

11

Report No.



Report of an Announced Inspection  
of Casuarina Prison  
October 2001



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES  
WESTERN AUSTRALIA

The cover photo demonstrates why there is a high level of confidence in the security arrangements, but is also relevant to the problem of split command.

**Report of an Announced Inspection  
of Casuarina Prison – October 2001**

Office of the Inspector of Custodial Services  
Level 27, 197 St George's Terrace, Perth WA 6000

[www.custodialinspector.wa.gov.au](http://www.custodialinspector.wa.gov.au)

October 2002

ISSN 1445-3134

# Contents

---

---

## THE INSPECTOR'S OVERVIEW

THE PATH BACK FROM THE CHRISTMAS 1998 RIOT .....	4
--	---

### CHAPTER 1:

THE FOCUS OF THE INSPECTION .....	6
The Importance of Human Rights within Prisons .....	6
The Administrative Arrangements leading up to the Inspection .....	7
Summary .....	8

### CHAPTER 2:

THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON .....	9
Description of the Prison Facilities and Environs .....	9
Regulating Access from Outside the Prison .....	10
Access Security Arrangements .....	11
Regulating Movement Inside the Prison .....	11
The Capacity of Casuarina Prison and International Safeguards .....	12
The Impact of the Prison System on Casuarina Prison .....	14
The Foundational Principles of Casuarina Prison .....	14
Chronological Events Affecting the Performance of Casuarina Prison .....	15
The 1998 Critical Incident (the Riot) .....	18
Post-Riot Developments .....	21
The Re-Emergence of a Punishment Philosophy .....	22
Summary .....	25

### CHAPTER 3:

THE FINDINGS OF THE INSPECTION – CUSTODY AND CONTAINMENT .....	26
Correctional Service Standards, Service Demands and Delivery .....	26
The Inspection Approach .....	27
Yardsticks for Performance Management .....	28
The Relevance of the Western Australian Prison Service Guiding Principles .....	31
Surveying for Strategic Planning .....	32
Casuarina's Healthy Prison Test .....	34
A Notional Service Level Agreement .....	35
Custody Management .....	36
Preventing Escapes .....	36
Safe Environment .....	36
Maintain Order through Control .....	37
Provision of a Comprehensive Drug Management Strategy .....	39

---



---

A Fair Disciplinary Process .....	40
The Provision of Emergency Response Capacity.....	40
The Provision of Effective Grievance Mechanisms .....	40
Use of Force and Instruments of Restraint .....	42

**CHAPTER 4:**

<b>THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING; REPARATION AND REHABILITATION .....</b>	<b>44</b>
<b>The Provision of Care and Well-Being.....</b>	<b>44</b>
The Management and Care of Specific Groups .....	44
The Provision of Adequate Food, Shelter and Clothing .....	44
The Provision of Health Services .....	46
Primary Health Care: Assessment and Prevention.....	46
Primary Health Care: Prisoners at Risk .....	46
Primary Health Care: Emergency Health Response.....	47
Primary Health Care: Facilities to be Provided.....	47
The Establishment of a Pro-Social Environment.....	50
Meeting Religious and Spiritual Needs.....	51
Psychological Services and Managing Stress.....	52
The Development and Application of Individual Management Plans (IMPs).....	52
Identification and Involvement of Voluntary Community Services.....	53
Earned Gratuities, Private Cash and Purchases .....	54
Physical Education and Recreational Services.....	54
<b>Reparation Obligations.....</b>	<b>56</b>
Work and Donations to Not-For-Profit Organisations.....	56
<b>Rehabilitation Programs .....</b>	<b>59</b>
Engagement in Correctional Programs and Activities.....	59
Education and Vocational Training .....	60
Maintenance of Family and Community Contact.....	61
Reintegration and Throughcare .....	62
<b>Summary .....</b>	<b>62</b>

**CHAPTER 5:**

<b>THE PROSPECTS FOR A NEW BEGINNING .....</b>	<b>64</b>
<b>The Post-Inspection Developments at the Prison.....</b>	<b>64</b>
<b>Realising the Prison’s Core Business .....</b>	<b>64</b>
<b>Better Correctional Interventions .....</b>	<b>65</b>
Investing with Due Diligence.....	65
Mind the Gap – Assessments with a View to Intervention .....	70

