

NOTICE OF FILING

Details of Filing

Document Lodged:	Particulars (including Further and Better Particulars)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
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File Title:	ALEXANDRA WALTERS & ANOR v STATE OF WESTERN AUSTRALIA
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Federal Court of Australia

District Registry: Western Australia

Division: General

ALEXANDRA WALTERS

First Applicant

JOEL VIDA

Second Applicant

STATE OF WESTERN AUSTRALIA

Respondent

The Respondent's Schedule of Particulars for Mr Vida

Mr Vida's movements on the dates that he was allocated a cell in Harding Unit or the ISU, were as follows:

1. On 8 March 2014:

- (1) Mr Vida was admitted to Banksia Hill at approximately 12.50am and discharged at approximately 12.17pm – being a period of less than 12 hours and including the Overnight Lockdown (7.15pm – 7.45am); and
- (2) during Mr Vida's time at Banksia Hill on this date:
 - (a) he was attended upon by a doctor at approximately 12.50am for a health assessment upon admission; the plan (outcome) for Mr Vida included a referral to psychology services;
 - (b) Mr Vida was allocated a cell in Harding Unit between approximately 1.19am to 11.40am; and

- (c) from approximately 11.40am to 12.17pm, he was moved from Harding Unit to Reception, after which he was discharged from Banksia Hill.

2. In relation to 9 to 11 March 2016:

- (1) Mr Vida was admitted to Banksia Hill at approximately 8.02pm on 9 March 2016 and discharged at approximately 8.36am on 11 March 2016;

- (2) on 9 March 2016:

- (a) Mr Vida was attended upon by a nurse at approximately 8.02pm and another nurse at 9.30pm for an initial health assessment upon admission; and
- (b) he was allocated a cell in Harding Unit at approximately 9.43pm; and

- (3) on 10 March 2016:

- (a) Mr Vida attended Court;
- (b) Mr Vida was seen by a clinical nurse ahead of his discharge following Court;
- (c) he was moved from a cell in the Harding Unit to Reception at approximately 1.32pm; and
- (d) he was discharged from Banksia Hill at approximately 4.38pm.

3. In relation to 11 to 12 March 2016:

- (1) on 11 March 2016:

- (a) after being discharged at approximately 8.36am earlier that day, Mr Vida was re-admitted to Banksia Hill at approximately 6.03pm where he remained in Reception until approximately 6.47pm that night, when he was allocated a cell in the Harding Unit (D04);
- (b) Mr Vida was seen by a nurse at approximately 6.00pm and 6.39pm for a pre-admission assessment; the nurse noted that:

- (i) Mr Vida was “released from BHDC yesterday late afternoon from court”;
and
 - (ii) his assessment included comments to the effect that he was “[a bit] tearful on presentation to clinic”, but that he was calm and compliant throughout admission, and denied any past or present thoughts of self-harm or suicide, and also denied any drug or alcohol use or medical issues;
 - (c) Mr Vida was assessed by another nurse at approximately 8.53pm regarding his discharge planning who noted that nil interventions were required; and
 - (d) Mr Vida was accommodated in a cell in the Harding Unit during the Overnight Lockdown until approximately 8:50am on 12 March 2016 when he was then transferred to Admissions; and
- (2) on 12 March 2016:
- (a) Mr Vida did not attend school as 12 March 2016 was a Saturday;
 - (b) Mr Vida was discharged from Banksia Hill to freedom at approximately 12.52pm; and
 - (c) at approximately 2.56pm, a nurse noted that Mr Vida was “released to freedom on bail. TOMS status updated”.

4. On 29 September 2016:

- (1) Mr Vida was admitted to Banksia Hill at approximately 1.30am where he remained in Reception until approximately 2.33am;
- (2) Mr Vida was allocated a cell in the Harding Unit (D05) between approximately 2.33am and 8.25am, when he was transferred back to Reception until approximately 1.02pm when he was discharged from Banksia Hill to supervised bail following Court;
- (3) Mr Vida was assessed by clinical nursing staff, who noted that Mr Vida had nil medical problems or concerns and nil allergies, was calm, cooperative, settled, had no past or present thoughts of self-harm. No abnormalities were detected on U/A [presumably urinalysis], and Mr Vida was referred to a doctor for routine assessment, though nil

interventions were required (nor pending), nor was a discharge letter or further planning required; and

(4) Mr Vida did not attend school as it was school holidays.

5. In relation to 21 and 22 March 2018:

(1) on 21 March 2018:

(a) from approximately 11.37am to 3.16pm, Mr Vida was in the Perth Children's Court Custody Centre; he was unable to be adequately assessed at approximately 12.30pm at the Court due to his presentation; he presented as possibly having a "withdrawal from heavy substance abuse"; he had a fixed vacant stare, appeared confused, disorientated, vague and perplexed; it was noted that LINKS will initiate ARMS referral for Banksia Hill;

(b) Mr Vida was involved in an incident at the Perth Children's Court (incident ID I45391465) which included the following events:

(i) at approximately 1.20pm after his Court appearance, Mr Vida was remanded in custody and refused to board the transfer vehicle to Banksia Hill; he was asking to speak to his lawyer and go to Court; the officer explained to Mr Vida that those things had already occurred and that he had been remanded until tomorrow to appear via video link; he said that if he goes to Banksia Hill he will "kill himself"; the decision was made to return Mr Vida back to a cell within the Court; Mr Vida agreed to do so;

(ii) while Mr Vida was being taken to the cell, he hit a cell window with an open hand and attempted to headbutt the window;

(iii) the officers took control of Mr Vida's arms and led him to another cell; this use of force was required to reduce the risk of self-harm to Mr Vida, and no use of force warning was given due to the sudden escalation;

(iv) at approximately 2.00pm, Mr Vida requested an ambulance stating, "I'm sick... I broke my hand", saying "I been punching walls" and laughed; Mr Vida showed the officers his hands but there was no visible swelling and

a small sore on his ring finger on his right hand; Mr Vida said “I got bitten by a spider today or yesterday, I can’t remember”; he refused to let the officers take pictures of his hand; Mr Vida asked “can you drop me off home, call my nan”; Mr Vida remained in cell at the Court under constant observation;

- (v) attempts were made by officers to contact the Aboriginal Legal Service to speak with Mr Vida but they were not onsite at the Court; the officers notified Banksia Hill and a special escort for Mr Vida was requested;
 - (vi) at approximately 2.55pm, the special escort arrived at the Court to transfer him to Banksia Hill; and
 - (vii) at approximately 3.08pm, Mr Vida’s escort departed the Court for Banksia Hill;
- (c) between approximately 3.08pm and 3.48pm, Mr Vida was transported to Banksia Hill;
- (d) at approximately 3.52pm, Mr Vida arrived at Banksia Hill and remained in Reception until approximately 6.15pm, after which he was allocated a cell in the ISU (observation cell B08) under observation and where he remained for the Overnight Lockdown;
- (e) at approximately 5.30pm, during Mr Vida’s time in Reception, there was another incident (incident ID I45410876) which included the following events:
- (i) during the admission process, Mr Vida was acting very erratically, agreeing to follow instructions and then being totally non-compliant and verbally abusive the next moment;
 - (ii) Mr Vida was counselled by an officer and he complied with the request for a search to be conducted and for him to take a shower; however, he refused to have his photograph taken;
 - (iii) Mr Vida became verbally abusive towards the staff in Reception and refused to follow instructions;

