

## **NOTICE OF FILING**

### **Details of Filing**

Document Lodged:	Particulars (including Further and Better Particulars)
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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

**BIJ23 AND ANOTHER NAMED IN THE SCHEDULE**

First Applicant

**STATE OF WESTERN AUSTRALIA**

Respondent

**The Respondent's Schedule of Particulars for BIJ23**

**PART 1**

**Incidents at Banksia Hill between 22 June 2022 and 20 July 2022**

1. In relation to 22 and 23 June 2022:

- (1) from 5.00pm on 21 June 2022 to 6.37pm on 23 June 2022, BIJ23 was allocated a multi-purpose cell (**MPU**) in the ISU of Banksia Hill (cell B03 MPU);
- (2) from 6.37pm on 23 June 2022 to 6.31pm on 24 June 2022, BIJ23 was allocated another MPU cell in the ISU (cell B02 MPU); and
- (3) whilst allocated to these MPU cells:
  - (a) on 22 June 2022:
    - (i) at approximately 9.15am, BIJ23 was provided breakfast in cell;
    - (ii) at approximately 10.20am, he spoke with an Aboriginal Welfare Officer (**AWO**); he told the AWO that he was settled and that his only issue was wanting to make a call to his family; he told the AWO that there were no other issues for the AWO to follow up on;
    - (iii) at approximately 11.00am, BIJ23 cleaned his cell and was then taken to D wing to have a shower;

- (iv) at approximately 11.23am, BIJ23 was returned to his cell and provided lunch at approximately 12pm;
  - (v) at approximately 1.30pm, BIJ23 was out of cell and met with a psychologist in the interview room before returning to cell at approximately 2pm; BIJ23 expressed to the psychologist frustration at not being able to successfully contact his family via phone, not having a working toilet and running water in his cell and that the intercom appeared broken but that he did not necessarily want to move cells because [REDACTED] was in the cell next to him;
  - (vi) at approximately 3.05pm, BIJ23 made a phone call in the interview room and returned to his cell at approximately 3.20pm;
  - (vii) at approximately 3.25pm, BIJ23 made threats to staff from in his cell and he was given water, followed by dinner at approximately 5.45pm; and
  - (viii) it was noted by officers that the camera in his cell was partially scratched so that BIJ23 was not fully visible to officers via the camera; and
- (b) on 23 June 2022:
- (i) at approximately 8.40am, BIJ23 was provided breakfast in his cell;
  - (ii) at approximately 10.26am, he cleaned his cell and then showered;
  - (iii) at approximately 11.04am, BIJ23 was out of cell and met with a psychologist; BIJ23 expressed to the psychologist a desire for a more suitable cell but that his main priority was to stay in the cell next to [REDACTED] [REDACTED] as he finds placement next to his family to be highly supportive;
  - (iv) at approximately 12.47pm, BIJ23 returned from his psychologist visit and was given lunch;
  - (v) at approximately 1.10pm, BIJ23 was visited by an AWO; he told the AWO that he is alright and that he doesn't like the ISU and wants to move back to the Karakin Unit; BIJ23 told the AWO that he wanted to make a phone

call later in the day and otherwise appeared settled in his cell; he also interacted well with the nurses and other detainees from his cell;

(vi) at approximately 5.35pm, BIJ23 was provided with dinner; and

(vii) at approximately 6.36pm, BIJ23 cleaned his cell and moved to another MPU cell; he threatened self-harm because [REDACTED] could not move to the cell next to him because there was no working toilet.

2. On 23 June 2022 at approximately 11.07am, BIJ23 met with a psychologist (as mentioned in paragraph 1 above). During the meeting, he mentioned that he was hoping to receive bail on Monday at Court. He reported that he had a call scheduled with [REDACTED] and he will try to spend time with [REDACTED] if he remains at Banksia Hill. BIJ23 denied that he was a current risk-to-self, and coping strategies were discussed. It was noted that stress may increase should bail not be received or if he is placed in a cell away from [REDACTED].

3. On 27 June 2022:

(1) at approximately 7.30am, BIJ23 was escorted to Court where he arrived at approximately 9.00am;

(2) at approximately 9.15am, a representative of Links (a Youth Mental Health Support Program) attended on BIJ23;

(3) at approximately 10.30am, BIJ23 met with his lawyer;

(4) at approximately 10.45am, BIJ23 appeared upset after seeing his lawyer and was aggressive and threatening to staff;

(5) at approximately 11.00am, he tore his jumper, and staff entered his cell to counsel him and remove the torn jumper;

(6) at approximately 11.19am, staff counselled BIJ23 again and he gave them the balance of the torn jumper; staff offered BIJ23 to see Links but he refused; BIJ23 was otherwise settled watching TV; continual observations took place;

(7) at approximately 12.06pm, BIJ23 was taken into Court;

- (8) at approximately 12.12pm, BIJ23 returned from Court and appeared agitated;
- (9) at approximately 12.15pm, there was an incident (incident ID I121519604) which involved the following events:
  - (a) BIJ23 was escorted to a cell, where he attempted to run from his escorting officers; and
  - (b) BIJ23 was apprehended and placed into the cell;
- (10) BIJ23 was then observed lying on the floor and started kicking the cell door with a fabric ligature around his neck; he was attempting to fasten it to a metal grating in his cell; at approximately 12.30pm, BIJ23 started banging the toilet door, with the ligature still in his possession; an officer remained outside his cell door observing him;
- (11) at approximately 12.30pm, BIJ23 used the metal from a facemask to cause superficial cuts to his arms and neck;
- (12) at approximately 12.45pm, BIJ23 was scratching his cell door window with an object; staff entered his cell and attempted to counsel BIJ23;
- (13) at approximately 1.00pm, BIJ23 relinquished the fabric ligature to an officer;
- (14) at approximately 1.02pm, BIJ23 was transferred back to Banksia Hill from the Perth Children's Court;
- (15) at approximately 1.10pm, there was a second incident (incident ID I121526530) which involved the following events:
  - (a) BIJ23 became unsettled and was observed unfastening his seatbelt and breaking the buckle by smashing it against the transport pod walls; and
  - (b) following counselling, BIJ23 returned all the pieces of the seatbelt buckle and was settled for the remainder of the journey; and
- (16) at approximately 1.58pm, BIJ23 was secured in cell; BIJ23 then cleaned his cell, showered and made phone calls before the Overnight Lockdown.

4. On 1 July 2022, there was an incident (incident ID I121771501) which included the following events:
- (1) some time in the afternoon, BIJ23, along with other detainees housed in the Jasper Unit, were causing or threatening to cause damage to their cells;
  - (2) officers sought to negotiate with BIJ23 and issued use of force warnings;
  - (3) notwithstanding the warnings, BIJ23 continued to damage his cell and be combative towards officers;
  - (4) at approximately 3.50pm, and on the instruction of an Assistant Superintendent, BIJ23 (among other detainees) was extracted from his cell by the Special Operations Group (**SOG**) team;
  - (5) as part of the cell extraction, BIJ23 was placed into a three-point restraint (handcuffs and leg chain restraints) due to his non-compliant and aggressive behaviour and extracted from his cell for his own safety;
  - (6) the use of those restraints was authorised by an Assisting Superintendent;
  - (7) the reasons for the application of the restraints were explained to BIJ23 and he was informed that they would be removed once he had settled;
  - (8) at approximately 4.10pm, BIJ23 refused to see the nurse who was present and stated that he would spit in her face if she came to see him; the nurse sighted him in cell – he was moving freely in cuffs and was yelling out; the SOG team also undertook a brief medical check, reporting “no injuries present”;
  - (9) once the detainees involved in the incident, including BIJ23, were extracted from their cells, they were provided with their meals in the Jasper Unit at approximately 5.00pm (by members of the SOG);
  - (10) at approximately 8.17pm, members of the SOG team removed the interconnecting chain and ankle chain from BIJ23 and attempted to remove the handcuffs used in the three point restraint from BIJ23; however, there was an obstruction in the lock barrel of the handcuffs;

- (11) BIJ23 told the SOG team that he had put wood in the lock barrel;
- (12) the senior officer directed the SOG team to reapply the ankle chains and the interconnecting chains to BIJ23, due to the previous threats by BIJ23 to destroy his cell and his act of jamming wood into the locking barrel of the handcuffs;
- (13) BIJ23 was immediately non-compliant with the restraints being reapplied and began to kick out and throw his body around making it difficult for the SOG team to apply the restraints;
- (14) BIJ23 was then abusive and spat at a SOG member a number of times, with that spit making contact with the officer's face;
- (15) once the restraints were re-applied to BIJ23, the SOG team exited the cell at approximately 8.25pm;
- (16) there was another incident during the above events (incident ID I121778350), where at approximately 8.55pm, an officer conducted a welfare check on BIJ23, during which he spat through the grill, hitting the officer on the leg;
- (17) at approximately 9.00pm, the SOG team attended BIJ23's cell and attempted to remove the obstruction in the lock barrel using tweezers and a safety pin; and
- (18) at approximately 9.20pm, the SOG team cleared the obstruction, and the handcuffs and other restraints were removed without further incident.

5. On 3 July 2022:

- (1) at approximately 8.40am, BIJ23 was provided breakfast in cell;
- (2) at approximately 11.50am, BIJ23 was provided with lunch in cell;
- (3) at approximately 12.00pm, a staff break occurred;
- (4) at approximately 2.04pm, BIJ23 was out of cell in the ISU B wing yard for recreation time;

- (5) at approximately 3.00pm, there was an incident (incident ID I121827777) which involved the following events:
  - (a) another detainee ran from an escorting officer, causing a code amber to be called;
  - (b) several detainees, including BIJ23, were being escorted back to their cells from the yard;
  - (c) BIJ23 was ordered back into his cell by the escorting officer; and
  - (d) BIJ23 complied with the order and was secured in his cell, following a small altercation just before his cell door was closed;
- (6) at approximately 3.18pm, BIJ23 was let out of his cell to use the toilet and was returned to his cell at approximately 3.34pm;
- (7) at approximately 4.00pm, a staff break occurred;
- (8) at approximately 5.00pm, BIJ23 was provided dinner in his cell;
- (9) at approximately 6.00pm, all detainees were secured in cell due to a number of incidents in the ISU;
- (10) at approximately 7.54pm, BIJ23 was observed pacing up and down, and attempting to cause damage to his cell; officers had limited vision as the camera in BIJ23's cell was slightly damaged; he appeared to then be lying on his mattress which was placed on the cell floor;
- (11) the ISU was short staffed on this day and there were multiple cells, including BIJ23's cell, which were compromised due to exposed wires, damaged grills, no working cell call systems, damaged brick work and other defects; as a consequence officers were unable to maintain a visual via the camera on BIJ23; officers endeavoured to maintain in-cell welfare checks as much as possible; there were rolling lockdowns on this day; lockdown hours and visits were affected on this day;
- (12) throughout the day, BIJ23 appeared settled whilst in cell; he was a little unsettled when being placed back in his cell for the Overnight Lockdown; and

(13) BIJ23 was out of his cell for at least 67 minutes during the day.

6. In relation to the period between 2 and 4 July 2022:

(1) on 2 July 2022:

- (a) from approximately 7.45am to 3.45pm, BIJ23 was out of his cell in the Jasper Unit for regular out of cell time;
- (b) during this time, at approximately 2.45pm, there was an incident (incident ID I121799436) which involved the following events:
  - (i) BIJ23 was located inside B wing for out of cell time;
  - (ii) BIJ23 pulled a window panel out of the wall and began to threaten officers with it;
  - (iii) BIJ23 dropped the window and attempted to pull himself through the window;
  - (iv) Officers pulled BIJ23 back into B wing and restrained him;
  - (v) BIJ23 was escorted to his cell; BIJ23 attempted to spit on officers and was behaving in a non-compliant manner while being escorted; and
  - (vi) once in his cell, BIJ23 kicked one of the officers;
- (c) at approximately 3.30pm, BIJ23 expressed a desire to be taken to the ISU, noting that being in the Jasper Unit was causing him to misbehave; a senior officer advised BIJ23 that the only available cell in the ISU was an MPU cell; BIJ23 noted that an MPU cell was preferable to remaining in the Jasper Unit;
- (d) at approximately 3.34pm, BIJ23 was allocated a MPU cell in the ISU at his request;
- (e) at approximately 4.16pm, BIJ23 was observed lying on his bed and chatting with other detainees through his cell grill and was later seen by the nurse;
- (f) at approximately 5.30pm, BIJ23 was provided with dinner;

- (g) at approximately 5.39pm, BIJ23 spent time in the yard;
  - (h) at approximately 6.02pm, BIJ23 was placed back in cell for the Overnight Lockdown; and
  - (i) on this day, there were multiple cells, including BIJ23's cell, which were compromised due to exposed wires, damaged grills, no working cell call systems, damaged brick work and other defects; as a consequence officers were unable to maintain a visual via the camera on BIJ23; officers endeavoured to maintain in-cell welfare checks as much as possible; there were also no working showers in the ISU and the doors were unable to be secured due to extensive damage caused by detainees which meant that at least two officers needed to be present in the wing; there were rolling lockdowns on this day; lockdown hours, visits and programs were severely affected on this day;
- (2) on 3 July 2022, the events concerning BIJ23 are set out in paragraph 5 above; and
- (3) on 4 July 2022:
- (a) at approximately 8.45am, BIJ23 was provided with breakfast in cell in the ISU;
  - (b) at approximately 10.05am, BIJ23 was seen by a psychologist; during the session, BIJ23 acknowledged his unsettled behaviour and incidents over the weekend; he told the psychologist that he felt more settled in the ISU because he felt like he had more time in the yard and was better to be away from the peer dynamics in the Jasper Unit;
  - (c) at approximately 10.10am, an AWO attended the ISU to visit BIJ23 among other detainees;
  - (d) at approximately 10.27am, BIJ23 was secured back in his cell;
  - (e) at approximately 11.55am, BIJ23 was provided with lunch in his cell;
  - (f) at approximately 12pm, there was a staff break;
  - (g) at approximately 1.30pm two officers were lost to regional duties;

- (h) at approximately 1.35pm, BIJ23 was out of cell to go to the toilet and was secured back in his cell at approximately 1.55pm;
- (i) at approximately 2.18pm, another member of the ISU staff left to facilitate a detainee's attendance at Court;
- (j) at approximately 4.00pm, there was a code red (out of bounds incident);
- (k) at approximately 5.55pm, BIJ23 was provided dinner in cell; and
- (l) the ISU Unit was short staffed on this day and there were multiple cells, including BIJ23's cell, which were compromised due to exposed wires, damaged grills, no working cell call systems, damaged brick work and other defects; as a consequence officers were unable to maintain a visual via the camera on BIJ23; officers endeavoured to maintain in-cell welfare checks as much as possible; lockdown hours and visits were affected on this day;

7. In relation to the period between 2 and 7 July 2022:

- (1) at approximately 3.34pm on 2 July 2022, BIJ23 was allocated a MPU cell in the ISU until approximately 6.11pm on 7 July 2022 when he was moved to general living cell A05 in the ISU;
- (2) on 2 to 4 July 2022, the events concerning BIJ23 are set out in paragraph 6 above;
- (3) on 5 July 2022:
  - (a) at approximately 8.20am, BIJ23 was provided with breakfast;
  - (b) at approximately 8.50am, BIJ23 cleaned his cell and had a shower;
  - (c) at approximately 9.00am, BIJ23 was in the yard for exercise;
  - (d) at approximately 9.33am, BIJ23 was escorted to D wing to use the toilet;
  - (e) at approximately 9.58am, BIJ23 returned to his cell;
  - (f) at approximately 10.10am, BIJ23 was removing the render and bricks from his cell and throwing them around his cell and at the cell grill;

- (g) at approximately 10.30am, BIJ23 was provided with morning tea;
- (h) at approximately 11.00am, there was an incident (incident ID I121922399) which involved the following events:
  - (i) BIJ23 was observed tying something around his neck and onto the window;
  - (ii) BIJ23 told the unit manager that he was frustrated and wanted to go into the yard; the unit manager explained to him that he would be able to go out into the yard at some point but he needed to be patient; BIJ23 settled and sat on his bed;
  - (iii) BIJ23 then requested that he be allowed to hand over some rocks that he had in his cell; an officer instructed him to place the rocks at the door and sit on the bed; BIJ23 sat on his bed so that the officers could unlock his cell and retrieve the rocks; as the door was unlocked by the officers, BIJ23 jumped off the bed and attempted to breach the cell; the officers immediately shut and secured the cell door;
- (i) at approximately 11.10am, there was an incident (incident ID I121929642) which involved the following events:
  - (i) BIJ23 began inciting other detainees in the shower to kick down their doors, charge out at or “jump on” officers, take their keys and unlock everyone;
  - (ii) he also threatened to throw “a cup of piss” at officers as they walked past his cell;
  - (iii) BIJ23 did throw a cup with liquid in it through his grill but it did not hit any officers;
- (j) at approximately 11.35am, BIJ23 was in the yard but refused to leave, with no other detainees able to use the yard;
- (k) at approximately 12.05pm, BIJ23 was provided with lunch;

- (l) at approximately 2.20pm, BIJ23 was escorted to D wing to use the toilet;
  - (m) at approximately 2.35pm, BIJ23 was returned to his cell and given clean bedding;
  - (n) at approximately 5.57pm, BIJ23 was provided with dinner; and
  - (o) at approximately 11.10pm, there was an incident (incident ID I121954580) which involved the following events:
    - (i) BIJ23 was escorted to another MPU cell to use the bathroom;
    - (ii) he was instructed to return to his cell after going to the bathroom and a use of force warning was issued if he did not comply;
    - (iii) BIJ23 instead moved to the back of the cell and climbed onto the bed, stating "I'm staying here";
    - (iv) he was counselled to return to his cell;
    - (v) force was applied and BIJ23 became abusive towards officers stating "you think you're mad cunts, I'll king hit you";
    - (vi) he resisted the escort and threatened to strike one of the officers; and
    - (vii) when he was released from the hold, he threw a fake punch at the officer;
- (4) on 6 July 2022:
- (a) at approximately 8.10am, BIJ23 was provided breakfast;
  - (b) at approximately 8.25am, BIJ23 was placed in cell B04 to use the toilet and then returned to his cell; he then had a shower before returning to his cell at approximately 8.46am;
  - (c) at approximately 9.40am, BIJ23 saw a psychologist and was returned to his cell at approximately 9.58am; BIJ23 told the psychologist that he has had difficulty managing boredom in the MPU cell and acknowledged that his actions of tying a ligature around his neck the day before was an attempt to get transferred to

an observation cell; he denied current thoughts of suicidal ideation and expressed a desire to move to another cell;

- (d) at approximately 11.40am, BIJ23 pushed out of his cell and sat outside his cell with his morning tea;
  - (e) at approximately 11.42am, a code amber was called as BIJ23 refused to return to his cell;
  - (f) at approximately 12pm, BIJ23 was provided with his lunch;
  - (g) at approximately 1.05pm, BIJ23 was in the exercise yard; whilst in the yard, he spoke with an AWO; he told the AWO that he was ok and he wanted to arrange an [REDACTED] call with [REDACTED]; BIJ23 also said that he hadn't been keeping in contact with his family and that he didn't want to speak to his aunty; he told the AWO that he wanted to move back to Jasper to be with [REDACTED] and that he had had thoughts of suicidal ideation but that he did not intend to act on it;
  - (h) at approximately 2.15pm, BIJ23 climbed on the grill of the exercise yard and was counselled by the unit manager and a senior officer; he came down off the grill at approximately 2.50pm;
  - (i) at approximately 3.20pm, officers attempted to escort BIJ23 back to his cell but he became belligerent towards them;
  - (j) at approximately 4.00pm, BIJ23 was placed in cell B04 to use the toilet and then returned to his cell at approximately 4.20pm; and
  - (k) at approximately 5.40pm, BIJ23 was provided with dinner in cell; and
- (5) on 7 July 2022:
- (a) at approximately 8.30am, BIJ23 was provided with breakfast in cell;
  - (b) at approximately 9.50am, BIJ23 cleaned his cell and had a shower;
  - (c) at approximately 10.57am, BIJ23 was in the yard for recreation;
  - (d) at approximately 11.50am, BIJ23 was provided with lunch;

- (e) at approximately 12pm, there was a staff break;
- (f) at approximately 12.05pm, a code red was called in the Karakin Unit;
- (g) at approximately 2.00pm, BIJ23 had a visit via video link;
- (h) at approximately 2.35pm, a code red was called in the ISU;
- (i) at approximately 5.30pm, BIJ23 was provided with dinner;
- (j) at approximately 6.05pm, BIJ23 was moved from his MPU cell to a cell in A wing of the ISU; and
- (k) at approximately 6.45pm, the Overnight Lockdown commenced.

