligence from the juvenile centres. Such a position could coordinate a review of security practices and procedures at the centre.

34 Such as the change in start-times for some shifts to facilitate the increase in court transfers in conjunction with the increase in remandees housed at Banksia Hill. This occurred some time after the remand population increased in response to staff raising concerns about increased workload in the mornings, yet this particular demand could have been predicted earlier with consideration of the likely needs of remandees.

35 The security officer was an acting position, drawn from the senior officer pool, with little continuity or resource support. The proposed model is similar to that regarding the recent appointment of designated training officers at the centres, linked in to the Department’s training academy. The security officer at Banksia Hill would then have dual reporting to the security manager and superintendent, but would also have more formal support and resources to improve security, safety and recordkeeping within the centre.

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- 2.28 One example of a practice needing review was that of all night shift officers carrying cell keys. Considering each unit had only one officer posted on night shift,³⁶ having cell keys on all night staff left officers and detainees open to situations of risk. There were no mechanisms to ensure officers did not unlock cells on their own or to provide proof that they had not opened cells if later accused by detainees. When this issue was raised with senior management during the inspection, the initial response indicated this had not been considered previously, showing the lack of regular review of operations within the centre.
- 2.29 Recordkeeping and poor documentation generally were identified across the centre, with examples including shortfalls in incident reporting and alert recording, the lack of a centralised register to record contraband found during searches, nor any system in place to monitor and review the use of strip-searches on young people.

The place of strip-searching in managing risk

- 2.30 While there are no Australian juvenile justice standards specifically regarding strip-searching, the standards regarding security broadly do include an indicator that ‘[S]earches and other methods used to control contraband are respectful of the dignity and rights of the young people and their families’.³⁷ It was concerning that, despite staff at Banksia Hill demonstrating an overall focus on the wellbeing of detainees, the centre’s strip-searching policy and practices were a contradiction of this with little consideration of the potential mental or emotional effects on detainees.³⁸ No risk-based explanation could be given to justify the practices at the time of the inspection and there had been no recent policy review or efforts made to modify the practice to better protect the dignity and rights of detainees being strip-searched.³⁹
- 2.31 Strip-searching was a risk management tool used primarily by the centre to manage the potential entry of contraband.⁴⁰ Strip-searching is an invasive procedure, at the high end of the management options available and its use needs to match the identified risk. The inspection found that the identified risk from contraband was not at all sufficient to warrant the high incidence of strip-searching in the centre.

36 Banksia Hill Detention Centre, *Standing Order 16: Lockup/Unlock and Double-bunking of Detainees* (October 2007) 2, Section 2: ‘Night shift unlocks shall be authorised by the Shift Manager’ and ‘two staff shall be present for night shift unlocks and all such occurrences shall be documented’.

37 AJJA, *Standards for Juvenile Custodial Facilities* (1999) 50, Standard 8.1 Security, Sample Indicator E. The United Kingdom’s *Juvenile Expectations* also includes a number of standards relating to strip-searching, including that: ‘Strip-searching only takes place ... when a serious risk of harm to the young person or others has been identified’ and that ‘[S]trip-searching of children and young people takes full account of the child protection implications of the procedure and the need to balance security with the welfare of the child or young person.’ HM Inspectorate of Prisons, *Juvenile Expectations* (October 2005) 114, Security Expectations 5 and 6.

38 There may be a history of abuse for some detainees, and it is worth considering how young people might feel when instructed by an officer to strip to their underwear, place their hands on a wall, then pull down and shake their underpants. In the absence of a comprehensive review of the practice, it is questionable that the compromise to the dignity of detainees (and the staff involved) is justified.

39 Methods used elsewhere include ‘partially unclothed searches’ used in Queensland’s youth detention centres, where the top half of clothing is removed, searched and replaced, and then the bottom half, rather than full strip-searches, and locally at Bandyup Women’s Prison where strip-searches prior to inter-prison visits or urine testing are also conducted in this manner. Full strip-searches are still used at Bandyup for new arrivals and court returns.

40 And also prior to placing detainees in observation or punishment cells, to ensure they do not have any objects they could use to harm themselves.

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- 2.32 At the time of the inspection, detainees at Banksia Hill were routinely strip-searched on every entry into and exit from the centre. Strip-searches were conducted on detainees arriving from Rangeview, despite having been strip-searched there prior to travelling in a secure vehicle (staffed by juvenile custodial officers) and disembarking in the secure sally port at Banksia Hill. This double search process is unnecessary, as there should be no opportunity after strip-searching at Rangeview for a detainee to access any contraband, weapon or self-harm implement prior to arriving at Banksia Hill. There is no clear risk to be mitigated by a second strip-search.⁴¹
- 2.33 Furthermore, there was evidence that even the procedures outlined in the centre's standing orders were not being followed. Any strip-search must be conducted by an officer of the same gender as the detainee and observed by a second officer,⁴² but contrary to this there were two occasions observed during the inspection when a sole officer conducted a strip-search on a detainee without another officer present. This practice highlights poor training and poor supervision, and could expose both officer and detainee to a situation of risk as there was no third party present to ensure the safety of the young person (placed in an incredibly vulnerable position) or the protection of the officer against any unfounded allegations of inappropriate behaviour.
- 2.34 Strip-search practices have recently been reviewed in Queensland following detainee complaints that were taken up by legal and advocacy groups.⁴³ Consequently, Queensland's youth detention centres now take a more balanced approach, reducing routine strip-searches to new admissions from the community; although in practice they are nearly always carried out on court returns due to reasonable suspicion of contraband. Most significantly, routine strip-searches were abandoned after visits and before detainees travel to court, with negligible change in contraband found in the centres.⁴⁴ Western Australian practices should be reviewed to establish less-invasive alternatives where circumstances permit.
- 2.35 As to whether the compromise to detainee wellbeing was balanced by security concerns at Banksia Hill, in-depth investigation during the inspection found this not to be the case. There were many areas where procedures could be improved to reduce the risk of contraband. An obvious example was that detainees and their visitors used a common toilet during visits, which created opportunities for trafficking. This area requires local attention to ensure the

41 Unless the Department is not confident in the quality of strip-searches undertaken, which should be mitigated by review, training and supervision of searching staff, rather than by subjecting detainees to additional searches.

42 As per Banksia Hill's *Standing Order Number 17 and Young Offenders Regulations 1995* (WA) reg 86.

43 In Queensland, a young person legally challenged the Department of Communities that she was being routinely strip-searched rather than for reasonable suspicion. While the case did not reach court, it prompted that department to obtain Crown Law advice to the effect that blanket strip-searches were unlawful and that strip-searches should only be undertaken upon reasonable suspicion of contraband, assessed on a case-by-case basis. This had been the substance of recommendations from an earlier review known as 'the Forde Inquiry' – Queensland Government, *Report of the Commission of Inquiry into the Abuse of Children in Queensland Institutions* (31 May 1999) – and legislative change to *Juvenile Justice Regulations 2003* (Qld) reg 26 (subordinate legislation to Queensland's *Juvenile Justice Act 1992*).

44 This information is from statistical and verbal evidence gathered by the Queensland Youth Detention Inspection Team (members of which participated in the inspection of Banksia Hill) over a period of monitoring unclothed searches as an area of focus.

positive family-friendly focus of visits is maintained while ensuring robust procedures are in place for managing risk related to visits and contraband.

- 2.36 In any case, the actual amount of contraband found during strip-searches was very low. Of 1719 recorded strip-searches over a 12-month period, there were just four occasions where contraband was found ('drug paraphernalia' and a cigarette found during targeted searches, and a cigarette lighter and excess food items found during routine searches).⁴⁵ For the fortnight immediately prior to the inspection, 85 strip-searches were recorded (as well as 36 pat-down searches), during which no items were found. Also, staff and management of the centre were of the opinion that drugs coming into the centre tended only to be cannabis, and only in very small amounts.⁴⁶ This very low level of contraband detected indicated such a high number of invasive and distasteful searches (both for detainees and those staff searching them) to be pointless.
- 2.37 Supervision of detainees was one of the key methods of maintaining safety and security within the centre. Detainees were supervised by staff on a ratio of no more than eight detainees to every officer (or teacher or other supervising staff member), and were subject to documented observation checks of at least once every half hour while awake and once each hour while asleep (and more frequently for those assessed as at risk). The supervision practices within the centre were noted not to be oppressive, with good use of line of sight and informal interactions between staff and detainees as opposed to constant formal direction by staff or use of rigid movement times and methods. These good dynamic security practices in regular use within the centre were totally at odds philosophically to the heavy use of routine strip-searching.
- 2.38 In the majority of cases, strip-searches were undertaken as part of routine procedure rather than in response to suspicion or information received. The use of strip-searching as a routine practice at Banksia Hill cannot be justified from a risk management perspective – it should be targeted based on reasonable suspicion. The extensive use of routine strip-searches is a breach of human rights and dignity, at odds with the otherwise individual-focused care of detainees maintained by the centre.

Recommendation 3

That the Department change the practice of strip-searching juvenile detainees to cease unnecessary routine strip-searches and ensure search methods are consistent with protecting the human rights and dignity of detainees. A thorough risk analysis and review of other security strategies to support this initiative is also required.

45 Data taken from the TOMS database for the period 1 June 2007 to 31 May 2008. For the same period there were also 1129 pat-down searches recorded, none of which revealed any contraband.

46 Note that while the centre conducted urine testing on site (a new process since the previous inspection), the only substance they tested for was cannabis. This meant any other substances used would be unlikely to be detected, unless a sample was sent off site for external analysis following suspicion of harder drug use, thus the view that only cannabis is coming in centre was unable to be substantiated by a history of test results.

Chapter 3

CARE AND WELLBEING

MAINTAINING THE PRO-SOCIAL ENVIRONMENT

- 3.1 An overwhelming finding of the inspection was that the relationship between staff and detainees at all levels was very positive. The centre had maintained a positive pro-social environment during daily operations, and continued to perform strongly in regard to the daily care of detainees. This deserves strong recognition, particularly in the face of the pressures on the centre identified in Chapter Two.
- 3.2 Detainees interviewed during the inspection mostly spoke well of staff; this echoed findings from the pre-inspection detainee survey which returned positive responses for detainees' relationships with all groups of staff.⁴⁷ Similarly, regarding the relationship with detainees a majority of staff survey respondents cited the opportunity to help detainees as one of the most satisfying aspects of their job.
- 3.3 The national juvenile custodial standards require that the centre 'promotes the individuality and diversity of young people, builds on their strengths, encourages their personal growth, and respects their dignity'.⁴⁸ The inspection team saw evidence of staff taking a personal interest in individual detainees, and many staff displayed a genuine desire to help the detainees develop themselves positively. Interactions between staff and detainees were observed to be respectful and appropriate. Many staff were actively involved in activities with detainees during recreation and meal times. The inspection team had no doubt that the care of detainees was the highest priority within the centre. However, as discussed in relation to strip-searching procedures in Chapter Two, there were still areas requiring improvement to protect the dignity and wellbeing of detainees.