- (iv) Mr Vida made self-harm threats – that he was going to kill himself if he didn't get to go home today;
 - (v) the unit manager told Mr Vida that he would be going into an observation cell in the ISU; and
 - (vi) due to his unpredictable behaviour, two additional officers from the ISU assisted with a controlled escort of Mr Vida to the ISU and his cell door was secured without incident;
- (f) Mr Vida was accommodated in a cell in the ISU during the Overnight Lockdown until approximately 9.09am on 22 March 2018 when he had time in the ISU yard; and
- (2) on 22 March 2018:
- (a) Mr Vida spent time in the ISU yard at approximately 9.09am;
 - (b) Mr Vida was seen by a psychologist in the ISU B lounge between approximately 9.50am and 10.00am who undertook a risk assessment due to his re-admission and placement on ARMS; it was noted by the psychologist that:
 - (i) Mr Vida presented in an agitated and unsettled manner and tolerated the contact for a brief period of time before requesting to return to cell; signs of psychomotor agitation were evident, with Mr Vida pacing around the interview room and having difficulty sitting still; he impressed as disorganised and disoriented, and expressed frustration regarding his placement in custody and requested to speak to his lawyer and nan;
 - (ii) the psychologist considered Mr Vida's risk, as multiple threats to end his life were made upon admission, he was volatile and aggressive upon admission, agitated during assessment and had recent methamphetamine use; and
 - (iii) due to Mr Vida's current mood and mental state, recent substance use as well as the inability to complete a full risk assessment, the psychologist

recommended continuous monitoring; a referral to mental health was indicated;

- (c) from approximately 11.30am to 12.00pm, Mr Vida attended a visit from the Aboriginal Legal Service;
- (d) from approximately 2.20pm to 3.00pm, Mr Vida attended Court via video-link where he was bailed to appear in Court again on 5 April 2018;
- (e) Mr Vida was otherwise accommodated in a cell in the ISU; and
- (f) at approximately 5.52pm, Mr Vida was discharged from Banksia Hill on bail to his mother and grandmother.

6. In relation to 28 to 31 March 2018:

(1) on 28 March 2018:

- (a) at approximately 2.22pm, Mr Vida was admitted to Banksia Hill (from Gosnells lock up) where he remained in Reception until 5.01pm, after which, he was allocated a cell in the ISU (D09);
- (b) during his time in Reception:
 - (i) at approximately 2.28pm, a pre-admission checkup was conducted by a nurse where Mr Vida appeared calm, cooperative, coherent on arrival; he denied any current medical issues or injury, NKA (no known allergies); no medications were on his person and he denied any illicit drug or ETOH (ethanol alcohol) on that day; and
 - (ii) at approximately 4.50pm, an admission check-up was conducted by the nurse where Mr Vida was not very co-operative or forthcoming with information and he was referred to psychology; his multiple admissions were noted;
- (c) at approximately 5.01pm, Mr Vida was allocated a cell in the ISU (D09); and

- (d) Mr Vida was accommodated in a cell in ISU during the Overnight Lockdown until approximately 12pm on 29 March 2018;
- (2) on 29 March 2018:
- (a) from approximately 12pm to 12.40pm, Mr Vida appeared in Court via video link;
 - (b) prior to attending Court, Mr Vida had a phone call with the Aboriginal Legal Service; he was extremely agitated while talking to the Aboriginal Legal Service, but did settle down by the end of the call; and
 - (c) Mr Vida was otherwise accommodated in a cell in the ISU until the Overnight Lockdown;
- (3) on 30 March 2018 (Good Friday):
- (a) at approximately 8.10am, Mr Vida had breakfast in his cell;
 - (b) at approximately 9.30am, there was an incident (incident ID I45814871) which involved the following events:
 - (i) Mr Vida was verbally abusive towards an officer during his morning cell clean and called him a “fucking maggot; the officer attempted to counsel Mr Vida but he continued to abuse the officer;
 - (ii) Mr Vida began to flood his cell at which point the officer turned off the water supply;
 - (iii) at approximately 10.10am, Mr Vida entered the ISU B wing where he was given food and some recreational time; Mr Vida started throwing food around the yard and removed his shirt, throwing it on the yard floor; he stated “come in here cunt, and bring me a broom”; the officer denied the request and instead instructed Mr Vida to pick up the food that he had thrown and put his shirt back on; and
 - (iv) at approximately 11.00am, Mr Vida was instructed to return to his cell; he exited the yard and walked into D wing where he sat on the couch refusing

to move; once other officers entered the wing, Mr Vida was secured in his cell;

- (c) at approximately 11.50am, Mr Vida did not receive lunch as he was acting aggressively towards officers and was told that he would receive his lunch once he was calm;
 - (d) at approximately 11.59am, Mr Vida was provided with lunch;
 - (e) at approximately 1.10pm, Mr Vida was placed in the ISU B wing yard but he was unsettled once in the yard, and was counselled by officers whilst remaining in the yard;
 - (f) at approximately 2.00pm, Mr Vida was placed back in his cell;
 - (g) at approximately 5.25pm, as a continuation of the incident described above (incident ID I45814871), Mr Vida received dinner in his cell via the hatch as he threatened to bash an officer if the officer opened the cell; Mr Vida remained in his cell for the Overnight Lockdown; and
 - (h) as a consequence of the conduct described above, Mr Vida was unable to be given as much recreational time; Mr Vida was counselled and given loss of program placement;
- (4) on 31 March 2018:
- (a) at approximately 7.15am, Mr Vida was continually misusing the cell call system; he was very unsettled in the morning, continually shouting out to other detainees;
 - (b) Mr Vida was not given breakfast until approximately 9.20am, as he was being threatening and abusive and could not be unlocked from his cell prior to this time; he was unlocked from his cell and went to the yard;
 - (c) from approximately 9.30am to 10.06am, Mr Vida continued to be abusive towards officers; as a consequence, he was placed back in his cell;

