

Inspector's overview

Banksia Hill has been unstable

Banksia Hill Detention Centre ('Banksia Hill') has been in the news for too many negative reasons. After a period of relative calm in 2015, the Centre became increasingly unstable, especially in the second half of 2016. Instability continued into 2017.

The media published stories about some serious incidents of damage and 'standoffs' between the youth and authorities. But there were also many other indicators of instability, including increasing incidents of self-harm and assaults on staff. These incidents are summarised in Appendix C.

It was also clear that staff morale and confidence were low. The Department of Corrective Services ('the Department') was driving a 'Transformation Project'. The aim was sound, to introduce a trauma informed and more individualised approach to managing the young people. But the project was poorly implemented. This led to distrust, division, confusion and inconsistency at the facility, and exacerbated risk.

By August 2016, I was so concerned about Banksia Hill that I decided to bring forward this review. I also raised my concerns with the Minister for Corrective Services and the Commissioner throughout 2016, especially in the second half of the year. Unfortunately, the situation deteriorated after we began the review.

Between September 2016 and May 2017, the Department resorted to its specialist tactical response body, the Special Operations Group (SOG) to bring some incidents to a close. On a number of occasions, SOG deployed distraction devices ('flash bombs' or 'flash bangs'), shotgun laser sights, and chemical agent. Nobody was seriously injured in these incidents, and legislation does permit the use of such armoury under strictly controlled conditions. However, its use was unprecedented in either adult or youth facilities in the state. It was the most tangible and telling sign of a facility that was failing the basics.

During the course of this review, we have conducted numerous visits to Banksia Hill and have closely watched incident management. In February 2017, after viewing footage of an incident on 31 December 2016, I issued a 'Show Cause Notice' to the Department about aspects of the use of firearms and distraction devices. I am pleased to say that the Department has now agreed to examine and improve its management and recording of serious incidents. We will continue to monitor this.

The first part of 2017 saw fewer incidents of damage than 2016. However, levels of self-harm, attempted suicide and assault remained high.

The situation came to a head on 4 and 5 May 2017. On 4 May, seven young people caused extensive damage to an accommodation unit and some of them threatened staff. SOG deployed distraction devices and chemical agent to restore control. Within hours, another serious incident occurred. Ten young people went on the roof of an accommodation unit. From here, they managed to access the rest of the site. They also got hold of power tools with which they caused fires and other damage.

The government needs to examine alternative youth custodial options

Managing young people in detention will always be difficult. Almost all the young people who are held at Banksia Hill face complex layers of dysfunction, disengagement, and disadvantage. In my view, it is the most complex and challenging custodial facility in the State. It must hold males and females; children as young as 10 and young adults aged 18-plus; young people from every part of the state; and both sentenced and remand youth.

Banksia Hill faces particular problems because, as a result of the previous government's decision to convert the Rangeview Juvenile Remand Centre to a different use, Banksia Hill has been WA's only youth detention facility. All other Australian jurisdictions have smaller facilities, usually divided by age, gender and status. None of them rely on one large facility to do everything.

There is no 'silver bullet' to improving youth custodial services. However, it is difficult to avoid the conclusion that the 'one-stop shop' model has been a failure. Banksia Hill has been unstable for most of the past five years, despite its high cost. In 2015-2016, the average cost of keeping just one detainee in custody was close to \$1,000 per day, or \$360,000 per year for each young person. Obviously, incidents will sometimes occur at detention centres. But for that level of investment, the public has a right to expect greater stability, safety, and service delivery.

I have therefore recommended that the government investigate opportunities for smaller facilities across the State. This would allow better separation and better targeted programs for youth in conflict with the law. I acknowledge the challenges with the State's finances, but the current situation is not sustainable and some investment in custodial infrastructure is needed. And if Banksia Hill is no longer to be used as a youth custodial facility, it can be re-purposed. With some modifications, it could work well as either a female prison or as a drug rehabilitation centre.

The Labor government's 'Machinery of Government' changes are yet to come into effect. However, I hope they will promote more coordinated planning for youth justice. The decision to merge the Department of Corrective Services and the Department of the Attorney General into the Department of Justice may allow a less siloed approach to issues such as bail, remand, sentencing and rehabilitation. The decision to move the community based elements of youth justice to the new Department of Communities

should also help to prompt new thinking on reducing the use of custody as well as improving custodial facilities.

Banksia Hill needs to become a stable, positive environment, and to improve accountability

Even if funding was allocated today for new facilities, Banksia Hill would continue to operate for many years to come. This report has identified numerous failings in the way that the Centre has been managing poor behaviour. As I said earlier, it is not easy to manage young people but the Centre must focus on the basics. In all these areas it has been falling down:

- there must be a clear and consistent sense of purpose, driven by management and head office leaders
- responses to poor behaviour must be timely, fair and consistent
- staff must feel confident they will be supported if they follow proper procedures or make an honest and reasonable mistake
- the Centre needs to improve its processes in relation to reporting, recording and accountability for incidents
- there must be an active, positive, stimulating regime for the young people
- there should be a clear and defined system of incentives / rewards for good behaviour
- children in crisis and need must be given psychological and other specialist support
- the Centre needs to deliver on positive initiatives, too many of which have stalled or barely started.

In short, Banksia Hill must become stable and it must become a positive place for both staff and young people.

I am pleased that the Department has accepted the key findings in this report and has supported all bar one of our 17 recommendations. We are conducting a full inspection of Banksia Hill in mid-July and will assess progress again at that time, as well as through our regular monitoring visits.

Neil Morgan

2 June 2017