Complaints management

- 3.4 As identified in the 2005 inspection, the formal complaints process available to detainees in the centre required detainees to lodge a written complaint.⁴⁹ While the good interactions between staff and detainees generally enabled minor issues and complaints to be resolved verbally in an informal manner (suited to the communication style and ability of many detainees), there was a lack of recordkeeping of complaints or concerns raised outside of the formal process.⁵⁰ There was also no central record for tracking the progress and outcomes of complaints lodged, and no guarantee complaints raised would be actioned, nor any mechanism for detainees to check on the progress of their complaints.⁵¹

47 There were some isolated issues raised about individual staff or individual events by detainees, but overall detainee attitudes towards and experiences of being treated by staff were positive. During the pre-inspection survey, officers received the lowest rating out of all groups of staff, but even then only 16 per cent of respondents rated officers as 'bad' (on a simple rating scale of 'good', 'okay' or 'bad') and the majority of detainees indicated they were comfortable approaching staff if they needed help in the centre.

48 AJJA, *Standards for Juvenile Custodial Facilities* (1999) 11, Standard 1.2.

49 This was for the Department's internal detainee grievance system and also for lodging a complaint with an external agency such as the Ombudsman. OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006) 34, recommendation 9 identified the need for an upgrade to the complaints process available within the centre.

50 Detainees also identified that some officers were more helpful or approachable than others, so they would wait until the 'good' officers were on shift to ask for assistance or to raise issues.

51 The introduction in 2007 of 'Access' (the Department's centralised administrative centre for complaints and other feedback) has not assisted as complaints raised informally at unit level in the centre were generally not lodged through the formal (written) process and hence were not monitored by Access.

- 3.5 Alleviating the lack of a robust internal complaints system was the regular presence of Aboriginal Visitors Scheme and Independent Visitors Scheme visitors, providing some avenues for detainees to raise issues verbally and in person. These visitors were visible in the centre, detainees were able to approach them easily and issues raised by the visitors with management were taken up locally in a timely manner. However, issues raised through these avenues were not recorded on a central complaints register at the centre, so detainees would not easily be able to get information on the status of their complaint or what would be done about the issues raised. Furthermore, there could be a delay between a detainee wishing to complain to one of the visitors and the next visit, when some issues could better be addressed immediately within the centre.
- 3.6 While there was no evidence of a large body of unresolved complaints in the centre during the inspection, this area needs further attention. In particular, there is the need to more adequately record, track and monitor complaints (whether lodged verbally or through the existing formal written process) and their resolution in an accountable manner. Centre management and the juvenile custodial executive noted this as an area still requiring improvement at the time of the inspection.

Recommendation 4

Beyond the formalised written complaints process, that the Department establish a robust and safe way for detainees to have a direct voice in complaints and concerns regarding their management in the juvenile custodial centres. This should include a tracking and feedback mechanism to advise detainees of the progress and outcomes of their complaints.

Safety within a centre housing a varied detainee mix

- 3.7 The results of the pre-inspection detainee survey, interviews with detainees and observation during the on-site inspection indicated that detainees generally do feel safe within the centre.⁵² Staff generally also reported feeling safe in the centre.
- 3.8 The atmosphere of the centre was calm and there was no evidence of any enduring tension between detainees, or between detainees and staff. In general, the high level of supervision of detainees by staff reduced anxiety within the centre and reduced the likelihood of incidents occurring. At the same time, supervision methods were not oppressive, giving the detainees a sense of some responsibility without the feeling of constantly being watched.
- 3.9 The centre housed a population of detainees anywhere between the ages of 10 and 18 years and, in some cases, detainees who had turned 18 while in custody. The detainees were not separated into age groups in the centre and as such there was a mix of ages and developmental levels across the accommodation units and activity groups.⁵³ This appeared to be managed

52 This meets the standard that there should be an environment in which detainees ‘feel safe, secure and not threatened by any form of abuse or harassment’. AJJA, *Standards for Juvenile Custodial Facilities* (1999) 10, Standard 1.1.

53 Care is taken regarding placement into units – younger boys may be placed with family members, and will not be placed with sex offenders or any detainees considered dangerous to other detainees. Given the wide range of education and life experiences within the population, individual management in this manner is appropriate.

well on a daily basis, with staff alert for signs of bullying or standover by older detainees towards younger or vulnerable detainees. Some of the older and more settled detainees also said they ‘keep an eye on’ the younger ones (who often have relatives in custody).

- 3.10 The centre’s detainee anti-bullying procedures appeared to be reasonably effective, with few reported assaults on younger boys in the centre and very little bullying reported. There were various consequences for those identified as bullies, including regression to lower accommodation status; loss of privileges (such as access to television or the canteen); short-term removal from activities; and possible impact on parole decisions due to poor behaviour while in custody. Individual management regimes were set up to manage detainees with persisting behaviours (as well as detainees identified as vulnerable and in need of monitoring) and parents could also be involved, if appropriate, to assist with intervention strategies.

Reception and orientation

- 3.11 Entry into the centre can be a particularly stressful time for detainees and reception staff play an important role in helping detainees adjust to the custodial environment. Observation of the reception process during the inspection confirmed that the wellbeing of detainees upon arrival was the focus for reception staff.⁵⁴ The nurse saw all new detainees for a health assessment as part of the admission process, usually on the day of arrival, while Education placed new detainees into an orientation class and Case Planning arranged an initial meeting with detainees within a week of arrival. The reception and orientation process was also the first step of reinforcing the behaviour expected within the pro-social environment within the centre.
- 3.12 Detainee orientation was reliant on individual officers for delivery of information to newly arrived detainees. While there was an orientation checklist guiding the rostered orientation officer through the process, this only provided general guidelines of areas to cover. The actual information delivered and the process itself was dependent on the individual officer, with no formal follow-up process for detainees to confirm their understanding after orientation. While entirely appropriate for orientation to involve a high level of interaction between staff and detainees, it is equally important that officers delivering the information do so thoroughly with resources to support them, and also important to ensure that there are other effective sources of information to reinforce the orientation interview for detainees later in their stay. An orientation booklet was given to all detainees as part of the orientation process, though it was necessarily brief and simple (considering the low literacy levels of many detainees), did not cover all information about the centre, and detainees had almost no awareness or recollection of the booklet or orientation video when asked during the inspection.
- 3.13 Relying on the orientation officer as the primary source of orientation information involves a risk that some new detainees will miss out on information, in particular regional Aboriginal detainees who may be less articulate and less likely to engage with staff or actively seek information. Given this, it was significant that there were no efforts made to

54 Note, however, the concerns regarding strip-searching outlined in Chapter Two. All new arrivals are strip-searched during the reception process. Furthermore, the location of the orientation wing within Harding Unit may not be the best location for newly arrived detainees, as the unit also houses the most unsettled detainees in the centre – at-risk detainees in observation cells and detainees on regression regimes.

ensure that an Aboriginal staff member was formally involved in the orientation of Aboriginal detainees, nor any formal processes to refer new Aboriginal detainees to AVS or other relevant services to assist them settle into the centre. This deficiency was noted in the previous report, with little yet done to address the issue.⁵⁵

- 3.14 The incorporation of the Team of Young Leaders (TOYL) into the orientation process is one strategy that could improve the understanding and integration of new arrivals into the centre. TOYL is a group of detainees who have been recognised for their good behaviour and achievements within the centre, and could conceivably be used to provide information to their peers during orientation much like peer support prisoners do in some adult prisons.⁵⁶ Orientation involving other detainees at a peer level could ensure more effective information and support in the early stages of stay at the centre.
- 3.15 The orientation process should include a tour of the centre by officers and placement initially in the orientation unit rather than standard accommodation; however, with recent population and staffing pressures, the tour was at times cancelled due to lack of staff, and stays in the orientation wing were sometimes cut short to make way for new arrivals from Rangeview.⁵⁷ The importance of a site tour was heightened at Banksia Hill because the various buildings were poorly signposted. Trusted TOYL members could be employed to take new arrivals on the orientation tour as part of their involvement in the orientation process.

THE CENTRE AS AN ABORIGINAL INSTITUTION

- 3.16 The Inspector has in the past referred to Banksia Hill as an ‘Aboriginal institution’⁵⁸ because Aboriginal detainees typically make up over 75 per cent of the total population, and at times this proportion has been as high as 90 per cent. Acknowledging this and addressing the needs of Aboriginal detainees should therefore be a central focus of the centre. However, the needs of Aboriginal detainees have tended to be addressed individually rather than as part of an overarching strategy for Banksia Hill or the juvenile custodial estate broadly.
- 3.17 The external appearance of the centre included little recognition of the high numbers of Aboriginal detainees held there. While there were some efforts made to incorporate symbols and language from different regions of the state in the original artworks commissioned for installation around the centre,⁵⁹ there was no Aboriginal art visible on the exterior of any of the buildings and no Aboriginal flag flying out the front of the centre. Nor was there use of Aboriginal language or names throughout the centre or in its programs. There was Aboriginal art (made by detainees) on display in classrooms and the visits area, but this was arranged by individual service areas rather than within the intent of an overall strategy.

55 OICS, *Report of Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006) 32–33.

56 Greenough Regional Prison, for example.

57 Both of these events occurred on multiple occasions within the 18 months prior to the inspection.

58 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006) iv. This is related to the notion of ‘Aboriginal Prisons’ referring to those adult prisons with a predominantly Aboriginal population. For more on this concept in relation to adult prisons, see OICS, *Inspection Standards for Aboriginal Prisoners*, Version 1 (July 2008) 1–3.