- (d) at approximately 11.10am, there was an incident (incident ID I4585378) which included the following events:
- (i) officers opened the cell door of Mr Vida as they were assisting detainees with their cell cleans and showers;
 - (ii) recovery officers were asked to assist due to Mr Vida's unsettled and erratic behaviour earlier that morning;
 - (iii) Mr Vida came out of his cell and requested to have a shower first; his request was granted and he was taken to the shower;
 - (iv) when Mr Vida had finished in the shower, he demanded to be put in the yard to make a phone call;
 - (v) Mr Vida was asked to clean his cell first and told by the officers that he will be in the yard once it becomes available;
 - (vi) during the cell clean, Mr Vida displayed erratic behaviours, from being happy and smiling to small outbursts of anger and crying; Mr Vida struggled to follow basic instructions when asked to conduct certain duties during the cell clean;
 - (vii) the officers who were present attempted to counsel Mr Vida in an attempt to calm him down; Mr Vida commented that he was "OK" with one officer but disliked three other officers;
 - (viii) Mr Vida's cell clean was terminated due to his behaviour and he was asked to return to his cell; initially, Mr Vida refused to go into his cell and became argumentative; he once again demanded that he use the phone;
 - (ix) Mr Vida was counselled again by the officers; after further counselling, Mr Vida walked into his cell and the door was secured but once again, he became upset and unsettled;
 - (x) Mr Vida made comments along the lines of "you need to stay and watch me while I'm in cell"; an officer asked another officer to speak with Mr Vida instead;

- (xi) a short while later, it was decided to move Mr Vida from his current cell in the ISU to an observation cell due to his unsettled and emotional behaviour and for Mr Vida's welfare; the officers escorted Mr Vida to an observation cell (B08) and the door was secured; no use of force was required;
 - (xii) Mr Vida refused his bedding; he was given lunch on his way into the cell; and
 - (xiii) an ARMS referral was completed and Mr Vida was placed on continued checks until assessed by psychology (it was ultimately decided to not assess him again given his likely transfer to the Bentley Adolescent Unit (BAU) Hospital);
- (e) at approximately 12.45pm, Mr Vida called his grandmother and the call lasted for 518 seconds;
 - (f) from approximately 2.25pm to 2.40pm, Mr Vida was seen by a nurse;
 - (g) from approximately 4.50pm to 5.32pm, whilst Mr Vida was in the yard, he was again abusive to the officers and refused to return to his cell; and
 - (h) at approximately 6.53pm, Mr Vida was threatening another detainee while in his cell for the Overnight Lockdown; they continued to make threats of violence towards one another.

7. In relation to 31 March 2018 to 5 April 2018:

- (1) the events of 31 March 2018 are set out in paragraph 6(4) above;
- (2) on 1 April 2018 (Easter Sunday):
 - (a) Mr Vida was not given breakfast until approximately 9.20am as he was continually being threatening and abusive towards officers and could not be unlocked;
 - (b) from approximately 9.30am to 10.06am, Mr Vida was in the yard and was abusive towards officers when he was placed back in his cell; he also made a

phone call at approximately 9.45am to his grandmother, the call lasted 595 seconds;

- (c) at approximately 12.00pm, Mr Vida had lunch and was again abusive to staff;
 - (d) at approximately 1.30pm, there was an incident (incident ID I45873875) which included the following events:
 - (i) Mr Vida and another detainee were being abusive towards a third detainee;
 - (ii) both detainees were asked to stop abusing the third detainee but they continued to do so;
 - (iii) an officer turned off their televisions as a consequence of their behaviour;
 - (iv) they started verbally abusing the officer with excessive, profane insults;
 - (v) Mr Vida and the other detainee were counselled and given loss of television privileges for the day; and
 - (vi) it was noted that Mr Vida had resided in the ISU since his admission as he had displayed very erratic behaviour and mood swings;
 - (e) from approximately 4.50pm to 5.32pm, Mr Vida was in the yard and refused to go back to his cell; Mr Vida also made a phone call at approximately 5.05pm to his grandmother with a duration of 536 seconds; and
 - (f) Mr Vida was counselled by the unit manager and was abusive all day towards another officer; he was counselled;
- (3) on 2 April 2018 (Easter Monday):
- (a) at approximately 8.30am, Mr Vida was given breakfast but was yelling and being abusive toward officers;

- (b) at approximately 10.00am, there was an incident (incident ID I45899388) which involved the following events:
- (i) Mr Vida was counselled regarding his ongoing behaviour and abuse towards officers and other detainees in the ISU;
 - (ii) he was non-compliant and continued with the abuse and threatening behaviour towards officers, saying that he would "knock the fuck out of all the guards when [you] unlock [me], you're all fucking maggots, fuck you all motherfuckers, I'm going to go off if you don't get me out my cell now, fucking white cunts", among other very abusive and threatening comments;
 - (iii) after half an hour he calmed down sufficiently to be unlocked for a shower and cell clean but his behaviour deteriorated again;
 - (iv) Mr Vida was erratic and made threats to the effect of "you wanna see a fight? I can knock yous all out";
 - (v) he was placed back in his cell;
 - (vi) Mr Vida's behaviour continued to be very poor throughout the day, yelling abuse to staff and banging and/or kicking the window; and
 - (vii) he was counselled on his behaviour on several occasions throughout the day but he continued to be non-compliant;
- (c) at approximately 12.00pm, Mr Vida was given lunch;
- (d) at approximately 4.00pm, Mr Vida had yard time and was again abusive towards officers;
- (e) at approximately 4.40pm, there was an incident (incident ID I45916247) which involved the following events:
- (i) Mr Vida stripped off his clothes and demanded another shower;
 - (ii) he kept transitioning from having his clothes on and off;

- (iii) he exposed his naked body to officers on multiple occasions during the incident;
 - (iv) Mr Vida was counselled about his behaviour; and
 - (v) Mr Vida's lack of control and violent outbursts towards officers and other detainees meant that he was not able to be unlocked throughout the day; the officers remained vigilant and continued to monitor and support him; he was referred to psychology for mental health assessment;
- (f) at approximately 5.15pm, Mr Vida was given dinner; and
- (g) throughout the day, Mr Vida was abusive and continually misused the cell call system;
- (4) on 3 April 2018:
- (a) at approximately 8.20am, Mr Vida was given his breakfast in cell;
 - (b) at approximately 8.25am, Mr Vida was given additional breakfast as per his request; however, once it was provided, he refused it;
 - (c) Mr Vida was constantly talking and kicking his cell window;
 - (d) between approximately 9.31am and 9.39am, Mr Vida was seen in the ISU B lounge by a psychologist;
 - (e) at approximately 9.45am Mr Vida showered and then went into the ISU B yard;
 - (f) an incident occurred at approximately 10.15am (incident ID I45945125) and involved the following events:
 - (i) Mr Vida was instructed to return to his cell in the ISU from the ISU yard so that other detainees could use the yard; Mr Vida refused to exit the yard notwithstanding that the officers were counselling him to return to his cell; Mr Vida was abusive and threatening towards the officers;
 - (ii) Mr Vida refused to move to his cell; instead he stood in the corridor near the B wing desk and then walked into the interview room and sat down;

the officers continued to counsel him to return to his cell but he refused to do so;