8. In relation to the period between 2 and 6 July 2022:

(1) BIJ23 made phone calls to:

- (a) his brother and sister on 2 July 2022;
- (b) his brother on 3 July 2022;
- (c) his brother and his sister on 4 July 2022;
- (d) his brother and his sister on 5 July 2022; and

(2) BIJ23 did not receive any visits, from his family, his Youth Justice Officer (**YJO**) and/or his lawyer;

9. In relation to the period between 2 and 7 July 2022:

(1) BIJ23 did not access education because:

- (a) 2 and 3 July 2022 was a weekend;
- (b) 4 to 7 July 2022 were during the school holiday period and there were no education programs running at Banksia Hill on those days; and

(2) BIJ23 had access to a radio which was placed outside his cell on at least 7 July 2022.

10. In relation to the events on 5 July 2022, see paragraph 7(3) above.
11. In relation to the events arising from the incident commencing at 11.10pm on 5 July 2022, see paragraph 7(3)(o) above.
12. In relation to the period between 7 and 11 July 2022:
  - (1) on 7 July 2022, at approximately 6.05pm, BIJ23 was moved from his MPU cell to a cell in the A wing of the ISU;
  - (2) on 8 July 2022, following a meeting of the ARMS Risk Assessment Group (**ARAG**), the decision was made to reduce BIJ23 from [REDACTED] observation to [REDACTED]; BIJ23 reported a reduction in stress following his move to the A wing and was motivated to work towards returning to a general living unit;
  - (3) on 8 and 9 July 2022, visual checks (i.e. in-person and using the cell call system) were conducted by officers as there was no camera in BIJ23's cell at that time;
  - (4) on 10 and 11 July 2022, visual checks continued in the ordinary course; and
  - (5) on 11 July 2022 at approximately 6.47pm, BIJ23 was moved to a cell in the Lenard Unit (a general living unit).
13. On 11 July 2022:
  - (1) at approximately 8.05am, BIJ23 was unlocked from cell and provided with breakfast;
  - (2) at approximately 9.50am, BIJ23 was secured in his cell;
  - (3) at approximately 10.20am, BIJ23 called through the cell call system and stated to an officer that he was going to kill himself; staff informed the senior officer;
  - (4) at approximately 10.45am, BIJ23 was observed tying something around his neck; BIJ23 was then counselled by the unit manager and the senior officer;
  - (5) at approximately 12.10pm, BIJ23 was provided with lunch in his cell;

- (6) from approximately 12.20pm to 1pm, there was a staff break; there was an incident (incident ID I122201900) which involved the following events:
  - (a) at approximately 2.05pm, BIJ23 was in the ISU B wing yard for recreation time and for any phone calls to be made;
  - (b) while BIJ23 was in the yard, he and two other detainees attempted to damage the roof of the yard by pulling at the metal bars with shirts tied around them and hanging upside down and kicking at the roof; and
  - (c) the detainees, including BIJ23 were counselled;
- (7) there was an incident (incident ID I122214035) which included the following events:
  - (a) at approximately 3.10pm, a code amber was called to the ISU B wing yard which was upgraded shortly thereafter to a code red as a detainee had got out of the ISU exercise yard through a hole that he had made at the top of the grill; BIJ23 attempted to follow the other detainee through the hole;
  - (b) BIJ23 and the other detainee stood on the roof while BIJ23 attempted to damage the roof using an aerial;
  - (c) an officer instructed BIJ23 and another detainee to come down from the roof;
  - (d) BIJ23 and the other detainee refused to comply initially, but eventually came down from the roof;
  - (e) an officer instructed BIJ23 and another detainee to lay down on the floor, which they both did; and
  - (f) at approximately 3.15pm, BIJ23 was handcuffed and escorted back to his cell where he was secured;
- (8) at approximately 6pm, BIJ23 was provided with dinner in his cell;
- (9) at approximately 6.47pm, BIJ23 was moved to a cell in the Lenard Unit;
- (10) at approximately 7.30pm, BIJ23 spoke with an officer and seemed ok and settled in his cell; he was watching TV with no issues; and

- (11) at approximately 10.45pm, BIJ23 appeared asleep.
14. In relation to the cell placement of BIJ23 on 11 July 2022, see paragraphs 12 and 13 above.
15. On 13 July 2022:
- (1) there was an incident (incident ID I122288893) which involved, at approximately 9.45am, BIJ23 abusing an officer, calling them vulgar names;
  - (2) there was a second incident (incident ID I122306998) which included the following events:
    - (a) at approximately 1.45pm, a code red was called as BIJ23 was inside his cell and had lit his pillow on fire; BIJ23 was instructed to remove the curtain from his cell window but he refused to do so;
    - (b) an officer opened the cell door and BIJ23 was standing in the cell coughing and saying words to the effect "Get me out of this fucking cell"; the officer then instructed BIJ23 to "drop those weapons mate"; another officer observed that the window panel had been smashed out / removed from the window frame;
    - (c) BIJ23 exited the cell and was placed in handcuffs by another officer; another officer took control of BIJ23's arms and escorted him to the health centre using a buggy, due to smoke inhalation;
    - (d) an officer entered the cell with a fire blanket and put out the smouldering materials on the bed and the floor with the blanket and his feet; he also used a cup of water to do so; it appeared that BIJ23 had used exposed wires from a small bed light to ignite the fire;
    - (e) another officer then picked up a number of improvised weapons, which appeared to have been made out of the window frame and torn up bedding, including two improvised Samurai swords around 700mm long;
    - (f) BIJ23 was seen by a medical nurse and provided with drinking water; he was cleared by the nurse as he was in a stable condition and placed back in handcuffs for escort; no medical intervention was required;

- (g) at approximately 2.43pm, the BIJ23 was transferred from his cell in the Lenard Unit to a cell in the ISU A wing;
  - (h) BIJ23 was counselled by the unit manager and expressed frustration around his placement in the ISU and made threats to smash the cell he was placed in; and
  - (i) an officer removed the handcuffs from BIJ23 and the officers exited the cell; and
- (3) there was a third incident (incident ID I122323824) which included the following events:
- (a) at approximately 6.10pm:
    - (i) an officer heard loud banging on the window coming from BIJ23's cell;
    - (ii) BIJ23 was also shouting out words to the effect of "Sir, I can't breathe, it's too tight around my neck"; BIJ23 kept repeating these words and was heard coughing;
    - (iii) a code red was called;
    - (iv) two officers unlocked BIJ23's cell and he moved out of his cell; the officers used a knife to cut the ligature off;
    - (v) BIJ23 was instructed to sit on the bed whilst he was able to get control of his breathing; the officers counselled BIJ23;
    - (vi) BIJ23 was observed by a medical officer as laying on the floor of his cell in a lot of pain; the nurse attended to BIJ23 who had had a ligature around his neck and superficial lacerations to his right arm; BIJ23 was given paracetamol and ibuprofen and his cuts were treated with saline and dressed;
    - (vii) BIJ23 fell to the floor and started hyperventilating; and
    - (viii) the nurse re-entered the cell and counselled BIJ23 until he sat back down on the bed again whilst an observation cell in the ISU was being prepared for him; and

- (b) at approximately 6.20pm, once BIJ23 had calmed down, he was escorted to an observation cell in the ISU B wing.

16. In relation to the period between 13 and 19 July 2022:

- (1) on 13 July 2022, the events concerning BIJ23 are set out in paragraph 15 above;
- (2) on 14 July 2022:
  - (a) at approximately 8.30am, BIJ23 was provided with breakfast;
  - (b) at approximately 10.35am, BIJ23 met with a psychologist and was returned to his cell at approximately 11.16am; during the meeting, BIJ23's attempted suicide and self-harm from the day before were discussed along with his placement in the ISU;
  - (c) at approximately 11.50am, BIJ23 was provided with lunch;
  - (d) at approximately 1.35pm, BIJ23 was observed to be settled and reading in cell;
  - (e) at approximately 2pm, BIJ23 had a shower and then was taken from ISU B wing to A wing to make a phone call at approximately 2.15pm;
  - (f) at approximately 3.15pm, there was an incident (incident ID I122364478) which included the following events:
    - (i) BIJ23 showed two officers a sharpened metal item (similar to a knife) with material wrapped around the base of it to form a handle;
    - (ii) BIJ23 told the officers that if they gave him extra food, he would hand over the weapon;
    - (iii) the officers negotiated with BIJ23; in exchange for food, he surrendered the weapon through the cell hatch;
    - (iv) one of the officers asked BIJ23 where he got the weapon from and what he was going to use it for; BIJ23 told the officer that he had made it and that if he got into a fight that he would shank the person with it;

- (g) at approximately 5.45pm, BIJ23 was banging continuously on his cell window demanding a shower, the toilet and food;
  - (h) at approximately 5.55pm, BIJ23 was provided with dinner;
  - (i) at approximately 6.13pm, BIJ23 was verbally abusive towards staff working in the ISU B wing; and
  - (j) at approximately 6.25pm, BIJ23 was taken to the toilet in cell D05 and was returned to his cell at approximately 6.30pm for the Overnight Lockdown; he appeared settled overnight and went to sleep early;
- (3) on 15 July 2022:
- (a) at approximately 9.15am, BIJ23 was provided with breakfast;
  - (b) at approximately 10.25am, BIJ23 met with a psychologist in the interview room; during this meeting, whilst BIJ23 noted a desire to return to a general living unit, he understood that he may remain in ISU given his recent incidents;
  - (c) at approximately 10.35am, BIJ23 was taken to cell D05 to use the toilet; he then refused to exit the cell;
  - (d) at approximately 10.49am, BIJ23 was escorted back to his cell in B wing by officers and a pat search was conducted as cell D05 was damaged; BIJ23 was handcuffed during this process and the handcuffs were removed at approximately 10.55am;
  - (e) at approximately 10.55am, an AWO spoke with BIJ23;
  - (f) at approximately 11.27am, normal duties within the ISU resumed;
  - (g) at approximately 11.30am, BIJ23 was observed “copying” another detainee in attempting to self-harm; he was counselled by a senior officer;
  - (h) at approximately 1.15pm, BIJ23 was observed in cell as being quiet and was provided with lunch at approximately 1.35pm;
  - (i) at approximately 1.30pm, BIJ23 was scheduled to meet with WA Police;

- (j) at approximately 1.45pm, he was observed as being quiet in cell and that due to staff shortages there was a delay in the staff being able to engage in the normal routine;
  - (k) at approximately 1.55pm, BIJ23 went to the toilet and returned to his cell at approximately 2.05pm;
  - (l) at approximately 2.31pm, BIJ23 had a shower;
  - (m) at approximately 3.15pm, BIJ23 returned to his cell and cleaned it;
  - (n) at approximately 3.35pm, BIJ23 was informed that his visit with his aunty had been cancelled and he stated that he was going to kill himself; the visit is recorded as having been cancelled by BIJ23's aunty;
  - (o) there was an incident (incident ID I122417691) which involved the following events:
    - (i) at approximately 4.10pm, BIJ23 started damaging his cell by pulling an object off the wall; he was then observed holding a rectangular object in his cell;
    - (ii) BIJ23 covered the camera in his cell; and
    - (iii) he was counselled and instructed to cease this behaviour by the unit manager;
  - (p) at approximately 4.45pm, BIJ23 was racially abusive towards staff in the ISU B wing; and
  - (q) at approximately 6.30pm, BIJ23 was provided with dinner;
- (4) on 16 July 2022:
- (a) at approximately 8.45am, BIJ23 was provided with breakfast; he appeared settled lying on the bed at approximately 9.40am;
  - (b) at approximately 10.04am, he cleaned his cell;

- (c) at approximately 10.30am, BIJ23 went to the toilet and had a shower; he was then returned to his cell at approximately 11.01am;
  - (d) at approximately 11.01am, a radio was turned on, but it was turned off at approximately 11.38am when BIJ23 was unlocked from his cell to use the toilet in cell B07;
  - (e) at approximately 12pm, BIJ23 demanded to move to C wing and was kicking in the window of the cell he was earlier using the toilet in; he tried to pull out the toilet flush plate; BIJ23 was counselled to go back to his cell but he refused to do so;
  - (f) at approximately 12.18pm, BIJ23 threw a piece of concrete at the window;
  - (g) at approximately 12.27pm, BIJ23 was secured back in his cell and was provided with lunch;
  - (h) at approximately 3.40pm, BIJ23 made a phone call in the ISU A wing and was secured back in cell at approximately 4.02pm;
  - (i) at approximately 5.30pm, BIJ23 was provided with dinner;
  - (j) at approximately 6.45pm, the Overnight Lockdown commenced; and
  - (k) at approximately 8.47pm, BIJ23 was observed doing a word search;
- (5) on 17 July 2022:
- (a) at approximately 7.15am, it was noted that the camera in BIJ23's cell was covered; a physical visual check was conducted instead;
  - (b) at approximately 8.48am, BIJ23 was provided with breakfast in cell;
  - (c) at approximately 10.07am, BIJ23 cleaned his cell and was taken to cell D05 to use the toilet;
  - (d) at approximately 11.15am, BIJ23 had a shower and returned to his cell at approximately 11.38am;

- (e) at approximately 12pm, the ISU was short staffed due to staff being required for a regional escort;
- (f) there was an incident (incident ID I122490634) which involved the following events:
  - (i) at approximately 3pm, BIJ23 was using chalk mixed with water to paste it over the viewing window of his cell;
  - (ii) BIJ23 had also deconstructed his mattress into small pieces which were scattered all over the floor of his cell; an officer instructed BIJ23 to stop but he refused to do so;
  - (iii) BIJ23 also tied a ligature around his neck;
  - (iv) other officers attended and BIJ23 cleaned up the mess and handed over the ligature; and
  - (v) BIJ23 was cautioned and counselled; he was also ordered to make restitution of \$129 for the mattress;
- (g) at approximately 3.10pm, BIJ23 was unlocked from his cell and taken to make a phone call in the ISU A wing; he returned to his cell at approximately 3.25pm when he was also assisted by staff to clean his cell;
- (h) there was an incident (incident ID I122496403) which involved the following events:
  - (i) at approximately 5pm, BIJ23 did not follow instructions to move back to his cell after using the toilet;
  - (ii) an officer attempted to counsel BIJ23 to move back to his cell; BIJ23 stated words to the effect that he wanted to talk to another detainee; the other detainee was heard by the officer inciting BIJ23 by stating words to the effect “don’t go back, stay here”;
  - (iii) the officer instructed BIJ23 to go back to his cell again;

- (iv) after a period of counselling, the officer assisted him to stand up and he complied;
  - (v) BIJ23 was escorted back to his cell with the officer holding his left arm with the assistance of another officer;
  - (vi) BIJ23 was placed back in his cell and was laughing loudly; and
  - (vii) the cell door was then secured and the unit manager was informed; and
- (i) at 5.15pm, BIJ23 was provided with dinner in his cell;
- (6) on 18 July 2022:
- (a) at approximately 8am, BIJ23 was provided with breakfast;
  - (b) at approximately 12.20pm, BIJ23 was provided with lunch;
  - (c) at approximately 2.54pm, BIJ23 was escorted to the toilet in D wing and returned to his cell at approximately 3pm;
  - (d) at 5.45pm, BIJ23 was provided with dinner;
  - (e) there was an incident (incident ID I122564228) which involved the following events:
    - (i) at approximately 6.10pm, BIJ23 was in the shower and stated words to the effect, "I want a phone call or I won't get out of this shower";
    - (ii) an officer counselled BIJ23 on multiple occasions to come out of the shower and go to his cell but the officer was ignored; it was explained to him that a phone call could not be facilitated as calls are not permitted after 6.30pm;
    - (iii) at approximately 6.30pm, BIJ23 remained in the shower when he continued to refuse to comply with the officer's orders to leave the shower;
    - (iv) as a consequence, the officer called a code amber to the ISU D wing;

- (v) the unit manager and a senior officer arrived at the shower; at this point, BIJ23 (after getting dressed) placed his hands through the shower hatch door as instructed and handcuffs were applied to BIJ23;
- (vi) officers took control of BIJ23's arms and escorted him to his cell; BIJ23 was also dropping his body weight to obstruct officers in the escort;
- (vii) when BIJ23 arrived at his cell, he threatened to spit at staff, saying words to the effect of "I'm going to spit at you guys" and turning his head with a mouth full of spit;
- (viii) officers put their hands on BIJ23's head to prevent him from spitting on them and decided to perform a hot exit (a hot exit is a technique used by officers to safely exit a cell by placing the detainee on a mattress in the cell; once the team leader has confirmed that control of the detainee has been achieved and that the officers are correctly positioned, the team leader notifies the detainee that any restraints will be removed; one officer will take control of the detainee's wrists; the team leader will position themselves behind that officer's feet and hold onto their belt; the team leader will then direct the other officers in cell to exit; once they have exited and tapped the team leader on the shoulder on their way out of the cell safely, the team leader will assist the officer controlling the detainee's wrists safely out of the cell by stabilising them, pulling them backwards on the belt and shoulder); BIJ23 was placed on the ground and the handcuffs were removed before staff exited and secured the cell; and
- (ix) at approximately 7.30pm, a nurse assessed BIJ23 following this use of force incident; there were no obvious signs of injury and no treatment was required;
- (f) at approximately 8.15pm, BIJ23 was unsettled, attempting to pull the window frame off; he was counselled by an officer but was unreceptive;
- (g) at approximately 8.30pm, BIJ23 attempted to hit the vent on the roof of his cell; after counselling from an officer; he settled overnight; and

- (h) it was noted that the ISU was short staffed on this day as officers had to attend Casuarina for orientation at Unit 18; there were also multiple incidents that occurred that day; staff were unable to visually maintain welfare checks on some detainees due to cameras being damaged or detainees covering their cameras; staff endeavoured to maintain welfare checks and requested cameras be uncovered as much as practicable (noting that the ability to do so was affected by visits, everyday duties, shortage of staff, and potential incidents within the ISU and Banksia Hill); and
- (7) on 19 July 2022:
- (a) at approximately 8.25am, BIJ23 was provided with breakfast;
  - (b) at approximately 9.20am, BIJ23 met with a psychologist; during the session, BIJ23 identified the following primary stressors as related to his unsettled behaviour over the previous weekend, including his placement in observation and the extended cell time; he stated that he was eager to move out to the ISU A wing or a standard living unit, noting Urquhart as his preferred placement given the access to supports in Urquhart; the psychologist noted that placement in an alternative cell will likely assist BIJ23 with coping and reduce the risk to himself;
  - (c) at approximately 10.02am, BIJ23 was abusive towards staff and was demanding things;
  - (d) at approximately 11.20am, BIJ23 had a shower and returned to his cell at approximately 11.30am;
  - (e) at approximately 12pm, BIJ23 was provided with lunch;
  - (f) some time in the afternoon, an AWO spoke with BIJ23 through his cell grill; BIJ23 told the AWO that he was ok, that he wanted to know when he was in Court next and requested to speak to his lawyer; the AWO told him that he would follow up; BIJ23 said that he hasn't been speaking to his family much and hasn't been sleeping well; he said that he will try to behave himself and that he had no issues or concerns for the AWO to follow up on; and

(g) at approximately 3.44pm on 19 July 2022, BIJ23 was moved to a cell in the Karakin Unit (C02 which is not an observation cell) and settled well there.