59 Neil A, *Artwork Report (Wall and Mall Areas) for Banksia Hill Juvenile Detention Centre* (September 1997).

- 3.18 Other indications that a strategy for addressing Aboriginal needs was required included the lack of traditional Aboriginal cultural activities available outside of NAIDOC week; lack of any ongoing cultural awareness or information about the different Aboriginal groups and their cultures delivered in the centre; and the denial of some applications for Aboriginal detainees to attend regional funerals due to staff shortages and budget constraints. There was no regular Elders program operating in either juvenile centre. Aboriginal custodial staffing levels continued to be very low, and there was little Aboriginal staff involvement in key activities such as detainee orientation.⁶⁰
- 3.19 There were no Aboriginal health workers employed in the centre nor any arrangements for visiting Aboriginal health workers to attend regularly. Positively, there were Aboriginal education workers; however, these were only funded on a part-time basis, insufficient considering the high proportion of Aboriginal detainees. Similar findings were made in this area during the first inspection, particularly in regard to Aboriginal staffing and training for staff in Aboriginal issues.⁶¹
- 3.20 The lack of a cohesive Aboriginal strategy is an ongoing issue that has not been adequately addressed in the history of the centre. Developing an overall strategy which recognises the aboriginality of the centre does not mean that the focus on individual case management should be lost; these two concepts can exist together. An overall strategy would provide much-needed structure and support for the good work already being carried out and a framework to improve in this area.⁶² Any such strategy should also include ways of recognising Aboriginal groups from all over the state, and particularly include measures to enable regional and remote detainees stay connected to family, community and culture.
- 3.21 A related issue was the centre's lack of formal policy in regard to the management of minority populations within the centre. There was no specific policy to guide the management of particular groups such as culturally and linguistically diverse detainees; special needs and/or disabled detainees; or non-Aboriginal detainees as a minority. The centre instead took the approach of treating each detainee as an individual and managing them according to their specific needs. This is commendable up to a point, but it is important to have formal policies for the management of groups with specific needs. Without them, there can be no assurance of equity or consistency of treatment, and no guarantee that these groups are receiving the assistance they need.

Recommendation 5

That the Department develop and implement a service delivery framework that addresses the particular needs of Aboriginal detainees in its juvenile centres.

- 60 Furthermore, just 34% of pre-inspection staff survey respondents were satisfied with the level of cross-cultural awareness training they received and 52% rated themselves competent in the area of cross-cultural awareness. This may indicate a drop in confidence in this area since the 2005 survey, when 70% of respondents rated themselves competent with regard to managing Aboriginal detainees.
- 61 OICS, *Report of Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006) 24–25.
- 62 See, for example, the sections below regarding AVS and AWOs.

Aboriginal Welfare Officers

- 3.22 There were two full-time Aboriginal Welfare Officers (AWOs) at Banksia Hill, key roles in the provision of Aboriginal-focussed services within the centre. Their primary concern was the wellbeing of Aboriginal detainees, but they would also assist non-Aboriginal detainees. AWOs dealt with a wide range of issues including applications for funeral leave and hospital visits; facilitation of family contact for regional detainees or those with family members in adult prison through telephone calls and video visits; and organisation of special events such as the annual NAIDOC celebration.
- 3.23 At the 2005 inspection there was concern that the AWOs were marginalised within the structure of the centre, and the report of that inspection included a recommendation that the referral system for detainees to access the AWOs be reviewed.⁶³ The 2008 inspection found significant improvement in this area, with the AWOs better integrated with other services in the centre and involved in appropriate consultation with other staff (particularly psychologists and unit staff) regarding individual detainees who may be in need of particular support or assistance. Detainees were aware of the AWOs and could access them fairly easily, either by request through other staff or in person while AWOs were walking around the centre.
- 3.24 While the AWOs were an essential resource and highly valued within the centre, they were at risk of being overwhelmed by demand for their services. A significant proportion of their workload had become administrative, relating to organising funeral leave, hospital visits, video visits and transportation home. The AWOs should certainly be closely involved in the approval of these as they are often the best placed to understand the family relationships and cultural obligations associated. However, the administrative and organisational workload would perhaps be better placed elsewhere. Similarly, the AWOs are often required to accompany detainees to funerals or to the airport or bus station upon release. While there may be value in having an AWO present on such occasions, it seemed that the rationale had been more to do with the shortage of custodial officers than cultural appropriateness. It also meant that the AWOs were sometimes out of the centre for substantial periods and their work accumulated while they were away.
- 3.25 The place of AWOs in the centre could be articulated within an Aboriginal strategy for the centre, recommended above. Having a better-defined strategy regarding Aboriginal issues (supported by appropriate training and resources) would provide an opportunity for some of the AWOs' existing workload to return to other service areas of the centre.
- 3.26 While the AWOs generally felt well supported by centre management, they expressed some concerns regarding funeral leave applications. The AWOs made recommendations as to whether leave should be granted (after a great deal of consultation with family and community members), but the decision ultimately rested with management. However, in cases where funeral leave applications were denied it was also the AWO who had to inform the detainee and family members. This had a negative effect on the relationship between the AWOs and

63 OICS, *Report of Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006) 26, Recommendation 8.

the relevant detainees and family, which in turn could make it more difficult for AWOs to do their work. Given that the final decision was made by management, it would be more appropriate and easily implemented for a senior manager such as the Assistant Superintendent to inform the detainee and his family. This would make it clear that the centre treats such decisions seriously and with appropriate respect, and protect the AWO from unnecessary conflict or difficulty.

Aboriginal Visitors Scheme

- 3.27 The Aboriginal Visitors Scheme (AVS) attended the centre two days per week, using a mix of regular visitors and relief visitors from other facilities. From observation and interviews during the inspection it was clear that AVS were highly visible and well known within the centre.
- 3.28 As with the AWOs, there was concern during the 2005 inspection that AVS was not well integrated into the centre. Again, there had been significant improvement in this regard. The AVS visitors spoken to during the inspection felt well supported by all areas of the centre, including management, had the opportunity to meet with the AWOs and debrief with senior management (usually the Assistant Superintendent or Superintendent) prior to departing and were satisfied that the issues they raised were taken seriously and dealt with appropriately.

HEALTH AND MENTAL HEALTH

- 3.29 The medical centre overall was found to be providing a positive service in maintaining the health of detainees in the centre and no issues were raised in regard to access to general health services during the inspection.
- 3.30 In addition to a nurse on site daily during unlock hours, a general practitioner attended the centre once a week for referrals from nurses or psychologists and also to conduct a thorough physical check-up of every detainee within 28 days of arrival.⁶⁴ At the time of inspection there was a backlog of physical check-ups developing, with the doctor stating there was not enough time to handle all the check-ups as well as completing other scheduled appointments. A dentist also attended once a week, mostly to deal with emergency procedures but also to complete some routine appointments.⁶⁵
- 3.31 One concern regarding health staffing was that there was no night nurse at the centre – considering not all custodial staff were current in first aid at the time of the inspection due to training deficits, this was a situation of risk for the centre. Other resources that could improve and expand delivery of health and wellbeing services in the centre could include a dedicated nurse manager,⁶⁶ mental health nurse and Aboriginal health worker.

64 The physical check-up looks for any acute or chronic conditions, and if necessary involves developing a care plan to address those conditions. It also routinely includes testing and treatment for sexually transmitted infections (with the consent of detainees) and bringing immunisations up to date. Comprehensive testing is still carried out for those detainees who have been held in Banksia Hill previously.

65 Detainees from Rangeview are transported to Banksia Hill for dental appointments as well.

66 Banksia Hill and Rangeview share a clinical nurse manager – this resource is stretched to give the required attention to both centres.

Mental health services

- 3.32 The centre’s psychologists assessed every detainee arriving at Banksia Hill and provided crisis support and ongoing counselling sessions to detainees requiring these services. Psychologists at times also had input into detainee programs facilitated at the centre and would undertake one-to-one therapeutic work (see Chapter Four for more on this aspect). Psychologists had also in the past assisted with aspects of staff support and new recruit training, though these sides of the workload were being phased out to better channel resources into the area of most need: detainee management.
- 3.33 Detainees interviewed during the inspection all had good opinions of the psychologists, and almost all respondents to the detainee pre-inspection survey held the psychologists in high regard. Psychologists were consulted regularly in regard to individual detainee management, and reported that interaction with custodial staff and management was generally good. They were actively involved in meetings regarding detainee management and would link with staff across different service areas in the centre as needed. A psychiatrist attended the centre once a fortnight or on an emergency basis, with psychologists or the visiting doctor referring detainees to the psychiatrist when required.
- 3.34 Overall, psychologists within the centre were found to be integrated with other services in the centre and delivering a comprehensive service. However, as with all areas of the centre, psychological services were pushed for resources given the high number of detainees in custody and high turnover (thus higher demand for assessments and interventions). An additional (unfunded) psychologist position had at times assisted at the centre in addition to the three full-time psychologists (including a team leader), but this was only on a short-term contract basis. The addition of a mental health nurse or other psychological services resources would benefit the centre in managing the population.

Food and diet

- 3.35 All meals, including morning tea, were provided by the centre’s kitchen except on weekends when detainees cooked for themselves under the supervision of unit staff.⁶⁷
- 3.36 The centre maintained that the menu was low-fat and low-salt, but during the inspection some meals was observed to be of poor quality, high in salt and oil. Some detainees were vocal in their dislike of some of the meals, though when questioned further most commented that sometimes meals were good and sometimes bad. Health staff had no direct input into the daily menu but nurses did set special dietary requirements for detainees when needed. There had not been any recent involvement of any specialist dietitians with experience in child and adolescent health and development. Healthy-eating programs and promotion are becoming more widespread in the community and feature in governmental policy for other services,⁶⁸ and should be incorporated formally into policy for the juvenile custodial estate.

67 While positive in developing self-reliance and skills for independent living, this was an area of potential risk considering officers and detainees generally had not received FoodSafe training and there was no guarantee they had an understanding of nutrition, healthy eating and safe food preparation principles.

68 For example, Department of Education and Training, *Healthy food and drink choices in schools* (2006) and Department of Health, *Healthy Options WA – Food and nutrition policy for WA health service providers and facilities* (2007).

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- 3.37 There was a lack of healthy choices of snack products in the canteen and, perhaps surprisingly, many detainees in the centre commented they would like some healthy choices introduced.

