



**Commissioner for Children and Young People**  
Western Australia

# **Consultation with children and young people in Banksia Hill Detention Centre**

**December 2021**

**Report prepared for  
Jacqueline McGowan-Jones, incoming Commissioner for  
Children and Young People 2022–2027  
by Colin Pettit, outgoing Commissioner for Children and  
Young People 2015–2021**

## Purpose

This report is the outcome of a consultation with 26 children and young people detained in Banksia Hill Detention Centre on 29 and 30 November 2021 and is prepared for the Commissioner for Children and Young People, Jacqueline McGowan-Jones, commencing in the role 4 January 2022.

A copy of this report was provided to the Minister for Corrective Services, the Director General Department of Justice and the Inspector of Custodial Services on 22 December 2021.

## Background

The Commissioner for Children and Young People in Western Australia (Commissioner) must always act in the best interests of children and young people and give priority to the interests and needs of Aboriginal and Torres Strait Islander children and young people and to those who are vulnerable or disadvantaged for any reason.

Due to the profound impact the criminal justice system can have on young people, and the vulnerability of those children and young people who are coming into contact with the system, youth justice has been a priority area for each Commissioner since the establishment of the office in 2007. The Commissioners have worked closely with a wide range of stakeholders in government and the non-government sector to advance the interests of children and young people coming into contact with the criminal justice system. Ongoing and consistent representations have been made by the Commissioners advocating for changes to the youth justice system, including custody and detention.<sup>1</sup>

From 2016, the Commissioner has had an agreement with the Office of the Inspector of Custodial Services (Inspector) to share information regarding Banksia Hill Detention Centre (Banksia Hill).

Information about the detention, rehabilitation and rights of children and young people in Western Australia is provided in Appendix A.

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<sup>1</sup> The *Youth Justice Issues Paper* June 2020 and other reports at <https://www.cyp.wa.gov.au/our-work/resources/youth-justice/> provide an overview of the Commissioners work, views and recommendations for change.

## **Consultation with children and young people in Banksia Hill Detention Centre**

In early November 2021, I was briefed by the Inspector on worrying observations and data impacting the wellbeing of young people in Banksia Hill. My staff had also received a range of concerns from community members about the safety, stability and engagement of young people in Banksia Hill and the level of therapeutic care and interventions they were receiving to meet their developmental and rehabilitation needs. Responding to these concerns, I planned a consultation project to hear directly from children and young people in Banksia Hill about their experiences and views of being in the detention centre, and specifically how their rights to be safe and supported, to be respected, and to speak up and make complaints or seek help were being upheld.

On 11 November 2021, I wrote to the Director General Department of Justice, requesting permission to consult with children and young people in Banksia Hill with a view to preparing a report for the new Commissioner, and providing a copy of the report to the Minister for Corrective Services, Director General of Justice, and the Inspector. This report has not been made public at the time of completion, however, information in the report may be used in subsequent work or publications or at the new Commissioner's discretion.

I am grateful to the Department of Justice and staff at Banksia Hill for their collaboration and support of the consultation. My staff were able to visit children and young people in Banksia Hill within three weeks of the request being made, and they spent two days listening privately to young people individually or in small groups about their current experience in detention.

I am particularly indebted to the 26 children and young people who spoke to my team about their current and past experiences in Banksia Hill. Their unique perspectives provide critical insights into the safety, stability, and engagement of young people in Banksia Hill at this time and how their rights are being impacted on a daily basis. The voices and views of these young people should be heard and valued and be given equal weight and consideration in addressing the issues facing the young people and staff within the facility. These young people are aware a report based on their views is being presented to key decision makers to assist them to make changes in Banksia Hill.

## Snapshot of Banksia Hill population – 23 November 2021

The Commissioner requested demographic information from the Inspector about the children and young people detained in Banksia Hill. The following data was provided about young people detained on 23 November 2021.

### Youth justice status of children and young people in Banksia Hill

Total population	Arrest	Remand	Sentenced
116	3 (2%)	48 (42%)	65 (56%)

### Most recent address of Banksia Hill population – by region

Region	Number
Central-West	12
Eastern Goldfields	3
Great Southern	1
Kimberley	14
Perth metropolitan	71
Pilbara	11
South West	3

### Aboriginal or Torres Strait Islander children and young people

Of the 116 children and young people detained on this day, 89 were Aboriginal or Torres Strait Islander, representing 77 per cent of the population.

### Gender of children and young people in Banksia Hill

Twelve females were detained, representing 10 per cent of the total population, and 91 per cent of females were Aboriginal or Torres Strait Islander.

### Children and young people in the CEO's care

Of the 116 children and young people, 25 were in the care of the Chief Executive Officer of the Department of Communities (CEO's care). Of these particularly vulnerable children, 84 per cent were Aboriginal or Torres Strait Islander young people (21), and 44 per cent (11) were detained in the Intensive Support Unit. The majority (80%) of children and young people in the CEO's care were from the Perth metropolitan region. Of the young females detained, five (42%) were in the CEO's care.

## Our approach

The Commissioner's team aimed to hear from a diverse range of children and young people detained in Banksia Hill and participation was offered to anyone willing to provide their informed consent. Information about the consultation was provided by the Commissioner to Banksia Hill staff who promoted the visit to all young people in the centre and encouraged them to participate.

### Participation tools

Consultation questions were designed to prompt broad discussion about being safe, nurtured, respected and being able to speak up and access help in Banksia Hill:

- How are things in Banksia?
- What makes it hard for young people in Banksia?
- If you were the boss of Banksia, how would you make things better for young people?
- If a young person in Banksia feels unsafe or worried about something, how can they get help?
- Is there anything else you want us to know about Banksia?

The Commissioner's staff visited Banksia Hill for two days and were supported by Aboriginal Welfare Officers to conduct individual and small group interviews. Due to lockdowns on both days, interviews occurred within various units throughout the centre ranging from Self Care to the Intensive Support Unit (ISU). The children and young people were offered a range of art materials to use whilst yarning and their voices were recorded with their permission and transcribed after the visit.

## Participating children and young people

The views and experiences of 26 children and young people aged between 12 and 18 years-old interviewed on 29 and 30 November are presented in this report. Based on the number of young people in Banksia Hill on 23 November (116), the participants broadly represent 22 per cent of detainees. Of the 26 participants, 77 per cent were Aboriginal, 69 per cent usually live in the metropolitan area, and 30 per cent came from regional or remote communities. Of the four young people consulted in the ISU, all were Aboriginal.

### Gender of participants

Gender	Per cent
Female	35
Male	65

## Cultural backgrounds identified by participants

Culture	Per cent
Aboriginal Australian	77
Torres Strait Islander	0
Another background	23

## Most recent address of participants – by area

Area	Per cent
Perth metropolitan	69
Regional or remote	31

## The views and experiences of young people in Banksia Hill Detention Centre

*“Please, just make this place better! Stop the rolling lockdowns and have more better staff that actually support us...I feel better when I know someone’s listening.”*

The voices and direct experiences of children and young people are presented here by providing their quotes, which have been collated by topics based on the analysis of the interview transcriptions. Participants were assured that the information they shared would be anonymous and confidential. Therefore, to fully maintain confidentiality, there are limitations to the amount of detail provided in this report, the quotes shared, and in some quotes the redaction of names or information.