---

---

---

The Relationship between Purposeful Activity and Rehabilitation .....	72
Re-Profiling the Staff Deployments.....	73
Summary .....	74
CHAPTER 6:	
RECOMMENDATIONS .....	75
APPENDIX 1:	
RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE RECOMMENDATIONS OF THE REPORT .....	77
APPENDIX 2:	
THE INSPECTION TEAM .....	81

# The Inspector's Overview

## THE PATH BACK FROM THE CHRISTMAS 1998 RIOT

---

The core question at this Inspection was whether a management system was now in place that would enable outbreaks or threats of mass violence to be controlled or at least prevented from escalating into a full-blown riot. Unless staff, and also the bulk of prisoners who above all want an uncomplicated life, are confident about this crucial security matter, a positive correctional regime is not achievable.

My conclusion is that it is now highly unlikely that any such incident could escalate in this way. However much one may deplore the extended lockdown of 1999, lasting about nine months, the changes to the physical environment and internal security measures that were put in place during that time seem to have achieved their purpose. As long as standard management procedures are adhered to, prisoners can no longer congregate in mass in response to an incident, as happened in 1998.

That is obviously all to the good. However, it has been achieved at some cost to basic prisoner services, and the interactivity of staff/prisoner relationships at Unit levels has also diminished somewhat. Management are aware of these matters, and their challenge is to try to recapture some of the dynamic aspects of the regime without sacrificing the sense of confidence that is slowly starting to return after the earlier trauma. The day that I am writing this Overview is one when a family barbeque was held in the Special Handling Unit to celebrate the successful completion of a Violent Offenders Treatment Program – two unprecedented events being epitomised in that occurrence. This suggests that there is indeed an awareness of the need to find a way back to more positive regimes.

However, there is a long way to go. The approach of this Report has been to measure the Department of Justice against the standards it expects of others. In preparing to call tenders for the operation of a prison by the private sector, the Department comprehensively developed a 'New Operational Philosophy', encapsulated and detailed in the Request for Proposals documentation, which we call in this Report the 'RFP Standards Framework'. The operators of what is now Acacia Prison are being judged – in contract compliance terms, relevant also to the Inspection set down for March 2003 – according to this Framework. The purpose of privatisation was to act as a catalyst for improvement across the public sector prisons. With such an important prison as Casuarina – a prison that significantly contributes to the cultural tone of the Western Australian prison system as a whole – it is not unreasonable to see how it measures up to that Framework. The content had, after all, been public for almost five years at the time of the Inspection.

As will be seen, Casuarina falls short of such expectations in some areas of operation, particularly aspects of care and well-being and reparation.

One structural factor that seems to stand in the way of attaining the desirable standards is the fact that the Superintendent of Casuarina – like all superintendents in charge of WA prisons – is not fully responsible for performance and thus cannot be made fully accountable. As has been mentioned in several previous Reports, the Prison Services Division has not yet devolved sufficient authority from the central headquarters. The mechanism by which this should be done – and this was the intention at the time the privatisation process was commenced – is that of a binding Service Level Agreement, including responsibility for a budget that has been negotiated rather than imposed.

There are understandable reasons why this process has been delayed, notably the crucial need for the Department to assert tight cost controls at the behest of a new Government. That is perfectly proper. However, there comes a point when the optimum way of achieving budgetary compliance is to devolve responsibility to small units rather than try to stifle expenditure from the centre by the imposition of rigid rules that simply do not fit each situation in the field. That point has, in my view, now been reached, and there is no better place at which to start than Casuarina.

This is because the prisoner population has, since the Inspection, come back to somewhere near the prison's design capacity, with a degree of stability likely to continue in this regard. Thus, budgetary and related matters take on an element of predictability.

We have taken the opportunity in this Report to address some more strategic matters than simply the current performance of the prison. The history of the Casuarina project and subsequent changes to its intended usage has been documented here. This is important for two reasons: one historical, for these things tend to get lost; and the other functional, for all prisons are best understood in the light of their intended and evolving purposes. The Department's current 're-profiling' of each prison in the total system can only be meaningful and productive if approached in this way.