- (iii) a use of force warning was issued to Mr Vida but again refused to return to return to his cell;
 - (iv) an officer held Mr Vida's right arm and another held his left arm before he was assisted to his feet and escorted to his cell; during the escort, Mr Vida attempted to break free from the hold but could not manage to do so;
 - (v) this use of force incident was authorised by a senior officer;
 - (vi) Mr Vida's mother and grandmother were both informed of the incident;
 - (vii) a clinical nurse assessed Mr Vida at approximately 12.25pm (in relation to this incident and the second incident described below) and observed that no serious injury was observed; Mr Vida also denied any concerns and no treatment was required; and
 - (viii) Mr Vida was cautioned and counselled following the incident;
- (g) a second incident occurred (incident ID I45955825) and involved the following events:
- (i) at approximately 11.50am, Mr Vida was due to make a telephone call to his lawyer and then attend Court via video-link; Mr Vida declined to speak to his lawyer and attend Court;
 - (ii) the unit manager counselled Mr Vida for several minutes; Mr Vida agreed to speak to his lawyer and attend Court;
 - (iii) Mr Vida was escorted to the telephone by the recovery officers; Mr Vida answered his lawyer's phone call but he hung up as it was being reconnected; he became agitated and seemed unsettled; Mr Vida punched the wall and was instructed to return to his cell;

- (iv) it was decided to place Mr Vida back in his cell; Mr Vida walked to his cell on his own accord, although he continued to verbally abuse the officers, and his cell door was secured;
- (v) after a short while, further counselling was used by the unit manager and the recovery officers in an attempt to persuade Mr Vida to attend Court; this was met with further negativity, an agitated mood and bad language from Mr Vida; he refused to attend Court; the unit manager continued to counsel him for some time but he refused to attend Court;
- (vi) at approximately 11.55am, Mr Vida's cell door was secured;
- (vii) at approximately 12.10pm, the unit manager, officers and recovery officers attended the ISU to escort Mr Vida to the Admissions area to attend Court via video-link; Mr Vida initially agreed to attend; Mr Vida became aggressive and told the officers to "fuck off" and that he did not want to attend Court when they reminded him about behavioural expectations; Mr Vida was secured in cell again;
- (viii) as mentioned above in relation to the first incident on this day, at approximately 12.25pm, a clinical nurse assessed Mr Vida and did not see any serious injury; Mr Vida denied concerns and no treatment was required;
- (ix) Mr Vida's mother and grandmother were informed of this incident;
- (x) psychology services were informed of this incident; and
- (xi) Mr Vida was cautioned and counselled following the incident;
- (h) at approximately 12.11pm, Mr Vida refused his lunch when it was offered to him in cell;
- (i) at approximately 12.25pm, Mr Vida was seen by a nurse after the use of force incidents detailed above;
- (j) at approximately 12.30pm, a case planning officer spoke to Mr Vida in the ISU;

- (k) at approximately 12.35pm, Mr Vida spent time in the ISU B yard;
- (l) a third incident occurred at approximately 12.55pm (incident ID I45957093) and involved the following events:
 - (i) Mr Vida was in the ISU yard area to make a phone call; Mr Vida's behaviour was erratic and he refused to follow instructions; he was instructed to return to his cell so that other detainees could use the yard but he refused to do so and started threatening the unit manager; Mr Vida was standing in a fighting stance – he was pacing up and down, puffing out his chest;
 - (ii) additional officers entered the yard to assist the unit manager and a code amber was called;
 - (iii) Mr Vida refused to comply with the instructions and threatened to knock out the officers one by one;
 - (iv) Mr Vida was given a use of force warning and was told that if he did not comply, the recovery officers would take him to his cell;
 - (v) the unit manager continued to counsel Mr Vida to return to his cell; Mr Vida refused to follow instructions;
 - (vi) officers held Mr Vida's arms and escorted him to his cell and secured him; he was compliant during the escort;
 - (vii) this use of force incident was authorised by a senior officer; and
 - (viii) Mr Vida was cautioned and counselled following the incident;
- (m) at approximately 1.18pm, the nurse saw Mr Vida;
- (n) at approximately 2.26pm, extra lunch was given to Mr Vida.
- (o) at approximately 4.45pm Mr Vida was in the ISU B yard; he made a phone call to his grandmother with a duration of 607 minutes at approximately 4.50pm;

- (p) at approximately 5.15pm, Mr Vida was returned to his cell and given dinner at approximately 5.20pm; and
- (q) at approximately 6.05pm, there was a fourth incident (incident number I45972180) which involved ██████████ who was also a detainee in the ISU; Mr Vida (who was in his cell) was inciting ██████████ (who was in the ISU yard) by yelling at him to not come out of the yard and to not listen to the officers; Mr Vida was instructed to cease yelling which he initially did; however, he resumed doing so.

8. On 4 April 2018:

- (1) at approximately 10.22am, Mr Vida was seen by a psychiatrist in the ISU where he remained in his cell with the hatch open due to his highly aroused and agitated state; it was noted that:
 - (a) he was assessed the day before and the nurse indicated typical features of mania with elevated mood saying he felt 10/10, labile affect, laughing and crying in quick succession, distracted and loud pressured speech;
 - (b) he was assessed by the psychiatrist and remained noticeably labile in affect, fixated on getting to Court and out of Banksia Hill;
 - (c) he claimed that he was being teased by officers and was evasive about auditory hallucinations; he conceded that he was not sleeping, and refused any medication;
 - (d) Mr Vida confirmed that he was using THC and alcohol (binge drinking) but denied using illicit stimulants; he said that he was not abusing dexis and that he has ADHD;
 - (e) he said that he was missing his mum and wanted to go home, he wanted to talk with her again on the phone and the officers indicated that they will facilitate that; and
 - (f) Mr Vida was assessed as having features that indicate at least a drug-induced mood disorder; he was refusing treatment and required referral and further

assessment under the Mental Health Act 2014 and a referral was completed with the BAU Hospital contacted to confirm that they had a locked bed for him that afternoon;

- (2) shortly after, Mr Vida's senior case manager spoke to the psychiatrist about Mr Vida, noting that Mr Vida's grandmother and mother were booked in for a visit with Mr Vida at 3.45pm to 4.45pm that day;
- (3) at approximately 2.04pm, the senior case manager and Aboriginal welfare officers met with Mr Vida in the ISU; it was noted that:
 - (a) Mr Vida presented in a highly agitated state, banging on the window, crying and saying that he just wants to get out of here, he doesn't want to be here and that he doesn't want to talk;
 - (b) Mr Vida then sat on the bed, talking and crying;
 - (c) Mr Vida was highly stressed; the senior case manager told him to take some deep breaths and have some water, attempting to engage Mr Vida to talk; but Mr Vida threw his blanket on the ground and laid down to speak near the grill at the bottom of his door;
 - (d) the senior case manager asked Mr Vida if there was anything he would like her to tell his family but he just kept saying that he wants to get out of here;
 - (e) the senior case manager asked Mr Vida if he was okay as his mother told her that there was a recent loss in the family of a significant Elder in the community, and asked if he had told staff about this; Mr Vida said that he wasn't telling them anything; and
 - (f) the senior case manager and Aboriginal Welfare Officers spoke with the ISU's unit manager prior to leaving the unit and it was agreed that Mr Vida would receive ongoing support;
- (4) at approximately 4.19pm, the senior case manager received a call from Mr Vida's mother that the visit scheduled for herself and Mr Vida's grandmother today would be cancelled, and they would only see Mr Vida if it would settle him; Mr Vida's mother

asked for Mr Vida to call her to ensure he was okay and the senior case manager agreed to pass on the request; this message was passed onto the ISU unit manager at approximately 4.37pm; at approximately 5.24pm an officer attempted to call Mr Vida's mother but she did not answer.