Strong themes were evident from young people’s reflections about Banksia Hill:

### Lockdowns and behaviour management

- Low staff numbers
- Impact of lockdowns
- Family connections
- Stress and boredom
- Unfair treatment

### Staffing

- Good staff make all the difference
- Staff need to listen
- Showing concern and respect is important

- Inconsistent rules are frustrating
- Experiences of poor treatment by staff
- Young people assaulting staff

#### Participation and engagement

- No education or vocational programs due to rolling lockdowns
- Access to programs to prevent recidivism and support transition to the community are vital
- Limited recreation, sport or socialising opportunities

#### Supporting individualised needs

- Intensive Support Unit
- Aboriginal young people
- Female young people
- Mental health support
- Drug and alcohol use
- Disability and cognitive support

#### Infrastructure and food

- Accommodation and facilities
- Food

#### Making a complaint

- Repercussions
- Nothing happens

#### Solutions and ideas

- Incentives promote positive behaviours
- Full staff and good staff
- We need more activity and programs
- Take down the fence.

## **Lockdowns and behaviour management**

### **Low staff numbers**

Young people clearly identified low staff numbers as contributing to lockdowns and code reds.

*“The low staff frustrates everyone.”*

*“Lockdowns are cos there’s no staff. And [staff] know what they doing, they don’t want to come in! They pick a specific day and bang, they call up, ‘I’m sick today.’ All the officers tell us that.”*

*“It’s corrupt in here...Some officers say, ‘I’m not coming to work tomorrow’...they just make us suffer in our cell...Some of the boys who’ve been here six, seven years they say they notice their pattern...the new officers come and then the old officers decide to sign off and leave the rookies to deal with it.”*

*“Not enough officers, like 24 new officers come in...packed with two big groups of officers but there’s only about 10 left and we’re still on rolling lockdowns. It gets the boys angry. Like yes, we’re a detention centre but it’s all the time! It gets in the boy’s heads and that’s why they start smashing things up, jumping on the roof...that’s why the boys like hurt themselves, suicide and stuff.”*

*“I’ve been in here too much times, since I was 11...they’re bringing new officers in...hardly any of them come to work...there still too many lockdowns, like four days in a row!”*

*“When they do finally come to work, some of the boys are like, ‘Let’s run amok because this fella...never comes to work or he’s not helping us’.”*

*“I been coming in here since I was 13...we had more privileges then. And now because there’s no staff, we’re in lockdowns all the time and we don’t get enough fresh air...especially on a hot day because it’s really hot in the cells.”*

*“We lost our unit manager [to ISU] so we can’t get up [out of our cells] and we hear other boys playing basketball...we don’t get told how long we stuck in there for, we don’t get told anything! Officers don’t get told anything either.”*

*“We lose the best officers to ISU, they get assaulted and then we get stuck with the s\*\*t officers.”*

## **Impact of lockdowns**

Unanimously young people said they were adversely affected by being locked in their cells for indefinite and unreasonable amounts of time.

*“Banksia Hill is a place for correction...but how are we supposed to do better if we’re treated like animals? We’re locked in a cell for up to 11 hours, only eating twice in that time...We’re trapped in a box paying for other’s faults.”*

*“It’s been happening for the last six months. Last week we only got to go to school three days a week. And I’m on Cert III and I wanna continue to do this to try to help me get a job on the outside...We’ve got heaps of stuff to do and it’s just lockdowns ruin everything!”*

*“We only adolescents we shouldn’t be locked down 23 hours a day!”*

*“It’s just rolling lockdowns, rolling lockdowns, it’s like a routine or something.”*



*"It's very distressful...like yesterday we only got up [out of our cell] about 45 minutes...that's not right hey?"*

*"It feels like it's closing in...the cell gets smaller and smaller...I just feel powerless, it just drains me."*

*"Only main concern is rolling lockdowns. We can't even go to oval...I haven't been to the oval since I came here...that makes me have a more better mindset, but I'm trapped in here, it's f\*\*ked up."*

*"Can't even get the fresh air, can't even kick the football, play basketball...we all young fellas we need to get outside unna?"*

*"So, on Saturday we was only up twice! Up at 11:00 and then locked in at 12:00. We got told, 'Right, youse getting up at 2:30'. But we never got up again until 5:30. And that's only two hours a day!"*

*"There's nothing to do in our cells, we can only watch tv, but it hurts my eyes."*

*"Like yesterday we were in cell for 11 hours straight, we didn't get up at all! We got breakfast...nothing for morning tea and then we didn't get to eat lunch until like, one o'clock...I was real hungry unna!"*

*"It's almost guaranteed rolling lockdowns on weekends. We was only up two hours and forty-five minutes yesterday, that was Sunday...One hour in the morning, one hour at lunchtime and one hour a dinner."*

*"We all know Fridays, Saturdays, Sundays is bang, rolling lockdown. But today is Monday. And we thought it's a good day. But nah! We all locked down again!"*

*"The weekends go painfully slow...I got really depressed last holidays. You know, it's just like really slow. Like we literally sat there with nothing to do."*

### **Family connections**

Young people shared that facility management issues such as staffing, lockdowns and phone maintenance have negative impacts on their family connections.

*"Family visits get cancelled because they short on staff...that's not a good enough reason to cancel visits from our family!"*

*"There's no phone calls when we're in lockdown and we miss visits from our family."*

*"The most frustrating thing is when there's a code red and you have a visit. It gets cancelled. That's happened to me twice."*

*"We was locked in all day, had no phone calls, couldn't call our families, nothing...And then I was supposed to have a visit from my mum yesterday but*

*they wouldn't let her change the time. But the prison calls my mum and change the times on her all the time, how's that fair? So I didn't get to see her."*

*"Back in the day they used to have family day, visits and that. But not anymore. You hardly get actual visits with your family because they always cancelled."*

*"We've had a broken phone in our wing for months. So we can't use our phone...I used to call my mum every day but now I only call her two or three times a week...we're not allowed out to use the other phone because there's too much conflict with the girls in the other wing."*

### **Stress and boredom**

Many young people explained that the stress and boredom of routine lockdowns triggers destructive or harmful behaviours such as climbing on fences or staff assaults and these actions lead to code reds and continued lockdowns.

*"Those boys are running amok...but [staff] never ask why they do it in the first place. It's because they've been locked in their cells for weeks and weeks!"*

*"When they're only up two hours a day the boys go off, they can't handle it."*

*"I've done a lot of code reds because of the stress...I just need to get out more, I don't wanna do it hard in here!"*

*"Rolling lockdowns gets them wild, they do anything to smash the boredom."*

*"I don't blame them...Who wouldn't jump on the fence if they was locked down for two days and got up for only 40 minutes?"*

*"The other day there was a big fight...the windows were smashed and everyone was outside and everyone was fighting...but I kinda enjoyed it because it was something exciting, the last few days we've been locked down for hours on end so it was something different."*

*"I hate code reds, even though I do code reds sometimes...maybe they have family issues going on. For me, I was just bored."*

*"It's s\*\*t, rolling lockdowns every day...yeah there's a lot of code reds these days."*

*"We get told, 'Just keep your head up! Don't let things get to you.' But how? When we get locked in the cell we get sick of it."*

*"Like say if some other people are jumping on the fence, they see that and go, 'Yeah alright I'll do that too'."*

*“They get up there on the fence because they’ve been in cell for so long. And then everyone else is locked down for even longer...then that makes other boys jump on the fence and then they get up too because like, ‘You did it, so I’m gunna do it’.”*

## **Unfair treatment**

Many young people expressed frustration and resentment for being locked in their cell and missing out on privileges due to the behaviour of others.