The crucial role of prison staff is another strategic matter we have addressed. At the present time, there is some strife and demoralisation amongst uniformed staff. It is important to put on the record that the overwhelming majority are well-motivated and professionally committed to what they do – a job that is certainly not fully understood or appreciated in the general community. We point out – as I repeatedly have done in my Annual Reports and in the Overview sections of some Inspection Reports – that they have not always been fully valued or respected by their employers. It is to be hoped that this will soon change; the Department's recent external review of its human resources philosophy and practice, if implemented, will point the way. Sir David Ramsbotham, former Chief Inspector of Prisons in the UK and a Guest Inspector for this Inspection, commented on the high calibre of the officer group, whilst noting also the relative lack of investment they receive by way of training and career development.

Casuarina Prison is, to date, the most inspected of the State's prisons, having been the subject of an unannounced inspection of the Special Handling Unit, a follow-up inspection of that Unit and now a full announced Inspection. We have seen a pattern of gradual but tangible improvement over that time. If there is still a way to go, there is also some ground for optimism.

Professor Richard Harding  
**Inspector of Custodial Services**

*13th September 2002*

# Chapter 1

## THE FOCUS OF THE INSPECTION

---

---

### THE IMPORTANCE OF HUMAN RIGHTS WITHIN PRISONS

- 1.1 Casuarina Prison is one of the major prisons in Western Australia. Consequently, the operational culture of the prison that manifests through its local management, the standard of service delivery, the quality of the staff and the conditions experienced by prisoners are reflected in policy setting for the whole of the Prison Services Division of the Western Australian Department of Justice (the Prison Services Division), as well as the organisational behaviour of other prisons that take a lead from the performance of this prison. This Inspection Report adopted a broader thematic perspective compared to some of the previous inspection reports published by the Inspectorate.
- 1.2 For the inspection of Casuarina Prison it was important to examine the extent to which the prison is administered decently and humanely, to comment upon the problems it faces and identify the responsible authority exercising control over the delivery of necessary services. Human rights are not privileges that can be taken away by any arbitrary authority. They cannot be denied and they are not forfeited because an individual has committed an offence. International standards relating to human rights in the administration of justice have been promulgated by a number of bodies within the United Nations system. Reporting on this prison, in this context, has necessitated a broad discussion on the state of affairs in the wider Prison Services Division, and provided an opportunity to place on the public record the importance of human rights within prisons.
- 1.3 The United Nations has established a complex network of mechanisms for the promulgation of human rights standards, and for their implementation and monitoring. The General Assembly, the Economic and Social Council, the Commission on Human Rights and periodic United Nations Congresses on the Prevention of Crime and the Treatment of Offenders each play a part in encouraging the adoption and practice of these standards. Implementation and monitoring mechanisms include a number of bodies within the United Nations set up under various international conventions and covenants as well as charter-based arrangements involving special rapporteurs and working groups.
- 1.4 Maintaining human dignity is an essential principle detailed in the international legal framework for ensuring respect for human rights in the context of criminal justice. Specifically, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment was adopted by the General Assembly of the United Nations in 1988. Principle 1 provides that ‘all persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person’.
- 1.5 Two units of the United Nations Secretariat, the Office of the High Commissioner for Human Rights and the Centre for International Crime Prevention, have published packages drawing together relevant information on sources, systems and standards for human rights related to the work



## THE FOCUS OF THE INSPECTION

---

of prison officials. These documents,<sup>1</sup> together with the publication of Penal Reform International,<sup>2</sup> an expert body based in the United Kingdom, provided the framework to guide at a strategic level the inspection of Casuarina Prison. They give substance to the expression of the Department's 'new operational philosophy', that has been adopted in the Business Plan of the Prison Services Division, and allows Casuarina Prison to be comparatively assessed utilising the 'healthy prisons' framework developed by Her Majesty's Chief Inspector of Prisons in the United Kingdom. The new operational philosophy of the Department is supplemented by guiding principles adopted from these international references and was expanded through the development of the Request for Proposal document<sup>3</sup> to market test for the new privately managed Acacia Prison (RFP Standards Framework). The contractual framework is the Western Australian version of the United Kingdom's Healthy Prison Test, and defines the service standards for the whole of the Prison Services Division.

