

Inspector's Overview

Signs of improvement at Banksia Hill, but will it last?

Banksia Hill is the State's most complex custodial facility

This is the report of an inspection of Banksia Hill Detention Centre ('Banksia Hill') in July 2017. As a result of the previous government's decision to re-purpose the Rangeview Remand Centre, Banksia Hill has been the State's only juvenile detention centre since 2012.

The inspection took place at a difficult but important time. The centre had been unstable for most of the previous seven years, and particularly volatile for the last 12 months. We had also just released a report on behaviour management practices that had attracted considerable media support (OICS, 2017). We concluded that Banksia Hill had not worked as a one-stop shop, and called for a major overhaul of youth custodial services, including more placement options.

Banksia Hill's population is complex, diverse, and challenging. In the last five years, the centre has generally held 140–150 young people but numbers have been trending upwards, and recently went over 170. It holds both males and females and, at the time of the inspection, a young transgender person who identified as female. Some detainees are as young as 10, others are 18 or more. And they come from all parts of the State, many from as far away as the Kimberley, the Pilbara, and the Ngaanyatjarra Lands. Aboriginal children comprise 70 per cent of the total population, and almost all of the younger and regional children.

The young people at Banksia Hill invariably face major social and developmental challenges, and the majority have experienced abuse or trauma. The Telethon Kids Institute recently concluded that more than a third have Fetal Alcohol Spectrum Disorder (FASD) and 90 per cent have significant neurodevelopmental impairment (Bower et al, 2018).

Despite this complexity, Western Australia holds all the young people in one place and has no separation or dispersal options. For good reason, no other State or Territory believes it is appropriate to hold such a large and diverse group of young people in one place.

I am required to report on Banksia Hill every three years, but the centre's problems have been such that this is now my sixth report in six years. I have also recently been directed by the Minister to review allegations made by Amnesty International about the treatment of two young men in the centre's Intensive Support Unit (ISU). This report was prepared before those allegations were made. It includes some discussion of the ISU as at July 2017, but does not address Amnesty International's allegations. We will report separately on those later this year.

2016 to May 2017: volatility, dysfunction, and a failed transformation

It is not possible to understand the current situation at Banksia Hill without understanding the recent past.

The badly-managed project to amalgamate Rangeview and Banksia Hill was a key causal factor in a major riot in January 2013 (OICS, 2013). The riot caused so much damage that most of the male detainees were moved to the nearby Hakea Prison until October 2013. During 2014 and 2015 there were signs of more stability, but many areas were still under-developed (OICS, 2015).

By mid-2016, instability and deep dysfunction had returned. Critical incidents occurred with alarming frequency, including assaults on staff, self-harm by detainees, rooftop incidents, and extensive damage to the centre. The situation was so bad in the second half of 2016 and early 2017 that the Department of Corrective Services (as it then was) was regularly resorting to its tactical response capacity (the Special Operations Group, or SOG). On several occasions, SOG deployed distraction devices (flash bombs) and chemical agents, and pointed firearm laser sights on the youth to restore order (OICS, 2017).

There was no precedent for deploying SOG this way in adult or juvenile facilities in Western Australia, probably in Australia. The message for people working at the centre was negative and disempowering – that they were incapable of doing their job without resorting to outside help and tactical weapons.

The Department pointed out, correctly, that nobody was seriously physically hurt in the events. But the financial cost alone of responding to incidents and repairing the physical damage ran to millions of dollars.

The non-monetary costs were even greater. Many young people did not feel safe, and they also had to endure increased lockdowns and less access to education, recreation, and other much-needed services. The young women were particularly badly impacted. From December 2016 to April 2017, because of the amount of damage caused by the males, they were moved from a purpose-built, self-contained unit (Yeeda), to a wholly inappropriate unit in close proximity to male units (OICS, 2017).