*“Why’d I work my arse off to get to self care when we’re just locked down all the time anyway? But they lock us in here, so why should we do the right thing?”*

*“When code reds happen, the staff put it on us like we done something wrong but it’s not us doing the code reds. Why should we get the consequences?”*

*“These little boys they jump on rooves and fences because they sick of lockdowns...they take our good officers down there to work with them. And then we get locked down while they get up on the fence. It’s s\*\*t!”*

*“These other boys jeopardising all our boys...We’re getting locked down for them. We’re suffering and our good officers are getting taken away from us, going down to ISU.”*

*“I just wish we didn’t get locked in cell when someone gets on the fence, like we’ve all got these massive fences around the units. Why can’t they just lock us in there?”*

*“...it’s really unfair ‘cos we’ve worked hard to get to [a privileged unit] and those young ones stuff up and we all lose our privileges. We can’t even go to the gym. We can’t go to the oval.”*

*“At one stage the ISU was that full that when boys jumped on the fence, they was bringing them off the fence and putting them straight back in their cells. That’s stupid!”*

Some reflected that code red behaviours are a response to being unfairly treated or feeling dismissed and result in young people being listened to, getting better treatment and having their needs met.

*“Kids do code reds ‘cos they get attention. And they get called by their name.”*

*“They say to us, ‘If you stressing out, talk to us first before you do anything’. I tried talking to them, like, ‘Sir, I need to visit my peer support’. They just ignored me. So yeah I jumped on the roof. And then when you get on the roof, then they talk all good to you, ‘Mate, what’s wrong, what do you want?’ And you tell ‘em what you want and they might help you, but the minute you get down they just go back to being dogs again.”*

*“The only time you get to see the nurse, is when you threaten yourself...when I made self threats, then bang, I went straight down...if you're hurting or in pain that's the only time the officers come running to you... that's why detainees self harming all the time and it's getting worser and worser.”*

*“Boys are ignored so they get on the roof. Officers show them respect, show them they care about them, talk real nice and that. Then they get down and they're ignored again. It goes like that.”*

*“Yeah two days after I done a code red, I got to talk to my [family]...the system's corrupt...they should just listen to us and respects our thoughts and opinions.”*

*“You can ask [staff] something and they just ignore you but as soon as you do something bad, as soon as you assault some staff or jump on the fence, the roof and that, they soon wanna listen to you, they want to compromise.”*

*“I jumped on the fence because they wouldn't let my [family] visit. I waited two weeks...but there was [no] approvals...so then I jumped on the fence. Two days later they approved [family] to come in...I had to jump on the fence for them to approve it!”*

Others reflected that the lockdown approach for behaviour management is not only unfair but is also ineffective, and therefore the cycle of lockdowns continues.

*“I don't think there's a lot of discipline...they wonder why they repeat their crimes, why so many go [to adult prison], because they come in here and act that badly. They get away with so much in here and they're not actually getting disciplined. Because you know, they aren't shown anything different.”*

*“Someone needs to be the bad cop...like if someone smashes their tv, you have to pay it back. But nah, they just give it back and there's no consequences.”*

*“If I had higher consequences I would think, nah I'm not doing that...all the kids who done bad come straight back up, then they just do the same sh\*\*t.”*

*“There should be something in place that if you assault a staff, you should go down the back for a set stretch of time, not just go back in the unit in two weeks. It feels like the bosses don't care about their staff getting assaulted, they don't care that us boys are losing our good staff. Boys get more consequences for swearing at an officer than assaulting them.”*

## Staffing

### Good staff make all the difference

Young people expressed gratitude for caring staff who take an interest in them and form positive relationships with them, and they were able to define how individual staff members make a difference.

*“[Officer] treats boys how he actually wants to be treated, like his own kids, his own sons. He talks the truth and the boys have that much respect for him. He should be in charge of this place! But he said, ‘I don’t want to be stuck in an office, I want to spend time with you boys’.”*

*“[Officer], he’s a fitness fanatic and he gets all the boys up early and he gets us in the gym and all us boys just burn off all our energy and we come back have showers, breakfast and it’s a good day. He’s always doing something along the lines of fitness for the boys, he’s like, ‘Fitness is the best thing for you’. And we appreciate that.”*

*“They’re supportive, they’ll sit around, talk with us, play cards...they joke around, play ping pong, they’re supportive. The good ones, they good, they genius, they just kick back, when you see them you get up, you start smiling!”*

*“It’s fu\*\*ed up being in here anyway, but good officers who talk about life, they’re good. I’ve seen some boys who want to smash the place up, kill themselves and that. These officers talk to them and give them a hug. And they good after that.”*

*“I’ve seen officers who’ve been here for years and boys have formed a relationship with them...I’ve never seen a boy swear at them or anything. And it’s because the way they are with boys. If there’s a kids going off his head with scissors and you put this officer in a room with him, he talks straight to him, he’s not going off because the kid just does what he says, he trusts him, you know?”*

*“Yeah they make you feel good. Not good to be in this place, but they make you be better of yourself...they say, ‘I’m working in here trying to better youse, trying to change your lives. Because we don’t want to keep seeing you in here. We seen you here since you was young.’ Yeah they make you try to look up to them, like be a better person.”*

*“When you’re going through stuff, like one guard come up to me and say, ‘Are you feeling ok?’ They sit down with you and talk about how you can learn from your mistakes.”*

*“Some officers help you be better. They go to the big bosses for us and fight for us to go to the gym. Some of them, they help some boys to read. They*

*want to help them. They talk about opportunities on the outside. You can joke with them. They care for the boys a lot.”*

*“One of the unit managers, he’s good, he’s not even supposed to be here [in the wings] but he gets us up and does the right thing by us...he cares for us, he’s really nice...he says he cares about us...hearing that from someone makes some people feel good.”*

*“Good officers earn our respect, and they do things for us, they want to make sure we’re all right. The other officers they just want respect and they don’t give it.”*

*“There are like five good officers in here, they talk the truth and show us respect.”*

*“Good staff fight for us, they’re happy in here and they help us, they talk to us and that.”*

*“[Officer] looks out for the girls. She puts you in a good mood. And there are a few good unit managers.”*

*“The teachers are good. They cop a lot of stuff from other [young people]. I worry about them sometimes.”*

*“Psychs are a big help, they get things done.”*

*“Old boy [Officer] he pushes us and we love to work out, he takes us to the gym and we had a boxing bag but they took it away because they think we gunna train ourselves to assault officers. But we’re treated like we’re in an army prison.”*

### **Staff need to listen**

Commonly, young people explained that they needed staff to listen to them and take them seriously and being ignored triggered behaviours leading to code reds.