Accommodation and environmental health

- 3.38 There were no significant problems identified with accommodation at Banksia Hill during the inspection, though it was noted that all of the accommodation units were in need of more thorough cleaning and general maintenance.⁶⁹ Previous contacts with the centre in the summer months had highlighted the lack of air-conditioning in the accommodation units and some education and activities areas, with stifling and unpleasant conditions in hot weather.⁷⁰
- 3.39 An environmental health assessment was conducted during the inspection of the centre in June 2008. A separate, detailed report of the findings of the assessment will be provided to the centre and Department, detailing areas requiring attention from a public health point of view and specific recommendations related to health regulations. The environmental health assessment identified six categories of concern, some of which have already been discussed in this Report. These categories were maintenance; wastewater systems; occupational safety and health; training and awareness; storage (particularly of chemicals); and sustainability. Recommendations arising from the environmental health assessment will be monitored through future visits to the centre.

FAMILY AND SOCIAL CONTACT

- 3.40 Banksia Hill put considerable effort into encouraging family contact for detainees. The centre recognised the importance of family contact in its standing orders, in line with the relevant national standard regarding the importance of maintaining social contact.⁷¹ Nevertheless, there remained some opportunities for improvement in this area, particularly in relation to regional detainees.

Telephone access and mail

- 3.41 Detainees spoken to during the inspection were generally satisfied with their access to phone calls, confirming responses to the pre-inspection survey. Detainees were allocated four free phone calls of ten minutes each per week and could purchase further calls from the canteen, charged at the cost of a local call regardless of whether to metropolitan or regional locations. Many detainees also used the mail system to write to family and friends, with costs of postage and writing material covered by the centre.
- 3.42 The detainee telephone system was ageing and prone to breakdown. This caused significant disruptions in October 2007 when major faults prevented many detainees making calls and deducted call credit from detainee phone accounts without calls connecting (with little way of getting this back as no reliable records were available). An upgrade to the telephone system

69 As were other parts of the centre, as mentioned in paragraph 2.5 of this Report.

70 Juvenile Custodial Services had responded to issues raised regarding conditions in the centre during hot weather prior to the inspection, acknowledging the issue and obtaining a quotation for installation of evaporative air-conditioning in the units. This would require funding approval which had not yet been gained at the time of the inspection. Brett McMerrin, A/Director Juvenile Custodial Services, 'Air-conditioning at Banksia Hill', letter (6 March 2008).

71 Banksia Hill Detention Centre, *Standing Order 12: Visits to Detainees* (October 2007); AJJA, *Standards for Juvenile Custodial Facilities* (1999) 32, Standard 5.1.

was being installed during the inspection, but it was unknown whether this would meet the needs for the centre in terms of detainees making social calls, official calls and specifications for security and safety, such as whether security staff could listen to or record calls.⁷²

Social visits

- 3.43 The centre facilitated social visit sessions every day of the year, two (hour-long) sessions each weekday and four sessions each weekend day.⁷³ The centre was demonstrably flexible in regard to visits, with visitors able to extend their visit into the next session provided there was space available; visit for more than the nominal four-session limit per week; and still have visits facilitated where they had been unable to pre-book for a valid reason.
- 3.44 Unfortunately, there were still many detainees who did not get regular visits, either because their families were in regional or remote locations, not in regular contact with the detainee or simply not willing or able to visit. In the pre-inspection survey, 45 per cent of detainee respondents felt they did not get enough visits while in Banksia Hill – of these respondents, over 75 per cent were from regional areas.
- 3.45 The visits centre itself was in need of upgrading, as was the case during the 2005 inspection. Visitors and detainees complained that the tables were too close to each other, providing little privacy when the room was full. There was no outdoor area available for visits in fine weather, nor any play area designated for visiting children. The previous inspection report recommended that '[t]he visits centre should be upgraded to ensure that the needs of children visiting are catered for. This includes the development of specific children's play areas.'⁷⁴ However, there had been no changes to the visits area since, and no changes planned. Furthermore, the waiting area in the centre's front entrance foyer was scantily resourced for visitors waiting – while equipped with toilet facilities, seats and lockers for personal property there was little else available. Many adult prisons have external visitor centres outside the main facility providing information, support and referral for families visiting – visitors to Banksia Hill too could benefit from such a service.

Recommendation 6

That the visits facilities at Banksia Hill be upgraded to provide a service more conducive for family and social interaction.

Video link visits

- 3.46 Social visits via video link were occurring regularly at Banksia Hill, most often with family members in prisons but on occasion with family in regional areas. Over the six months from 1 July to 31 December 2007, there were 117 social video visits conducted – almost five a week on average. Ninety-three of these visits were inter-prison visits (30 regional detainees and 63 metropolitan detainees) and 27 were to family at a Community Justice Services office in

72 These functions are important for security and safety within the centre and if not yet operational, should be sought in the upgrade.

73 On Wednesday afternoons an additional visiting period was provided in conjunction with a charter bus service from Cannington Railway Station. All visit sessions and seats on the bus had to be pre-booked by visitors.

74 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006) 42, recommendation 13.

the regions. While this showed that video visits were being facilitated, the number of regional video visits was relatively low considering there were many detainees from regional areas who were likely not to receive visits otherwise.⁷⁵ Also, looking at a sample of more recent records, frequency of video visits had dropped to less than three per week.⁷⁶ Video visits were a good alternative and addition to phone calls for detainees unable to receive personal visits, and should continue to be encouraged in the centre.

- 3.47 The limitation of 20 minutes for a video link, while twice as long as allowed time for a phone call, was still much less than the hour allocated for a social visit in person. While it was positive that the centre covered the cost of the video links, considering that most detainees receiving such video visits would not have social visits otherwise, consideration should be given to increasing the time and frequency of video visits, particularly for regional detainees as a compensation for lack of visits in person.⁷⁷

75 29 of the 104 detainees in the centre during inspection week had non-metropolitan home locations recorded.

76 Over a seven-week period just prior to and including the inspection (1 May – 19 June 2008), there were 18 social visits conducted via video link – 16 to family in prison and two to community locations.

77 Use of video facilities for court hearings was also fairly low, particularly for regional detainees. One preventative factor from increasing the use of video facilities was that the video conferencing room was also utilised for meetings and official visits throughout the week due to program and interview room shortages (related to the infrastructure issues discussed in Chapter 2).

PHOTOGRAPHS



The design of the centre allows views out over the walls, which is especially important for Aboriginal detainees. However, the design and function of the centre showed little evidence that its population is dominated by young Aboriginal people.



The pleasant outdoor surroundings were contrasted by the observation cells and other areas in Harding Unit, which accommodates unsettled or at-risk detainees for short periods of time.

PHOTOGRAPHS



New stainless steel benches and cupboards had been installed in standard accommodation kitchens to replace badly damaged domestic-grade fittings.



However, many other areas of the centre were in urgent need of maintenance or upgrade. Shown here are laundry cupboards in self care accommodation.

PHOTOGRAPHS



While family visits were encouraged, facilities for visitors were basic – shown here is the waiting area for visitors in the main foyer.



The internal visits room was also need of an upgrade. There were no facilities for outdoor visits and no children’s play area.

Chapter 4

THROUGH-CARE AND CASE MANAGEMENT

- 4.1 Throughcare is a guiding principle for juvenile justice, though in the context of Banksia Hill the term ‘individual case management’ tended to be used. The concepts are interchangeable in some ways. In simple terms, ‘throughcare’ refers to the management of young people through their journey in the justice system, with continuous emphasis on preparing the young person for release from the point of arrival in detention (and arguably this should commence prior to detention) through to release and support in the community. Consideration of throughcare for Banksia Hill detainees should include activities and experiences at Rangeview as well, with orientation the key to linking detainees into the appropriate services within the centre to appropriately manage them and meet their throughcare needs.
- 4.2 The centre (as does Rangeview) prided itself on its intended focus on the individual and on individual case management. Banksia Hill was better designed and resourced to provide throughcare services than Rangeview due to the variety of activity options and the structure of services available. Being designed to manage sentenced detainees, the focus on case management should be inherent in the system of daily detainee management at the centre.

REGRESSION, PROGRESSION AND BEHAVIOUR MANAGEMENT

- 4.3 Daily living and behaviour management within the centre can be considered one aspect of throughcare, in encouraging detainees towards personal responsibility and development of appropriate life skills and behaviours. The hierarchical model of regression and progression was a good concept and was actively utilised within the centre.⁷⁸ The centre had resisted pressure to increase bed space by using regression or self-care beds to manage mainstream detainees, instead maintaining capacity to reward good behaviour and discourage poor behaviour based on varying levels of accommodation and incentives.
- 4.4 Behaviour management tended to be managed well at unit level, an indication of the effective staff–detainee relationships at Banksia Hill. Staff were observed informally modelling positive behaviours during the inspection. Unit managers took appropriate responsibility in addressing poor detainee behaviour within the unit, with loss of privileges and other immediate consequences managed at the unit level more often than regression or formal detention centre charges. This is positive in managing minor misbehaviour, provided it is used appropriately and consistently and that behaviours, consequences and any alerts are recorded for future reference.⁷⁹
- 4.5 However, with the increase in population and the less-settled remand population, there was a danger of regression becoming normalised and overused as a behaviour management tool. The regression wing could hold up to eight detainees; however, the number on regression peaked in 2007 at 14 – requiring Harding A-wing to also be used for this purpose

78 In brief, all detainees were placed in standard accommodation upon leaving orientation, but could progress up through standard accommodation to Murchison Unit and self-care or regress down to Harding C-wing for persistent poor behaviour or as a consequence of a serious incident. Within each standard unit there was also progression through the wings. Detainees at higher levels could receive incentives including extra gratuities, extra items in cell, wing-captain duties, later lockdowns in some units (staff permitting) and access to games systems and other valued items.