9. On 5 April 2018:

- (1) at approximately 8.30am, Mr Vida was given breakfast and was expected to get up to go to Court in-person; however, due to his agitated state, he was to attend via video-link;
- (2) from approximately 9.15am to 10.35am, Mr Vida was abusive towards officers and was in the yard; Mr Vida made a phone call to his mother at approximately 9.21am for a duration of 616 seconds;
- (3) at approximately 9.59am, the senior case manager noted that a bed would be available in the BAU Hospital for Mr Vida that day;
- (4) at approximately 10.03am, Mr Vida made another phone call to his grandmother for a duration of 605 seconds;
- (5) at approximately 11.54am, Mr Vida's grandmother was informed that Mr Vida would not be appearing in Court via video-link given his erratic, and at times, violent behaviour and general presentation of mental health concerns, with the hearing to continue in Mr Vida's absence;
- (6) at approximately 12.00pm, Mr Vida was given lunch;
- (7) at approximately 1.10pm, a welfare check was conducted by a clinical nurse in the sally port of Banksia Hill; Mr Vida was alert, cooperative, clothed appropriately; nil injuries were identified;
- (8) Mr Vida was transferred from Banksia Hill to the BAU Hospital;
- (9) he was remanded to appear in Court again on 9 April 2018; if Mr Vida was still in the BAU Hospital on this date, then the hearing was to be conducted by audio-link;

- (10) at approximately 2.30pm, there was an incident (incident number I46066080) at the BAU Hospital which involved the following events:
- (a) Mr Vida exhibited extremely unpredictable and threatening behaviour;
 - (b) the nurse indicated to the officers that he would attempt to provide Mr Vida with oral medication;
 - (c) Mr Vida resisted all verbal encouragement to take the medication, threatening to kill, kick and knock out staff; Mr Vida continued to abuse the staff notwithstanding the attempts by the staff to counsel him;
 - (d) the nurse indicated to the officers that he would consult with the onsite doctor and Mr Vida could be given his medication via an injection if he did not comply with the instruction to take the medication;
 - (e) at approximately 3.10pm, Mr Vida was given a final opportunity to take the oral medication which he did not; the officers escorted Mr Vida to the isolation room where he was restrained using minimum force to the mattress while the BAU Hospital staff administered his medication via injection; the staff then performed a hot exit from the isolation room which was secured at approximately 3.15pm;
 - (f) immediately following the incident, a senior officer was notified; and
 - (g) the use of force incident was authorised by the superintendent;
- (11) at approximately 6.00pm, there was another incident (incident number I46066298) at the BAU Hospital which involved the following events:
- (a) at approximately 5.20pm, Mr Vida's mother and grandmother arrived at the BAU Hospital to visit Mr Vida;
 - (b) during the visit, Mr Vida suddenly jumped from his chair and punched his mother on the left arm with some force;
 - (c) officers intervened and counselled Mr Vida and indicated to his mother that the visit would be finishing and both his mother and grandmother exited the hospital unit;

- (d) prior to the incident, Mr Vida had made multiple threats to harm and kill both his mother and grandmother; he was also otherwise abusive towards his mother and grandmother;
- (e) Mr Vida was counselled at length during the visit regarding this behaviour; he was at times receptive but at other times appeared oblivious to the counselling;
- (f) Mr Vida exhibited extremely unpredictable and manic behaviour after arriving at the BAU Hospital; and
- (g) the officers recommended that the BAU Hospital security be present to assist with the completion of future visits and to assist with escorting Mr Vida's mother and grandmother from the hospital unit as they had both indicated they were unhappy about Mr Vida's placement in the unit and being "forced to take drugs".

10. In relation to 17 to 19 April 2018:

(1) on 17 April 2018:

- (a) at approximately 3.16am, Mr Vida was allocated a cell in the ISU (observation cell B05);
- (b) at approximately 7.30am, due to staff shortages in the ISU, detainees were given their breakfast in cell;
- (c) at approximately 7.45am, Mr Vida was yelling and swearing and kicking the door; he appeared to be agitated; Mr Vida was demanding toward officers, as well as being abusive and calling officers profane names; Mr Vida also was kicking the viewing window to his cell;
- (d) at approximately 8.45am, Mr Vida requested to see a psychologist;
- (e) at approximately 8.47am, another detainee appeared to be getting annoyed at Mr Vida banging on the window and told Mr Vida to "shut up"; Mr Vida abused him by saying, "go suck my cock";
- (f) at approximately 8.50am, a psychologist informed the officers that she would visit Mr Vida today;

- (g) at approximately 9.11am, Mr Vida was laying on his bed watching television;
- (h) at approximately 9.17am, the unit manager and assistant superintendent spoke with Mr Vida; the decision was made to unlock Mr Vida's cell door with support staff to talk with him;
- (i) at approximately 9.23am, a nurse gave Mr Vida his medication, which he accepted;
- (j) at approximately 9.33am, Mr Vida was given breakfast;
- (k) at approximately 9.34am, Mr Vida was yelling and still banging in his cell;
- (l) at approximately 9.37am, Mr Vida's television was turned on;
- (m) at approximately 10.00am, Mr Vida was again banging the cell window and yelling;
- (n) at approximately 10.20am, Mr Vida had settled and was laying on his bed;
- (o) at approximately 10.41am, the ISU and support staff, with two Aboriginal Welfare Officers, talked to Mr Vida in his cell;
- (p) at approximately 11.44am, the psychologist met with Mr Vida and talked in the B wing interview room;
- (q) at approximately 10.53am, Mr Vida was secured back into his cell;
- (r) at approximately 11.49am, the mental health nurse undertook a visual on Mr Vida, who was asleep in his cell;
- (s) at approximately 12.26pm, Mr Vida attended a consult with the mental health worker;
- (t) at approximately 12.30pm, Mr Vida was given his lunch;
- (u) at approximately 1.10pm, Mr Vida was given additional food;