17. In relation to the events at approximately 10.35am on 15 July 2022, see paragraph 16(3) above.
18. In relation to the events concerning BIJ23's threat of self-harm on 17 July 2022, see paragraph 16(5) above.
19. In relation to the events concerning BIJ23's non-compliance and the use of force and handcuffs on 18 July 2022, see paragraph 16(6) above.
20. In relation to the events concerning BIJ23's complaints on 19 July 2022 to his psychiatrist regarding his placement in ISU, see paragraph 16(7) above.

#### **Incidents at Unit 18 between 20 July 2022 and 22 August 2022**

21. On 20 July 2022:

- (1) at approximately 9.43am, BIJ23 was transferred from Banksia Hill to Unit 18 and arrived at Unit 18 at approximately 10.21am;
- (2) at approximately 10.49am, BIJ23 was allocated to cell C04 at Unit 18;
- (3) at approximately 12.17pm, BIJ23 was observed as appearing settled on arrival at Unit 18; he was provided with bedding, TV, radio and personal hygiene amenities;
- (4) at approximately 2.27pm, BIJ23 was observed watching TV in cell;
- (5) at approximately 3.45pm, BIJ23 was assessed by a nurse after a restraint was used to facilitate his transfer to Unit 18 and nil injury was observed or reported by BIJ23 to the nurse;
- (6) at approximately 5.30pm, BIJ23 was observed sleeping; after this time he was also observed watching TV and sleeping during the Overnight Lockdown; and
- (7) there was an incident (incident ID I122687531) which included the following events:

- (a) at approximately 8.00pm, officers were conducting checks when it was observed that several detainees, including BIJ23, refused to uncover their observation cameras and observation windows;
- (b) BIJ23, along with other detainees, were given multiple instructions to clear the observation cameras and windows but they refused to do so; the officers made every effort to maintain adequate checks;
- (c) BIJ23 and the other detainees were informed by the officers that failing to clear the observation cameras and windows would result in a possible reduction of privileges and there would be a consequence if the windows were not cleared by the time they were asleep;
- (d) BIJ23 did not follow the officers' instructions; and
- (e) the officers recommended that BIJ23 lose his privilege of recreation time in the main yard, with recreation to be completed in the rear yard.

22. In relation to the period between 20 July 2022 and at least 19 August 2022, BIJ23 did not have access to any formalised education or recreation programs, noting the following:

- (1) the facilitation of programs was to be prioritised following the stability of the unit and routine being established;
- (2) between 20 July 2022 and 19 August 2022 (inclusive), there were approximately 32 incidents involving BIJ23, including incidents of self-harm (actual and/or threatened) and attempted suicide, causing damage to his cell, failing to follow instructions and threatening behaviours, including abuse towards staff; and
- (3) during this period, BIJ23:
  - (a) continued to receive support services including:
    - (i) regular sessions with AWOs and support staff; and
    - (ii) medical and mental health services;
  - (b) engaged with other detainees when out of cell;

- (c) made phone calls to his family;
- (d) attended visits in-person and via video link;
- (e) made contact with [REDACTED] using [REDACTED] facilities;
- (f) had access to a TV;
- (g) had access to a radio until he smashed it on 21 July 2022;
- (h) had access to recreation and education including but not limited to:
  - (i) on 22 July 2022, BIJ23 engaged with other detainees by playing cricket;
  - (ii) on 28 July 2022, BIJ23 was agitated upon his cell being unlocked; once settled he engaged in playing some games with education;
  - (iii) on 1 August 2022 BIJ23 was taken to hospital following a self-harm and attempted suicide;
  - (iv) on 5 August 2022, BIJ23 had access to recreation;
  - (v) on 10 August 2022, BIJ23 had access to recreation;
  - (vi) on 11 August 2022, BIJ23 participated in education out of cell; and
  - (vii) on 14 August 2022, BIJ23 had access to recreation;
- (i) was provided with a gaming console on 17 August 2022; and
- (j) attempted to escape the visits vehicle when being escorted back to Unit 18 along with two other detainees.

23. In relation to the period between 20 and 25 July 2022:

- (1) BIJ2's PIN sheet included many external supports, including his father, mother, sister and brother, his girlfriend and his lawyers;

- (2) BIJ23 attempted to make 57 calls during this period; 15 of these calls were successful with the balance either being not accepted, aborted or sent to Interactive Voice Response;
  - (3) on 22 July 2022, BIJ23 was experiencing issues contacting people on his PIN sheet; however, staff were aware and a senior officer was to contact Case Planning about the issue; BIJ23 attempted to make 19 calls on this day; of these calls:
    - (a) 10 were made to his mother – 4 of them were successful, 1 was sent to Interactive Voice Response and 5 were either aborted or not accepted;
    - (b) 5 were made to his girlfriend, all of which were aborted; and
    - (c) 4 were made to his brother – 1 was successful and 3 were not accepted; and
  - (4) on 26 July 2022, BIJ23 told an AWO that he has had regular contact with family through phone calls.
24. On 26 July 2022, there was an incident (incident ID I122970974) which included the following events:
- (1) at approximately 3.00pm, BIJ23 engaged in self-harm and was bleeding from his arms;
  - (2) at approximately 3.05pm, BIJ23 was counselled and assessed by a senior officer;
  - (3) BIJ23 was not seen by a nurse for a medical assessment as there was no nurse on site;
  - (4) at approximately 7.15pm, BIJ23 flooded his cell by setting off the cell sprinkler system; and
  - (5) at approximately 12.01am the following day, BIJ23 was provided with fresh bedding and a mattress.

25. On 27 July 2022:

- (1) BIJ23 was involved in an incident (incident ID I123001940) which included the following events:
  - (a) at approximately 9.05am, BIJ23 was in his cell (C04) in the C wing of Unit 18; he had a piece of clothing tied around his neck, which an officer removed;
  - (b) BIJ23 was agitated and stated words to the effect, "I'll just tie something else around my neck";
  - (c) BIJ23 then moved to his window and tied another piece of clothing around his neck and attached it to a broken viewing window bar and attempted to hang himself;
  - (d) officers called a code red medical emergency and immediately entered the cell to assist lifting BIJ23 so he no longer had his weight on the ligature and then removed the ligature tied around his neck; the officers sat BIJ23 on the bed; and
  - (e) at approximately 10.50am, the onsite nurse attended and medically assessed BIJ23, and it was noted that he had minor abrasions around his neck;
- (2) at approximately 9.30am, an AWO spoke with BIJ23 who stated, among other things, that:
  - (a) he no longer wished to hang himself;
  - (b) he had been keeping in contact with his family;
  - (c) he didn't sleep well last night because his fire alarm went off; and
  - (d) he had no other issue or concerns to discuss with the AWO;

- (3) at approximately 10.30am, a psychologist met with BIJ23 in the Unit 18 psychology office for an ARMS assessment, during which:
- (a) BIJ23 stated, among other things, that:
    - (i) he engaged in self-harm and suicidal behaviours at Banksia Hill and at Unit 18, including that morning;
    - (ii) there were some family difficulties, and he expressed limited interest in telephone contact with family in the community; and
    - (iii) telephone calls with [REDACTED], contact with [REDACTED] in another wing of Unit 18 and access to TV are helpful protective mechanisms against suicide; and
  - (b) the psychologist's view was that BIJ23 remained at high risk to himself and that he required continued [REDACTED] monitoring;
- (4) BIJ23 was involved in a second incident (incident ID I1230006400) which included the following events:
- (a) at around 1.10pm, BIJ23 tied his jumper around his neck and attached it to the external security grills outside the window of his cell (he had broken the glass of the window the night before);
  - (b) officers entered the cell and took hold of BIJ23 to take the weight off the ligature; they then untied the ligature from his neck and sat him on the bed;
  - (c) BIJ23 was then counselled by attending officers; the officers stayed in the cell talking to BIJ23 until the medical nurse and doctor arrived to assess him;
  - (d) at approximately 1.41pm:
    - (i) a doctor and nurse conducted an assessment of BIJ23;
    - (ii) BIJ23 advised the nurse that he wanted to go to the Bentley Adolescent Unit to help him deal with his mental health issues and that voices keep telling him to hurt/kill himself;

- (iii) BIJ23 threatened to use shards of glass to “slice his throat or cut his pulse”; and
  - (iv) the medical team advised the officers to move BIJ23 to an observation cell with a window for continuous monitoring and with all potential ligature items removed and no sharp objects; and
- (e) BIJ23 was then moved to cell A15 for his safety;
- (5) at approximately 5.59pm, a welfare check was conducted by the nursing staff; BIJ23 was reluctant to speak to the nurse and proceeded to yell at officers and detainees;
- (6) at approximately 8.11pm after the above incidents and following the ARMS Multi-disciplinary Team meeting:
  - (a) an officer advised BIJ23 that he would need to be placed into non-rip clothing for his own safety;
  - (b) BIJ23 refused to change into non-rip clothing and became agitated;
  - (c) the officer spoke with the Assistant Superintendent who also spoke with BIJ23;
  - (d) BIJ23 said that he was feeling okay now that he had been placed into another cell and cited that the main things that were stressing him were the broken window and a TV that was not working; and
  - (e) the Assistant Superintendent spoke at length with BIJ23;
- (7) BIJ23 said that he was “all good now” and gave an undertaking not to attempt to hurt himself again;
- (8) the Assistant Superintendent told BIJ23 that if they were concerned that he would hurt himself again (because he was damaging the cell or covering the cell camera), then he would be placed into non-rip clothing or mechanical restraints would be applied to keep him safe;
- (9) BIJ23 gave further reassurances that he was not going to harm himself;
- (10) the night shift senior officer was fully appraised of the above incidents; and

- (11) at approximately 8.57pm, BIJ23 was settled in his cell watching TV.
26. On 27 July 2022 at approximately 8.11pm, the Assistant Superintendent attended BIJ23's cell to counsel him as detailed in paragraphs 25(6)-(9) above.
27. On 28 July 2022:
- (1) at approximately 11.00am, BIJ23 met with an AWO in the A/C Wing of Unit 18 for an ARMS review; during this meeting:
- (a) BIJ23 said that he was "alright" and slept "ok" overnight;
  - (b) he said that he was planning on making a phone call to his family later that day;
  - (c) BIJ23 stated that he had no current issues or concerns for the AWO to follow up on;
  - (d) he denied current thoughts of self-harm or suicide since the previous day; and
  - (e) BIJ23 engaged well with the AWO and appeared in a good mood; he interacted well with his peers who were making breakfast, although he did become agitated when he was not allowed hot water but calmed down soon after; and
- (2) at approximately 11.10am, BIJ23 met with a psychologist; during the meeting:
- (a) BIJ23 presented as irritable (he was disgruntled with his tea) but he calmed down and engaged as the session progressed;
  - (b) in relation to the second incident the day before and referred to in paragraph 25(4) above, BIJ23 claimed that he was angry about returning to the same cell and reported that he was primarily motivated by the desire to move from the cell he was in;
  - (c) he did, however, acknowledge suicidal behaviour earlier the day before, which resulted in the first incident referred to in paragraph 25(1) above, and described a sense of chronic high stress/anger and thoughts of suicide when upset;

- (d) BIJ23 indicated that he had not engaged in further risk-to-self behaviours since the day before given his desire to remain out of rip-proof clothing/restraints, noting that he had made an agreement with the operational managers;
- (e) BIJ23 denied that he had any current plans or intent to engage in self-harm or suicidal behaviours;
- (f) they engaged in psychoeducation and reviewed strategies to assist BIJ23 with reducing internalised anger/arousal and he was receptive to it; and
- (g) the psychologist noted that BIJ23 remains a high risk-to-self in the context of his high internalised anger/stress, impulsivity, cognitive vulnerability and systemic stressors.

28. On 29 July 2022, at the ARAG meeting the following matters were discussed:

- (1) BIJ23 was experiencing ongoing stressors related to lockdowns and personal matters and poor coping with extended time in his cell;
- (2) BIJ23 reported that access to television in-cell had been helpful;
- (3) he requested access to a pen for in-cell (reporting that the sensory pack that he was provided with did not have a pen in it);
- (4) it was recommended, among other things that, BIJ23 be given access to another sensory pack (with a pen included) which would be helpful along with time out of cell and the opportunity to engage in activities and with peers; and
- (5) it was agreed that BIJ23 would remain on [REDACTED].

29. In relation to 30 July 2022:

- (1) there was an incident (incident ID I123146085) which involved BIJ23 and a number of other detainees; the events which involved BIJ23 are as follows:
  - (a) at approximately 5.50pm, a large incident started in the living area of A and C wings of Unit 18 resulting in a number of detainees refusing to return to cell, causing a riot and inciting others to join in;

- (b) at approximately 5.55pm, a code amber was called to the A and C wings of Unit 18;
  - (c) BIJ23 and two other detainees were in the kitchen area with BIJ23 sitting on the fridge ledge; an officer instructed him to “get off” the fridge ledge;
  - (d) an officer aimed a chemical agent at the detainees and issued a warning to get down and into the wing or the chemical agent will be deployed;
  - (e) other detainees broke into the laundry and brought out brooms and smashed up the viewing hatches;
  - (f) an officer called a code red to the A and C wings of Unit 18;
  - (g) an officer issued multiple warnings to BIJ23 and other detainees sitting on the fridge ledge or standing on the benchtop next to the fridge that if they did not come down, the chemical agent will be deployed;
  - (h) BIJ23 and the other detainees on the ledge became compliant with the directions of the officer;
  - (i) BIJ23 was handcuffed and placed in the B wing corridor while the riot continued with the other detainees;
  - (j) at approximately 9.30pm, BIJ23 was assessed by a nurse for exposure to chemical agents (although no chemical agents were deployed on BIJ23 during the incident) and any injuries or wounds from the incident; none were identified and no complaints were made by BIJ23; and
  - (k) at around 9.37pm, BIJ23 was moved to a new cell after becoming non-complaint in his old cell; BIJ23’s legs were secured by an officer and his arms were controlled by another officer as his handcuffs were removed, BIJ23 picked up a book from the side of his bed and hit an officer on the wrist with the book; BIJ23 attempted to throw a book at the officers as they exited his cell; and
- (2) formalised education was provided to detainees within Unit 18 from about 25 July 2022, following a school holiday period from 4 July 2022 to 18 July 2022; BIJ23 received education on three days between 18 July 2022 and 6 September 2022; the

capacity to deliver formal education was impacted by day-to-day operations in Unit 18 during this period, including the occurrence of incidents and staff training.

30. On 31 July 2022:

- (1) at approximately 9.50am, BIJ23 started abusing the intercall system and was demanding breakfast; shortly thereafter at approximately 10.28am, he was demanding to make a phone call;
- (2) there was an incident (incident ID I123162689) which involved the following events:
  - (a) at approximately 11.30am, BIJ23 threatened self-harm over the intercall system;
  - (b) an officer observed through BIJ23's cell observation window that he had tied a ligature around his neck made from a t-shirt;
  - (c) BIJ23's said words to the effect of "sir, get this fucking thing off sir, its tight sir";
  - (d) the officer instructed BIJ23 to sit down as he called for the unit manager;
  - (e) BIJ23 was informed by officers that if he continued to self-harm, he would be placed in a three-point restraint which had been approved by the Superintendent;
  - (f) the officers exited the cell and were conducting a debrief when they were advised that BIJ23 was self-harming again;
  - (g) the officers re-entered the cell and BIJ23 was placed in a three-point restraint from approximately 11.48am until approximately 2.45pm for his own safety; the use of the restraint was authorised by the Superintendent;
  - (h) at approximately 12.30pm, BIJ23 was provided lunch in his cell;
  - (i) at approximately 1.40pm, an officer, who was observing BIJ23, observed that BIJ23 had tied another ligature around his neck which had been fashioned from a bed sheet;
  - (j) the officer immediately called the unit manager;

- (k) two officers then entered BIJ23's cell and removed the ligature from him and all bed linen and any potential self-harm instruments; the officers counselled BIJ23 extensively which settled him; and
- (l) at approximately 2.22pm, a nurse was onsite at Unit 18 to conduct a welfare check on BIJ23 but was delayed in doing so due to another critical incident within the facility;
- (3) at approximately 4.29pm, BIJ23 was assessed by a nurse for self-harm and the use of restraints; the nurse noted that BIJ23 had nil apparent injuries, save for some bruising around the neck from the attempted strangulation and was otherwise well and remained in restraints at that time; and
- (4) from approximately 3.59pm onwards, BIJ23 was otherwise observed as being settled in his cell and either asleep or watching TV; at approximately 9.29pm, BIJ23 was also provided with fresh clothing.

31. On 1 August 2022:

- (1) at approximately 9.45am, BIJ23 appeared restless and aggressive and spat at officers;
- (2) at approximately 10.29am, BIJ23 used a ligature and choked himself;
- (3) at approximately 10.30am, an Aboriginal Youth Support Officer (**AYSO**) attended Unit 18 to speak with BIJ23 in the A wing for an ARMS review; however, it was not possible due to the incidents described above in sub-paragraphs (1) and (2) and below in subparagraphs (4) and (5);
- (4) at approximately 10.40am, BIJ23 threatened to swallow glass;
- (5) at approximately 10.45am, BIJ23 swallowed glass and the nurse was notified; BIJ23 had swallowed shampoo and was to be taken to hospital;
- (6) at approximately 11.15am BIJ23 was assessed by the nurse in cell; he was alert with good communication; he complained about spitting blood; it was recommended that he be transferred to hospital for review and management; a sample of the glass was given to the officers if required by the hospital;

- (7) at approximately 11.45am, BIJ23 was reviewed again by the nurse through the cell hatch; he was talking, standing up and moving around;
- (8) every hour, BIJ23 was reviewed by nursing staff; he was observed to be yelling at officers at approximately 12.45pm; otherwise nil bleeding was noted and BIJ23 did not report any medical issues;
- (9) at approximately 1.45pm, an AYSO spoke with BIJ23 via his cell grill for the ARMS review; during the discussion:
  - (a) BIJ23 stated that he had severe stomach pain and that he had swallowed a piece of glass and some shampoo earlier;
  - (b) BIJ23 said that he wanted to know when he is going to go to hospital;
  - (c) he appeared to be in no state to continue talking to the AYSO, complaining about his stomach pains;
  - (d) he appeared agitated and eager to go to hospital; and
  - (e) officers arrived to escort him to Fiona Stanley Hospital and the discussion with the AYSO ended;
- (10) at approximately 2.20pm, it was noted that BIJ23 was unable to be seen by a psychologist due to a lack of an appropriate room for the consultation to take place and a lack of staff to unlock; he was, however, in the process of being transferred from Unit 18 to Fiona Stanley Hospital at this time and was otherwise seen by a psychologist on the following day at 10.15am;
- (11) there was an incident at the hospital (incident ID I123246365) which involved the following events:
  - (a) at approximately 6.15pm, BIJ23 was in two-point restraints in a wheelchair at the Fiona Stanley Hospital, following the events set out in the sub-paragraphs above, when he became agitated as he took his face mask off and made comments to the effect of "I don't want to go to Casuarina, I wanna go to Banksia"; this was in response to BIJ23 being advised that he would be discharged from hospital;

- (b) the officer, knowing BIJ23's previous self-harm history, took the mask off BIJ23 as he was about to use the metal in the mask to cut his arms;
- (c) two officers assisted BIJ23 to sit on the wheelchair but his aggressive behaviour escalated – he refused to comply with directions and became abusive towards staff;
- (d) the officers placed BIJ23 in handcuffs;
- (e) BIJ23 attempted to grab one of the officer's hands and watch;
- (f) one of the officers attempted to de-escalate the incident but BIJ23 refused to comply and kicked the officer's legs multiple times;
- (g) BIJ23 called the officer a "mother fucker";
- (h) the officer then organised a secure vehicle [REDACTED] authorised by a senior officer to escort BIJ23 back to Unit 18;
- (i) BIJ23 continued to resist officers;
- (j) he was placed in the pod of the vehicle;
- (k) when the officer went to remove the handcuffs from BIJ23, BIJ23 spat in the direction of the officer;
- (l) the door to the pod was shut to prevent the staff from further assaults;
- (m) approval was obtained from a senior officer to escort BIJ23 back to Unit 18 in handcuffs due to his behaviour and risk-to-self;
- (n) during the escort back to Unit 18, BIJ23 was continuously monitored via the camera in the pod;
- (o) BIJ23 was observed damaging the seatbelts and kicking the pod;
- (p) he tied a seatbelt around his neck;

- (q) the officers instructed him via the intercom to stop self-harming and causing damage to the pod but he refused to comply;
  - (r) after about 10 minutes, he calmed down and sat compliantly in the pod and apologised to the officers for his behaviour;
  - (s) at approximately 7.05pm, BIJ23 was returned to his cell in Unit 18; and
  - (t) the officers removed his handcuffs and the security chain;
- (12) there was an incident upon BIJ23's return to Unit 18 (incident ID I123246622) that involved the following events:
- (a) at approximately 7.10pm an officer counselled BIJ23 about being placed in rip-proof clothing; BIJ23 responded by aggressively punching himself in the face and saying that he would swallow more glass and rip his own eye out;
  - (b) the decision was made to place BIJ23 in rip-proof clothing due to him actively self-harming in the escort vehicle on return from the hospital;
  - (c) the officer continued to counsel BIJ23 to put on the rip-proof clothing;
  - (d) a senior officer also assisted the officer in counselling BIJ23;
  - (e) at approximately 7.25pm, BIJ23 had put on the rip-proof clothing for his own safety and any further items in his cell were removed in case of self-harm;
  - (f) BIJ23 was also provided with rip-proof bedding;
  - (g) the officers then exited the cell and secured the door;
  - (h) BIJ23's TV was turned on after which he lay down and went to sleep; and
  - (i) his caregiver was notified of his return from hospital;
- (13) at approximately 7.40pm, BIJ23 advised officers that he had part of the seatbelt that he had damaged during the escort back from hospital, which he handed over through the cell grill; he was given additional food to eat; and

(14) from approximately 8.59pm, BIJ23 appeared settled and asleep until 10am the following morning.