Many staff, too, felt unsafe, and some now had multiple experiences of trauma. Their concerns were compounded by a 'Banksia Hill transformation' project driven by Head Office. The intention of the transformation was to implement a stronger rehabilitative focus. That intention was sound, but the project was badly managed. Departmental documents were changing, over-complex, and difficult to understand. Communication was clumsy, inconsistent, and disempowering to staff. Not surprisingly, staff were divided and uncertain. Internal head office reports from the time were totally out of touch with this reality. They claimed that the project was proceeding well. This bred further risk and loss of credibility.

Record-keeping and accountability were also poor (OICS, 2017). For example, records of out of cell hours were inaccurate, CCTV footage was wiped after we had requested it, and the Department took no steps to inform key parties of important decisions, including moving the young women out of Yeeda.

Even though SOG was deploying tactical weaponry in a youth facility, their interventions were poorly recorded. We were so concerned by some grainy footage from an incident on 31 December 2017 that we issued a Show Cause Notice to the Department about the way laser

sights had been used. Their initial response was dismissive, but, after further follow-up and changes in leadership, they committed to better risk management, reduced use of force, and improved record keeping (OICS, 2017a, p. 20).

The situation was clearly unsustainable. Two serious incidents of damage on 4 and 5 May 2017 proved a turning point. The Department abandoned the transformation agenda with immediate effect, and transferred responsibility for the centre to the prisons branch of the Department. An adult prison superintendent was put in charge of the centre, and several other experienced prison officers were stationed there to provide guidance and support.

Banksia Hill is more settled, but still recovering and re-building

At the time of the inspection, Banksia Hill was still trying to recover from the chaos. The new management's priorities were to ensure the safety of young people and staff, restore stability, and build staff morale and confidence.

To that end, they had imposed a restrictive regime. Activities and programs for all young people were limited, and their movements and interactions were tightly controlled. This was even more so for young people being held in the ISU after being assessed as a risk to institutional or personal safety. The aim was to loosen the restrictions as the centre stabilised.

Given the events of 2016–2017, a restrictive regime was the only prudent short term option, and it undoubtedly helped to improve stability. But 10 weeks later, it was still reducing young people's opportunities to engage in rehabilitative activities. Most of them had not been involved in the incidents. They were paying a high price for the misbehaviour of a few detainees. The problems were exacerbated by the lack of alternative placement options. If Banksia Hill is damaged or unstable, the whole facility will be clamped down.

Although the centre was still very much in recovery mode in July, we found a number of positives. They included the following:

- no serious incidents since May
- a sense of stability and safety was returning
- new management's commitment to improving the wellbeing of staff and young people
- some improved security processes and other operational improvements
- staff's sense of commitment and purpose despite events of recent years
- a far more realistic recognition of the problems and future challenges
- some improvements to record keeping
- movement of the orientation unit to a more appropriate location
- reduction in the number of strip searches

- good policies for managing transgender and transsexual youth.

I am also pleased to report that management have responded quickly and appropriately to a number of matters that we raised. These have included more confidentiality in accessing health services, improvements to young women's access to personal hygiene products, and improvements to strip searching procedures.

However, too many basic service areas needed fundamental redevelopment or reappraisal. Above all, in July, despite promises dating back at least five years, the centre still had no operational philosophy which articulated its aims and core principles, and tied them to operational practices. In response to this report, the Department has stated that an operational model has now been developed 'based on the Model of Care which is a trauma-informed approach to delivering services' (see Appendix 3). It said it has set a three-year target for full implementation of the new philosophy.

Three years is a realistic timeframe, but it will not be met unless the centre maintains a far more sustained focus than in recent years. The signs are mixed. At the time of writing, the new model appeared to be positively influencing practice at the centre, but the Department had not yet formally signed off on either the model or the management structure designed to support it.

Education has been one of the biggest casualties of Banksia Hill's instability and lack of direction. Every child in Australia has a right to education, and young people in custody should not be receiving a lower standard of education than those in the community. In fact, they have higher educational needs and services should reflect this.