79 As mentioned in Chapter Two, incident reporting and recording needed improvement across the centre.

(with orientation detainees temporarily housed elsewhere). Regression should be the exception with other methods used first to manage behaviour, such as immediate consequences at the unit level for minor behaviour or management on individual regimes for persisting behaviours in the first instance.⁸⁰

4.6 A recommendation in the previous inspection report related to the need for ‘clarification of the policy and practice of regression’.⁸¹ While this did occur, and had clarified the process somewhat, there were still some issues regarding staff awareness of correct procedures, expectations of behaviour during regression, timeframes for progression out to mainstream and documentation of the process. A further in-house review of regression had been conducted shortly before the inspection and additional revisions made or proposed. Changes included:

- Further revision of the three stages of regression, with better definition of activities and behaviour expected on each stage.⁸²
- There was a period in 2007 when 14 days of regression was applied as a blanket punishment for any detainee climbing on the roof, following a spate of roof access incidents – this had ceased, with placement in and progression through regression to be individually assessed in every case.⁸³
- All regressed detainees would have schoolwork assigned each morning, reviewed at least weekly by a teacher visiting the wing. If detainees refused to do schoolwork they would be regressed to Harding B-wing cells (stage 1) during the day.
- Regressed detainees were to be given a short orientation into Harding C-wing by the senior officer and have a regression case plan set out identifying what behaviour and activities were expected for them to progress.⁸⁴ An updated daily monitoring checklist was to be developed for regression officers to complete as well as staff from other services that saw regressed detainees (such as teachers, psychologist or the nurse), but at the time of the inspection this aspect of documentation was still being implemented and more information-sharing between involved staff and service areas was needed.

4.7 Additionally, in response to concerns about staffing and consistency within Harding Unit, a new unit manager position had been created. Previously this was the only unit without a unit manager – these duties fell to one of the senior officer positions who also had responsibility

80 Individual Management Regimes could be applied for disruptive detainees, dangerous or predatory detainees, vulnerable detainees or those with special needs, with regimes determined by unit and shift managers and reviewed weekly by the Detainee Management Review Committee.

81 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006) 17, recommendation 4.

82 Stage 1 was short (typically one day), with detainees housed in Harding B-wing while their situation was assessed and placement determined; during Stage 2 (time varied depending on behaviour) the detainee was housed in C-wing with chores and activities around the unit such as schoolwork; and Stage 3 involved the detainee participating in the day program during school and structured recreation time, but returning to the unit for meals, evening free recreation time and to sleep.

83 The decision to place detainees in regression was made by the unit or shift managers while the matter was being investigated (if an acute event), with the Senior Officer (Special Purpose Unit) determining placement within Harding. If the detainee demonstrated persisting behavioural problems, the decision would be made by the Detainee Management Review Committee and Assistant Superintendent.

84 This should be reviewed with the detainee at the end of each day with feedback ‘scores’ on behaviour given.

for the gate and reception, with a much-increased workload since the increase in remand population. The new unit manager position was to be implemented shortly after the inspection, and there was also discussion about a discrete roster for the unit (removing it from the combined gate roster) to reduce the turnover of staff through the unit. Consistency of staff would assist with management of detainees on regression regimes. The need for a post-regression case plan to assist detainees reintegrate into and remain in mainstream had also been flagged as an area to be addressed once the new unit manager was established.

Detainee classification and access to external activities

- 4.8 Approved activities in the community (both supervised and unsupervised) are acknowledged as an important part of through-care in other jurisdictions. Victoria sends a number of juvenile detainees into the community every day to participate in such activities,⁸⁵ as does Queensland to a lesser extent. Absconds from external activities in those jurisdictions are rare and accepted as a necessary risk to significantly enhance community reintegration.
- 4.9 By contrast, there are very few Western Australian detainees able to participate in external 'day release' activities. Those detainees who could access day release from Banksia Hill had to first be classified minimum-security and have an approved regular activity arranged to attend in the community, in line with their proposed release plan. Typically, only one or two detainees each year attain this.
- 4.10 The requirement for minimum-security classification for day release for external activities prevented the vast majority of young people from accessing these activities prior to release. Detainees were only reviewed for a minimum-security classification when there was a particular reason to do so, which in practice would only be if a day release program was being considered for individual detainees in the lead-up to release.⁸⁶
- 4.11 Juvenile detainees are a highly unpredictable group, thus carrying inherent risks from potential impulsive behaviour, but these risks need to be managed sensibly and sensitively without unduly interfering with the other objectives of custody, namely rehabilitation and re-integration. Detainees will ultimately return to the community after their time in the secure and highly structured environment of custody, yet most will not be afforded opportunities to access activities in the community to assist with this transition, such as training, work appointments, sporting activities, family events or other rehabilitative activities under the existing system for day release. The requirement to attain minimum-security prior to being considered for external activities, combined with the lack of a robust system to assess all detainees for minimum-security, prevents most detainees accessing community surroundings or activities prior to release.⁸⁷

85 The Victorian legislation, *Children, Youth and Families Act 2005* (Vic) s 485, is quite comprehensive in this regard, with the legislation supported by detailed information in the Victorian Department of Human Services, *Juvenile Justice Operations Manual* (December 2005) Section 5.36 'Pre-release program'.

86 Day release will be discussed in more detail later in this chapter.

87 There are currently no minimum-security custodial facilities for juvenile detainees in Western Australia. As there is no meaningful assessment and classification tool for assessing suitability for minimum-security across the detainee population generally (not just on a case-by-case basis for those approaching release), there is no actual data of how many could be suitable for minimum-security and thus no estimate to determine the viability of future minimum-security programs and activities or future minimum-security accommodation for the Western Australian juvenile detainee population.

- 4.12 Risk assessment of juvenile detainees must be approached differently to risk assessment of adult prisoners. Security classification alone should not prevent access to community-based activities for detainees.⁸⁸ This aspect of rehabilitation and preparation for life in the community is vital and yet not occurring on any systemic level in this state.

Recommendation 7

That the Department ensure increased detainee participation in external activities and programs independent of security classification.

THE NEED FOR CROSS-CENTRE CASE MANAGEMENT

- 4.13 Case management of sentenced detainees (in terms of what activities should be undertaken while in detention towards applying for supervised release) followed a well-established process at Banksia Hill, driven by Case Planning. However, similar to the situation found during the Rangeview inspection,⁸⁹ case management within Banksia Hill was focused on the sentenced detainees. While this was understandable given that the centre and its procedures were built on the premise it would manage a sentenced population, with the persisting high proportion of remandees housed at the centre this can no longer be the case.
- 4.14 Considering the population trends within the juvenile estate towards an increasing remand population, it is likely there will continue to be significant numbers of remandees held at Banksia Hill for the foreseeable future. Many of these may be held for many months and cannot be considered 'short-term' – therefore requiring more structured case management. While there had been some changes in program delivery to include programs for remandees, the focus in terms of managed throughcare within the centre remained on the sentenced population. Throughcare is equally important for remanded detainees, to support them in developing skills and supports to return to the community.
- 4.15 There were a number of areas overall where case management needed strengthening. This required better interrelation between service areas and operational staff within the centre, and with community justice services or community agencies outside the centre, following a throughcare model.
- 4.16 There were several separate processes of case management running simultaneously in the centre at the time of the inspection, with each service area – Case Planning and Programs, Psychological Services, Health, and Education – addressing different needs according to different timeframes and priorities of focus. Although each service area was found to be delivering good services with the care and development of detainees as the primary goal, they were not coordinated into a cohesive, cross-centre case management system. While integrating different systems measuring different outcomes is difficult, there should be more attention given to cross-service activities, communication, common goals and

88 The Office will discuss further with the Department the challenges in developing a validated risk-assessment tool for security classification of juveniles, and will monitor progress in this area.

89 OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) 20.

prioritisation of needs for detainees. There also needed to be better release planning with more involvement from community justice services and community agencies, and better case management of remandees as discussed above.

- 4.17 Additionally, custodial staff were intrinsically involved in the daily management of detainees in the units, thus were well placed to be involved in case management of detainees. While informally unit staff linked in with the service areas on individual detainee issues and there was representation from unit managers in meetings regarding detainee management, custodial staff could be better integrated into the formal case management processes.
- 4.18 Managers of each service area were seen to still operate largely in isolation from each other within the centre, though there was improvement in communication and collaboration since the 2005 inspection. An additional complication was that the head office based Manager of Young Offender Development position had not been substantively filled for the period between inspections. With no stable leadership for the Young Offender Development portfolio (encapsulating Education, Psychological Services, Case Planning and Programs) at the executive level, much of the broader strategic focus of non-custodial services overall may have lacked support or continuity.
- 4.19 At the local level, there were several different committees and meetings occurring regularly to discuss case management of detainees. In particular, the Detainee Management Review Committee met weekly and was responsible for final decisions of all detainees' accommodation movement up or down the hierarchical structure (including regression), reviews of detainee security classification ratings and detainee movement through employment areas.⁹⁰ Case planners and psychologists held regular case review meetings, the Holistic Programming Committee met regularly to discuss programs and activities occurring within the centre (including identifying gaps for services needed), and centre debriefs three days each week also provided an opportunity for cross-centre communication and integration. This needs to now go further, with better interaction and coordination between on-site services still required. The basis for cohesive cross-centre case management is in place within the centre – there just requires a shift towards better integration of common goals and outcomes in case management.

Recommendation 8

That the Department improve the coordination and coherence of its through-care processes across the spectrum of a detainee's involvement with the custodial system (regardless of whether sentenced or on remand). Particular reference is made here to ensuring that case management is adequately supported across all service areas, within a cross-centre case management strategy.

90 The committee is comprised of the Assistant Superintendent (Chair), Team Leader Psychologist Services, Senior Education Officer, a representative from Case Planning, all unit managers and one of the senior officers.

SERVICE AREAS

Education

- 4.20 Education was found to continue to function strongly, with a stable staff and management delivering appropriate services to the detainee population. The majority of education classes followed the Certificate of General Education for Adults (CGEA), in an individual learning model in class groups of no more than eight. This model was better suited to most detainees than the standard school curriculum and could be transferable to the TAFE system for young people wishing to continue their studies after release. Detainees participating in the workshops (woodwork and metalwork) also completed aspects of the CGEA relevant to the development of literacy and numeracy skills in a practical context. There were links to employability skills within education activities.
- 4.21 In terms of other training, suitable detainees could also undertake studies in accredited certificates in business studies and information technology,⁹¹ and since the 2005 inspection the centre has offered the construction industry's 'blue card' qualification, a short course in basic occupational safety and health required for work in the industry. Driver education and first aid training for detainees were also run at various times. On occasion traineeships in horticulture could be facilitated, but full traineeships were difficult to manage given the low level of literacy and numeracy of many detainees and difficulties with continuing traineeships after release.
- 4.22 The range of classes delivered by education staff was good but there was no formal skills training for detainees in work parties run by custodial staff (gardening, cleaning and maintenance). Part of this related to the lack of trained staff, with most custodial officers not qualified in these areas nor qualified to deliver training,⁹² and similarly the cooks were not trained to deliver accredited training to detainee kitchen workers. Additional work-related programs were run outside of school time (though some were funded by Education) such as the successful limestone block program, where detainees made limestone blocks and laid them around the centre within landscaping projects, and maintenance of the zoo-food farm and worm farm (an initiative developed since the previous inspection). There may be ways to link these activities with formal training or educational outcomes.
- 4.23 While the strong focus on education activities is appropriate considering the majority of the population were school age (the compulsory school age being 17 years old), this dominance has influenced the way other service areas in the centre operate. The original structure of the day program and activities within the centre were built around Education, and this attitude and structure has persisted. However, Education cannot continue to operate in isolation from other service areas. It was positive to hear of several initiatives of joint Education–Programs activities underway during the inspection. Joined-up detainee management must become the focus within the centre, with stronger links between Education and the other service areas within a cross-centre case management structure discussed above. Furthermore, the place of other therapeutic services must not be lost within the structure of an education-focused regime for those detainees requiring therapeutic interventions.