*“The guards walk past us like we’re ghosts, they don’t listen to us...when the boys say they’ll do self harm they just keep walking.”*

*“I feel like no one cares in here. Like they decide they’re not coming to work ‘cos boys jump on the fence, but there’s obviously a reason why they jump on the fence...like us being in the cell and they’re walking past and ignoring us. But all we want is a simple thing, like toilet paper...of course they gunna get a reaction like jump on the fence.”*

*“They try and treat it like a prison, keep us locked down 23 hours a day, not talk to us. We say, ‘We’re gunna kill ourselves!’ And they say, ‘Ha, you only joking’. And as soon as we start cutting our arms up, or you know, trying to choke ourselves, then they listen to us.”*

*“They ignore you or when you ask them something, like ‘When’re we getting up?’ They just ignore you or say, ‘I don’t know’ or they don’t respond...that makes me go off in my cell. They don’t give you positive feedback...when I say, ‘I’m gunna hurt myself’ and all that they don’t believe me and that’s why I got all these [scars] here. I tell ‘em but they don’t listen, they don’t worry...they don’t seem to care, the officers.”*

*“I wake up and think, who’s on today? I hope it’s a good officer who trust us. When they don’t trust us they just lock the doors and ignore us...It makes me feel f\*\*ked!”*

*“The big bosses don’t care about us. They don’t listen to us. We can’t even play footy against other units or outside teams. We can’t even use boxing equipment because they don’t trust us. It’s ridiculous.”*

*“Some staff walk straight past you when you ask for stuff.”*

*“You don’t get listened to! You don’t get f\*\*king support here!”*

*“We pretty much just look out for each other...if we tell [staff] they won’t really listen. They just say don’t worry about it.”*

*“They don’t [listen] at all. You say, ‘Can I talk to the unit manager?’ They say, ‘Yeah I tell him when I go inside, when I lock youse down’. When they come get you back up you say, ‘Did you tell him?’ ‘Oh, we forgot, we tell him next time.’ Sometimes the unit manager won’t come out for two or three days and then you don’t know what’s happening, are you moving up? What’s going on?”*

*“It’s been a long time since there was solutions...we try to say that many things to the boss, the superintendent, we tell them the truth, like you sit in that cell for five hours sweating and we say, ‘Why you taking our staff to [ISU]?’ But they don’t answer us.”*

*“[Staff] don’t listen to us boys.”*

*“I was down the back [ISU] the other week...you try and talk to the staff there, they ignore you. That should be improved!”*

*“They do ask us what we’re going through but they don’t understand. We’re black. We never grew up with a silver spoon, we come from broken homes, all us boys are like a family. If a guard fu\*\*ed with one of us, he’d have to wrestle all us boys. That’s how code reds happen. Because they’re abusing their power and it’s so hard.”*



## Showing concern and respect is important

Many young people explained that they feel respect should be a two-way street between staff and young people. When staff are disrespectful to them, young people find it challenging to respect these staff.

*“Some officers they’ll talk to you and interact. Like want to get to know you. And others just don’t care. They tell you what to do, what you can’t do...It makes you feel like less superior...They should be treating us with respect and we’ll treat them with respect.”*

*“Used to be that staff cared about us, they was nice and stuff...but now they’re like, ‘I don’t give a s\*\*t’...[officer] kinda abuses his authority you know? I don’t see him doing any good work in helping them boys.”*

*“Good officers don’t want to be here no more. So we get stuck with the s\*\*t officers who don’t want to be here. And it makes things worse for everyone.”*

*“They just say, ‘Truth be told mate, we don’t even have to get you up, we just need to get you a phone call, three meals a day.’ That’s what they say to us... ‘This is a privilege coming out of cell’...They smart arses...just ignore you and keep walking.”*

*“The guards that do come to work these days, they don’t want to be here. They only come to get paid and give off attitude. And then they ask why they get hurt...Why sign up for a job with young boys if you don’t wanna do it?”*

*“They don’t respect us, but they expect us to respect them. They can say opinions to us but as soon as we say our opinion they like, ‘What you trying to say, you wanna get coded?’ Everyone’s got a voice for a reason. They get to have their opinion. But not in here, you don’t get your opinion...they treat us like animals I don’t like it.”*

*“Some days we have guards come to work and they have a bad day outside and they take their s\*\*t out on us...it gets you angry sometimes.”*

*“I know it’s my fault that I’m in here but the way we’ve been mistreated, that’s what stresses me out...I feel lower than a dog and that’s bad. Actually, my dog gets better treatment. At least he gets fresh air, he gets more exercise, and more better food than we get in here!”*



## **Inconsistent rules are frustrating**

Some young people described how staff apply rules differently or do not appear to know the rules and that they found this unpredictability frustrating.

*“I’ve been here since I was 12 or 13, so I know the system, I know the rules. And those new guards say, ‘You gotta do this, you gotta do that’. And I say, ‘No, I know what the rules are, don’t make up new ones eh?’”*

*“When you been coming here since you was young, you know what’s expected...but all them new rookies, they don’t know the rules. They make the boys do it hard, they don’t support them...They don’t take us at our word...that triggers the boys! They sick of all the bulls\*\*t...They go off, over just a bowl of cereal.”*

*“There’s only one set of rules but some officers have different rules. I don’t know why they don’t just stick to one set of rules.”*

*“Some of the officers have different rules. Like yesterday we had a wing officer, maybe they were a rookie and didn’t know what they were doing, but we couldn’t get bread or anything. But we’re in A wing and we earned some freedom, but they take it away for no reason.”*

## **Experiences of poor treatment by guards**

*“They’ll swear at you and say, ‘Get the f\*\*k in your cell!’ And I’ll say, ‘Boy I’m not swearing at you, why you not treating me the way you yourself want to be treated?’ And they’re like, ‘I don’t care, I come into my job, at the end of the day I go home to my family, I don’t give a s\*\*t about you’.”*

*“Most the problems some boys have here is with some guards, mainly one...punching into a couple boys...like last year...there was a code red because the boys was smashing up the wing and the TRG come in and was pepper spraying the boys...And then another week, boy jumped on the fence and...got punched into by the same officer and then kneed him in the head. He was bleeding, bruises all over his face...and he’s been known to antagonise other boys while they in the cell...yeah he threatened to like open my cell at night and punch into me.”*

*“I put in a complaint one time about a male officer, he was looking at me when I was in the shower...and he’s still here walking around in the girls’ unit. And I run and hide, I’m scared and ashamed...I told these officers but they don’t listen, they still bring these predators back...it retraumatizes us!”*

*“I was crying because all my power, all my freedom of speech was taken away from me...you say something to one of the unit managers and they don’t believe you...He’s white, I’m black. He’s a big man, I was just a 16 year-old*

*kid. He's an officer and I'm a prisoner. It's kind of hard...but we're both humans, we both have a heart."*

*"There were some officers that were betting on me that I wouldn't make it longer than a week [in self care]. I made it there for like two months and they was like, 'We're surprised you'd made it here, we expected you to do it hard down the back'. And that's when I was like, 'F\*\*k this, you wanna see the old me?' And that's when I just done all that stuff, run and jump on the fence, swearing, spitting...there's only like four or five officers here that show you respect, there needs to be more of them hey?"*