- (v) at approximately 1.17pm, Mr Vida was hitting the window and yelling abuse at the officers;
 - (w) at approximately 1.45pm, Mr Vida cleaned his cell and then had a shower;
 - (x) at approximately 2.40pm, Mr Vida was in the yard and made a phone call at approximately 2.44pm for a duration of 601 seconds to his grandmother;
 - (y) at approximately 3.30pm, Mr Vida had afternoon tea;
 - (z) from approximately 3.45pm to 4.45pm, Mr Vida had a visit scheduled with his mother and grandmother; and
 - (aa) at approximately 5.43pm, Mr Vida was given his medication and no other concerns or issues were raised;
- (2) on 18 April 2018:
- (a) at approximately 8.17am, Mr Vida was shouting, "sick dogs, what the fuck, what the fuck is happening here, you guys are making cunts out of yourselves" and "this is fucked";
 - (b) at approximately 8.45am, Mr Vida was continually asking for breakfast, asking to see the unit manager and asking to go to education;
 - (c) at approximately 8.47am, Mr Vida was offered breakfast, which he accepted;
 - (d) at approximately 9.12am, Mr Vida was given his medication by medical staff and accepted it;
 - (e) at approximately 9.18am, the unit manager and the assistant superintendent spoke to Mr Vida in his cell; after the cell was secured, Mr Vida became agitated and abusive stating, "you dogs"; Mr Vida began to hit the viewing window, yelling and calling the officers profane names;
 - (f) at approximately 9.54am, Mr Vida asked for his TV channel to be changed, which was attended to by staff; he settled on his bed to watch television;

- (g) at approximately 10.05am, Mr Vida was unsettled, he was hitting the window and was abusing staff saying, "dog cunts", "maggots", and "this is fucked up";
- (h) at approximately 10.15am, Mr Vida cleaned his cell and had a shower;
- (i) at approximately 10.26am, Mr Vida was placed in the yard to make phone calls and to have recreational time; at approximately 10.33am, Mr Vida called his grandmother for a duration of 599 seconds;
- (j) at approximately 10.54am, a mental health nurse spoke to Mr Vida in the ISU B wing yard;
- (k) at approximately 11.05am, Mr Vida was placed back into his cell after much encouragement by officers and he was given morning tea;
- (l) at approximately 11.45am, Mr Vida was given lunch;
- (m) at approximately 12.09pm, Mr Vida had a consult with a psychiatrist in the yard;
- (n) at approximately 1.00pm, Mr Vida had a visit scheduled with a counsellor;
- (o) at approximately 1.50pm, Mr Vida had a phone call with his lawyer;
- (p) from approximately 3.00pm to 4.00pm, Mr Vida had a visit scheduled with Save the Children;
- (q) Mr Vida also had a visit scheduled for 3.45pm to 4.45pm with his mother and grandmother;
- (r) at approximately 3.29pm, Mr Vida attended his visits;
- (s) Mr Vida was given the opportunity to move to the ISU D wing, but he declined and wanted to stay in his observation cell in the ISU B wing;
- (t) at approximately 4.45pm, Mr Vida was yelling abuse, banging on the window of his cell, requesting to go for a walk to the canteen so that he could get a bag of lollies, wanting dinner early, asking to go in the yard, and requesting to move up to a unit; he was also continuing to call officers, "dog cunts"; and

- (u) at 5.15pm, Mr Vida was given his dinner and medication;
- (3) on 19 April 2018:
- (a) at approximately 10.13am, Mr Vida made a phone call to his grandmother for a duration of 230 seconds;
 - (b) at approximately 10.22am, Mr Vida was moved from his observation cell (B05) to another cell (D12) in the ISU;
 - (c) between approximately 2.30pm and 2.45pm, Mr Vida attended Court via video link; Mr Vida was granted supervised bail pending trial;
 - (d) at approximately 2.56pm, Mr Vida made another telephone call to his grandmother for a duration of 483 seconds; and
 - (e) sometime between approximately 3.47pm and 5.06pm, Mr Vida was discharged from Banksia Hill on supervised bail.

11. In relation to 16 to 17 April 2019:

- (1) on 16 April 2019:
- (a) prior to admission to Banksia Hill, Mr Vida was in police custody for approximately 1.5 hours and presented as unkempt and unsettled, alert but suspicious of surroundings and staff, and unaware of where he was; Mr Vida denied to police that he had any drugs or alcohol; however, he appeared under the influence of a substance;
 - (b) at approximately 2.12am, Mr Vida was admitted to Banksia Hill where he remained in Reception until approximately 2.32am when he was allocated a cell in the ISU (observation cell B05); Mr Vida was unable to complete the admissions process, with the conclusion that he was highly affected by drugs;
 - (c) he was escorted to his cell to be monitored via ARMS because he was erratic and unsettled;

- (d) at approximately 7.00am, Mr Vida was woken up for Court and given breakfast in the cell; he did not eat his breakfast;
- (e) at approximately 7.15am, Mr Vida was very unsettled and appeared anxious, pacing around the cell, kicking and demanding staff to let him out of the cell; Mr Vida was unable to attend Court in person or by video link due to erratic and abusive behaviour; the Court and Mr Vida's caregiver were informed; the caregiver informed staff that they think Mr Vida may be affected by speed;
- (f) at approximately 7.30am, Mr Vida was very irrational, with erratic behaviour, consistent with signs of recent drug use;
- (g) at approximately 8.00am, Mr Vida was very unsettled and appeared anxious; he was pacing around the cell, was kicking and demanding staff to let him out of the cell; Mr Vida requested staff to shoot him;
- (h) at approximately 8:15am to 8:22am, a mental health nurse visited to assess Mr Vida; it was noted that Mr Vida:
 - (i) was displaying very irrational and erratic behaviour; he was abusive towards officers and the mental health nurse, but denied using illicit substances (though presented as under the influence);
 - (ii) presented as agitated, verbally abusive and threatening; he called the officer a "dog" and demanded that the cell door be opened;
 - (iii) was unable to follow simple instructions;
 - (iv) was labile, angry and crying; his mood was elevated; he exhibited loud and pressured speech;
 - (v) was assessed as having no insight; and
 - (vi) was deemed unfit for Court and to remain on continuous observations with a psychiatrist to review that afternoon;
- (i) at approximately 8:30am, officers offered Mr Vida a second breakfast but were unable to give him the breakfast due to being met with abusive threats;