91 At the Certificate 1 level, signed off by the Department's registered training organisation ASETS.

92 Additionally, given the 12-hour shift rosters for officers, there is a lack of continuity in supervision of the work parties which would make delivery of ongoing training difficult.

 Programs and external providers

- 4.24 There were two key positions related to program delivery in the centre. The Senior Programs Officer (SPO) developed and delivered internally run programs at both juvenile centres. The Centre Coordinator for Activities and Re-entry Programs (CCARP) was a new role implemented since the 2005 inspection to manage external provider contracts and schedule externally provided activities and programs in both centres. The two positions had little formal relationship and were managed by different areas (the SPO by Psychological Services and the CCARP within Case Planning and Programs). While this did not create any critical issues regarding program delivery at the time of the inspection, the lack of cohesion meant scheduling and use of program space required negotiation, and there were possibly areas of duplication between the two roles as the SPO at times arranged to co-facilitate programs with external providers.
- 4.25 The area of therapeutic and developmental program delivery within the juvenile estate is resource-poor, and cannot afford any duplication. While good work was being done in regard to the development and provision of internally run programs, these were not sufficient to meet the needs of the detainee population, with demand for programs outstripping supply and waitlists for regular programs building up.⁹³ Additionally, there was a shortage of program rooms and interview rooms.
- 4.26 Psychologists delivered therapeutic counselling to some detainees and would run interventions for any detainees deemed unsuitable to work in groups (such as sex offenders). While short-term detainees were all seen by a psychologist upon arrival at Banksia Hill, some missed out on programs due to demand. In some of these cases, the SPO flagged program needs with the community-based SPO who attempted to schedule community-based interventions after release, if available.
- 4.27 Good efforts had been made in some areas to facilitate program participation of remandees at Banksia Hill, starting with the Group Ready program to assess ability to participate in groups and identify program needs.⁹⁴ Several programs had been modified into shorter sessions for delivery to remandees rather than sentenced detainees (including a short re-entry session delivered by the external agency SEMYA). However, these program modifications were undertaken without additional funding and given the resource shortages in this area remandees will continue to lose out to the higher-prioritised sentenced detainees.
- 4.28 There were some efforts to prioritise program delivery, but given the demands and scheduling of programs this was an area requiring much improvement. The Young Offender Personal Development Program (YOPDP) was given priority by Case Planning as it was viewed positively by the Supervised Review and Release Board for parole. The program had been evaluated by the Department with the evaluation report stating that ‘the program demonstrated its potential as an effective psycho-educational program targeting non-adaptive behaviours and cognitions associated with offending’.⁹⁵

93 ‘Healthy Relationships’ had a waitlist of around 30 at the time of the inspection (despite being increased from three sessions per month to four), and ‘Protective Behaviours’ had a waitlist of around 25. These are the two most required programs run internally; the SPO cannot deliver enough to cover the needs of both centres and must find suitable co-facilitators from other areas for each program.

94 This program is run more often at Rangeview: see OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) 21, for more information on Group Ready.

95 Department of Corrective Services, Juvenile Psychological Services, *Young Offender Personal Development Programme Evaluation Report* (November 2006) 3. The evaluation was of YOPDP delivered from March 2004 to March 2005.

- 4.29 The evaluation had identified a limitation of the program being its ‘mode of delivery that emphasises verbal and written skills within a traditional class-room environment’.⁹⁶ The emphasis on written media was particularly inappropriate considering that 50 per cent of detainees did not have literacy above a Year 1 school level.⁹⁷ In response to the evaluation, a project was commenced to convert YOPDP into an interactive computer program, under development at the time of the inspection. The program will maintain all the material from the written program, but the Department hoped the medium would be more accessible and engaging for detainees, with a game format and voiceovers to accompany information on-screen. The implementation of the computer-based delivery model will be followed up at future contacts with the centre.
- 4.30 The overall provision of juvenile programs was to be re-tendered later in 2008 following a conceptual review of program provision and gaps.⁹⁸ The Department will tender for programs and services within six streams – drug and alcohol programs; health promotion, recreation and skills development; information programs (such as legal information); cultural awareness and support; transition to the community; and programs addressing the needs of remandees.⁹⁹ In particular, there will be a focus on providers that can continue service delivery to young people in the community after release. This project was still under development at the time of writing this Report and will followed up at a later time.

Recreation

- 4.31 At Banksia Hill, recreation was not simply viewed as something to fill time after school or work, but fell within the throughcare construct,¹⁰⁰ and so had a different focus compared to regular ‘recreation’ time. Structured recreation was identified as an area of great improvement since the 2005 inspection.
- 4.32 Almost all detainees actively participated in sport or fitness activities on a daily basis, unless injured, and were encouraged to improve their health and wellbeing through fitness activities. The Recreation Officer had developed a series of sport and fitness sessions, simple enough to be run by custodial officers during school times and structured after-school recreation sessions.¹⁰¹

96 Department of Corrective Services, Juvenile Psychological Services, *Young Offender Personal Development Programme Evaluation Report* (November 2006) 13.

97 This figure was from an analysis by Education Services of the literacy levels of Banksia Hill’s population on 12 June 2008. Note that while written literacy is generally poor, many detainees have very good oral literacy.

98 The initial review team consisted of the acting Manager Young Offender Development, Manager Case Planning and Programs, acting Manager Psychological Services, CCARP and SPO, who commenced the review in the months prior to the inspection. An independent contractor was subsequently employed in August 2008 to conduct a full review of the Young Offender Development portfolio, including internal and external programs, Education, Case Planning and Psychological Services.

99 Department of Corrective Services, Juvenile Custodial Services, *Draft External Providers Statement of Requirements* (unpublished draft, 2008).

100 The centre did recognise and provide unstructured free time for detainees each evening and during weekends.

101 The Recreation Officer commenced orientation sessions for new officer recruits starting with the mid-year 2008 intake to better involve and assist officers in facilitating activities. Generally speaking, officers were motivated to get involved in recreation (though there had been a few officers resistant or negative); each officer has different areas of strength and not all are ‘sporty’. There has not been enough consideration of matching officers to activities that suit them, tending to be whoever is rostered to whichever area must run that activity.

-
- 4.33 Health and fitness was becoming more of a focus for recreation, with a new recreation officer commencing with experience in nutrition and personal training. He was introducing a new ‘fitness’ program into the after-school sessions, combining active recreation activities with information about nutrition, to run two afternoons a week. Activities such as the Sunday fun-run¹⁰² were linked in to practical promotion about healthy diet, fitness, self-esteem, and also assisted in maintaining staff–detainee relationships as most staff on shift and all detainees participated in some way.
- 4.34 The majority of activities run during the afternoon recreation times were sport or fitness related, though there was also at least one unit-based activity available (craft, cooking, board games and so forth) as well for sport-exempt or personal choice, and some days employability and work-related activities. Unit managers were responsible for in-unit recreational activities, which included game systems, board games and videos; each unit also had a stock of sporting equipment and activity areas such as basketball half-courts.
- 4.35 Throughout 2007, work was undertaken to document recreation activities (particularly the skills sessions developed by the Recreation Officer) to gain accreditation as a TAFE certificate in employability skills. However, the full certificate was not developed, with the centre reporting that the high turnover in the population meant that there was insufficient time for detainees to finish all modules required to make the full certificate worthwhile. However, a positive from the process of documenting activities was that the Recreation Officer or other staff running activities had the ability to assess employability outcomes for individual detainees. There were not enough staff resources to complete an outcomes sheet for every detainee in every activity, but the Recreation Officer endeavoured to complete some assessments, generally for longer-term and sentenced detainees, with a copy of the report sent to case planning for the detainee’s case file.
- 4.36 The Recreation Assistant detainee work position was a new initiative brought in since the 2005 inspection.¹⁰³ It was one of the few work positions in the centre which detainees had to apply for formally, thus providing skill development relevant to applying for work with applicants required to write a letter and resume, and attend a short interview for the position.

Case Planning

- 4.37 Case Planning workload demands had shifted given the reduction in time spent on sentence in custody (thus shorter turnover for the case planning process to occur) and the higher remand proportion. An additional case planner had been employed on a temporary basis to cope with demand, primarily to manage remand needs.¹⁰⁴ Case planning staffing levels were still inadequate particularly in relation to maintaining a regular visiting case planning

102 A competition set up and managed by custodial staff, commencing in 2007 mirroring training for the ‘city-to-surf’ fun run held annually in the community. Prizes were awarded to selected staff and detainees for good effort and participation, not based just on the number or speed of laps completed.

103 The Recreation Officer reported that none of the former recreation assistants had yet returned to detention (the position was implemented about 18 months prior to the inspection).

104 The centre was in some ways still grappling with defining what ‘remand needs’ actually were, as historically Banksia Hill held predominately sentenced detainees and therefore Case Planning was not set up to manage remand issues.

presence at Rangeview for sentenced female detainees.¹⁰⁵ There were also comments from staff regarding the need for a review of the staffing and management structures within Case Planning and the need for professional development and progression options. Cramped working conditions with a shortage of office space, interview rooms and program rooms available further compounded the pressures on this unit.