*"The officers make us feel that low. I was in case planning one time and this officer said to this boy, 'You need a shower because you stink!' And then she laughed at him. It reduces our self-esteem, that's just mean hey?"*

### **Young people assaulting staff**

*"I don't like being in cell too long, it plays with my head...it just gets me angry and that's why I assault staff...like here in Banksia Hill it says we get to go out there [in the exercise cell] for an hour...but Friday last week I only went out there for 20 minutes."*

*"Staff assaults are for stupid reasons. The young boys think it's cool, but it's not. It's the new generation of Banksia. Back in 2018–2019 when I was here nothing was like this. I think there was only one staff assault in the six months I was here. But this time, we've lost twenty officers!"*

*"Officers have been swore at, spit at, they've had faeces chucked at them. Like who wants to come to work and get all that stuff happen to them? And we talk to them about losing our good officers and they say, 'Make a complaint'. And we're like, 'We're trying to come straight to you, but you're not listening to us'. Nah, they don't want to hear it, they're not here to help."*

*"[When officers are disrespectful] we make them do it hard...Couple of officers get sent to hospital, I seen one go in a wheelchair."*

*"They think if they flog this officer, we'll only go down the back for a couple weeks and we'll be back up."*

*"I wouldn't like it if one of my family members came to work and got assaulted. These officers are now in hospital, their family has to go to hospital to see them and nothing happens to the person who assaulted them."*

## Participation and engagement

### No education or vocational programs due to rolling lockdowns

*"They keep telling me to be good...but they don't help us be good."*

*"All last week except Friday we couldn't go to school. We was locked in cell...I really like doing school in here...I never even went to school on the outside but I really want to do school here...but they won't let us!"*

*"School's alright, it's the only time we get to be ourselves...We had school yesterday in the wings, that was something, that was a good day."*

*"I used to like doing programs but that's all changed because the kids keep jumping on the roof and stuff...Nah I haven't done any programs for two months."*

*"Nah, we don't do bricklaying or welding or stuff like that there. Apparently we're too much risk. Yeah, they don't trust us. Back in the day we used to fix cars and stuff."*

*"Banksia Beats was s'posed to be on today but that was cancelled...it gets cancelled all the time now."*

Access to programs to prevent recidivism and support transition to the community are vital

*"We need help to stay out of trouble on the outside. We need work experience and like help with finance and stuff."*

*"If they're going to put 18 plus year-olds in Banksia in a detention centre, then they should offer what could set us up for when we get out."*

*"I've been told I can do my Whitecard in here so I can work when I get out...I keep asking and asking but nothing happens. I've given up asking. I'll be walking out here without it."*

*"They should do more rehabilitation for them boys. Honestly, most of the programs that happen in here, boys don't follow on the outside. And if they don't learn much in here they're stuck in the cycle...so if they're not rehabilitated, they go [to adult prison]."*

*"We did an RSA course that was really good. Like we need to get some decent skills."*

*"18 year-olds need to be set up for work...There needs to be more programs for 18 and 19 year-olds. Like TAFE course and certs that can get you a job when you get out."*

*“Should be more with work experience, how to get a job...keeping out of trouble, keeping busy, could be a very positive thing for them you know?”*

### **Limited recreation, sport or socialising opportunities**

*“I want to work out. I’m young. I got all this testosterone! I need to run! When we did cross fit, all the boys say, ‘Yeah I feel good!’ But we can’t do that no more because they too wary...they don’t trust us.”*

*“...we never play footy anymore, when did that last happen? We love our footy, we want to play more than once a week, but they say it’s a security thing.”*

*“It’s the small things we appreciate, like fitness, being able to burn all the energy off.”*

*“We used to play sport in the gym with the girls, the Fellowship Program. But we don’t do that no more.”*

*“All the units used to mix and we’d have a big footy game, a big basketball game. They don’t do nothing like that anymore.”*

## **Supporting individualised needs**

### **Intensive Support Unit (ISU)**

Young people shared that they did not feel supported during their time in ISU and at times felt less supported than in other units of Banksia Hill.

*“ISU is supposed to be intensive support and they need to change that name because they don’t get no intensive support down here...you’re s’posed to get support all the time, they s’posed to talk to you about your problems and that but you just stay in your cell for 23 hours lockdown. It’s a good day if you get up for one hour for a phone call...It gets in the boys heads, that’s why they start self-harming, assaulting officers because they locked down all day!”*

*“Those boys [in ISU] they sit in cell all day they don’t even get up out of their cells and they cutting themselves up, like self harm cutting their arms and s\*\*t.”*

*“You go down to ISU, it’s yuk. It’s worser than the adult system!”*

*“I was trying to buzz through on the emergency phone and after about three four minutes it’s, beep, beep, beep, beep, ‘I can’t hear you’ beep, beep, beep, beep. They been doing that for a couple weeks now...some of them just answer the phone and hang up.”*

*“They barely get to do school down the back here...I still gotta do my certs but nah, there’s not way that’s getting done!”*

*“ISU never used to be all lockdown, they used to have more staff than any of those other units...we don't get no fresh air...that's what makes them boys go crazy.”*

*“Down here's worsen, it's pretty hard down here...like those little boys trying to kill themselves, they not getting the help they need...they got them in those rip-proof dresses...they watch 'em until they hurt themselves and then they go to them.”*

*“We haven't been in the outside, like the yard outside, for three or four weeks...we only get allowed in the exercise yard in the wing.”*

*“If you checked how long I spent in ISU, because I've been coming here for the past five and a half years, I spent at least half that time in ISU, at least!”*

*“In D wing they feed us like a dog through a slot in the door...it's a dark cell.”*

*“I haven't been outside since I been down here, they just leave us locked down all day. They say, 'tell your mates to stop assaulting staff', but they're not my mates, just because they're other kids, no me.”*

*“See how they go walking me here in handcuffs? Like I'm really bad or something. It's only 40 metres, like what am I gunna do? It's really stressful.”*

*“I've only done school for one day down here and I've down here for three weeks...they say it's because my mates keep assaulting staff but they not my mates...I'd rather go to school than being in my cell looking at four walls, it's too stressful in my cell.”*

*“You know what's expected down here, you're just in your cell 24/7. And you get some good officers down here, but we're hardly up so we're away from the officers but up there [in the units] we're mixing with the officers and most of them are real cheeky so it's pretty f\*\*ked, it's hard to be good.”*

### **Aboriginal young people**

Aboriginal young people wanted their culture to be respected, to have connections with family and greater access to culturally appropriate supports.

*“It's disgusting. Especially because me I'm Aboriginal. And with my culture we come from slavery, and this just takes us basically back to those days...Like my grandfather, he grew up when all that stuff was happening...and in here I know how it feels, like slavery.”*

*“They need more Aboriginal workers in here...like AWOs, they're really good. They help boys out with contacting their family and that.”*

*“This place is that racist...they say they don't want the country boys to be together and they won't allow it. And my cousin is up on the roof and running*

*around because he wanted to move up with me...I wanted to see him, but they wouldn't let me."*

*"It's pretty poxy because we can't talk to other boys in the other units...some of them are my cousins and that."*

*"They split the country boys up from each other. They don't want to put them together, but that's their family, they grew up together, they feel safe. And they get early bed and that if they talk to each other over the fence. It's stupid eh?"*

*"Code reds is from stress and being away from family. Because most boys are regional and family are far away from them and they don't get visits or contact with them...they could build another place close to family...And some come from little communities and they come to the city and it's a different environment for them. And they can't cope with it."*

### **Female young people**

Female young people described their experience as unfair compared to their male peers.