32. Between 2 August 2022 and 10 August 2022:

- (1) officers observed BIJ23 by conducting in-person welfare checks during this period;
- (2) on 2 August 2022, BIJ23 was on continuous monitoring, however, he was unable to be monitored in his cell (A01) due to damage to the cell camera made by another detainee on 30 July 2022;
- (3) on 3 August 2022, BIJ23 was causing damage to his cell, including by kicking the toilet in an attempt to dislodge it and scratching the camera in his cell with a piece of glass;
- (4) on 5 August 2022, BIJ23 covered his camera limiting the ability of officers to monitor him in cell; and
- (5) on 10 August 2022 at approximately 9.47am, BIJ23 was moved to another cell (A02) with better camera vision; at approximately 2.05pm, BIJ23 made threats of self-harm and to also scratch the camera in his cell if he did not receive access to a phone call.

33. On 3 August 2022:

- (1) at approximately 10.10am, BIJ23 met his psychologist:
  - (a) BIJ23 said that he had requested to return to Banksia Hill;
  - (b) BIJ23 said that he had not yet received a response to an earlier request for an [REDACTED] visit with [REDACTED];
  - (c) BIJ23 said that he had not been able to contact his lawyer since placement in Unit 18 and it was important prior to his next Court appearance;
  - (d) the psychologist noted that she would pass on these concerns so that they could be followed up;
  - (e) he identified [REDACTED] moving to his wing as being a positive and mentioned contact with some external supports;

- (f) he denied current thoughts of NSSI (non-suicidal self-injury) or suicide, though acknowledged that he continued to experience difficulties coping;
  - (g) BIJ23 asked for a stress ball which he did not have access to anymore; the psychologist told BIJ23 that she would follow up with the unit manager about it;
  - (h) the psychologist noted that she would attend Unit 18 again tomorrow for further support;
- (2) that day, the Unit Manager approved BIJ23's access to a stress ball and provided one to an officer to provide to BIJ23;
- (3) there was confirmation that officers had sent off a request to Casuarina Prison for an [REDACTED] visit with [REDACTED] and they were waiting for a response regarding a time and date; and
- (4) there was an incident (incident ID I123342657) which involved the following events:
- (a) at approximately 2.42pm, BIJ23 became unsettled during a code amber involving [REDACTED];
  - (b) BIJ23 was observed scratching his cell camera using glass, damaging his cell and was abusive towards staff; he was given a use of force warning and clear instructions to sit on his bed, which he did;
  - (c) officers entered BIJ23's cell at which point he became non-compliant; BIJ23 was verbally abusive and not receptive to counselling; he was highly agitated;
  - (d) at approximately 2.53pm, the officers placed him in a wrist weave and placed him on the floor so that handcuffs could be applied for his own safety, the safety of staff and the centre;
  - (e) BIJ23 fought against the officers and made threats towards the officers involved; ankle restraints were then applied to BIJ23;
  - (f) the restraints were checked then the officers exited the cell and secured the door;

- (g) the physical use of force was approved by the Assistant Superintendent;
- (h) the use of mechanical restraints was approved by the Superintendent;
- (i) at approximately 5.15pm, BIJ23 was provided with dinner in his cell;
- (j) at approximately 5.45pm, BIJ23's restraints were removed and he appeared settled; and
- (k) at approximately 6.48pm, BIJ23 was assessed by the nurse via the viewing hatch window after the use of force incident; he denied any injury and nil intervention was required; he was able to show the full range of motion with both wrists.

34. In relation to the events concerning the use of force incident on 3 August 2022 including a medical assessment following the incident, see paragraph 33(4) above. BIJ23 was seen the following day by a psychologist – see paragraph 35 below.

35. On 4 August 2022:

- (1) at approximately 10.00am, BIJ23 met with a psychologist and denied any current thoughts or intent to engage in risk-to-self behaviours; he indicated that such behaviours arise at times when he is upset; BIJ23 reported telephone contact with external support and demonstrated evidence of future-focus;
- (2) at approximately 11.00am, BIJ23 was seen by an AYSO for ARMS review; they spoke through the cell grill; BIJ23 stated that he was alright, that he was under the impression that he was going to go to hospital yesterday; he said that he has been making phone calls to his family and has been sleeping ok; they spoke about his [REDACTED] [REDACTED] video link request; BIJ23 appeared settled and stated that he had no other issues or concerns;
- (3) there was an incident (incident ID I123382512) involving the following events:
  - (a) shortly after the AYSO spoke with BIJ23, BIJ23 asked for the AYSO to return;
  - (b) the AYSO returned to BIJ23's cell and witnessed him through the cell door, swallow a piece of glass;

- (c) BIJ23 then said “I just swallowed glass, my throat is sore” and appeared to be holding his throat as he seemed to be in discomfort; and
    - (d) the AYSO informed a senior officer; and
  - (4) BIJ23 remained in his cell and largely appeared settled for the remainder for the day.
36. On 5 August 2022:
- (1) at approximately 10.30am, BIJ23 declined to be seen by a psychologist for his ARMS meeting, instead stating that he preferred unlock time and access to phone calls;
  - (2) at approximately 10.42am, BIJ23 attended recreation and was given phone access;
  - (3) at approximately 12.02pm, BIJ23 had his lunch in cell;
  - (4) at approximately 12.43pm, BIJ23 enquired about Court and covered his in-cell camera for a period of time, limiting the officers’ ability to monitor him;
  - (5) BIJ23’s in-cell camera remained obscured and he remained largely non-responsive until approximately 5.05pm when his camera was still substantially obscured but he provided responses to the officers when they prompted;
  - (6) officers maintained communications with BIJ23 through the in-cell call system;
  - (7) at approximately 7.50pm, BIJ23 asked for a towel and was provided with one; he appeared to be settled or asleep for the remainder of the night; and
  - (8) BIJ23 told the unit manager that he wanted to return to Banksia Hill or go to hospital or East Metropolitan Youth Unit.
37. On 9 August 2022, there was an incident (incident ID I123607221) which involved the following events:
- (1) between approximately 8.45am and 9.45am, BIJ23 had a visit with a person from transitional education services, and was accompanied in transit back to Unit 18 from visits by two other young persons;

- (2) while being escorted back to Unit 18, the detainees became non-compliant and became agitated while officers were applying handcuffs so they could be escorted from the visiting area to the escort van; the detainees continued to incite one another with one even picking up a chair;
- (3) the detainees did not respond to counselling from officers even once in the escort van;
- (4) at one point, the detainees tampered with, and were able to open, the back door of the escort van;
- (5) the detainees including BIJ23 refused to exit the van when instructed by officers to do so;
- (6) the detainees including BIJ23 were given a use of force warning prior to force being used;
- (7) handcuffs were applied to the detainees, including BIJ23, to assist with their escort back to cell;
- (8) during his escort back to cell, BIJ23 attempted to run away;
- (9) BIJ23 threatened and attempted to spit at officers;
- (10) BIJ23 was placed in his cell, with handcuffs removed and the cell door secured;
- (11) BIJ23 was assessed by the nurse and no injuries were observed;
- (12) the use of physical force was authorised by the Assistant Superintendent;
- (13) the use of handcuffs was authorised by the Assistant Superintendent; and
- (14) BIJ23 was settled for the rest of the day, mostly in cell and also out of cell, cleaning and making phone calls.

38. On 16 August 2022:

- (1) there was an incident (incident ID I123967052) which involved the following events:
  - (a) at approximately 9.45am, BIJ23 was observed by officers to have a piece of metal grill that he had removed during an incident which occurred the prior night during which he caused damage to his cell (incident ID I123931662);
  - (b) BIJ23 handed over the piece of metal after counselling;
  - (c) officers entered BIJ23's cell and located another piece of metal grill located at the rear of the cell and BIJ23 lifted the second piece of metal over his head in a threatening manner;
  - (d) BIJ23 handed over the second piece of metal after counselling; and
  - (e) the officers then exited the cell and it was secured;
- (2) at approximately 11.50am:
  - (a) BIJ23 was observed as being stressed about [REDACTED] leaving the facility;
  - (b) he tied a ligature around his neck, staff entered and removed the ligature and counselled BIJ23;
- (3) at approximately 12.06pm, BIJ23 became verbally abusive to an officer, stating he was going to "snap her neck and steal her keys";
- (4) at approximately 1.06pm, BIJ23 had another piece of metal in his cell and was refusing to hand it over to officers despite being counselled by officers and an AYSO; he handed it over when he was let out of his cell to make a phone call at approximately 3.15pm; and
- (5) BIJ23 was otherwise settled for the remainder of the day.

39. On 22 August 2022, BIJ23 was involved in the following incidents:

- (1) the first incident (incident ID I124234347) involved the following events:
  - (a) at approximately 8.50am, officers responded to a code amber due to self-harm in cell A02 at Unit 18 where another officer saw that BIJ23 had tied a ligature around his neck;
  - (b) an officer used a Hoffman knife to cut the ligature away from BIJ23's neck and a nurse was requested to medically assess him;
  - (c) BIJ23 advised that he did this due to stress about his upcoming Court hearing and wanting to return to Banksia Hill;
  - (d) at approximately 8.55am, the nurse saw BIJ23, who noted that he had ligature marks on his neck;
  - (e) he was instructed by officers to change into rip-proof clothing which had been approved by the Deputy Superintendent;
  - (f) BIJ23 initially declined to change into rip-proof clothing before his appointment with a psychiatrist;
  - (g) while BIJ23 was waiting for his appointment, he remained under constant observation by another officer;
  - (h) after a short time at approximately 9.40am, BIJ23 pulled another ligature from his bed and tied it around his neck;
  - (i) officers called another code amber and used a Hoffman knife again to cut the ligature from his neck;
  - (j) BIJ23 later agreed to change into rip-proof clothing after an officer warned that the rip-proof gown would be placed on BIJ23 using force if he did not co-operate;
  - (k) officers then removed any bed sheets and clothing from BIJ23's cell and his cell door was secured;

- (l) at approximately 9.47am, BIJ23 was seen by a nurse; red marks were observed and BIJ23 was otherwise sitting upright, breathing on his own and was alert and orientated; he stated that he wanted to go home; and
- (m) shortly thereafter, BIJ23 met with the mental health nurse;
- (2) at approximately 11.40am, BIJ23 spoke with an AYSO for his ARMS review via the cell door hatch; BIJ23 stated that he was ok and waiting for his upcoming Court appearance; he said that he was going to hang himself but he was only making it up; the AYSO counselled him about the seriousness of the comments; he requested to speak with his aunty and otherwise said that he had no other issues or concerns;
- (3) at approximately 11.45am, BIJ23 was provided with lunch and he was out of cell to make a phone call and was in good spirits;
- (4) at approximately 12.09pm, BIJ23 was placed back in cell and his Court hearing was rescheduled;
- (5) at approximately 12.35pm, BIJ23 covered his cell camera;
- (6) at approximately 12.50pm, BIJ23 was counselled by officers and removed the covering from his cell camera;
- (7) at approximately 1.23pm, BIJ23 attended a meeting with a psychologist at his own request;
- (8) at approximately 3.04pm, BIJ23 met with a psychiatrist following the incident;
- (9) a second incident then occurred (incident ID I124257189) involving the following events:
  - (a) at approximately 3.52pm, BIJ23 was passed an item by another detainee, which BIJ23 concealed under his rip-proof clothing;
  - (b) an officer instructed BIJ23 to hand over the item but he refused to do so;
  - (c) the officer was unsure what the item was so secured BIJ23 in his cell for safety reasons;

- (d) the officer informed the unit manager of what occurred;
  - (e) a code amber was called as BIJ23 was observed by another officer attempting to tie a ligature around his neck;
  - (f) an officer took the ligature from BIJ23; BIJ23 laughed; the officers then exited the cell;
  - (g) BIJ23 stated that he wanted to go back to Banksia Hill or home; and
  - (h) he was seen by a nurse following this incident and the incident in sub-paragraph (10) below;
- (10) the third incident (incident ID I124256276) involved the following events:
- (a) at approximately 4.30pm, a code amber was called as BIJ23 tied his rip-proof gown around his neck and officers used a Hoffman knife to cut him free from the ligature;
  - (b) 10 minutes later, BIJ23 was observed tying his gown around his neck again and appeared to be losing consciousness;
  - (c) an officer called for assistance and arrived at BIJ23's cell, removed the gown piece that he was using to self-harm and left his rip-proof doona;
  - (d) BIJ23 was then moved to MPU cell B05 following consultation with the Superintendent, and remained under constant supervision with an officer at his door; and
  - (e) at approximately 5.56pm, BIJ23 was attended to by the nurse in-cell, who noted nil new injuries or new marks to his neck; and
- (11) the fourth incident (incident ID I124262479) involved the following events:
- (a) at approximately 8.45pm, BIJ23 was speaking with an officer when he stated words to the effect of, "I want to kill myself, I hate it here";
  - (b) due to self-harming, BIJ23 was placed in rip-proof clothing earlier in the day but had managed to maintain a pair of shorts on his person;

- (c) BIJ23 told the officer that he lied about wearing boxer shorts when changing into rip-proof clothing and just took off his track pants which he had over his shorts;
- (d) BIJ23 then proceeded to rip his shorts to make ligatures and briefly wrapped a ligature around his neck and began to pull tightly before stopping and releasing it when the officer asked him to stop;
- (e) BIJ23 then placed all the ripped items near the door and was informed by the officer that rip-proof clothing would be provided;
- (f) the officers entered the cell to remove the items and conducted a cell search; they located other ripped pieces of clothing under the mattress and in the shelf hole of the sink;
- (g) the officers counselled BIJ23 and the cell door was secured;
- (h) an officer was tasked with setting up a radio outside BIJ23's cell at BIJ23's request;
- (i) at approximately 9.00pm, an officer informed BIJ23 that he saw him waving a piece of elastic approximately 500mm long around and wrapping it around his throat; BIJ23 was counselled but he remained unreceptive; the officer went back to the control room to ensure that the camera in BIJ23's cell was not blocked so that he could maintain a visual on him; and
- (j) BIJ23 continued to try to choke himself with the elastic before removing it and trying to sleep.

40. On 23 August 2022:

- (1) at approximately 10.00am, BIJ23 attended an ARMS review with a psychologist; during the consultation, BIJ23 stated that:
  - (a) he was feeling unable to cope with ongoing lockdowns and feeling isolated in the B wing;
  - (b) he also noted discomfort in non-rip clothing;

- (c) he was not able to articulate any other stressors;
  - (d) he noted recent contact with his aunty and girlfriend via telephone;
  - (e) he was experiencing ongoing sleep issues and had not yet received his medication which he was expecting; the psychologist agreed to follow up;
  - (f) he did not have an intent to die, but tied ligatures around his neck as an expression of his frustration and anger; and
  - (g) he denied any specific thoughts or intent for further NSSI or suicide; however his behaviour appeared impulsive and reactive and he therefore remains high risk and chronic; it was noted that he should remain on [REDACTED] in non-rip clothing at present; and
- (2) there were also two incidents on this day which involved the following events:
- (a) at approximately 8.53am, BIJ23 attempted to choke himself using a ligature which was surrendered; a code amber was called (incident ID I124286533); and
  - (b) at approximately 10.40am, BIJ23 scratched the viewing window to his cell and the in-cell camera with a piece of glass (incident ID I124294035).
41. On 23 August 2022 at approximately 6.09pm, following the events detailed in paragraph 40 above, BIJ23 was transferred from Unit 18 to Banksia Hill:
- (1) BIJ23 had requested the transfer and was supported by the Aboriginal Legal Service who were in communications with Case Planning;
  - (2) the transfer was also supported by the psychology team, who noted that:
    - (a) BIJ23 posed a very high risk to himself following three suicide attempts the day before and a self-harm attempt earlier that day;
    - (b) officers had to monitor BIJ23 using the in-cell camera; and
    - (c) BIJ23 had limited coping strategies available to him in his Unit 18 cell;

- (3) BIJ23 refused to put on non-rip clothing on arrival to Banksia Hill and became agitated; and
- (4) BIJ23 remained in standard clothing to avoid further incident; he then appeared calm and cooperative.

#### **Incidents at Banksia Hill between 22 August 2022 and 27 September 2022**

42. On 24 August 2022:

- (1) in the morning, BIJ23 made phone calls and was settled;
- (2) there was an incident (incident ID I124348427) which included the following events:
  - (a) at approximately 12.35pm, officers entered BIJ23's cell as he had covered his camera;
  - (b) as BIJ23 was currently on [REDACTED], he was counselled about his cell camera and the reasons why it had to remain clear;
  - (c) BIJ23 became highly agitated, demanding to be sent back to Unit 18 and made comments about harming himself if he had to stay in his current cell (D12) In D wing of the ISU;
  - (d) BIJ23 started punching himself in the face and jaw and was counselled further by officers but remained non-receptive;
  - (e) after the incident, officers returned to BIJ23's cell to clear his cell camera and BIJ23 made several abusive and threatening comments, stating that he would fight officers if they continued to enter his cell to clear his camera; and
  - (f) BIJ23's poor behaviour continued to escalate;
- (3) at approximately 2.06pm, BIJ23 uncovered the camera in his cell and sat on the bed;
- (4) a nurse assessed BIJ23; no treatment was required;

- (5) at approximately 2.25pm, there was a second incident (incident ID I124364990) which involved the following events:
  - (a) BIJ23 was escorted to the video link room in the Admissions Building for his sentencing hearing;
  - (b) he was handcuffed and became agitated and aggressive towards the officers; he made threats towards the officers, including to headbutt them;
  - (c) BIJ23 remained in handcuffs until he settled with the hearing taking place shortly after the handcuffs were removed;
  - (d) following the hearing BIJ23 refused to return to his cell in the ISU; and
  - (e) an officer informed BIJ23 that he would be relocated to an observation cell with a TV; BIJ23 complied and returned to the cell;
- (6) at approximately 3.48pm, BIJ23 returned to the ISU following his hearing and was placed in cell B08; and
- (7) at approximately 5.10pm, there was a third incident (incident ID I124367569) in which BIJ23 was unsettled in his cell, making threats to staff and making demands as well as ripping up his clothing, making threats to self-harm, kicking the toilet in his cell and headbutting the Perspex.