- (j) at approximately 9.00am, Mr Vida was very unsettled, appeared anxious, was pacing around the cell, and was kicking and demanding that the officers let him out of his cell;
- (k) at approximately 9.15am, Mr Vida was again pacing around his cell and talking to himself, making threats to kill the officers; Mr Vida was referring to himself in the third person;
- (l) at approximately 9.40am, Mr Vida was counselled by the officers which appeared to calm him down;
- (m) at approximately 10.00am, 10.30am and 11.00am, Mr Vida was once again pacing around the cell and talking to himself, making threats to kill the officers and referring to himself in the third person;
- (n) at approximately 12.00pm, Mr Vida declined lunch;
- (o) at approximately 12.04pm, Mr Vida instead requested cake; as there was sliced cake in the unit and officers felt that it was important that Mr Vida get some food in his system, he was given cake to eat;
- (p) at approximately 12.05pm, Mr Vida appeared to be making noticeable efforts to calm himself down;
- (q) at approximately 12.23pm, the Programs Coordinator (PC) received a call from Mr Vida's mother enquiring how Mr Vida was going following his admission; the PC spoke with the ISU officers who informed them that Mr Vida still appeared to be under the influence of drugs and was currently being monitored via ARMS in an observation cell;
- (r) at approximately 1.00pm, Mr Vida displayed very irrational and erratic behaviour;
- (s) at approximately 2.00pm, there was no change or improvement in Mr Vida's behaviour;
- (t) at approximately 3.00pm, Mr Vida experienced no further change or improvement in behaviour;

- (u) at approximately 3.15pm, Mr Vida was assessed by a psychiatrist and accompanied by a mental health nurse; it was noted that:
 - (i) they were not allowed to enter Mr Vida's cell due to the risk of violence;
 - (ii) the interview took place through the glass window;
 - (iii) Mr Vida presented as dishevelled, highly aroused, was shouting obscenities and threatened to kill;
 - (iv) he was emotionally labile; crying and then shouting;
 - (v) Mr Vida did not respond to questions; and was stripping off his clothes;
 - (vi) the nurse was unable to assess the presence of delusions or hallucinations;
 - (vii) Mr Vida displayed no insight and when asked if he would accept medications he initially shouted some verbal abuse and then started crying;
 - (viii) Mr Vida was assessed to have psychosis – most likely methamphetamine induced, but an underlying functional illness could not be excluded at this point in time;
 - (ix) he was a high risk to self and others and required inpatient treatment under the Mental Health Act; and
 - (x) the psychiatrist contacted LINKS and requested Mr Vida's case be listed for Court that afternoon and that he be placed on Hospital Orders to be transferred to the BAU Hospital; those orders were made;
- (v) at approximately 3.29pm, the psychiatrist liaised with the BAU Hospital and informed them of Mr Vida's pending transfer to the BAU Hospital and his risk to others;
- (w) at approximately 3.30pm, Mr Vida was displaying very irrational and erratic behaviour;

- (x) at approximately 3.35pm, the PC received a call from Mr Vida's mother and provided her with another update, which was provided by the staff on the ISU B wing desk;
 - (y) at approximately 4.35pm, Mr Vida's mother was advised that an order was issued by the Court for Mr Vida to attend the BAU Hospital, and that he would be moved once a bed was available; the process of executing the order was explained and his mother was informed that he would be required to attend Court again on 23 April 2019;
 - (z) at approximately 5.21pm, the psychiatrist was informed by the BAU Hospital that the referral was not yet received and there were no beds available at the present time;
 - (aa) at approximately 5.30pm, Mr Vida declined dinner in his cell and put his arm out of the hatch when the officers attempted to feed him; Mr Vida was cautioned and counselled by the unit manager to put his arm back into the cell appropriately;
 - (bb) at approximately 6.00pm, Mr Vida was pacing around the cell, talking to himself and making threats to kill officers;
 - (cc) at approximately 6.15pm, Mr Vida was counselled by the unit manager and given dinner in his cell; extra food was given due to his lack of eating throughout the day; Mr Vida was also given some cups of water to drink as it was noted that he had not been drinking much; and
 - (dd) at approximately 9.15pm, Mr Vida remained quite unsettled;
- (2) on 17 April 2019:
- (a) throughout the day, staff at Banksia Hill continued to make attempts to arrange for Mr Vida's transfer to the BAU Hospital as soon as possible;
 - (b) at approximately 7.00am, Mr Vida appeared agitated, angry and at times incoherent;
 - (c) at approximately 8.19am, Mr Vida was offered breakfast but it was refused;

- (d) at approximately 8.30am, Mr Vida was again offered breakfast – he ate 4 pieces of toast with vegemite, rice bubbles with milk and a piece of cake;
- (e) at approximately 8.35am, the unit manager spoke with Mr Vida's grandmother;
- (f) at approximately 8.38am, Mr Vida made threats to hurt officers when his cell door is opened;
- (g) at approximately 9.43am, Mr Vida cleaned his cell;
- (h) at approximately 9.44am, Mr Vida had a shower;
- (i) at approximately 9.55am, Mr Vida went into the ISU B yard;
- (j) at approximately 10.19am, Mr Vida was escorted and secured back into his cell, given toast and a drink;
- (k) at approximately 10.21am, mental health officers spoke with Mr Vida through his cell window;
- (l) at approximately 11.00am, Mr Vida was threatening and abusing officers through his cell window with profane and vulgar language;
- (m) at approximately 11.10am, Mr Vida was punching and kicking the windows in his cell and yelling out abuse;
- (n) at approximately 11.24am, the unit manager and a senior officer undertook a welfare check on Mr Vida but he was non-receptive;
- (o) at approximately 11.45am, Mr Vida engaged in constant banging on the window of his cell;
- (p) at approximately 12.00pm, Mr Vida was given lunch in cell and his medication;
- (q) at approximately 12.15pm, Mr Vida was yelling out that he wants to get to Court; stating that he is going to murder all of the officers when he gets out;

- (r) there was an incident (incident ID I63745369) which included the following events:
- (i) at approximately 1.15pm, Mr Vida was in the ISU yard in an agitated and highly emotional state; officers attempted to help him by facilitating a telephone call to his grandmother;
 - (ii) Mr Vida was erratic, yelling out indecipherable phrases and had by this stage taken off his t-shirt; the officers exited the yard and Mr Vida spoke on the telephone;
 - (iii) after being on the telephone for a short amount of time, Mr Vida became aggressive and attempted to break the phone by hitting the phone against the wall unit with force and then by attempting to rip the cord from the wall unit;
 - (iv) the glass yard door was opened; Mr Vida quickly rushed towards the door in a threatening manner and started verbally abusing and threatening the officers; multiple officers counselled Mr Vida; Mr Vida made demands such as "get me some fucking party pies and cakes here you cock suckers";
 - (v) Mr Vida remained unsettled and continued to refuse to go back to cell when directed; Mr Vida then threatened that if any officer was to enter the yard, he would physically assault them;
 - (vi) Mr Vida then tied a t-shirt around his neck and made statements such as "there is a snake around my neck"; the officers again counselled Mr Vida;
 - (vii) the officers then took control of Mr Vida's arms in order to safely escort him to his cell; Mr Vida was resistant; he dropped his body weight during the escort and was then lowered to ground into the prone position for his safety; an officer then removed the t-shirt from around Mr Vida's neck;
 - (viii) Mr Vida was placed on a mattress in his cell and a hot exit was conducted by the officers;