*"As a girl in Banksia, we definitely have the short end of the stick. Less programs, less privileges and less officers."*

*"This place is sexist, the boys have more access to programs than us girls...we used to be able to mix with the boys but then everything stopped...so less of everything cos there's only a few girls so they don't let us do as much as the boys...we don't get the qualifications, the certificates that they get...we ask to do it but they won't let us."*

*"The boys get more freedom than the girls. Like on Sunday we asked to go on the oval and we was told no. And then 10 minutes later these boys got to go to the oval! Even the café, some of us girls are qualified to work in the café but only the boys are allowed to work there."*

*"The boys in self care get to go to the oval every single night but we don't get to go...they say it's because you're a girl...you need to be protected more...but why can't us girls have a self care officer too?"*

*"Yeah, the boys get offered a crap ton more than the girls do. Like the girls just get forgotten about."*

*"The boys are actually able to mix with the girls but the girls are not allowed to mix with the boys...like two of us self care girls couldn't go the gym with the boys but them boys from self care can come to the gym with us girls all the time."*

*"When the girls jump on the fence they threaten us with pepper spray and we get down in like, less than an hour. But the boys get up there and they're all*

*like nice and stuff, 'Come down please, please come down'. And they stay up there for five, six, seven hours. I feel like they're not tough on them."*

*"We have one tiny pot to cook in, the boys in self care get more cooking stuff than us."*

*"The girls always have less space. There's always fights because there's only one tiny unit, we're all crammed in here...The boys have fights they just move units, there's no more problems with them. I feel like we should all have the same."*

*"The other wing always yells out at us and it gets us wild...The officers say, 'Just ignore them'...But where we supposed to go? In the laundry? In the kitchen? There's nowhere else to go in here! We're stuck!"*

*"Stop the boys from going in Cue [female ISU unit]...because if we want to do something we can't go up there because the boys are up there...they've got their own isolation but they keep bringing them up here...and after the boys it's really smelly!"*

*"Sometimes when the boys come down to our Cue because there're too much boys [in ISU]...when they're really bad and they f\*\*k up, we all get locked down...we've had three boys in our Cue...one boy was in there for two to three weeks!"*

Peer conflict was a significant concern for all of the female participants, and many wanted support to resolve social issues, especially between the two wings.

*"Conflict's not dealt with properly in here. Like girls call out to each other and officers are s'posed to say something, act on that. But they let it drag on until they want to rip each other's heads off...The officers allow them to talk s\*\*t, they sit there and ignore it...They always say, 'Youse all just need one big smash and then just get over it'. And then the smash happens and we get in trouble."*

*"This place is s'posed to connect you back, it's s'posed to help you realise that you've done wrong. But we're pulled away from everything...we're not allowed to talk to the boys...Especially the younger girls, they're pulled away from everyone except from the girls that they hate and aren't allowed to talk to anyone else in the whole centre and their social skills just go down, and then it's just arguments and fights."*

*"They're supposed to care for us because they're our guardians in here...if we're in fights that's their fault for allowing it happen...I feel like my mum would handle it much differently...she'd take precautions, she'd just make us sit down and talk about it."*



*“Too much fighting with other girls...everyone talks about each other all the time...Officers could just say, ‘snap out of it, stop talking about each other’.”*

*“The problem is with everyone. Someone says something and it gets blown out of proportion...we’re all in this space but we all hate each other, having to look at each other and deal with each other every day is so hard. Like they say s\*\*t...you know through the door, right there, so of course you fight...we can’t put blankets up to shut them out, but they’re right there saying this s\*\*t to your face.”*

*“The problems between the girls is from the outside, they bring their arguments from the outside into here...I’ve told my psych so many times that I don’t want to have problems with these girls because I want to do better. I’ve told my psych but I don’t know what she can do...probably everyone tells their psych they don’t want a problem with other girls but then they get back in their wing and they have to act all tough to survive each other and then it all starts again, you know.”*

*“One girl in here who’s like lived her whole life in here, she’s been in and out of here for like years. And because she’s only known bad relationships, she gets out and she’s been really abused and stuff by her boyfriends on the outside...honestly it’s because of the violence she’s been shown in here...because it’s always just a hate-filled unit and you can’t escape from it.”*

*“This is s’posed to be like a rehab really and if we’re taken away from other people then how are supposed to get better? It’s dumb.”*

*“The girls never get along, so if you can’t mix socially with the girls in a controlled environment, then why can’t you mix with other people?”*

Male staff in the female unit is a concern for some.

*“It should be a girl officer who puts handcuffs on us. Sometimes when we’re handcuffed, it’s sickening because the man officer is wrestling us and it traumatised us because it brings back memories of things we been through with predators...a lot of girls in here been through that stuff, and that’s why they’re in here. Some officers, the men officers look at us the wrong way, we don’t like that. We been through that...we get stared down by some old man, it’s traumatising.”*

*“It’s scary seeing grown men coming in our wing...We’re asking men for pads. They should not allow men to pass us our privacy stuff. We don’t want them to pass us our knickers, our bras like they do here!”*



## **Mental health support**

*“We got boys in the centre with mental problems. They shouldn’t be here they should be in mental hospitals getting proper help, not getting more traumatised down the back.”*

*“Boys say they gunna kill themselves and they say, ‘Do it then!’”*

*“I was constantly putting in requests to see a psych and I’ve only just started seeing someone after three weeks...I’m used to seeing a psych on the outside like once a week because I’ve got lots of s\*\*t going on with me...I don’t sleep or anything in here.”*

*“I can’t eat, I’m hungry but I can’t eat when I’m stressing...and I’m ready to sleep but I just stress out.”*

*“We had our own suicide squad here. They’re choking themselves with their shirts and s\*\*t...trying to take their lives and the only option the seniors give them is leave them down the back [ISU].”*

*“There should be more to help them boys that are suicidal because there’s a lot coming in every night. So they’re trying to hang themselves and I feel like more boys been trying to do that. And they just put them down the back and monitor them but in [observation] in a fishbowl. Really they should do more to help their mental wellbeing.”*

*“There’s a long waiting list to see one of the psychs...like a week or two ‘cos all them other boys want to go there too...so you just stress out in your cell...there’s not enough resources for boys in that state of mind.”*

*“Peer support’s where boys in ISU are stressing out and if they don’t want to talk to their psych, one of us...boys can go down there and talk to them and make sure they’re alright and make sure no officers get assaulted and no codes reds get called...but that doesn’t even happen no more.”*

*“I’ve been asking for peer support for weeks, like my cousin is [a peer supporter]...he calms me down...but they just ignore me.”*

## **Drug and alcohol use**

*“Boys come in, they so drug f\*\*ked and they put them [in ISU], that’s not good, hey?”*

*“We need more help with drugs and stuff. Like once a week is not enough because boys need help every day you know. Because it’s part of their lifestyle. It’s too hard to just give up with help just once a week.”*