43. On 25 August 2022:

- (1) at approximately 1.05pm, BIJ23 met with a psychologist for a scheduled ARMS review and in response to his requests; and
- (2) during the meeting:
  - (a) BIJ23 was engaged in a friendly and cooperative manner, and his mood appeared to the psychologist to be within normal limits;
  - (b) BIJ23 reported that he had initially been pleased with the transfer to Banksia Hill, but he was angry when he was placed in the ISU, particularly D wing with no television;

- (c) BIJ23 acknowledged acting out (including head banging) and threats to self-harm the day before, but denied thoughts of suicide and said rather it was a reflection of his anger by being placed in the ISU and that particular cell;
- (d) BIJ23 reported a sense of relief following sentencing and completion of his Court matters the day before and was eager to move to a standard unit and to pass time more easily in the lead up to his ERD (estimated release date);
- (e) BIJ23 said that he in effect found the ISU aversive and was eager to transfer to a standard unit as soon as possible, where he believed that he would be better at coping; they discussed that it may take a little time given his significant risk behaviours recently;
- (f) BIJ23 otherwise denied thoughts of NSSI or suicide;
- (g) potential coping strategies were discussed;
- (h) BIJ23 said that he thought it would be helpful and assist with his coping to request for unlock time with the unit and to engage in education and activities;
- (i) BIJ23 also reported that he was looking forward to a visit with his aunt that afternoon and was in contact with family via telephone and that he had adequate sleep, and that medication may assist with reducing rumination;
- (j) BIJ23 otherwise identified extra food, time up, contact with family and access to a sensory pack as potential strategies that could assist coping, demonstrating evidence of future focus on centre-based and community goals, anticipating ERD prior to Christmas;
- (k) it was agreed that they would have contact again tomorrow; and
- (l) the psychologist recommended that BIJ23 remain on [REDACTED] monitoring and, if possible, for BIJ23 to be given the opportunity for unlocks with the general population to assist with reducing stress and his ability to cope.

44. On 29 August 2022:

- (1) at approximately 12.45pm, BIJ23 was seen by a psychiatrist and was reviewed with a mental health nurse; during the meeting:
  - (a) BIJ23 reported being happier at Banksia Hill and out of his cell;
  - (b) he said that his main stressor at Unit 18 was the lack of meaningful activity;
  - (c) in relation to thoughts of self-harm he said that he doesn't "really [have] much at all";
  - (d) they talked about his roof ascent the day before and the consequence of such behaviour being lockdowns in the ISU; on 28 August 2022, there was an incident (incident ID I124513675) in which BIJ23 was one of six detainees who ascended the roof at approximately 11.30am and caused damage to the centre; at approximately 4.30pm, BIJ23 came down off the roof via a ladder provided to him;
  - (e) they discussed his sentence and his ERD;
  - (f) they talked about BIJ23's aunty visiting last week and that she is likely to do so again; and
  - (g) they discussed his focus on exercise/basketball and school and the importance of meaningful activities post release too;
- (2) at approximately 2.53pm, BIJ23 spoke with an AYSO in the B wing of the Lenard Unit; he appeared settled and conversed well; he stated that he wanted to know his "board" date but otherwise did not have any other issues for the AYSO to follow up on; he told the AYSO that he spoke to his family a couple days ago on the telephone;
- (3) a psychologist also attempted to see BIJ23 earlier in the morning but due to low staffing issues (and BIJ23 being on a Personal Support Plan (**PSP**)) was unable to; she was also unable to see him at 1.00pm as he was with the psychiatrist, or after lunch due to staff shortages; and

- (4) at approximately 7.00pm, there was an incident (incident ID I124598195) which involved the viewing window to BIJ23's cell being removed by him and surrendered upon request; he was transferred to a cell in A wing.
45. On 31 August 2022:
- (1) at approximately 1.23pm, BIJ23 undertook a mental health review as part of his ARMS review and:
- (a) BIJ23 stated that he was sad due to being lockdown, however, denied suicide ideation or self-harm thoughts or thoughts of wanting to hurt others;
  - (b) he identified being locked down due to climbing the fence on 28 August 2022 (as per incident ID I124513675 described in paragraph 44(1)(d) above);
  - (c) he stated that through his engagement with the psychologist, he has been learning from those sessions;
  - (d) BIJ23 mentioned that he would like to reduce his [REDACTED] so that he can attend school; he had a goal to attend TAFE to recommence bricklaying training once released; and
  - (e) they talked about sport and BIJ23 said he would like a TV to assist him in de-escalating his behaviour; they talked about other techniques;
- (2) some time on this day, BIJ23 was also seen by a psychologist in the common area of the A wing of the Lenard Unit; during the discussion:
- (a) he reported being in very high stress, which he attributed to increasing frustration due to extended cell time without access to distraction (nil TV) or in-cell activity;
  - (b) BIJ23 stated that he was unable to contact any external supports due to his contact numbers being deactivated and his aunt's number was not reactivated yet;
  - (c) he asked about his PSP and milestone progression;

- (d) BIJ23 denied any current thought/intent to engage in NSSI or suicide;
  - (e) he acknowledged an urge to “act out” when he is stressed, such as cell damage;  
and
  - (f) BIJ23 believed placement in ISU would increase his stress;
- (3) the psychologist noted that she would follow up with the unit manager about his aunt’s telephone number and would pass on the request for information regarding PSP progression and desire for a television;
- (4) at approximately 2.47pm, BIJ23 told an AYSO that:
- (a) he wanted to be unlocked soon in the afternoon; and that he had not made any phone calls as his contact numbers had been locked out on his PIN sheet;
  - (b) he was not sleeping well and that he might as well go back to “Casa” (Unit 18);  
and
  - (c) he said that he might start banging his head on the wall as no one, including his family, cared about him; the AYSO informed the unit manager; and
- (5) later that afternoon the following incidents took place:
- (a) at approximately 4.00pm, officers were cleaning out BIJ23’s cell (A05) in the Lenard Unit; multiple pictures were posted on the shelf in the cell hiding a cell plate taken from the Karakin Unit (number KB-08); the plate was removed (incident ID I124705300); and
  - (b) at approximately 4.20pm, BIJ23 used the cell call system to advise officers that he was having self-harm thoughts and was going to self-harm; an officer arranged an observation cell for him; BIJ23 began threatening the officers who had opened the cell door to escort him; a code amber was called; BIJ23 was restrained on the ground in a prone position; he was highly agitated and abusive towards officers as well as attempting to assault the officers; BIJ23 was raised to his feet and escorted to the B wing of the ISU; he was placed in cell B06 and his handcuffs were removed; BIJ23 was observed then punching himself in the

face several times and headbutting the window several times; BIJ23 was seen by a nurse at approximately 5.00pm (incident ID I124702747).

46. On 5 September 2022:

- (1) from approximately 8.30am to 10.15am, BIJ23 was out of cell for yard time, to make phone calls, and to shower;
- (2) from approximately 11.00am to 12.00pm, BIJ23 was out of cell and met with a psychologist for a scheduled ARMS risk review; during the session:
  - (a) BIJ23 expressed confusion and frustration about not being returned to the Karakin Unit or another unit over the weekend, including why he could not go as he was given different information from various people;
  - (b) he informed the psychologist that he had been making strong efforts to manage his behaviour and using coping strategies like distraction, reading comics, playing cards and speaking with family even though he does not like the ISU;
  - (c) BIJ23 denied thoughts of NSSI or suicide;
  - (d) he was compliant with medication and sleeping adequately at night and denied any perceived negative symptoms from medication;
  - (e) he remained focused on his desire to be transferred to another unit, either the Karakin Unit or a standard unit as soon as possible to assist with his coping; and
  - (f) coping/support-seeking strategies were suggested for BIJ23, such as being proactive with exploration of unit placement options and feedback, opportunities for time out of cell, meaningful activity, exercise and continued access to cell coping aids like listening to music and puzzle books;
- (3) at approximately 1.22pm, BIJ23 was in the interview room with an AWO;
- (4) at approximately 2.29pm, he attended a medical appointment;
- (5) at approximately 3.05pm, BIJ23 had further yard and telephone access;

- (6) at approximately 5.04pm, BIJ23 was given his dinner;
- (7) at approximately 6.02pm, BIJ23 had further yard and telephone access (he had continued access to telephone contact with his external supports and he was able to call his aunt that day); and
- (8) at approximately 6.20pm, BIJ23 was moved from the ISU and placed in the Karakin Unit in cell A07.

46A. On 6 September 2022:

- (1) at approximately 9.00am, BIJ23 was informed that he would be subject to rolling lockdowns due to the Karakin Unit being used as an overflow for the ISU; and
- (2) BIJ23 had time out of his cell as follows:
  - (a) at approximately 10.45am, he appeared happy to participate in education;
  - (b) at approximately 11.00am, he was out of cell for approximately 2 hours;
  - (c) at approximately 2.00pm, when he spoke with his AYSO in the A wing of the Karakin Unit, he informed the AYSO that he had settled in well and that the Karakin Unit is better than the ISU; he spoke again about wanting to progress through his PSP milestones and towards normal living units until his ERD in December 2022; BIJ23 said that he has been keeping in touch with his aunty, sleeping well and had no issues or concerns for the AYSO to follow up;
  - (d) at approximately 3.00pm, BIJ23 had time out of cell and was interacting well with staff and his peers and made telephone calls to family and participated in education in the wing for the afternoon; and
  - (e) at approximately 8.00pm, BIJ23 was observed to be in cell chatting to other detainees with no issues.

## Incidents at Unit 18 between 28 September 2022 and 14 December 2022

47. On 28 September 2022:

- (1) at approximately 1.59pm, BIJ23 was transferred from Banksia Hill to Unit 18;
- (2) the recorded reason for BIJ23's movement to Unit 18 was his involvement in 11 critical incidents since his return from Unit 18 that included multiple "risk to and from" alerts involving other detainees, predatory behaviour, ascending roofs, out of bounds incidents, history of self-harm and threatening staff;
- (3) a psychologist noted that she was unable to see BIJ23 on this day due to his transfer to Unit 18 and that BIJ23 had made numerous suicide attempts;
- (4) BIJ23 informed an AYSO and Youth Mentor that:
  - (a) he was stressing out due to extended lockdown time in his cell; and
  - (b) he wanted to move to Unit 18 to be with [REDACTED] but, after a discussion, he stated he did not want to move there; and
- (5) at approximately 2.32pm, there was an incident (incident ID I126061920) which included the following events:
  - (a) BIJ23 sustained self-inflicted injuries by cutting his forearm with part of an electrical cable after informing officers through the cell call system that he was going to kill himself; and
  - (b) at approximately 5.37pm, he was seen by a nurse who noted that there were lacerations to his right wrist and abrasions to his left wrist/forearm ventral aspect; iodine wipes were used to clean his wounds which were superficial and nil medical concerns were noted.

48. On 29 September 2022:

- (1) there was an incident (incident ID I126089037), which included the following events:
  - (a) at approximately 8.34am, BIJ23 threatened to engage in self-harm when he called through the intercom and said words to the effect of, "I'm gonna kill myself";
  - (b) at approximately 8.40am, an officer went into BIJ23's cell and witnessed BIJ23 attempting to tie a ligature onto the vent inside his cell;
  - (c) an officer then counselled BIJ23, which he was receptive to; he said that he was frustrated and wanted to return to Banksia Hill; and
  - (d) BIJ23 was subsequently provided with a sensory pack by an officer;
- (2) at approximately 9.30am, BIJ23 covered his camera but responded to officers saying that he was in the shower;
- (3) there was another incident (incident ID I126097928), which included the following events:
  - (a) at approximately 10.40am, BIJ23 called through the intercom and informed officers that he had swallowed a coke bottle lid;
  - (b) at approximately 10.48am, BIJ23 called through the intercom again and stated that he had also swallowed a nail/screw (rivet) that he had found;
  - (c) officers and the nurse arrived at his cell to assess him; he showed that the size of the rivet was approximately 15mm in length and the size of the bottle cap that was 30mm in diameter was folded in half so he could swallow it, and there were concerns about pain in his mid-sternum where the items may be stuck;
  - (d) at approximately 11.37am, BIJ23 called the intercom again to say that he was going to eat the pen ink;

- (e) at approximately 12.00pm, BIJ23 made multiple calls over the intercom saying that he was feeling sick but officers noted that he was talking and breathing fine and did not appear to be under any distress from the CCTV cameras;
  - (f) at approximately 12.45pm, BIJ23 covered his camera using paper given to him inside a sensory pack;
  - (g) at approximately 1.00pm, an ambulance arrived at Unit 18; and
  - (h) at approximately 1.10pm, BIJ23 left Unit 18 inside the ambulance to be transported to Fiona Stanley Hospital for further assessment and treatment;
- (4) as BIJ23 was taken to hospital, he did not attend his ARMS session scheduled for 1.30pm that day;
- (5) at approximately 10.30pm, BIJ23 was recorded as discharged from Fiona Stanley Hospital; and
- (6) at approximately 10.46pm, BIJ23 was recorded as returned to Unit 18 from Fiona Stanley Hospital and was observed as being settled in his cell.

49. On 30 September 2022:

- (1) at approximately 11.00am, BIJ23 was seen by his psychologist and:
- (a) he acknowledged his recent engagement in multiple incidents of self-harm, including multiple scratches to his arm and the hospital admission yesterday after swallowing items;
  - (b) he identified stressors due to his transfer to Unit 18 and being told that he could be with [REDACTED] but he was not placed with [REDACTED] upon arrival;
  - (c) stated he felt isolated being the only detainee in the MPU; and
  - (d) otherwise denied any intention to engage in self-harm or suicidal behaviour;
- (2) at approximately 11.45am, BIJ23 was seen by a nurse following his return from hospital overnight; he was ambulate and moving freely with nil current abdominal pain; nil concerns were recorded;

- (3) at approximately 12.30pm, BIJ23 spoke to an AYSO:
  - (a) BIJ23 said he wanted a video link with [REDACTED] as the last time he spoke to family through a phone call was when he was at Banksia Hill; and
  - (b) the officer informed BIJ23 that he would follow up on the video link and continue to provide support;
- (4) at approximately 1.10pm, BIJ23 met with the Chaplain:
  - (a) BIJ23 told the Chaplain that he was feeling stressed and mentioned wanting to eat a piece of brickwork;
  - (b) the Chaplain discussed the consequences of eating foreign substances and focusing on positive things moving forward; and
  - (c) they had a prayer together and ended the visit;
- (5) there was an incident (incident ID I126171681), which included the following events:
  - (a) at approximately 2.27pm, an officer spoke to BIJ23 at his cell door viewing window; he showed the officer a small screw and a moment later, informed the officer that he had swallowed it;
  - (b) the officer reported this to control over the issued portable radio;
  - (c) the officer asked why BIJ23 swallowed the screw;
  - (d) BIJ23 said, "to help push the coca cola bottle lid down";
  - (e) he laughed and said he had also swallowed another screw; and
  - (f) the officer reported this to control over the issued portable radio again;
- (6) there was another incident (incident ID I126177093), which included the following events:
  - (a) at approximately 5.00pm, BIJ23 told his unit manager that he would kill himself unless he got his property delivered to his cell; and

- (b) the unit manager said that BIJ23 would get his property as soon as he could, and he did not need to say those things;
- (7) at approximately 6.06pm, a nurse saw BIJ23 in cell; BIJ23 told the nurse that he had ingested two small screws a few hours ago; he denied any throat pain, abdominal pain or bleeding; he was settled, given dinner and his medication;
- (8) at approximately 8.00pm and 9.00pm, there was no visual of BIJ23's cell as the camera was covered, but staff contacted him via the cell call and he reported that he was "all good";
- (9) at approximately 10.01pm, there was no visual of BIJ23's cell as the camera was covered and there was no response via the cell call; and
- (10) at approximately 10.45pm, BIJ23's cell camera was uncovered and he appeared to be asleep and he was observed again to be asleep at approximately 11.30pm.

50. On 4 October 2022:

- (1) at approximately 8.19am, BIJ23 was seen by the nurse;
- (2) at approximately 8.53am, BIJ23 attended a visit with his aunt, cousin and a Youth Justice officer;
- (3) at approximately 10.02am, BIJ23 returned from visits and covered his cell camera;
- (4) at approximately 10.06am, there was an incident (incident ID I126316818), which included the following events:
  - (a) at approximately 10.06am, BIJ23 said that he was going to kill himself following a discussion with an officer about someone coming to fix the hot water that day; he then walked to his curtain, which had a ripped bed sheet around it, which he went to untie; the officer informed the control room straight away;
  - (b) at approximately 10.10am, a senior officer entered BIJ23's cell to talk to him about a threat to self he had made to the officer about a lack of hot water;

- (c) upon opening the cell door, BIJ23 quickly informed the senior officer that he was only joking;
  - (d) the senior officer counselled BIJ23 and informed him that he was not at Unit 18 for behavioural reasons, and was informed by BIJ23 that he wanted to go back to Banksia Hill; and
  - (e) BIJ23 said that he had no intention to self-harm despite the recent incident of ingesting a foreign object and that he was just frustrated and did not mean it;
- (5) at approximately 10.45am, BIJ23 met with the psychologist:
- (a) the psychologist observed BIJ23 as being friendly and easily engaged but irritable with staff, and that he still reported a dislike for Unit 18, asking if he could return to Banksia Hill;
  - (b) among other things, BIJ23 disclosed to the psychologist that he made a threat to kill himself that morning but stated he did not mean it and denied any thought of NSSI or suicide and was still goal-oriented on transferring back to Banksia Hill, with an ERD prior to Christmas; and
  - (c) the psychologist recommended [REDACTED] and proactive strategies including [REDACTED] contact request with [REDACTED], opportunities for time out of cell, contact with internal and external support, continued staff support and monitoring, and continued engagement in program, meaningful activities and exercise;
- (6) from approximately 12.05pm, BIJ23 appeared settled in his cell watching television; and
- (7) at approximately 9.12pm, he covered his camera but uncovered it once instructed to do so before going to sleep.