- 4.38 A major change in case planning processes and documentation since the 2005 inspection had been the implementation in 2007 of the Victorian Offending Needs Indicator for Youth (VONIY), for use with sentenced detainees and sentenced young people on community-based orders in Western Australia.¹⁰⁶ The VONIY provided a structure for identifying areas for intervention, with a list of items covering the offending and personal circumstances of the young person, protective factors, attitudes and special needs. The VONIY is a tool to identify needs (offender and otherwise) and type of intervention required, rather than providing a 'risk level' for detainees. There was still no validated risk-assessment tool for detainees in use in Western Australia at the time of the inspection, particularly none validated for use with Aboriginal detainees.
- 4.39 The use of VONIY had come with some problems for case planners. The forms did not provide space to record additional details that could be pertinent to case management, nor the ability to easily conduct detailed analyses of each individual case. While there were free-text fields providing an opportunity for case planners to include additional information, most sample assessments examined during the inspection were less detailed than in case planning reports completed under the earlier system.
- 4.40 Neither did the VONIY lend itself to a clear statement of priorities and timeframes for interventions. There was a high level of professional override used by case planners, to increase the chance that particular detainees would be able to access particular programs required to support parole applications. Assessment tools such as the VONIY should provide an objective level of need, so use of professional override should be rare.
- 4.41 Of particular concern was the lack of a clear 'case plan' outlining what activities the detainee should undertake in detention or when their case would next be reviewed. This had been available using the previous case planning documentation. While this information was not lost, it was not easily identified from VONIY forms. Prior to the VONIY, detainees and relevant staff were given a copy of their case plan document. The lack of a case plan produced a lack of clarity about what activities and behaviour were expected and required from the detainee, and could diminish the participation of detainees in their own case management. Clear case plans should again be created and issued to detainees.¹⁰⁷

105 Additional case management resources for Rangeview was recommended in OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) 20, recommendation 12.

106 There was significant resistance from Case Planning and Community Justice staff and management regarding any possible use for pre-sentenced young people for fear that sentencing and releasing authorities might use scores and information from the VONIY to aid their decision-making.

107 The manager of Case Planning and Programs indicated he would request a change to TOMS to build a case plan document into the VONIY application, though no timeframe had been set for this. Considering the pilot of the VONIY was run in 2007, it is disturbing that this change has not yet been implemented.

- 4.42 There was also a number of old case planning documents still in use in addition to the VONIY documentation, resulting in a varied body of documents outlining case management information. This was at best untidy, could be confusing for the case planner and certainly difficult to follow for the detainee, his family and other users outside of those trained in case planning procedures.

RELEASE PLANNING AND RELATED ACTIVITIES

- 4.43 Under the model of juvenile through-care in Western Australia, the community-based Juvenile Justice Officer remains the primary case manager for all sentenced detainees during their period in custody and then continues with case management after release (with an expectation they will also be the key community link for young people held on remand as well). However, Community Justice Services staff had not been as effective in linking with young people in detention for release planning as previously, due to widespread industrial action regarding workload issues occurring across 2007–2008. Restrictions were placed on Juvenile Justice Officer workloads which affected case management and release planning greatly. In many cases the links between juvenile custodial case management processes and community-based services regarding through-care and release planning were conspicuously absent at the time of the inspection, due to insufficient or absent involvement of a Juvenile Justice Officer.
- 4.44 While not under the control of Juvenile Custodial Services (and indeed not within the mandate of this Office to inspect), Community Justice Services has such an integral role in the release planning for young people in detention that comment must be made here.¹⁰⁸ With the reduced service from community-based services, the quality of release planning for young people in detention had diminished. Previously, sentenced detainees would have contact with their Juvenile Justice Officers at various points throughout their sentence, with increased engagement in the lead-up to possible parole. These officers would set up a detailed release plan for activities in the community flowing on from activities undertaken within the centre coordinated as part of the detainee's case plan.
- 4.45 At the time of the inspection, this contact had reduced to, at best, two weeks prior to possible release¹⁰⁹ and release plans had become much less detailed, less researched and therefore less likely to satisfy the Supervised Review and Release Board when they came to consider the young person's case for parole. The previously routine 'discharge planning meeting'¹¹⁰ no longer always occurred and therefore no discharge plan was created or given to the detainee for guidance of what was expected after release.
- 4.46 Community involvement and engagement in release planning was an area to be better developed. There were a number of agencies already attending the centre, some to provide information, some delivering programs and some to undertake one-on-one casework with

108 This links back to the point raised in Chapter One, paragraph 1.3 regarding the need for stronger support for juvenile justice in Western Australia at an executive level.

109 Case planners described a recent case where there was a JJO allocated for a detainee approaching release who subsequently got his release and was then unallocated the next day.

110 The primary decision-making meeting regarding release plans, involving internal staff in particular case planners, community-based staff and often family members or agencies.

individual detainees.¹¹¹ However, these agencies were not well integrated with the rest of the centre and had little communication with or input into the centre's case and release planning processes for detainees. This is an area of untapped resource that could assist greatly with the through-care of detainees back into the community. The role of community providers should be considered as part of the required cross-centre case management strategy discussed earlier in this chapter.

- 4.47 One new initiative that could better address this was the Transitional Support Model, though this was still in an early pilot stage at the time of the inspection and not operational.¹¹² The intention of the model was to engage non-government community-based agencies to be case managers for detainees, to provide community-based services to assist young people leaving detention to integrate into life in the community. In theory, every young person would be linked with a provider at the time of admission to Banksia Hill to enable through-care from admission through to and after release. This is a positive initiative but will need support, resources and expertise to implement – particularly considering the potentially complicated aspects of contract management, as well as the challenge of integrating with the relevant services already delivering case management and release planning within Banksia Hill. As this was only in the developmental stage at the time of the inspection its performance is not addressed in this Report.
- 4.48 Earlier in 2008, one of the centre's unit managers had developed a series of 'personal development activities' for after-school structured recreation sessions to run in Murchison Unit and the self-care units (which typically hold the more settled and mature detainees). The intention of these activities was to reinforce concepts covered in programs delivered within the centre and to develop skills to better equip detainees for life in the community after release.¹¹³ Participation was voluntary but encouraged by peers and staff, with incentives applied by the unit manager where possible. Education donated three computers to Murchison for the program, which were used for schoolwork, letter writing, resumes and applications for detainee work positions in the centre (such as the Recreation Assistant).
- 4.49 This was a positive initiative, supported by the CCARP who had assisted in developing course documentation and mapping the unit-based activities to existing programs, but should be monitored and evaluated on a regular basis while it becomes established.¹¹⁴ In particular, this program must be linked in to other through-care activities as part of the recommended cross-centre case management system, to better coordinate activities assisting detainees to prepare for release and integration into the community.

111 This was only for a handful of detainees at the time of the inspection.

112 A 0.4 FTE position had been funded to develop the program, from funding jointly sourced from a federal grant by Education and Programs. At the time of the inspection there was a lack of clarity around the role and different expectations as the two service areas have different priorities. There reportedly had been some resistance to having a new model of working; however, a shift towards a cross-centre case management system based on the through-care model and supported by functional community-based services and agencies is required.

113 Modules endorsed at the time of the inspection included dealing with bullying, basic budgeting, and employability skills. Other modules under development included alcohol use, fitness/exercise, dealing with peer pressure, goal-setting, and anger management. Some modules were aligned with SEMYA's 'Making it on the Outside' program and the YOPDP to reinforce skills and information covered earlier during the detainees' stay.

114 The program relies on the participation of custodial staff – while many are positive and want to be involved in activities that support and develop detainee skills, some can be apathetic or resistant. This could derail the program considering it is not currently tied to any specific job role and has no specific policy attached to it.

- 4.50 One aspect of release planning lacking in the Western Australian juvenile custodial system has been access to activities outside the centre as part of a structured reintegration model. While day release activities did occur for some detainees, access to this had been very limited.¹¹⁵ The existing process and parameters of the day release program at the time of the inspection were restrictive and time-consuming to apply and arrange, and further complicated by the lack of Juvenile Justice Officer involvement in release planning.¹¹⁶ While day release could possibly be authorised for one-off activities under existing legislation,¹¹⁷ the administrative workload was the same as for ongoing placements and, in reality, day release approval would only be granted for activities directly related to activities within a detainee's proposed release plan.
- 4.51 Day release arrangements could enhance the through-care activities facilitated within a cross-centre case management system (with appropriate support from community-based services). There could be various other activities such as attending appointments with service providers, shopping for clothing or other required articles for release, visiting potential accommodation or program placements to familiarise young people with being out in the community. This would help to smooth the transition from a secure facility with almost constant supervision to the much less supportive and less controlled environment in the community. As recommended earlier in this chapter, the Department should re-examine the process by which day release activities are arranged and granted towards the outcome of more detainees having access to activities in the community to better prepare them for release.

115 For example, centre records for the second half of 2007 show 199 discharges from Banksia Hill, including 88 to supervised release orders and 15 at the end of their sentence, plus another 56 released on community-based or intensive supervision orders following court. The remainder were bailed, other than a few dismissed or released from court, or transferred to adult prison. Only one detainee had accessed day release in the same period.

116 Approval from the Director Juvenile Custodial Services for day release is based on the proposed activity being congruent with the detainees release plan and the likelihood of the detainee being granted release on a supervised order. With Juvenile Justice Officer involvement at best two weeks prior to release, there was unlikely to be sufficient time and planning to enable viable release plans incorporating day release activities.

117 *Young Offenders Act 1994* (WA) s 188(4).

Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2006 RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Response |
|---|--|
| Administration and Accountability of DCS | Supported subject to funding / Moderate |
| 1. That the Department identify and fund the current and future funding and resource requirements of Banksia Hill (for recurrent, minor and capital works) to effectively manage the detainee population. This should take into account projections of future population mix and numbers. | <p>The Department has identified the current and future funding and resource requirements of Banksia Hill (for recurrent, minor and capital works) to effectively manage the detainee population, however these are all subject to funding. The Department has capital funding for an extra 24 beds and this has gone out to tender, however the recurrent funding to provide operational staff, Case Planning Officers, Psychologists etc, has yet to be approved.</p> <p>The Department has also identified a need for a further 24 bed unit (in addition to the funded 24 beds) the funding for which has yet to be approved.</p> <p>Following the inspection by OICS, Strategic Assets have put to tender for a significant scope of works (approx \$800K) for the security system at Banksia Hill Detention Centre.</p> |
| Staffing Issues | Supported in principle / Moderate |
| 2. That the Department deliver and maintain a full staffing complement to Banksia Hill by 31 December 2009. | <p>Due to current budgetary constraints it is not possible for JCS to run more than the current two (2) recruitment drives per year (this is already an increase from the one per year that JCS used to run).</p> <p>Also due to competition in the labour market, coupled with the all time low national unemployment rate of just over 4% (3% in WA), it has become more difficult to recruit operational staff with suitable personal attributes to demonstrate success in a detention centre environment. Therefore we are unable to commit to a full staffing complement by the date specified.</p> |

| Recommendation | Acceptance Level/Risk Rating/Response |
|--|---|
| <p>Human Rights</p> <p>3. That the Department change the practice of strip-searching juvenile detainees to cease unnecessary routine strip-searches and ensure search methods are consistent with protecting the human rights and dignity of detainees. A thorough risk analysis and review of other security strategies to support this initiative is also required.</p> | <p>Supported in part / Moderate</p> <p>Juvenile Custodial Services will undertake a detailed analysis to review the practices and procedures around the strip-searching of young people in detention.</p> |
| <p>Care and Wellbeing</p> <p>4. Beyond the formalised written complaints process, that the Department establish a robust and safe way for detainees to have a direct voice in complaints and concerns regarding their management in the juvenile custodial centres. This should include a tracking and feedback mechanism to advise detainees of the progress and outcomes of their complaints.</p> | <p>Supported subject to funding / Low</p> <p>The Department supports the recommendation that detainees have a safe way to voice any complaints and concerns regarding their management in the juvenile custodial centres. A budget bid was prepared by Juvenile Custodial Services for an IT system to manage this issue, but was denied. JCS will submit the bid again, in light of this recommendation.</p> |
| <p>Racism, Aboriginality and Equity</p> <p>5. That the Department develop and implement a service delivery framework that addresses the particular needs of Aboriginal detainees in its juvenile centres.</p> | <p>Supported in part / Moderate</p> <p>A review is currently taking place though the Young Offender Development Branch of JCS, and the content and delivery of programs for Aboriginal detainees is making up a part of this review.</p> <p>Options are also being explored to support improved family contact for Aboriginal detainees, e.g. the young people in detention from regional areas of WA are to be given extra free of charge phone calls as visits from their family is less likely than those from the Metropolitan area.</p> |

THE DEPARTMENT'S RESPONSE TO THE 2006 RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Response |
|---|--|
| <p>Care and Wellbeing</p> <p>6. That the visits facilities at Banksia Hill be upgraded to provide a service more conducive for family and social interaction.</p> | <p>Supported subject to funding / Low</p> <p>The Department agrees that the Visits area requires upgrading. A budget submission will be prepared to fund this upgrade and health and safety issues investigated.</p> <p>The recommendation in the 2005 inspection stated “The visits centre should be upgraded to ensure that the needs of children visiting are catered for, This includes the development of specific children’s play areas” this was supported, however numerous health and safety issues presented themselves along with budgetary constraints, so the project was put on hold.</p> |
| <p>Rehabilitation</p> <p>7. That the Department ensure increased detainee participation in external activities and programs independent of security classification.</p> | <p>Not supported / Low</p> <p>The Department does not support this recommendation, as community safety and the safety of the young person is of primary concern. Therefore the security rating and suitability of a young person must be taken into account when participation in external ‘day release’ activities is being considered.</p> |
| <p>Rehabilitation</p> <p>8. That the Department improve the coordination and coherence of tis throughcare processes across the spectrum of a detainee’s involvement with the custodial system (regardless of whether sentenced or on remand). Particular reference is made here to ensuring that case management is adequately supported across all service areas.</p> | <p>Supported subject to funding / Moderate</p> <p>The Community Justice Services Re-alignment Project is currently investigating the issues in relation to throughcare of young people. One of the objectives of this project is to ensure that it is central throughout the Justice System, not just in the juvenile custodial environment. A budget bid has recently been prepared and includes funding for extra Case Planning positions.</p> |

Appendix 2

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2003 RECOMMENDATIONS

| Recommendation Number | Report No. 37, <i>Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre</i> (September 2006). By type of Recommendation / Duration | Assessment of the Department's Implementations | | | | |
|-----------------------|---|--|----------------------|------------|----------------------|-----------|
| | | Poor | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
| 1. | Custody and Security The Department must ensure that there is a comprehensive policy regarding personal safety and security within the centre. This policy specifically needs to address the training of group workers, the appropriate use of force, the safety of non-Indigenous juveniles and the safety of young women and girls. | | • | | | |
| 2. | Care and Wellbeing The Department should establish a dedicated Young Offenders' Unit at Hakea Prison that will provide support and safety to young people upon their arrival in the adult estate and ensure the continued protection of detainees transferred from Banksia Hill. | • | | | | |
| 3. | Staffing Issues The Department must make a substantial effort to implement training in the identification of risk behaviour for all centre staff and develop a validated risk assessment tool for use with Aboriginal detainees. | • | | | | |
| 4. | Custody and Security There needs to be a clarification of the policy and practice of regression and the associated use of Harding Unit. | | • | | | |
| 5. | Staffing Issues The position of Senior Officer Security at Banksia Hill should be full-time, stabilised and appropriately classified. | | | • | | |
| 6. | Custody and Security A thorough review of the centre's current fire safety and emergency equipment needs to be urgently undertaken together with a specific training needs analysis in order to ensure the prompt provision of essential equipment and training to meet the objectives of a safe custodial environment. | | • | | | |

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2003
RECOMMENDATIONS

| Recommendation Number | Report No. 37, <i>Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre</i> (September 2006). By type of Recommendation / Duration | Assessment of the Department's Implementations | | | | |
|--------------------------|--|---|-------------------------|------------|-------------------------|-----------|
| | | Poor | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
| 7. | Staffing Issues The Department must prioritise the development of a more culturally sensitive recruitment process; this should include the development of appropriate selection tools and selection criteria. | | • | | | |
| 8. | Racism, Aboriginality and Equity The referral system to access Aboriginal Welfare Officers and the Aboriginal Visitors Scheme and the services delivered by these staff should be reviewed in order to ensure they are meeting the needs of detainees. | | | • | | |
| 9. | Human Rights Juvenile Custodial Services need to upgrade the grievance and complaints process within the centre. This includes continuous training and the development of a monitoring system. | • | | | | |
| 10. | Health Departmental Health Services management should establish a formal relationship with adolescent health at Princess Margaret Hospital in order to take advantage of the expertise and experience of their staff and access their training programs. | | • | | | |
| 11. | Health The Department should seek additional resources to ensure specialist psychiatric nursing staff and/or trained mental health workers are available to support the mental health assessment and treatment process, particularly for very young detainees. | • | | | | |
| 12. | Health Protocols need to be developed that enable psychiatric services and the psychological services team to exchange vital information with unit, health and education staff. | | | • | | |
| 13. | Care and Wellbeing The visits centre should be upgraded to ensure that the needs of children visiting are catered for. This includes the development of specific children's play areas. | | • | | | |

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2003
RECOMMENDATIONS

| Recommendation Number | Report No. 37, <i>Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre</i> (September 2006). By type of Recommendation / Duration | Assessment of the Department's Implementations | | | | |
|--------------------------|---|---|-------------------------|------------|-------------------------|-----------|
| | | Poor | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
| 14. | Rehabilitation The centre needs to ensure that all detainees have prompt, increased and regular access to case planning and that shorter or more modular programs are developed to ensure those on shorter sentence lengths can also access programs that directly address their offending behaviour. | | | • | | |
| 15. | Rehabilitation A standard assessment tool other than accreditation achievement is required to record the detainee's educational progress. | | | • | | |
| 16. | Rehabilitation There is a need to identify and construct more opportunities for traineeships that assist in the acquisition of employability skills. | | • | | | |
| 17. | Administration and Accountability Protocols and systems for sharing information between education and case planning need to be agreed and implemented. | | | • | | |
| 18. | Rehabilitation That in conjunction with recreation officers, the education unit at Banksia Hill develops a physical education course suitable for all ages and both genders of detainees, mirroring mainstream provision. | | | | • | |
| 19. | Rehabilitation The Department should implement an outcomes based evaluation program that encompasses all aspect of juvenile rehabilitation services including programs and psychological counselling. | | • | | | |
| 20. | Rehabilitation The Department must promote an ideology of throughcare by more closely aligning its provisions in the community and in custody to make the links between them more seamless. | • | | | | |

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2003
RECOMMENDATIONS

| Recommendation Number | Report No. 37, <i>Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre</i> (September 2006). By type of Recommendation / Duration | Assessment of the Department's Implementations | | | | |
|--------------------------|---|---|-------------------------|------------|-------------------------|-----------|
| | | Poor | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
| 21. | Administration and Accountability Protocols need to be developed between the Department of Corrective Services and other government agencies to facilitate information sharing and seamless service delivery. | | • | | | |
| 22. | Rehabilitation A specially designed pre-release course must be developed as a matter of urgency and delivered to all young people leaving Banksia Hill regardless of whether they are released at the end of their sentence or on a Supervised Early Release Order. | | | • | | |

Appendix 3

THE INSPECTION TEAM

| | |
|---------------------------|--|
| Professor Richard Harding | Inspector of Custodial Services |
| Barry Cram | Deputy Inspector |
| Natalie Gibson | Director Operations |
| Fiona Paskulich | Inspections and Research Officer |
| Jim Bryden | Inspections and Research Officer |
| Kieran Artelaris | Inspections and Research Officer |
| Cliff Holdom | Inspections and Research Officer |
| Elizabeth Re | Inspections and Research Officer – Environmental Health |
| Joseph Wallam | Community Liaison Officer |
| Troy Bawden | Senior Youth Detention Inspector – Department of Communities, Queensland |
| Graham Morrison | Senior Youth Detention Inspector – Department of Communities, Queensland |
| Louise Morrison | Expert Adviser – Department of Education and Training |
| Dr Adam Brett | Expert Adviser – Department of Health |
| Caroline Wright | Observer – Manager Legal Policy and Research, Officer of the Commissioner for Children and Young People |

Appendix 4

KEY DATES

| | |
|--|------------------|
| Formal notification of announced inspection | 19 February 2008 |
| Pre-inspection community consultation | 12 May 2008 |
| Start of on-site phase | 15 June 2008 |
| Completion of on-site phase | 19 June 2008 |
| Inspection exit debrief | 23 June 2008 |
| Draft Report sent to the Department of Corrective Services | 13 October 2008 |
| Draft report returned by the Department of Corrective Services | 26 November 2008 |
| Declaration of Prepared Report | 5 December 2008 |



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