## Disability and cognitive support

*"They don't take into account the mental things, like I'm ADHD and I'm not medicated in here so I can't sit down...I get distracted and then I lose some privileges...so maybe have an officer in the wing who help kids with things like ADHD and dyslexia and treat them different to just normal kids."*

*"I've got a few disabilities, I've got FASD, PTSD, ADHD...no, I don't get no help for none of it."*

*"I've got ADHD and they won't give me meds...no sleeping tablets or nothin'...They should take into consideration different learning needs."*

## Infrastructure and food

### Accommodation and facilities

*"We got no fresh air. We've got only little windows in our cells...they wonder why we get so angry when they keep us in our cell all day."*

*"Cells are too hot so I overheat at night."*

*"The windows break too easy here. This one just got tapped and it broke."*

*"It's too hot in our cells, we don't have fans...the air cons don't reach us so I lay down on the ground to get fresh air at the grill because all I can feel is the heat."*

*"We had no hot water for four weeks"*

*"There's not enough phones...there's only four phones for like 24 kids."*

*"It's more like an adult prison. I was thinking the other day I might as well transfer next door [Hakea Prison] just to get a fan in my cell, it's that hot!"*

### Food

*"Food is a really big thing...there's not one person in the Yeeda centre that approves...healthy diet, no way! Like they walk in healthy and walk out fat...So many girls go without dinners or lunches."*

*"They don't give us eggs, like real eggs...what's that about?"*

*"We need more bigger portions of food...four pieces of cold toast...so cold it don't even melt the butter."*

*"Food in here is s\*\*t...Friday fish and chips like hard, dried out...not even edible! Gosh, sickening...I wouldn't feed it to my dog."*

*“We’re hungry all the time. There should be more food and it’s bad, like the chicken’s raw and everything’s tinned.”*

*“There’s not enough fresh food...too many carbs and we can’t get outside to burn it off so we’re getting fat.”*

## **Making a complaint**

### **Repercussions**

*“There’s not much we can do because we’re detainees. If we make a complaint, one of the biggest things we hear is, ‘Don’t come to Banksia then mate’. If we had a choice, we wouldn’t you know. We can’t argue, we can never argue with them.”*

*“Complaints don’t really do nothing...if you say something about the officers they’ll get back at you, yeah.”*

*“I was taken down the back [ISU] for talking to the Ombudsman...I was talking and [officer] was ears-dropping...I said people keep jumping on the fence because they provoked and they said, ‘you going down the back for an investigation’...I kept saying ‘What are you investigating?’ and I got coded...why was they listening in the first place?”*

*“I was treated unkindly, when I asked for things I was promised, I got laughed at. I started writing complaints and got more promises back...I was labelled manipulative and entitled. I got in trouble for asking for things I deserved.”*

### **Nothing happens**

*“I sent a letter to the Ombudsman and a month later I heard back yeah, ‘Thanks for writing to us’. I was happy because they got back to me but then they said you have to follow it up with Banksia but yeah, then nothing happened...it’s not worth it. I could’ve been playing basketball instead. It’s a waste of time.”*

*“I feel hopeless making a complaint to be honest. What’s the point of making a complaint when they’re not even listening?”*

*“Complaints don’t go nowhere. One officer made a racial comment she said, ‘You think your family gunna look after you? They gunna sell your arse for a shot’...the only thing they made us do was sit at a table and...there was no consequence for her.”*

*“Nothing happens anyway and you don’t want to be targeted so there’s no way I’d write my name [on a complaint].”*

*“They look at our complaints and chuck them away.”*

*“No one talks to us about complaints. They wouldn’t listen to us anyway.”*

*“I did put in a lot of complaints...and the superintendent kept coming to me and saying he was gunna make changes but he never actually did, he just pushed it to the side.”*

*“People put complaints in all the time about food and nothing gets done about it...there was one unit that had no hot water for like a month.”*

*“I wrote down a complaint about [officer] when he was looking at me for good enough time in the shower but he’s still walking around here...he just puts his head down...and doesn’t come into my wing because he knows I’ll go run away, hiding, crying in my bed.”*

## **Solutions and ideas**

### **Incentives promote positive behaviours**

*“There needs to be rewards for good behaviour, especially the young ones. The majority are in here ‘cos you know, their family aren’t good role models, so someone needs to show them the right way to go about things.”*

*“There’s no reward for doing the work to change ourselves...we get all the consequences for what they’re doing...we got locked in again today! There should be more privileges for people who do the right thing.”*

*“We’re s’posed to get more privileges because we work harder and we’re the best boys...But I’m sick of this lockdown s\*\*t and like why don’t I just abuse the system and get what I want to get?”*

*“Murchison has the most privileges in this place but we lose all our best officers to ISU. They put the best officers in the centre down the back and what happens is they get assaulted and we lose our officers because someone from high up wants to place the best officers in ISU.”*

*“More privileges for good behaviour and more consequences for them boys to stop ‘em assaulting staff and jumping on the fence and smashing s\*\*t up.”*

### **Full staffing and supportive staff**

*“Just always have full staff and make it easier for boys that are naughty, you know, like everyone gets a chance, like they might be naughty but they not all bad.”*

*“They should work with us, have open conversations with us, tell us why things are the way they are.”*

*“[Staff should] hold their anger in and just help us. Because some of us have gone through trauma and that’s why most of us are in here because we’ve*

*been through stuff on the outside...and to not swear around us. And don't swear at us please."*

*"They need more supportive officers...they can talk, don't be cheeky...they need more staff."*

*"...staff assaults come from a reaction...this [officer] might be targeting them, they might have something against them, lock them down in cell, they might put up with that. Do something else and then the boys go off and start assaulting. And then they all complain about staff assaults. It don't make it right the staff assaults, but they do like, provoke it."*

*"We're teenagers, what do they expect?...They should treat these kids like kids, not like adult prisoners."*

*"We need more activity and programs."*

*"...more programs. And sports stuff. It's good to have some healthy competition to keep our minds off things."*

*"We need more programs, twice or three times a week, they'll be less codes, less stress when we got something to do. And more staff so them young boys can be active."*

*"...programs to help us get a job, help us on the outside...any hands-on stuff."*

*"There should be more sport in this place...that's why people get put down the back, 'cos they can't do exercise."*

*"It gets to a bad point, that much of bad point...I'm only 15. I shouldn't be thinking about that stuff...I just wanna get outside to play basketball or something, run around instead of being trapped in an enclosed area...I'm an energetic young kid."*

*"They started bringing in big bosses from older, adult prisons to make it more better but actually they're making it more harsher for us, because they're treating us like adults, you know? They should be doing more educational stuff for us when we get out so we can at least try and get a job."*

### **Take down the fence**

*"If they pulled the fence down or they put barbed wire on the fence, then how'll the boys climb it?"*

*"They should take out the air cons, it's too easy for kids to jump up there. And they should just take out the middle fences...so no one can jump on it."*

*“Why the f\*\*k should they run this place like [an adult prison]? Yeah sure, we’re young men, but you got little kids like 11 year-olds and 15 year-olds jumping on the fence and they ruining it for us.”*

## Concluding comments

Children and young people in youth justice detention, like all children and young people, have human rights that must be recognised, respected and promoted.