51. On 10 October 2022:

- (1) at approximately 9.25am, BIJ23 was seen by a psychologist for his ARMS review; he denied any current thoughts of NSSI or suicide; he was focused on returning to Banksia Hill prior to his ERD;

- (2) there was an incident (incident ID I126598593) which included the following events:
  - (a) at approximately 11.55am, BIJ23 was in the recreation yard on the phone with his girlfriend; he appeared very agitated;
  - (b) following the phone call, an officer informed BIJ23 that he would have to return to his cell for the lunch time lockdown, which BIJ23 appeared to understand;
  - (c) BIJ23 walked away from the officers and to the far side of the recreation yard; after some counselling, BIJ23 agreed to go back to his cell and was placed in handcuffs;
  - (d) BIJ23 told the officers that he had a bad phone call and that he was going to hurt himself; he said that he would smash his head in his cell because he was stressed; and
  - (e) the officers counselled BIJ23;
- (3) prior to the above incident in the recreation yard, BIJ23 spoke with an AYSO; BIJ23 was kicking the footy; he said that he was hoping to move back to Banksia Hill soon and that he had spoken to his family over the weekend; he stated that he wasn't sleeping well but had no issues or concerns for the AYSO to follow up; he was in a settled mood and interacted well with his peers and officers kicking the footy;
- (4) following the incident in the recreation yard, the AYSO spoke with BIJ23 when he had returned to his cell; he stated that he was cutting himself with a small object and showed the AYSO his arm; the AYSO informed the unit manager and control team; the AYSO noted to follow up with BIJ23 at the next available opportunity;
- (5) there was an incident (incident ID I126629260) which included the following events:
  - (a) at approximately 6.38pm, BIJ23 began self-harming in his cell via scratching his arm with items from a broken TV;
  - (b) officers immediately responded and entered his cell to search and remove all broken items;
  - (c) BIJ23 was receptive to counselling and his cell door was secured; and

- (d) as there was no nurse onsite at Unit 18 during the time of the incident, the nurse at Casuarina Prison was contacted and bandages were provided to BIJ23;
- (6) officers observed BIJ23 at approximately 7.19pm, 8.48pm, 9.36pm, 10.35pm as appearing settled and then lying in bed, and after midnight at regular intervals, as appearing asleep until the following morning;
- (7) BIJ23 was assessed by a nurse the following day who confirmed that there were no concerns regarding the severity of the injury sustained; and
- (8) as a result of the incident, BIJ23 was cautioned and counselled.

52. On 12 October 2022:

- (1) at approximately 9.59am, BIJ23 was covering his cell camera and refusing to uncover it; the unit manager was informed and an officer tasked with counselling him through the cell door;
- (2) at approximately 10.06am, BIJ23 responded to the officers counselling;
- (3) at approximately 10.30am, BIJ23 met his psychologist for his ARMS review whereby he:
  - (a) presented as irritable and appeared teary at times, but adequately engaged, identifying stressors related to out of cell time, phone calls and his desire to return to Banksia Hill; and
  - (b) otherwise denied thoughts of self-harm or suicide despite presenting as vulnerable to the psychologist;
- (4) at approximately 11.15am, BIJ23 covered his cell camera again and was not responding to the officers via the cell call system; the unit manager was informed;
- (5) there was an incident (incident I126718942) which included the following events:
  - (a) at approximately 11.20am, an AYSO checked on BIJ23 given that he had covered his in-cell camera and was not responding to the cell call system;

- (b) the AYSO went to BIJ23's viewing window and began to engage in conversation; at first BIJ23 was not willing to engage in the conversation;
  - (c) BIJ23 was counselled and requested by the AYSO to uncover his viewing window which he declined to and said words to the effect of, "I'm right, you don't have to worry about me";
  - (d) BIJ23 was then observed to be holding what appeared to be a small black sharp triangular piece from what seemed to be from his television, which could not be confirmed, and the AYSO asked BIJ23 to pass that piece to him as the AYSO was concerned it could be used for potential NSSI;
  - (e) BIJ23 declined to hand the piece over and said that he was "all good, stop worrying" and requested for the AYSO to speak with other detainees instead of him;
  - (f) the AYSO then witnessed BIJ23 scratch himself on his arms with the small triangular piece;
  - (g) the AYSO made his way to the control room to inform another officer as he was worried for BIJ23's welfare;
  - (h) BIJ23 made comments to the effect of "don't tell the officers" and "I'm right"; and
  - (i) shortly after, BIJ23 uncovered his camera;
- (6) at approximately 11.37am, BIJ23 continued to cover and uncover his cell camera despite an officer outside his cell door counselling him;
- (7) at some stage during the day, a nurse assessed BIJ23 in his cell:
- (a) following the self-harm actual attempt, the nurse observed multiple superficial lacerations to his left forearm, non-bleeding, a mix of old and new; and
  - (b) the nurse noted that BIJ23 declined any nursing assessment or assistance and stated that he cleaned his injuries himself;
- (8) at approximately 12.27pm, BIJ23 was provided lunch in his cell;

- (9) at approximately 2.27pm, BIJ23 attended education; and
- (10) from approximately 3.27pm, BIJ23 was in his cell until the Overnight Lockdown; settled, sleeping or watching TV.

53. On 24 October 2022:

- (1) at approximately 10.07am, BIJ23 cleaned his cell and was continuously calling through the cell call system wanting to be let out of his cell (he was due to get out of his cell soon for education);
- (2) at approximately 10.49am, BIJ23 settled in education;
- (3) at approximately 12.06pm, he had recreation time in the yard and made a phone call;
- (4) at approximately 1.50pm, BIJ23 attended education again and was interacting with his peers and teachers;
- (5) at approximately 2.23pm, BIJ23 first rang the cell call system stating that he wanted to kill himself and slash his wrists because he was put back in his cell and an officer went to counsel him at the cell door;
- (6) at approximately 2.40pm, BIJ23 rang the cell call system asking when he was getting up and did not understand why he was locked down; an officer attempted to counsel BIJ23 but he was not receptive and BIJ23 said that he would slash his throat and kill himself; the officer informed the unit manager;
- (7) at approximately 3.25pm, BIJ23 was seen on camera scratching his arm with an object, and when officers opened his cell to counsel, BIJ23 handed over a piece of glass;
- (8) at approximately 3.59pm, BIJ23 continued to call over the cell call system asking when he was getting up, yelling at and verbally abusing officers;
- (9) there was an incident (incident ID I127313431) which included the following events:
  - (a) at approximately 5.15pm, BIJ23 called through on the cell call system and asked when he was getting a phone call;

- (b) BIJ23 was informed by the officer that detainees were getting fed in their cells and some detainees would be moving from other cells back to their own cells first; BIJ23 then called officers “fucking liars” among other things;
  - (c) at approximately 5.16pm, BIJ23 held what appeared to be a ligature in his hand and was looking for hanging points in his cell;
  - (d) BIJ23 wrapped the ligature around his neck and laid on the floor for a minute and then stood up, walked over to his bed and sat on a mattress;
  - (e) officers who were providing dinner in cells were notified and asked to check on BIJ23 and he was also given his dinner in his cell shortly after;
  - (f) it was noted that BIJ23 had been ringing through the cell call system all afternoon once he had been placed back in his cell, stating that he would kill himself, and that he would “slash the officers throat”, among other things, because he was not getting out of his cell;
  - (g) officers continued physical checks on BIJ23;
  - (h) BIJ23 was counselled by the unit manager and reminded about the expectations when speaking with officers; and
  - (i) he denied any intent to harm himself and stated that he made the threats as he believed that he was going to miss out on a phone call; and
- (10) at approximately 6.40pm, a nurse provided BIJ23 with his medication; he appeared agitated and was shouting at officers to use the telephone.

54. On 26 October 2022:

- (1) at approximately 1.48pm, BIJ23 spoke with an AYSO while he was in education; BIJ23 appeared to be settled and was interacting well with peers and staff while in education, he stated he didn't have any issues for the AYSO to follow up apart from wanting to have another call with [REDACTED]; BIJ23 also stated he has had regular contact with his family through phone calls;
- (2) BIJ23 attended his scheduled ARMS assessment with his psychologist;

- (3) during BIJ23's meeting with the psychologist:
- (a) BIJ23 presented as calm and appeared euthymic in mood, sitting with a relaxed posture, and engaged easily with a friendly demeanour;
  - (b) BIJ23 reported that he had only five weeks remaining until his ERD and was planning to remain at Unit 18 until his release;
  - (c) BIJ23 appeared focussed on his pending ERD in five weeks and discussed future plans and goals, noting that he had seen his YJO that morning and they had discussed his Supervised Release Order (**SRO**) plan which he seemed happy with;
  - (d) BIJ23 informed the psychologist that he had positive [REDACTED] telephone contact with [REDACTED] and showed the psychologist that he had not scratched himself in a long time, and his arms were observed to have no overt scratches or fresh marks;
  - (e) BIJ23 was informed that his psychologist would be moving to a new position for the next several months but he would be allocated to a new clinician, and he raised no concerns or worries;
  - (f) the psychologist noted that whilst BIJ23's presentation at the session was positive, that he was unsettled a few days ago, making threats to kill himself and tying a ligature around his neck;
  - (g) the psychologist noted that BIJ23 remains vulnerable to swift changes in mood and escalation in risk-to-self in the context of poor coping skills and impulsivity; and
  - (h) the psychologist recommended that BIJ23 remain on either Level 2 or Level 3 checks pending feedback from the multi-disciplinary team (**MDT**); and
- (4) the ARAG recorded the following proactive strategies:
- (a) continued [REDACTED] [REDACTED] with [REDACTED];
  - (b) staff to monitor, engage in conversation and provide support where required;

- (c) staff, AYSO, psych and other support services engagement in support and monitoring;
- (d) contact with external and internal supports; and
- (e) encouragement to engage in centre-based activities.

55. On 28 October 2022:

- (1) at approximately 9.15am, BIJ23 spoke with an officer and indicated that he was travelling ok and had no issues at that time;
- (2) BIJ23 attended education in the morning;
- (3) at approximately 2.06pm, BIJ23 spoke with an officer while in the recreation yard; he stated he didn't have any issues for the officer to follow up other than a call with [REDACTED]; he stated he was going ok for family contact and conversed well with the officer; he appeared to be settled and was interacting well with peers and staff;
- (4) at approximately 2.47pm, a nurse made observations of BIJ23 that day during education, yard time and during out of cell time, when he was playing table tennis; nil concerns were recorded; and
- (5) BIJ23 was unable to be seen by a psychologist due to staffing levels.

56. In relation to 1 November 2022:

- (1) there was an incident (incident ID I127691750) which included the following events:
  - (a) at approximately 9.50am, BIJ23 was observed pulling the hair of another detainee as he was being escorted from visits to Unit 18; an officer instructed BIJ23 to stop, and BIJ23 began verbally abusing the officer, including saying words to the effect of "I'll bash you" and "I'll assault you";
  - (b) at approximately 9.54am, BIJ23 was returned to his cell (C04); when his handcuffs were removed BIJ23 was abusive to staff as a result of his cell being searched, saying words to the effect of, "Which one of you cunts wants to be

king hit", "Fuck this shit, I'm killing myself", and "Who fucking went in my cell and moved my shit around"; and

- (c) BIJ23 then started smashing his department-issued radio and department-issued television, scratching his cell camera, and picking up parts of his smashed radio and putting them in his mouth;
- (2) there was another incident (incident ID I127693702) which included the following events:
- (a) at approximately 10.10am, BIJ23 was observed to be sitting on his bed with what appeared to be pieces of plastic / glass from his TV;
  - (b) BIJ23 proceeded to make self-harm threats of swallowing the pieces of plastic/glass, and then placed 2-3 pieces inside his mouth;
  - (c) BIJ23 told officers he had swallowed pieces of glass, however he subsequently stated he had not swallowed glass;
  - (d) an officer asked BIJ23 to hand the glass sheet under the door, but he refused to comply;
  - (e) BIJ23 complained of feeling "light headed" and held his chest area, appearing to be in pain;
  - (f) a nurse and other officers entered BIJ23's cell, and the nurse conducted an assessment (including checking BIJ23's mouth and throat with a torch); at that time BIJ23 again told officers he had not swallowed anything;
  - (g) BIJ23 was given some pies which he ate while sitting on the mattress and the nurse and officers left his cell;
  - (h) a nurse assessed BIJ23 again after an hour; at this time, BIJ23 said that he had swallowed a piece of something from the TV, and complained of pain mid sternum; the nurse observed BIJ23 had no injury or sign of trauma to the soft tissue of his face or inside his mouth, and the back of his throat was intact with nil sign of trauma;

- (i) BIJ23 was given food after the assessment and was observed eating with nil difficulty or any sign of trauma or pain;
- (j) BIJ23 then spoke with a psychologist; the psychologist recorded that BIJ23 presented as quiet initially, however he became increasingly engaged as the session progressed. BIJ23 reported pain and discomfort during the session, but described not wanting to go to hospital; the psychologist recommended BIJ23 remain on [REDACTED] for review the following day, and that should he engage in further incidents of self-harm, non-rip clothing may be warranted;
- (k) BIJ23 was observed sitting comfortably having a consult with the psychologist, and did not seem distressed and did not appear to be in pain;
- (l) regardless, medical staff determined to transfer BIJ23 to a hospital emergency department (**ED**) for a medical assessment, and a request for a transfer was made at approximately 12.13pm;
- (m) at approximately 2.41pm, BIJ23 complained of dizziness; medical staff determined to continue observations while awaiting transfer to hospital;
- (n) at approximately 3.31pm, BIJ23 was briefly assessed prior to movement to ED; at that time, BIJ23 denied feeling dizzy, did not appear to be in pain and showed no sign of discomfort; he was then transferred to Fiona Stanley Hospital ED;
- (o) at approximately 4.15pm, BIJ23 then presented to Fiona Stanley Hospital ED where he was examined as alert and oriented, speaking full sentences;
- (p) at the hospital, it was found that BIJ23 had no foreign bodies and that no medication was needed, but that he needed psychiatric review and a line of sight supervision until that psychiatric review;
- (q) at approximately 9.27pm, BIJ23 was then discharged from Fiona Stanley Hospital; and
- (r) at approximately 9.56pm, BIJ23 returned to Unit 18 where he appeared to be settled in his cell; and

- (3) there was another incident (incident ID I127713884) which included the following events:
  - (a) at approximately 2.20pm, BIJ23 was cautioned for his conduct during incident I127693702; and
  - (b) he stated he was going to kill himself.

56A. On 2 November 2022, BIJ23 participated in education at 10.00am, and was outside in the yard for recreation at 11.00am.

56B. On 4 November 2022:

- (1) at approximately 11.00am, BIJ23 politely declined psychologist contact that was offered to him;
- (2) BIJ23's risk assessment could not be conducted for [REDACTED] and he remained on [REDACTED];
- (3) BIJ23 participated in education at 2.00pm and had recreation time in the wing at 4.00pm;
- (4) supervision logs indicate that BIJ23 was settled and engaged well in programs; and
- (5) there was an incident (incident ID I127910664) which included the following events:
  - (a) at approximately 4.50pm, BIJ23 was instructed to go to his cell after recreation time in A wing, and refused to follow the instruction;
  - (b) BIJ23 began running around A wing displaying behaviour that he did not want to go to his cell, and continued to ignore instruction to stop this behaviour;
  - (c) BIJ23 began ripping cardboard from a tissue box and jamming it into the grooves of the cell door, in an attempt to jam the door from being closed;
  - (d) BIJ23 picked up a radio and held it in a combative stance toward the officers; he was issued with a use of force warning; and

- (e) BIJ23 smashed the radio to the ground; an officer took control of BIJ23 and lowered him safely to the ground then applied mechanical restraints, to be escorted back to his cell.

57. On 6 November 2022:

- (1) BIJ23 was allocated to cell C04; and
- (2) there was an incident (incident ID I127989995) which included the following events:
  - (a) at approximately 7.21pm, an officer requested via BIJ23's intercom that he uncover his cell camera; BIJ23 refused to follow the instruction;
  - (b) BIJ23 made a reference to killing himself and hanging himself;
  - (c) the officer advised BIJ23 that they could get someone to speak with him but he stated he did not want to talk to anyone;
  - (d) the officer again asked BIJ23 to uncover his camera so that officers could ensure he was safe. BIJ23 refused to uncover the camera;
  - (e) BIJ23 called back moments later advising that he had swallowed four pieces of glass;
  - (f) an officer was advised to check on BIJ23; and
  - (g) a medic assessed BIJ23 and cleared him to remain in his cell;

58. On 7 November 2022:

- (1) in the morning, BIJ23 requested a second helping of food for breakfast, which was given to him; he spoke clearly, had no changes to his speech pattern and no sign of any obstruction or any distress;
- (2) BIJ23 told officers that he had swallowed four screws the night before; he was medically assessed, and it was determined he did not meet the medical criteria of requiring transfer to hospital, according to the protocol obtained from Fiona Stanley Hospital; and

- (3) an hour after the medical assessment, BIJ23 was seen by a psychologist, talking well and smiling.

59. On 14 November 2022:

- (1) BIJ23 was unsettled overnight, being uncooperative with staff and covering his camera;
- (2) BIJ23 was provided breakfast at 7.20am, and his cell clean was completed at 8.18am; at this time he appeared settled;
- (3) BIJ23 went to a visit at 8.45am, and returned to his cell at 9.55am; when he returned to his cell, BIJ23 called through the cell call system expressing anger that his cell was searched; BIJ23 was abusive through the cell call, but was counselled and calmed down at approximately 10:42am; at this time BIJ23 also uncovered his camera;
- (4) at approximately 11.50am, there was an incident (incident ID I110876088) in which BIJ23 refused to go back to cell for the lunch time lockdown; he was instructed to return to cell but refused and was abusive and threatening towards staff including by saying words to the effect of “fuck that, I’m not going to my cell, I’ll smash this place right up” and by moving aggressively towards officers; a code amber was called; BIJ23 was counselled about his behaviour and an officer placed him back in cell; he was given a loss of program placement as a consequence of his behaviour;
- (5) BIJ23 was provided with lunch at approximately 12.22pm;
- (6) BIJ23 was observed to be settled, sitting on his bed at approximately 2.33pm;
- (7) at approximately 5:00pm, BIJ23 declined to take his medication as instructed by his doctor;
- (8) BIJ23 was intimidating and threatening during the medication rounds, stepping out of his cell and calling out;
- (9) BIJ23 told an officer to go and work somewhere else, and said that he had been told by the other nurse that he would get his medication whole, and not crushed or dissolved;

- (10) the officer informed BIJ23 that the medication is given is based on instructions from his doctor and he would be reviewed by the mental health nurse based on Electronic Health On-Line notes;
  - (11) there were clear instructions on the DOJ medication signing sheet to dissolve Mirtazapine, which was adhered to; and
  - (12) BIJ23 was otherwise settled at approximately 5.31pm.
60. In relation to the period between 16 November 2022 and 23 November 2022:
- (1) on 16 November 2022:
    - (a) BIJ23 was seen for support at his request in the Unit 18 psychologist office by a psychologist;
    - (b) BIJ23 presented with a positive mood and future focus; he discussed being one of the “privileged” detainees, meaning that he could assist with meal service, have additional unlock and provide peer support for other detainees;
    - (c) BIJ23 advised that another psychologist was keen to come out to see him again, to which he was receptive; and
    - (d) BIJ23 requested to terminate the session to provide support to another detainee who was currently unlocked;
  - (2) on 18 November 2022:
    - (a) BIJ23 was seen by a psychologist, who was an unfamiliar psychologist but noted that he presented as positive in mood, engaged easily and volunteered information about himself on the basis of [REDACTED] familiarity with the psychologist; and
    - (b) BIJ23 told the psychologist about his privileged status and what this entailed, noting that being out of cell and engaged in jobs was positively impactful on his mood and coping ability; and

- (c) the psychologist recommended that BIJ23 remain at [REDACTED] given his recent history indicated his mood and capacity to cope can fluctuate rapidly when stressors increase; and
- (3) on 23 November 2022:
- (a) BIJ23 was seen by his familiar psychologist, in the Unit 18 psychologist office;
  - (b) BIJ23 presented as neatly attired and alert;
  - (c) BIJ23 reported that he was generally coping well, though he had been stressed this morning as [REDACTED] had gone to the Supervised Release Review Board (**SRRB**) and was to be released;
  - (d) BIJ23 denied thoughts of NSSI or suicide; and
  - (e) BIJ23 discussed that it was only a few weeks until his own ERD and that he was looking forward to his anticipated release.