### THE ADMINISTRATIVE ARRANGEMENTS LEADING UP TO THE INSPECTION

- 1.6 There is an established system of continuous inspection conducted by the Office of the Inspector of Custodial Services (the Inspectorate) through prison liaison visits. This arrangement involves two or more Inspections Officers regularly attending each prison to become known to prisoners and staff and to become familiar with local practices and to identify persistent issues. The arrangements assist to inform the main focus of the inspection as well as to facilitate continuous improvements through bilateral dealings between the Liaison Officers and the prison management team.
- 1.7 The Inspectorate had conducted a Follow-up Inspection of the Special Management Units within Casuarina Prison at the end of September 2001.<sup>4</sup> The performance of these special management areas naturally reflect the operational culture of the whole prison, and that inspection significantly also assisted the preparation for the full Inspection of Casuarina Prison.
- 1.8 Prior to each prison inspection, the Inspectorate conducts a prison survey at each location with staff and prisoners. This data, both quantitative and qualitative, captures the atmosphere, morale and cultural attitudes within the prison. It provides the Inspection Team with rich and extremely relevant information, regarding the actual 'operational culture', organisational health and standards of care at each prison.

<sup>1</sup> Office of the High Commissioner for Human Rights, December 2000, *A Manual on Human Rights Training for Prison Officials*, Geneva Switzerland; and International Centre for Criminal Law Reform and Criminal Justice Policy (Canada), July 2001, *International Prison Policy Development Instrument*, 1st Edition, Vancouver, Canada.

<sup>2</sup> Penal Reform International (UK) 2001, *Making Standards Work*, 2nd Edition, Astron, London.

<sup>3</sup> Ministry of Justice, November 1998, 'Wooroloo Prison South, Request for Proposal', MOJ Contract RFP No. 964/98, Perth, Western Australia.

<sup>4</sup> At the time of drafting this Report, the *Report of the Follow-Up Inspection of The Special Handling Unit* was being prepared for tabling in Parliament, and this would make it a public document. See now Report No. 8 of the Office of the Inspector of Custodial Services (June 2002).

## THE FOCUS OF THE INSPECTION

---

---

- 1.9 The information provided in the surveyed responses from prisoners and staff provide a rich information resource, as these groups are the direct recipients of conditions secured and delivered by the Department. Their experience best reflects the reality of the prison's operations. For this Inspection at Casuarina Prison an additional effort was made to conduct a focus group to access Aboriginal prisoners who were outside their regions of normal residence and to document their prison experience.
- 1.10 In the weeks prior to the Inspection senior executives from the Department conducted a presentation to inform the Inspection Team about the strategic role the prison plays within the total prison system, its recent and ongoing priorities and challenges, and also provided a large quantity of documents sought by the Inspectorate to facilitate an assessment of the services delivered.
- 1.11 Additional information was also accessed by regular contact with agencies such as the Ombudsman and the Office of Health Review, both of which are external to the Department of Justice but have close contact with the Prison Services Division in order to fulfil their own remits.
- 1.12 An Inspection Plan was developed from all these information sources and functional portfolios were then assigned to the Inspection Team.

### SUMMARY

- 1.13 The Inspectorate had previously inspected the Special Management Units that are a part of Casuarina Prison twice since late 2000. On each occasion some of the fundamentals expected of a developed prison management system were found to be lacking.
- 1.14 The Inspection occurred during a period when there were significant changes taking place within the total prison system, and also within the prison itself.
- 1.15 A human rights strategic framework was adopted for application during the course of the Inspection.