For years, the school at Banksia Hill has been poorly resourced and understaffed. Services have not met community standards for a 'normal' cross-section of young people, let alone the complex group at Banksia Hill. Again, there have been signs of improvement since July but this must be sustained. In my view, if significant progress is not achieved within 12–18 months, government should consider the option of transferring responsibility for education directly to the Department of Education (DoE).

The centre had identified a small number of boys who were considered to be high risk because of their involvement in serious incidents, and their ability to influence other young people. Management had decided to separate them from the main population by housing them in the Harding Unit (now the ISU).

We have been concerned about practices for the separation of young people at Banksia Hill for many years (OICS, 2012; OICS, 2017). Nobody doubts the need, on occasion, to separate some young people from others but there must be clear entry and exit criteria, services to address the young people's needs, and robust oversight and accountability.

Since May, we have regularly questioned the Department about the young people in the ISU, and have observed significant improvements in services, supports, and accountability. Most of the young people placed in the ISU spend only a short time there, but three boys have been there

for extended periods since May. As stated earlier, this is a matter we are reviewing separately, at the direction of the Minister for Corrective Services.

Can the momentum be maintained this time?

In summary, Banksia Hill has been far more stable since May 2017. The SOG has not been deployed and there are many positive indicators. Given the chaos of recent years, management and staff deserve respect and appreciation for staying committed to the centre and to the young people being held there. Importantly, too, the Department is currently more reflective, realistic, and responsive. There is markedly less obfuscation, defensiveness, and spin.

So there are grounds to be cautiously optimistic, but I also have a depressing sense of déjà vu. For the nine years I have been in this job, Banksia Hill has lurched from crisis to partial recovery and then back into crisis. In the last six years alone, we have had the mismanaged amalgamation project (2012), the January 2013 riot, and the chaos of 2016–2017.

There are some common features to all these cycles. Every period of crisis has been preceded by poor leadership and management, compounded by denial and spin. Every time, experienced people from the adult prison system have been placed there to improve security, safety, and governance. And every time, progress has begun, only for mismanagement and chaos to descend once more.

This begs the important question: can Banksia Hill maintain the momentum this time round? As events across the country have confirmed, managing young people in detention is not easy. But in my view, we have seen too many attempts to reinvent the wheel and too little focus on delivering services and meeting the basics.

Looking ahead, the Department and the government need to focus on six core elements:

- *Increase and diversify the placement options.* In July 2017, after the release of our report on behaviour management, the government committed to examining alternative options for regional youth and girls. Since then, the need has become even more urgent as the number of children at Banksia Hill has grown to around 170. This has already led to some of the younger boys being placed in the girls' unit. More options are required.
- *Invest in additional infrastructure at Banksia Hill.* There are a number of infrastructure deficiencies at the centre. The most glaring example is the crisis care area of the ISU. It is counter-therapeutic and totally at odds with the trauma-informed model of care that the centre has developed. This has been known and accepted for years, but nothing has been done, even during the 2010–2012 expansion project.
- *Have a plan and stick to it.* As stated earlier, the centre has lurched from one unclear model to another. That is a recipe for instability and risk. The approach to managing young people in custody needs to be clear and well communicated at all levels of the organisation.

- *Ensure clear, consistent leadership and management.* Executive and senior management leadership has been constantly changing. It is no surprise that outcomes have been poor.
- *Meet need.* Too often, in recent years, the needs of specific groups have not been met. For example, in 2014, the centre was looking to develop a model for the older boys, focused on practical, work-ready training. It never materialised because the Department changed its priorities. And the girls should never have been in the position of being moved from Yeeda or required to share with boys.
- *Deliver on promises.* Too often, staff and young people at Banksia Hill have been given commitments that are not followed through. That has to change.

In conclusion, I am impressed with progress at Banksia Hill since May 2017. There are many promising signs but it is still rebuilding. That momentum has to be maintained.

Neil Morgan

26 February 2018

Bower C, Watkins RE, Mutch RC, et al. (2018). Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia. *BMJ Open*.

OICS. (2017a). *Annual Report 2016/17*. Perth: Office of the Inspector of Custodial Services.