61. In relation to 8 December 2022:

- (1) there was an incident (incident ID I129577474) which included the following events:
  - (a) at approximately 6.00pm, a nurse attended BIJ23's cell to administer medication; on unlocking the cell, BIJ23 exited his cell and began walking to the far corner of the unit stating he wanted to make a phone call;
  - (b) BIJ23 commenced making a phone call, and became angry and agitated at officers counselling him to return to his cell;
  - (c) a code amber was called;
  - (d) staff continued to counsel BIJ23 but he was unreceptive; a use of force warning was then issued;
  - (e) staff secured BIJ23's arms, and he was escorted to his cell;
  - (f) BIJ23 continued to resist staff as they escorted him to his cell, including spitting at staff;

- (g) BIJ23 was secured in his cell;
  - (h) after he was secured in his cell, BIJ23 began shouting that he was going to kill himself;
  - (i) BIJ23 was observed over CCTV wrapping a ligature around his neck. BIJ23 removed the ligature after counselling; and
  - (j) a nurse then examined BIJ23 and assessed he had no injuries from the use of force; and
- (2) there was an incident (incident ID I129581877) which involved the following events:
- (a) at approximately 9.25pm, officers attended BIJ23's cell as BIJ23 had reported a toothache and requested Panadol;
  - (b) the hatch to BIJ23's cell was unlocked and Panadol administered;
  - (c) BIJ23 then put his hands out of the hatch and refused to move them;
  - (d) BIJ23 was abusing officers who were counselling him to move his hands back inside the hatch;
  - (e) BIJ23 was given two use of force warnings, and then officers pushed his arm back into his cell and closed the hatch;
  - (f) the hatch could not lock because BIJ23 had stuffed toilet paper into the locking mechanism;
  - (g) officers continued to hold the hatch closed and counselled BIJ23 to remove the toilet paper; and
  - (h) at approximately 10.35pm, BIJ23 removed the toilet paper from the locking mechanism and the hatch was secured.

62. In relation to 9 December 2022:

- (1) BIJ23 spoke with an AYSO in the morning and appeared in a good mood, interacting well with peers and staff, and was future focussed;

- (2) at approximately 2.00pm, BIJ23 had a psychologist appointment where he identified recent stressors related to cell time due to COVID protocols, but noted the benefit of access to time out of cell which he had earlier that morning;
- (3) at approximately 3.00pm, the Detainee Risk Assessment Group met and agreed to reduce BIJ23 to [REDACTED];
- (4) at approximately 3.49pm, BIJ23 was provided with a magazine and colouring pack;
- (5) at approximately 4.58pm, BIJ23 was settled in his cell with nil issues;
- (6) at approximately 6.05pm, BIJ23 was in his cell watching TV and appeared to be settled; and
- (7) there was an incident (incident ID I129624532) which involved the following events:
  - (a) at approximately 6.20pm, BIJ23 had a phone call in the A wing and officers conducted a routine search of his cell;
  - (b) officers discovered six excess CDs in his cell, and removed five of those CDs;
  - (c) at approximately 6.56pm, BIJ23 had finished his phone call and became enraged that the CDs were removed, shouting words to the effect of "Go and fuck yourselves", that he would not go to his cell, and stated numerous times, "I'm not going to my cell, fuck you";
  - (d) BIJ23 then wrapped the phone cord around his neck;
  - (e) officers counselled BIJ23 to remove the metal cord from around his neck, and escorted him back to his cell;
  - (f) after BIJ23 was secured in his cell, he tore a sheet and wrapped it around his neck;
  - (g) officers attempted to maintain a dialogue with BIJ23 but he continued to tighten the sheet ligature around his neck;
  - (h) officers continued to counsel BIJ23, and he removed the ligature from his neck but continued to abuse officers;

- (i) BIJ23 was then observed breaking an aerial with his teeth; BIJ23 showed an officer the pieces and put them in his mouth, threatening to swallow them;
- (j) BIJ23 spat the aerial pieces out within a few seconds and his speech returned clear;
- (k) an officer convinced BIJ23 to sit on the mattress and allow the officer to counsel him in his cell which he agreed to;
- (l) that officer counselled BIJ23, and removed the little pieces of the broken aerial and the ligature;
- (m) BIJ23 expressed frustration following the removal of his CDs, and the officer agreed to provide him with some magazines and an extra CD;
- (n) BIJ23 showed the officer that he tampered with his bed light switch and informed the officer that it wouldn't take him long to break it. BIJ23 was counselled again;
- (o) BIJ23 was eventually calmed by the officer and the cell was resecured; and
- (p) the officer later returned and provided BIJ23 with an extra CD and a couple of magazines. BIJ23 thanked the officer and the cell door was secured.

63. In relation to 10 December 2022:

- (1) BIJ23 was involved in an incident (incident ID I129651760) which included the following events:
  - (a) at approximately 3.30pm, a code red out of bounds was called;
  - (b) officers observed BIJ23 was on the roof of the shelter in the yard together with another detainee;
  - (c) BIJ23 started ripping parts of the roof off; he stated to staff that the ripped pieces were meat cleavers and included two pieces of metal approximately 6 inches long;
  - (d) BIJ23 removed his t-shirt and strips torn from his t-shirt were used in conjunction with the pieces of metal to make what the detainees referred to as "shivs";

- (e) BIJ23 and the other detainee were abusing and threatening staff;
- (f) officers issued a use of force warning to both detainees that if they attempt to assault staff, force will be used including potentially chemical agent;
- (g) staff formed a cordon and attempted to counsel BIJ23 and the other detainee to come down from the roof;
- (h) BIJ23 continued to remove metal from the roof;
- (i) at approximately 5.05pm, BIJ23 was advised to stop damaging the roof for his own safety as the roof may cave in;
- (j) regular verbal welfare checks were undertaken for both detainees, including water being offered, after they were complaining about the heat, if they would come down from the roof, but neither detainee complied;
- (k) at approximately 5.20pm, SOG officers arrived and positioned themselves within the cordon of the incident;
- (l) at approximately 6.02pm, BIJ23 was still on the roof and stated words to the effect that he would get down when he was tired or hungry or cold;
- (m) the other detainee was eventually counselled to come down from the roof at approximately 7.25pm; BIJ23 came down from the roof at approximately 7.35pm by a ladder;
- (n) BIJ23 was placed in handcuffs and escorted to his cell where a pat search was conducted; BIJ23 was compliant while being escorted to his cell;
- (o) BIJ23's handcuffs were removed and he was medically assessed by a nurse who noted no injuries, and he was provided with hot food and milk, which he requested;
- (p) BIJ23 denied any injury or concern, and had no other complaints or issues; and
- (q) at approximately 8.16pm, BIJ23 had settled back in his cell watching TV.

## **Incidents at Banksia Hill / Unit 18 between September 2022 and October 2023**

64. In relation to the period between September 2022 and October 2023:

- (1) BIJ23 was recorded as being in the recreation yard on, at least, the following days:
  - (a) 1, 2, 3, 4, 5 September 2022;
  - (b) 6, 7, 8, 9, 10, 13, 14, 15, 17, 18, 21, 22, 24, 27, 28, 30 and 31 October 2022;
  - (c) 2, 3, 6, 16, 18, 19, 21, 25 and 26 November 2022;
  - (d) 8, 10 and 14 December 2022;
  - (e) 3, 4, 6, 18, 19 January 2023;
  - (f) 25 and 26 February 2023;
  - (g) 5, 9, 12, 14 March 2023;
  - (h) 5, 6, 8, 9, 11, 12 April 2023;
  - (i) 18, 23, 24, 25, 27, 28, 29 May 2023;
  - (j) 1, 2 June 2023;
  - (k) 17, 18 August 2023; and
  - (l) 4, 20 September 2023;
- (2) BIJ23 was recorded as having accessed telephone calls on, at least, the following days:
  - (a) 2, 3, 6, 27, 28 September 2022;
  - (b) 10, 17, 19 October 2022;
  - (c) 7, 16 November 2022;
  - (d) 9, 10 December 2022;

- (e) 9, 18, 19, 23 January 2023;
  - (f) 24 February 2023;
  - (g) 2, 4, 5, 7, 8, 22, 23 March 2023;
  - (h) 25 April 2023;
  - (i) 16, 17 May 2023;
  - (j) 3, 14, 15 June 2023;
  - (k) 18, 21 August 2023; and
  - (l) 17, 21 September 2023;
- (3) with respect to sub-paragraph (a) of paragraph 64 of the Applicant's Statement of Particulars – BIJ23, detainee access to telephone calls was from time to time affected for the reasons detailed in paragraph 64(6)(b) below;
- (4) with respect to sub-paragraph (b) of paragraph 64 of the Applicant's Statement of Particulars – BIJ23:
- (a) on 4 October 2022, BIJ23 met with a psychologist, and stated that his coping had improved over recent days due to additional time out of cell and placement near [REDACTED];
  - (b) on 6 October 2022:
    - (i) at approximately 10.57am, BIJ23 spoke with an AYSO in the Unit 18 C wing, stating that he "is all good", but had put in a request to transfer back to Banksia Hill. BIJ23 engaged well with the AYSO and appeared in a good mood;
    - (ii) at approximately 1.58pm, BIJ23 met with another psychologist; BIJ23 presented as polite and in a pleasant mood, and engaged well; he reported experiencing daily anxiety associated with uncertainty about time out of cell and the plan for the day; he denied any current thoughts of self-harm or suicide; he reported extended time out of his cell, interaction with

██████████, access to activities and education as significant protective factors assisting his management of mood and coping;

(iii) in the same conversation, BIJ23 also reported that he was maintaining phone calls with family when facilitated, and that he was making efforts to avoid involvement in incidents with hopes to move back to Banksia Hill; and

(iv) at approximately 2.15pm, BIJ23 spoke with an AYSO in the Unit 18 recreation yard; BIJ23 was kicking a footy during contact, and stated that he “is all good”, had slept well and was waiting to go to his video link with ██████████. BIJ23 spoke about wanting to get a job and go back to playing footy, and stated he had no issues or concerns for the AYSO to follow up; and

(c) subsequently, on 10 October 2022, BIJ23 met with a psychologist again and reported:

(i) an improvement in mood and coping given extended time out of cell over the weekend;

(ii) hope that time out of cell, recreation outdoors and peer engagement would continue to enable his ability to manage being in custody;

(iii) support from ██████████ at Unit 18; and

(iv) maintaining contact with external contacts via the phone;

(5) with respect to sub-paragraph (c) of paragraph 64 of the Applicant’s Statement of Particulars – BIJ23, the Respondent says that:

(a) BIJ23 interacted with other detainees on several occasions during this period;

(b) there were periods of time where movement of detainees within Unit 18 was restricted due to significantly damaged infrastructure which created an unsafe environment for detainees and staff; this resulted in reduced opportunities for detainee interaction; and

- (c) interactions between certain detainees and BIJ23 were limited due to safety and security concerns arising from several outdoor critical incidents involving BIJ23 and others during this period; between September 2022 and October 2023, BIJ23 had 21 active 'risk to' and risk 'from' alerts; these alerts are reviewed daily and enable YCOs to determine safe and appropriate interactions between detainees; an alert will remain active until the risk can be mitigated or has been eliminated; and
  - (6) with respect to sub-paragraph (d) of paragraph 64 of the Applicant's Statement of Particulars – BIJ23, the Respondent says that:
    - (a) phone calls were not limited to 10 minutes with compulsory wait times of 15 minutes between calls; and
    - (b) during this period, access to phone calls was at times limited for the following reasons:
      - (i) due to significantly damaged infrastructure which created an unsafe environment for detainees and staff; this resulted in reduced opportunities for phone calls; and
      - (ii) due to damage caused to the telephones with detainees breaking multiple phones rendering them unworkable.
65. On 31 March 2023, there was an incident (incident ID I135258555) which involved a number of detainees, including BIJ23; the incident involved and resulted in the following:
- (1) at approximately 6:30pm, due to the detainees being extremely unsettled, as well as staff remaining affected by chemical agent deployment during an earlier incident that day, a decision was made to feed detainees dinner via their cell hatches;
  - (2) several detainees proceeded to put their arms through the hatches;
  - (3) BIJ23, along with several other detainees, proceeded to break open their hatches and began to threaten staff;
  - (4) the detainees began using lengths of fabric to move items between one another or create improved weapons with metal objects;

- (5) detainees also began to throw substances, including urine, at staff who entered the wing; and
  - (6) following the incident, repairs were undertaken which proved ineffective; a recommendation was made by a specialist locksmith on or around the first week of April 2023 for the hatches in the wing to be welded shut; this course of action was approved by the Superintendent; the function of hatches is not to facilitate communication with detainees and they are typically not found in juvenile detention centres; the hatch may be used to allow for the safe application and removal of handcuffs and for the dispensation of medication; detainees can communicate with officers via the cell call system and they are otherwise observed via the cell camera and/or via in-person welfare checks through the cell observation window; detainees can communicate with officers without yelling even with the cell door shut.
66. The Respondent denies that an incident matching the description of paragraph 66 of the Applicant's Statement of Particulars – BIJ23 occurred in August 2023. However, on 21 June 2023, there was an incident (incident ID I139098772) which involved the following events:
- (1) at approximately 12.10pm, BIJ23 was informed that a 20-minute window remained in which he could make his phone call before he would have to go back to his cell, when another detainee encouraged him not to make his phone call;
  - (2) BIJ23 began to walk to his cell, where an officer offered him hot water for his noodles, which he declined;
  - (3) BIJ23 then made his way to the end of the wing where there was a hole in the roof where he began pulling at metal that held the roof up;
  - (4) officers counselled BIJ23 to stop, while another detainee walked past and pulled a piece of gyprock off;
  - (5) BIJ23 removed a piece of thick gyprock sheeting approximately 30cm in length;
  - (6) a code amber was called over the radio and BIJ23 attempted to grab the keys from an officer, but the officer pushed him off;

- (7) BIJ23 and the other detainee were threatening staff with the gyprock they had broken off;
- (8) the two detainees began throwing pieces of gyprock at the officers and BIJ23 yelled words to the effect “give me your keys”;
- (9) BIJ23 and the other detainee were instructed to get on the ground or chemical agent would be used;
- (10) both detainees did not comply, and officers deployed chemical spray;
- (11) shields were used to corner the detainees and wrist restraints were applied;
- (12) at approximately 12.30pm, BIJ23 was escorted into his cell, his handcuffs were removed and then officers exited the cell;
- (13) BIJ23 was then moved to cell C15 for a decontamination shower; after being decontaminated, BIJ23 was re-escorted back to his cell after being resecured in handcuffs;
- (14) BIJ23 was provided with fresh clothing which he changed into, and staff removed the contaminated clothing and towel from his cell; and
- (15) BIJ23 refused a medical review by the nurse and stated words to the effect of “I said I’m fine”.

67. In relation to the incident on 1 July 2022, see the particulars in paragraph 4 above.

#### **Incidents at Banksia Hill / Unit 18 between February 2024 and March 2024**

68. The Respondent denies that an incident matching the description of paragraph 68 of the Applicant’s Statement of Particulars – BIJ23 occurred in February 2024. However, on 24 March 2024, there was an incident (incident ID I154303331) involving the following events:

- (1) at approximately 2.15pm, BIJ23 and another detainee appeared unsettled in the B wing of Unit 18 during their out of cell recreation time;

- (2) BIJ23 and the detainee were being disruptive, repeatedly ignoring directives not to tamper with the grille locks and service cupboard;
- (3) at approximately 2.20pm, they were attempting to kick, bend and break a metal bench situated in the wing, and ignored directives to stop; a code amber was called;
- (4) both detainees continued to not follow instructions and be disruptive;
- (5) officers informed the detainees that if the behaviour continued they would be secured in their cell after their recreation, and then gave the detainees a five minute warning before going to their cell;
- (6) BIJ23 and the other detainee removed a metal bench seat and used it to strike metal mesh at one side of the B wing;
- (7) one of the officers instructed BIJ23 and the other detainee to lay on the ground or a chemical agent would be used;
- (8) BIJ23 continued to ignore directives, still holding the metal bench and appeared to be walking towards the officer;
- (9) the officer deployed "MK 9 chemical agent 7330072" near BIJ23 and the other detainee;
- (10) BIJ23 surrendered by lying on the ground but was inciting the other detainee to assault the officer restraining him, by saying words to the effect of "bash her, assault that white slut";
- (11) BIJ23 was in a prone position heavily resisting the officers attempting to detain him by kicking them;
- (12) BIJ23 attempted to headbutt staff and began to hit his head against the floor; one of the officers placed a towel under BIJ23's head;
- (13) two officers were holding BIJ23 on either side of his upper body, lifting his chest off the floor to assist his ability to breathe;

- (14) BIJ23 attempted to bite one of the officers on several occasions and was violently resisting being restrained;
  - (15) BIJ23 made verbal threats to one of the officers, saying words to the effect of "you're going for a boot run, I'm killing you, I'm bashing you, white cunt, white slut, you were raped when you were a little girl, I'm kicking you in the cunt, I'm killing you, wait till I get out I'm killing you";
  - (16) due to BIJ23's ongoing aggressive behaviour, restraints were applied to his ankles;
  - (17) BIJ23 was examined by a nurse, and he stated that his foot and then his leg were injured;
  - (18) BIJ23 was restrained and refused to walk, he was carried to his cell and placed onto a safe mattress and restraints were removed;
  - (19) BIJ23 stated that if the officers took off his handcuffs, he would lash out;
  - (20) one of the officers released the handcuffs from his right wrist, at which point he tried to break free from being held;
  - (21) the handcuffs were removed from BIJ23's left wrist; due to him continually trying to break free, officers held his wrist and pushed down on his shoulders trying to hold him securely on the mattress; and
  - (22) officers performed a safe exit from the cell, while BIJ23 spat at one of the officers;
69. The Respondent denies that an incident matching the description of paragraph 69 of the Applicant's Statement of Particulars – BIJ23 occurred in March 2024. However, on 11 March 2024, there was an incident (incident ID I153557284) involving the following events:
- (1) at approximately 4.00pm, officers entered the cell of BIJ23 in the ISU at Banksia Hill to counsel him about covering his window and camera;
  - (2) upon the officers entering his cell, BIJ23 attempted to kick officers;
  - (3) BIJ23 attempted to grab the legs of an officer;
  - (4) a second officer went to the ground and tried to take hold of BIJ23's right arm;

- (5) BIJ23 got his arm free and put his hand on the second officer's waist and grabbed his lanyard and pulled his keys out of his pocket;
- (6) the second officer made a comment to the effect that BIJ23 had hold of his keys;
- (7) the second officer instantly reacted by throwing his hand up to stop the detainee taking his keys and inadvertently made contact with BIJ23's face;
- (8) BIJ23 was then restrained with handcuffs and taken out of the cell so it could be emptied of any debris, before he was returned to the cell;
- (9) officers then performed a hot exit from the cell; and
- (10) BIJ23 was seen by a medical nurse following the incident. He denied any injuries and the nurse noted that there were no obvious injuries.