# Chapter 2

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

- 2.1 Fremantle Prison, a remnant of Victorian-era incarceration, was the main metropolitan secure prison until 1981 when the CW Campbell Remand Centre was built on the Metropolitan Prison Complex site at Canning Vale, to remove certain groups of prisoners from the overcrowded and impoverished conditions. These unsentenced prisoners were relocated following seminal work by the Law Reform Commission that drew public attention to their plight and proposed new legislation that culminated in the *Bail Act 1982*. A year later a medium-sized prison for Low Maximum Security prisoners was also established on that site. The Canning Vale Prison selectively provided good working and living conditions for some sentenced prisoners. It adopted an operational philosophy of ‘community normalisation’, in an ‘industrial prison’ designed to be compact, and where prisoners would be rewarded for responsible behaviour.
- 2.2 The prisoners left behind at Fremantle had no such expectations, their physical conditions were overcrowded, insanitary, outdated and degrading. The 1988 riot at Fremantle Prison sharply focused public attention on human rights issues, correctional priorities, and public expenditure, and this was made more apparent during the public inquiry that followed.<sup>5</sup> The inquiry stimulated the development of a new prison. In quick succession a Ministerial overseas tour to study best industry practice in prison design and management practices resulted in the construction of a prison of sufficient size to enable the closure of Fremantle Prison. It was in this political and operational climate that Casuarina Prison was established.
- 2.3 It is not uncommon in correctional jurisdictions for new prisons to be constructed in response to catastrophic events rather than to be a natural outcome of strategic planning. As the most modern and largest in the prison system, at that time, much was expected of Casuarina Prison. But even during the construction phase there were signs that the original design plans were being overtaken by changing operational priorities; consequently, there were several significant modifications to the scale of the building works and to some of the key functions (in particular, the detention of mentally impaired offenders at this prison).

## DESCRIPTION OF THE PRISON FACILITIES AND ENVIRONS

- 2.4 The prison is built on a 100-hectare site in the suburb of Kwinana within the Metropolitan Area. The freeway system provides high-speed access to the Central Business District of Perth to link the prison to the central law courts and to several teaching hospitals. The perimeter fence of the prison is 2.5 kilometres in circumference and divides the prison site, creating a sterile zone in which prisoner and public approaches are regulated to provide the total high-security perimeter system.
- 2.5 The prison is designated by the Department of Justice as capable of holding prisoners of all classifications. Whilst this is equally the case with all regional prisons, Casuarina provides the high-

---

<sup>5</sup> McGivern, J. (1988), ‘Report of the Inquiry into the Causes of the Riot, Fire and Hostage Taking at Fremantle Prison on the 4th and 5th of January 1988’, Report Prepared for the Hon. J.M. Berinson, M.L.C., Minister for Corrective Services.

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

security custodial services in a sustainable way, whereas the regional prisons are designated to hold only prisoners with high-security classifications for short periods. This capability is determined by the design and specifications of the high-security perimeter systems which operate there.

2.6 The perimeter system at Casuarina Prison comprises eight distinct elements:

- External electronic defence primarily for intrusion detection;
- Outer physical barrier incorporating weld mesh fence and four coils of 1500mm core barrier tape;
- Armed emergency response unit between the two fences;
- Inner physical barrier incorporating weld mesh fence and four coils of 1500mm core barrier tape;
- Close circuit television (CCTV);
- Multiple electronic detection systems to detect unauthorised movement within the prison site;
- Sterile zones; and
- Other internal early warning defence systems.

2.7 At the time that the prison was being commissioned, the Department claimed that the perimeter system was the most secure in the Southern Hemisphere, and since its implementation the physical barriers have not been breached.

### Regulating Access from Outside the Prison

2.8 Consistent with best industry practice associated with closed security prisons, all forms of movement into and out of the inner prison envelope are limited and controlled. The Gate House of the prison is designed to regulate authorised access by members of the public, staff, prisoners and vehicles.

2.9 Once entry has been gained to the prison site from the main road there are separate car park arrangements for members of the public, official visitors and for staff. Vehicles are prevented from directly approaching the Gate House itself through the deployment of anti-ram barriers, and boom gates with intercom features requiring prison staff to grant permission to approach the sally ports.<sup>6</sup> The prison provides facilities for visiting members of the public and for staff on the outside grounds of the prison to store items of personal property. There is a large general store situated outside the perimeter which receives and dispatches goods from the prison with the sole purpose of minimising vehicle movement in and out of the secure prison. Prisoner movement through the Gate House is usually in vehicles. The point of disembarkation for them is within a separate sally port adjoined to the Reception Room facilities, well inside the prison security perimeter.

<sup>6</sup> A sally port is a built facility to control the movement and searching of vehicles.