They also have specific rights that must be respected while they are in detention, including rights to:

- have their views sought and taken into account and to participate in decisions that affect them
- be treated equally and without discrimination, regardless of their gender, sexual identity, race, ethnicity, religion, disability or other status
- access a lawyer and speak to them privately
- have contact with family and friends
- be informed, in a way they understand, about the rules of the youth justice centre
- be disciplined fairly and only in accordance with the rules of the youth detention centre and the law
- complain about their treatment to an independent person and with the support of an advocate if they want one
- be treated with respect and dignity by staff
- be kept safe
- not be subject to cruel, inhuman or degrading treatment or torture
- access healthcare, including mental healthcare
- receive an education
- participate in activities to support their rehabilitation
- good food, clean clothes and get exercise, in open air whenever weather permits
- right to connection with their culture and to participate in cultural activities.

The children and young people in Banksia Hill who participated in the consultation provided many examples of how their rights are not always being upheld whilst in detention, and for those with repeated experiences of being in Banksia Hill, they described the current environment of rolling lockdowns and restrictions as being worse than they have ever seen.

The experiences of the young people are supported by the information received from the Inspector about low staffing levels, repeated lockdowns, numbers of critical incidents involving staff injuries and restraint of young people.

Each young person consulted spoke about their experience of harm in Banksia Hill due to being locked alone in a cell for extensive periods of time. The young people

explained how low staff numbers set off a chain reaction of 'rolling lockdowns' that trigger 'code red' destructive or harmful behaviours by young people which further continue the inevitable cycle of lockdowns.

Staff at Banksia Hill verified the young people's accounts of lockdowns during informal discussions with my team. The cycle of lockdowns was also evident during each of the two days my team were visiting and the young people's participation in educational, recreational, and therapeutic programs were severely restricted on those days. Programs such as Banksia Beats and the Army Cadets were cancelled on these days as there was not enough staff present to enable them to be facilitated safely.

Unanimously, the young people told us weekends and holidays were especially difficult for them as they experienced being locked down more often during these periods due to greater staffing shortages. Young people described feeling "depressed" because time passed "painfully slow" when there was nothing to do, and they were frustrated when programmed activities were cancelled due to lockdowns.

I make the following recommendations for your consideration as the new Commissioner for Children and Young People:

1. Seek a formal response from the Minister Corrective Services and Director General Justice about any immediate actions being taken to fully staff Banksia Hill and timeframes for when these will be implemented.
2. Seek regular updates from the Inspector and monitor staff attendance and shortages in Banksia Hill.
3. Request an update from the Department of Justice on their progress towards implementing in Banksia Hill the National Principles for Child Safe Organisations, particularly National Principle Six: Processes to respond to complaints and concerns are child focused.
4. Consider how your power to review government agency policies, practices and services pursuant to s19(d) of the *Commissioner for Children and Young People 2006 Act* could be applied to advance the best interests of young people detained in Banksia Hill.
5. Work with the Inspector to develop collaborative monitoring approaches that meaningfully engage children and young people and ensure their perspectives inform recommendations for change within Banksia Hill and lead to improved conditions, experiences, and their rights being upheld.
6. Support the WA Government's Closing the Gap Implementation Plan by working with the Department of Justice to reduce the overrepresentation of Aboriginal young people in the criminal justice system, including in Banksia Hill.

Colin Pettit

22 December 2021



## Appendix A

### Detention, rehabilitation and the rights of children and young people

Banksia Hill is the sole facility for the detention of children and young people aged 10 to 17 years in WA. It accommodates young males and females from all areas of WA who:

- have been sentenced to a period of detention
- have been arrested and are waiting for a first court appearance or bail determination
- are waiting for their court case if they have been denied bail
- are waiting to be sentenced after conviction.

Despite the support of supervised bail in the form of Metropolitan Youth Bail Services, and young people having the unqualified right to bail, 42 per cent of young people detained in Banksia Hill on 23 November were remanded in custody compared to 56 per cent who were sentenced to a period of detention.

The practice of detaining children and young people who have been granted bail but are remanded in custody due to a lack of suitable accommodation or responsible adult, contravenes State legislation and the United Nations Convention on the Rights of the Child agreed use of detention as a last resort. The mixture of remand and sentenced children and young people in Banksia Hill also counters national and international agreements in that an accused person should be treated according to their unconvicted status, which includes being segregated from convicted children and young people.

A youth detention centre should provide consistent and quality rehabilitation and supervision services for children and young people in detention. However, the Office of the Inspector of Custodial Service's 2017 review into Behaviour Management Practices at Banksia Hill Detention Centre identified significant failings in the operation of the centre and, in particular, that some management practices have conflicted with a rehabilitative, trauma-informed approach. The review recommended a number of changes to ensure Banksia Hill becomes a stable, positive environment to support the rehabilitation of children and young people in detention. Of direct relevance to this report were the recommendations made to:

4. Improve consistency in the way young people are managed.
8. Minimise the use of lockdowns for staff training and staff shortages.
11. Ensure all young people have a minimum of an hour of exercise every six hours as required by the Young Offenders Regulations 1995.

Working with other Commissioners and Guardians for children around Australia, the Commissioner has endorsed a Statement on Conditions and Treatment in Youth Justice Detention to guide development of policy and practice in detention facilities.



The 13 position statements include the requirement that lockdowns should only be used as a last resort and in strictly limited circumstances.

Lockdowns involve the involuntary placement of a child or young person (usually in their individual cells), at times when they would otherwise be engaged in routine activities. Lockdowns may be used within units at youth justice detention centres but can be across an entire centre. Lockdowns may occur due to staff shortages or to manage the behaviour of groups of children and young people.

Staffing in youth justice detention centres should be adequate so that lockdowns do not occur. Lockdowns should only occur as a last resort and be used as a tool for behaviour management in strictly limited circumstances, such as where it is necessary to prevent harm and ensure the safety of children, young people and staff in the youth detention centre.

In 2020 the Inspector of Custodial Services inspected Banksia Hill. A member of the Commissioner's team participated in the inspection process at the invitation of the Inspector. The report of the inspection states:

"Banksia Hill Detention Centre has been the subject of considerable focus for this office over the past 10 years. We have published seven reports about the centre since 2012, but in recent years some stability has returned. The three years prior to this inspection have probably been one of the most settled periods in its history.

At the time of this inspection we noted several factors that should allow Banksia Hill to progress and build on recent stability. Many areas of the centre were already taking advantage of these opportunities and I commend them for doing so.

Probably the most critical factor was Banksia Hill's very low population. At the time of our inspection it held 77 detainees, but this has increased this year and currently sits around 110. The centre has a capacity of 215. We were told that the staffing numbers had not been reduced and in some non-custodial areas had increased."

The Inspector made 15 recommendations to improve Banksia Hill.

Recommendations which are directly relevant to the issues raised by children and young people during my recent consultation are:

2. Explore options to deliver staff training without resorting to locking young people in cell routinely every Friday.
7. Review staffing of recovery teams.
8. Develop and implement a strategic management plan to guide the delivery of appropriate services for girls at Banksia Hill.
10. Prioritise the development of a purpose-built crisis care unit at Banksia Hill.
11. Improve the furnishing and aesthetic appearance of accommodation units and cells.