**PART 2**

70. During the time that BIJ23 was detained at Unit 18, he was subject to a lockdown or a rolling lockdown as follows due to staff shortages, staff breaks, operational reasons and/or good order:

<b>Date</b>	<b>Minutes of Lockdown</b>
21 July 2022	230 minutes
26 July 2022	165 minutes
29 July 2022	405 minutes
30 July 2022	185 minutes
31 July 2022	300 minutes
1 August 2022	600 minutes
3 August 2022	315 minutes
4 August 2022	585 minutes
5 August 2022	495 minutes
7 August 2022	670 minutes
8 August 2022	496 minutes
9 August 2022	400 minutes
10 August 2022	530 minutes
11 August 2022	490 minutes
13 August 2022	430 minutes
14 August 2022	325 minutes
15 August 2022	480 minutes
17 August 2022	538 minutes
18 August 2022	80 minutes
19 August 2022	410 minutes
20 August 2022	420 minutes
21 August 2022	387 minutes
22 August 2022	470 minutes
23 August 2022	225 minutes
24 August 2022	355 minutes
29 September 2022	285 minutes
30 September 2022	466 minutes
1 October 2022	326 minutes

<b>Date</b>	<b>Minutes of Lockdown</b>
2 October 2022	367 minutes
3 October 2022	401 minutes
4 October 2022	405 minutes
5 October 2022	350 minutes
6 October 2022	350 minutes
7 October 2022	475 minutes
8 October 2022	425 minutes
9 October 2022	450 minutes
10 October 2022	195 minutes
11 October 2022	460 minutes
12 October 2022	485 minutes
13 October 2022	365 minutes
14 October 2022	407 minutes
15 October 2022	485 minutes
16 October 2022	460 minutes
17 October 2022	293 minutes
18 October 2022	310 minutes
19 October 2022	370 minutes
20 October 2022	415 minutes
21 October 2022	330 minutes
22 October 2022	285 minutes
23 October 2022	348 minutes
24 October 2022	345 minutes
25 October 2022	340 minutes
26 October 2022	374 minutes
27 October 2022	380 minutes
28 October 2022	395 minutes
29 October 2022	469 minutes
30 October 2022	463 minutes
31 October 2022	375 minutes
1 November 2022	280 minutes
2 November 2022	405 minutes

<b>Date</b>	<b>Minutes of Lockdown</b>
3 November 2022	380 minutes
4 November 2022	490 minutes
5 November 2022	367 minutes
6 November 2022	550 minutes
7 November 2022	453 minutes
8 November 2022	463 minutes
9 November 2022	405 minutes
10 November 2022	236 minutes
11 November 2022	230 minutes
12 November 2022	514 minutes
13 November 2022	493 minutes
14 November 2022	400 minutes
15 November 2022	365 minutes
16 November 2022	198 minutes
17 November 2022	190 minutes
18 November 2022	25 minutes
19 November 2022	161 minutes
20 November 2022	120 minutes
21 November 2022	200 minutes
22 November 2022	15 minutes
23 November 2022	90 minutes
24 November 2022	140 minutes
25 November 2022	75 minutes
26 November 2022	180 minutes
27 November 2022	90 minutes
28 November 2022	135 minutes
29 November 2022	81 minutes
30 November 2022	55 minutes
2 December 2022	170 minutes
3 December 2022	445 minutes
4 December 2022	555 minutes
5 December 2022	100 minutes

<b>Date</b>	<b>Minutes of Lockdown</b>
6 December 2022	345 minutes
7 December 2022	470 minutes
8 December 2022	560 minutes
9 December 2022	468 minutes
10 December 2022	300 minutes
11 December 2022	465 minutes
12 December 2022	475 minutes
13 December 2022	435 minutes
14 December 2022	145 minutes
24 February 2023	199 minutes
25 February 2023	530 minutes
26 February 2023	345 minutes
27 February 2023	235 minutes
28 February 2023	620 minutes
1 March 2023	355 minutes
2 March 2023	315 minutes
3 March 2023	450 minutes
4 March 2023	505 minutes
5 March 2023	387 minutes
6 March 2023	480 minutes
7 March 2023	195minutes
8 March 2023	542 minutes
9 March 2023	490 minutes
10 March 2023	475 minutes
11 March 2023	490 minutes
12 March 2023	353 minutes
13 March 2023	460 minutes
14 March 2023	275 minutes
16 March 2023	360 minutes
17 March 2023	505 minutes
18 March 2023	605 minutes
19 March 2023	525 minutes

<b>Date</b>	<b>Minutes of Lockdown</b>
20 March 2023	490 minutes
21 March 2023	301 minutes
22 March 2023	481 minutes
23 March 2023	353 minutes
24 March 2023	505 minutes
25 March 2023	570 minutes
26 March 2023	535 minutes
27 March 2023	395 minutes
28 March 2023	375 minutes
29 March 2023	320 minutes
30 March 2023	535 minutes
31 March 2023	525 minutes
1 April 2023	585 minutes
2 April 2023	550 minutes
3 April 2023	530 minutes
4 April 2023	480 minutes
5 April 2023	520 minutes
6 April 2023	460 minutes
7 April 2023	400 minutes
8 April 2023	520 minutes
9 April 2023	520 minutes
10 April 2023	445 minutes
11 April 2023	410 minutes
12 April 2023	385 minutes
13 April 2023	466 minutes
14 April 2023	421 minutes
15 April 2023	220 minutes
16 April 2023	590 minutes
17 April 2023	50 minutes
18 April 2023	535 minutes
19 April 2023	235 minutes
20 April 2023	600 minutes

<b>Date</b>	<b>Minutes of Lockdown</b>
21 April 2023	520 minutes
22 April 2023	595 minutes
23 April 2023	570 minutes
24 April 2023	533 minutes
25 April 2023	410 minutes
26 April 2023	396 minutes
27 April 2023	535 minutes
28 April 2023	515 minutes
29 April 2023	530 minutes
30 April 2023	510 minutes
1 May 2023	535 minutes
2 May 2023	575 minutes
3 May 2023	570 minutes
4 May 2023	530 minutes
5 May 2023	515 minutes
6 May 2023	574 minutes
7 May 2023	595 minutes
8 May 2023	505 minutes
9 May 2023	520 minutes
10 May 2023	595 minutes
11 May 2023	505 minutes
12 May 2023	500 minutes
13 May 2023	570 minutes
14 May 2023	610 minutes
15 May 2023	595 minutes
16 May 2023	560 minutes
17 May 2023	580 minutes
18 May 2023	555 minutes
19 May 2023	567 minutes
20 May 2023	595 minutes
21 May 2023	595 minutes
22 May 2023	595 minutes

<b>Date</b>	<b>Minutes of Lockdown</b>
23 May 2023	451 minutes
24 May 2023	455 minutes
25 May 2023	505 minutes
26 May 2023	530 minutes
27 May 2023	550 minutes
28 May 2023	490 minutes
29 May 2023	500 minutes
30 May 2023	400 minutes
31 May 2023	580 minutes
1 June 2023	535 minutes
2 June 2023	500 minutes
3 June 2023	515 minutes
4 June 2023	520 minutes
5 June 2023	285 minutes
6 June 2023	430 minutes
7 June 2023	545 minutes
8 June 2023	560 minutes
9 June 2023	520 minutes
10 June 2023	540 minutes
11 June 2023	535 minutes
12 June 2023	503 minutes
13 June 2023	444 minutes
14 June 2023	475 minutes
15 June 2023	445 minutes
16 June 2023	460 minutes
17 June 2023	479 minutes
18 June 2023	510 minutes
19 June 2023	495 minutes
20 June 2023	440 minutes
21 June 2023	570 minutes
22 June 2023	490 minutes
23 June 2023	505 minutes

<b>Date</b>	<b>Minutes of Lockdown</b>
24 June 2023	385 minutes
25 June 2023	499 minutes
26 June 2023	350 minutes
27 June 2023	575 minutes
28 June 2023	550 minutes
29 June 2023	475 minutes
30 June 2023	515 minutes
1 July 2023	505 minutes
2 July 2023	535 minutes
3 July 2023	430 minutes
4 July 2023	510 minutes
5 July 2023	495 minutes
6 July 2023	480 minutes
7 July 2023	518 minutes
8 July 2023	475 minutes
9 July 2023	580 minutes
10 July 2023	555 minutes
11 July 2023	520 minutes
12 July 2023	510 minutes
13 July 2023	460 minutes
14 July 2023	401 minutes
15 July 2023	520 minutes
16 July 2023	517 minutes
17 July 2023	360 minutes
18 August 2023	166 minutes
19 August 2023	520 minutes
20 August 2023	575 minutes
21 August 2023	535 minutes
22 August 2023	450 minutes
23 August 2023	480 minutes
24 August 2023	465 minutes
25 August 2023	535 minutes

<b>Date</b>	<b>Minutes of Lockdown</b>
26 August 2023	514 minutes
27 August 2023	575 minutes
28 August 2023	350 minutes
29 August 2023	475 minutes
30 August 2023	575 minutes
31 August 2023	570 minutes
1 September 2023	530 minutes
2 September 2023	530 minutes
3 September 2023	595 minutes
4 September 2023	427 minutes
5 September 2023	555 minutes
6 September 2023	563 minutes
7 September 2023	520 minutes
8 September 2023	485 minutes
9 September 2023	485 minutes
10 September 2023	570 minutes
11 September 2023	522 minutes
12 September 2023	500 minutes
13 September 2023	134 minutes
14 September 2023	480 minutes
15 September 2023	465 minutes
16 September 2023	485 minutes
17 September 2023	470 minutes
18 September 2023	508 minutes
19 September 2023	445 minutes
20 September 2023	380 minutes
21 September 2023	430 minutes
22 September 2023	490 minutes
23 September 2023	350 minutes
24 September 2023	496 minutes
25 September 2023	570 minutes
26 September 2023	565 minutes

<b>Date</b>	<b>Minutes of Lockdown</b>
27 September 2023	572 minutes
28 September 2023	572 minutes
29 September 2023	535 minutes
30 September 2023	515 minutes
1 October 2023	500 minutes
2 October 2023	379 minutes
3 October 2023	330 minutes
4 October 2023	230 minutes
5 October 2023	290 minutes
6 October 2023	280 minutes
7 October 2023	440 minutes
8 October 2023	395 minutes
9 October 2023	320 minutes
10 October 2023	330 minutes
11 October 2023	235 minutes
12 October 2023	385 minutes
13 October 2023	275 minutes
14 October 2023	380 minutes
15 October 2023	371 minutes
16 October 2023	322 minutes
17 October 2023	190 minutes

### PART 3

#### 71. Particulars to paragraph 69(e) of the Defence:

- (1) Until on or about 18 November 2022, such orders were made by the Superintendent or their delegate and the reason(s) for the lockdown were then usually recorded (rather than by the recording of a “confinement order”, which was a procedure implemented from on or about 18 November 2022);
- (2) confinement order dated 17 November 2022 was issued by Superintendent [REDACTED], authorising the confinement of all Unit 18 detainees from 9am to 11am due to staff training;
- (3) confinement order dated 5 December 2022 was issued by Superintendent [REDACTED] at approximately 11.01am, authorising the confinement of all Unit 18 detainees from 8.30am to 11pm due to incident management;
- (4) confinement order dated 6 December 2022 was issued by Superintendent [REDACTED], authorising the confinement from 9.20am to 12pm to conduct COVID-19 testing on staff and detainees;
- (5) confinement order dated 7 December 2022 was issued by Superintendent [REDACTED] at approximately 2.52pm, authorising the confinement from 9.30am to 12.30pm due to the facilitation of “SRRB”, incidents, court and official visits in red and amber zones as required;
- (6) confinement order dated 7 December 2022 was issued by Superintendent [REDACTED], authorising the confinement from 4.30pm to 7pm due to an incident number I129521478;
- (7) confinement order dated 8 December 2022 was issued by Superintendent [REDACTED], authorising the confinement from 10.50am to 1.55pm due to the facilitation of “SRRB”, incidents, court and official visits in red and amber zones as required;
- (8) confinement order dated 9 December 2022 from 10.35am to 1.45pm by the Superintendent;

- (9) confinement order dated 10 December 2022 was issued by Assistant Commissioner [REDACTED], authorising the confinement from 10.20am to 12.30pm for the good order of the facility based on COVID-19 isolation requirements;
- (10) confinement order dated 11 December 2022 was issued by Assistant Commissioner [REDACTED], authorising the confinement from 9.55am to 1.35pm for the good order, safety, and security of the facility, staffing levels and individual management of detainees due to incidents on the preceding day and COVID;
- (11) confinement order dated 11 December 2022 was issued by Assistant Commissioner [REDACTED] from 1.55pm to 6.45pm for the good order, safety, and security of the facility, staffing levels and individual management of detainees due to incidents on the preceding day and COVID;
- (12) confinement order dated 12 December 2022 issued by A/Deputy Commissioner [REDACTED], authorising the confinement from 10.20am to 1.40pm for the good order, safety, and security of the facility, staffing levels and individual management of detainees due to incidents on the preceding day (Incident I129711094) and COVID Staff breaks within this time;
- (13) confinement order dated 12 December 2022 was issued by A/Deputy Commissioner [REDACTED], authorising the confinement from 2.10pm to 6.45pm for the good order, safety, and security of the facility, staffing levels and individual management of detainees due to Incidents on the preceding day and COVID Staff breaks within this time;
- (14) confinement order dated 13 December 2022 was issued by A/Deputy Commissioner [REDACTED], authorising the confinement from 10.50am to 1.40pm for the good order, safety, and security of the facility, staffing levels and individual management of detainees due to incidents on the preceding day and COVID;
- (15) confinement order dated 13 December 2022 issued by A/Deputy Commissioner [REDACTED] at approximately 12.40pm, authorising the confinement of all detainees from 12pm until the Overnight Lockdown to maintain good order and management of the facility;

- (16) confinement order dated 18 April 2023 was issued by Deputy Superintendent [REDACTED], authorising the confinement of all detainees from 8.01am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the facility;
- (17) confinement order dated 19 April 2023 was issued by Superintendent [REDACTED] at approximately 6.40am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (18) confinement order dated 20 April 2023 was issued by Deputy Superintendent [REDACTED] at approximately 10.27am, authorising the confinement of all detainees from 8.27am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (19) confinement order dated 21 April 2023 was issued by Assistant Superintendent Operations [REDACTED] at approximately 8.37am, authorising confinement of all detainees from 7.15am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (20) confinement order dated 22 April 2023 was issued by Assistant Superintendent Operations [REDACTED] at approximately 8.55am, authorising the confinement of all detainees from 7.15am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (21) confinement order dated 23 April 2023 was issued by Assistant Superintendent Operations [REDACTED] at approximately 8.55am, authorising the confinement of all detainees from 7.15am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;

- (22) confinement order dated 24 April 2023 was issued by Assistant Superintendent Operations ██████████ at approximately 8.55am, authorising the confinement of all detainees from 7.15am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (23) confinement order dated 25 April 2023 was issued by Deputy Superintendent ██████████ at approximately 8.40am, authorising the confinement of all detainees from 7.30am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (24) confinement order dated 26 April 2023 was issued by Deputy Superintendent ██████████ at approximately 9.25am, authorising the confinement of all detainees from 7.30am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (25) confinement order dated 27 April 2023 was issued by Assistant Superintendent Operations ██████████ at approximately 9.49am, authorising confinement of all detainees from 8am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (26) confinement order dated 28 April 2023 issued by Deputy Superintendent ██████████ at approximately 11.04am, authorising confinement of all detainees from 7.30am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (27) confinement order dated 29 April 2023 was issued by Deputy Superintendent ██████████ at approximately 9.09am, authorising the confinement of all detainees from 7.30am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;

- (28) confinement order dated 30 April 2023 issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.02am, authorising the confinement of all detainees from 7.30am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (29) confinement order dated 1 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.25am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (30) confinement order dated 2 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.39am, authorising the confinement of all detainees from 7.39am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (31) confinement order dated 3 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.16am, authorising the confinement of all detainees from 7.30am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (32) confinement order dated 4 May 2023 issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 7.46am, authorising the confinement of all detainees from 7.30am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (33) confinement order dated 5 May 2023 was issued by Assistant Superintendent [REDACTED] [REDACTED] at approximately 8.11am, authorising the confinement of all detainees from 7.30am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;

- (34) confinement order dated 6 May 2023 issued by Assistant Superintendent [REDACTED] [REDACTED] at approximately 8.39am, authorising the confinement of all detainees from 7.30am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (35) confinement order dated 7 May 2023 was issued by Assistant Superintendent [REDACTED] [REDACTED] at approximately 8.49am, authorising the confinement of all detainees from 7.30am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (36) confinement order dated 8 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.15am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (37) confinement order dated 9 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.48am, authorising the confinement of all detainees from 7.49am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (38) confinement order dated 10 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 8.30am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (39) confinement order dated 11 May 2023 was issued by Assistant Superintendent [REDACTED] [REDACTED] at approximately 9.21am authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;

- (40) confinement order dated 12 May 2023 was issued by Assistant Superintendent [REDACTED] at approximately 9.11am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (41) confinement order dated 13 May 2023 was issued by Assistant Superintendent Operations [REDACTED] at approximately 9am, authorising the confinement of all detainees from 7am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (42) confinement order dated 14 May 2023 was issued by Assistant Superintendent Operations [REDACTED] at approximately 9.38am, authorising the confinement of all detainees from 7.40am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (43) confinement order dated 15 May 2023 was issued by Assistant Superintendent Operations [REDACTED] at approximately 10.19am, authorising the confinement of all detainees from 7.36am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (44) confinement order dated 16 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 10.06am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (45) confinement order dated 17 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.15am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;

- (46) confinement order dated 18 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 10.13am, authorising the confinement of all detainees from 8.12am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (47) confinement order dated 19 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 10.20am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (48) confinement order dated 20 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.12am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (49) confinement order dated 21 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.35am authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (50) confinement order dated 22 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 10.06am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (51) confinement order dated 23 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.46am authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;

- (52) confinement order dated 24 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.05am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (53) confinement order dated 25 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.03am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (54) confinement order dated 27 May 2023 was issued by Assistant Superintendent [REDACTED] [REDACTED] at approximately 8.55am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (55) confinement order dated 28 May 2023 was issued by Assistant Superintendent [REDACTED] [REDACTED] at approximately 8.50am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (56) confinement order dated 29 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 10.17am, authorising the confinement of all detainees from 8.16am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (57) confinement order dated 25 May 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] on 30 May 2023 at approximately 9.49am, authorising the confinement of all detainees from 7.49am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;

- (58) confinement order dated 31 May 2023 was issued by Assistant Superintendent [REDACTED] at approximately 8.26am, authorising the confinement of all detainees from 7.49am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (59) confinement order dated 1 June 2023 was issued by Superintendent [REDACTED] at approximately 8.17am, authorising the confinement of all detainees from 8.16am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (60) confinement order dated 2 June 2023 was issued by Assistant Superintendent [REDACTED] at approximately 8.18am, authorising the confinement of all detainees from 7.49am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (61) confinement order dated 3 June 2023 was issued by Deputy Superintendent [REDACTED] at approximately 9.08am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (62) confinement order dated 4 June 2023 was issued by Deputy Superintendent [REDACTED] at approximately 8.56am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (63) confinement order dated 5 June 2023 was issued by Deputy Superintendent [REDACTED] at approximately 9.37am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;

- (64) confinement order dated 6 June 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.37am authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (65) confinement order dated 7 June 2023 was issued by Assistant Superintendent Operations [REDACTED] at approximately 10.26am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (66) confinement order dated 8 June 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 10.03am, authorising the confinement of all detainees from 8.03am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (67) confinement order dated 9 June 2023 issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 10.02am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (68) confinement order dated 10 June 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.29am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (69) confinement order dated 11 June 2023 was issued by Assistant Superintendent Operations [REDACTED] at approximately 10.05am authorising the confinement of all detainees from 8.10am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;

- (70) confinement order dated 12 June 2023 was issued by Assistant Superintendent Operations ██████████ at approximately 8.34am, authorising the confinement of all detainees from 7.36am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (71) confinement order dated 13 June 2023 was issued by Deputy Superintendent ██████████ at approximately 10.12am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (72) confinement order dated 14 June 2023 was issued by Deputy Superintendent ██████████ at approximately 10.13am, authorising the confinement of all detainees from 8.14am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (73) confinement order dated 15 June 2023 was issued by Deputy Superintendent ██████████ at approximately 9.44am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility; and
- (74) confinement order dated 16 June 2023 was issued by Deputy Superintendent ██████████ at approximately 8.28am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility.

## Schedule of Parties

No. WAD109 of 2023

Federal Court of Australia  
District Registry: Western Australia  
Division: General

### **BIJ23 and another named in the Schedule**

First Applicant

**State of Western Australia**

Respondent

First Applicant: BIJ23

Second Applicant: BIK23

Respondent: State of Western Australia