- (ix) this use of force incident was authorised by a senior officer;
- (x) Mr Vida's caregiver was informed of the incident; and
- (xi) following the incident, the officers conducted a debrief and no injuries were identified; a nurse was notified of the incident; Mr Vida was ultimately transferred to the BAU Hospital; the incident was also referred to psychology services and Aboriginal Welfare Officers, and due to his drug-induced mental state, there were no consequences given; this outcome was supported and endorsed by the Assistant Superintendent;
- (s) at approximately 1.50pm, Mr Vida was lying on the bed resting;
- (t) at approximately 2.56pm, the mental health nurse advised Mr Vida that he would be transported to hospital so that he could get medicated; Mr Vida appeared to be accepting of this and lay back down;
- (u) at approximately 3.30pm, Mr Vida was escorted from the ISU to Reception for transfer to the BAU Hospital; and
- (v) at approximately 6.08pm, he was also observed "casing out" (i.e. observing/examining) the secure yard of the BAU Hospital and pleaded with his grandmother to pick him up; and
- (w) at approximately 6.45pm, Mr Vida was transferred from Reception to the BAU Hospital where he remained until approximately 9.08pm on 25 April 2019.

12. In relation to 29 to 30 April 2019:

- (1) on 29 April 2019:
 - (a) between approximately 4.00pm and 6.11pm, Mr Vida was transferred from BAU Hospital to Banksia Hill and allocated a cell in the ISU (observation cell B05) given that he was transferred from the hospital and was behaving erratically;
 - (b) at approximately 5.15pm, he was provided with dinner; and

- (c) at approximately 5.58pm, Mr Vida was seen by the nurse for his evening medication;
- (2) on 30 April 2019:
- (a) at approximately 7.20am, Mr Vida had been misusing the cell call system with non-emergency calls;
 - (b) at approximately 7.30am, Mr Vida was banging on his window and being abusive towards staff;
 - (c) at approximately 7.45am, he was provided with breakfast;
 - (d) at approximately 8.00am, Mr Vida was again misusing the cell call system with non-emergency calls, banging on the window and being abusive towards staff;
 - (e) at approximately 8.15am, he was sitting on the bed and appeared a bit more settled;
 - (f) at approximately 8.24am, Mr Vida cleaned his cell and then saw the mental health nurse in the interview room; the nurse made the following assessment:
 - (i) Mr Vida was difficult to engage with as he was preoccupied with returning home, saying words to the effect of, "my mother is out there she is waiting for me", "I just want to go home miss";
 - (ii) he appeared stressed in the context of Banksia Hill and placement in the ISU; he placed his jumper around his neck and pulled the jumper making further threats if he is not released; when he was reviewed for ARMS he was very unsettled when he was assessed at 8.00am;
 - (iii) Mr Vida's lability of mood was evident and, though it was difficult to ascertain the cause, he presented as distressed and a high risk to self and others;
 - (iv) Mr Vida was focussed on Court today and made threats to harm himself, tying a jumper around his neck and proceeded to tighten same during assessment; consequently, the assessment was discontinued;

- (v) Mr Vida was seen at midday and presented the same, where he remained in a distressed state, with the trigger appearing to be Banksia Hill; he accepted some medication which is recommended that he remain in and on continuous observations; and
- (vi) he accepted Olanzapine 15 mg and refused the others which were disposed of; Mr Vida's medications for discharge were: Diazepam 5mg 1 tablet BD; Olanzapine 15mg wafer 1 wafer BD; Sodium Valporate 500mg EC 1 tablet BD and he was told to see a GP as soon as possible;
- (g) at approximately 8.30am, he had a shower; Mr Vida was still very erratic and unsettled but followed the officers' instructions;
- (h) at approximately 8.38am, Mr Vida went to the yard and appeared more settled, and happy to be outside;
- (i) at approximately 8.48am, Mr Vida made a phone call to his mother for 380 seconds;
- (j) at approximately 9.13am, Mr Vida then went to Reception to complete his admissions process;
- (k) at approximately 9.16am, Mr Vida made a phone call to his grandmother for 239 seconds;
- (l) at approximately 9.17am, Mr Vida returned from Reception and while walking through the ISU corridor, he started running down the hallway stating that he wanted to go play with the boys; Mr Vida was guided back to the yard and the officers explained to him that he couldn't go out the back but he could stay in the yard; Mr Vida appeared accepting of this and went to the yard compliantly;
- (m) at approximately 9.30am, Mr Vida opted to go back to his cell;
- (n) at approximately 9.49am, Mr Vida returned to the yard due to being unsettled in cell; he made a phone call to his grandmother for 237 seconds;

- (o) at approximately 10.10am, Mr Vida appeared happy to be in the yard and requested some food, which was organised and provided at approximately 10.30am for morning tea; Mr Vida was also shown how to use the phone again;
- (p) at approximately 10.31am, Mr Vida made a phone call to his mother for 440 seconds;
- (q) at approximately 11.07am, Mr Vida made a phone call to his grandmother for 253 seconds;
- (r) at approximately 11.15am, an officer spoke with Mr Vida and completed an intake summary check list where he answered all the questions and appeared to understand them;
- (s) at approximately 11.35am, Mr Vida opted to return to his cell;
- (t) at approximately 11.50am, the nurse gave Mr Vida his medication; he had become erratic and upset;
- (u) at approximately 11.53am, Mr Vida went to Reception for his video link to Court that was scheduled for 12.00pm to 12.30pm;
- (v) at 12.05pm, Mr Vida returned to his cell following his Court hearing and to allow for the afternoon staff break; he was provided with lunch; and
- (w) at approximately 1.12pm, Mr Vida was released from Banksia Hill on bail following his Court hearing.

13. In relation to 21 to 22 April 2020:

(1) on 21 April 2020:

- (a) at approximately 5.03pm, Mr Vida was admitted to Banksia Hill where he remained in Reception until 6.03pm;
- (b) at approximately 5.14pm, a nurse conducted a pre-admission check up; there were no indications of pain or injury noted;

- (c) Mr Vida appeared agitated and unsettled; he was crying during admission and called his grandmother; he appeared to be under the influence of drugs; and
 - (d) at approximately 6.03pm, Mr Vida was allocated a cell in the ISU (observation cell B05);
- (2) on 22 April 2020:
- (a) at approximately 7.39am, Mr Vida was moved from a cell in the ISU to Reception;
 - (b) at approximately 8.45am, Mr Vida was assessed by a nurse who noted that he was “not currently acutely mentally unwell”;
 - (c) between approximately 10.10am and 10.40am, Mr Vida consulted a lawyer;
 - (d) between approximately 11.00am and 11.28am, Mr Vida met with the mental health team;
 - (e) at approximately 11.58am, Mr Vida attended Court;
 - (f) at approximately 2.42pm, Mr Vida was discharged from Banksia Hill following Court; and
 - (g) Mr Vida did not attend school on this day; it was school holidays.