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

### Access Security Arrangements

2.10 Prison staff also control pedestrian movement, mainly comprised of staff and members of the public, attending the prison for some authorised business purpose. The assumption here is that threats of various dimensions may first present at the Gate House and consequently this area has high-security features associated with detection and search operations. At Casuarina Prison there are separate entry arrangements for staff and official visitors from the entry arrangements and the security procedures applied to other visiting members of the public. The intention in each case is to identify every person entering this secure area, as well as to scrutinise and examine any personal property items with a view to minimising contraband entering the prison. Regulation 85A was established in March 1992 to enable members of the public who gained entry into the prison to be stamped by an officer on a visible part of skin with a frequently changed identification mark capable of later examination under an ultraviolet lamp. Children under 12 years of age and any person who is in possession of a current identification card issued by the Department are exempt from this procedure.

### REGULATING MOVEMENT INSIDE THE PRISON

2.11 Casuarina Prison reflects a campus style layout where accommodation blocks are spread across the site with spatial distance provided between educational, employment and recreational facilities. There is a large footprint of buildings across the available land mass, with good vistas of generous landscaped gardens in the centre of the prison site.

2.12 The prisoner population is accommodated in 10 units within the prison. There are six general living units, a self-care unit, a residential health care unit, a Special Handling Unit and an Induction and Orientation Unit.<sup>7</sup> In addition to the residential accommodation, the prison has a Programs Block providing amenities for education, correctional programs, religion and a library. The recreational facilities include an indoor gymnasium and grassed oval and the separate industries area encompasses 12 large workshops.

2.13 The designers of the prison intentionally contoured the site to create visually discrete zones within the prison. Upon entry into the prison from the Gate House the first visible line of buildings form the Administration Block.



*Upon entry into the prison the first visible line of buildings forms the Administration Block.*

<sup>7</sup> The Special Handling Unit and the Induction and Orientation Unit areas are located conjointly and managed as a single entity. See Report No. 1.

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

Immediately to the left of the Gate House is an internal roadway from the gate leading to the Reception Room where prisoners are processed into and out of the prison. The roadway to the right, with separate internal security gates, leads to the industries area. Goods are only moved to and from the industries area when prisoners are secured in their cells, for security reasons. There is a pedestrian path leading directly from the Gate House to the Administration Block where the general offices are on the left of the lobby area, and the family visits (both contact as well as non-contact) rooms and the business interview rooms are located to the right.

- 2.14 A visitor walking through the Administration Block lobby towards the centre of the prison passes through a walled courtyard and locked gate operated electronically from a control point within the lobby. From this vantage point the accommodation units dominate the skyline ahead, with units numbering from one to four appearing to the right and units five through to seven to the left.
- 2.15 Access via an internal roadway to the right takes visitors past the door used by prisoners to enter the visiting facilities, then past the canteen (prison shop) and the kitchens, and eventually to the gymnasium. From there a steeply declining internal roadway leads to the two building blocks that contain the industries area. There is a security control point within the industries area where there are fixed and patrolling staff posts.
- 2.16 From the gate beyond the walled courtyard at the back of the Administration Block onto the prison grounds, a left turn would take a visitor past the chapel, the prison library and the expansive programs block containing facilities for educational and correctional programs, up to the health care centre. There is a control point at the entry of the programs area, where there are also fixed and patrolling staff posts.
- 2.17 Behind the programs block, off a secured alleyway, is the Special Handling Unit, the Disciplinary Unit and the Induction and Orientation Unit. This block is well secured, and although functionally separate, adjoins the Administration Block at the place where the Reception Room is located.
- 2.18 The grassed recreational oval is located beyond the general living units towards the perimeter fence at the back of the prison.

### The Capacity of Casuarina Prison and International Safeguards

- 2.19 The Prison Services Division uses different terms to describe the occupancy levels of a prison. Casuarina Prison is described as having a design capacity of 397 and a modified operational capacity of 528. The first figure relies upon the design brief that informed the construction of the prison. Architectural and engineering considerations relating to light, ventilation, circulation space, storage and privacy influence this calculation. In addition, correctional management considerations relating to duty of care (safety), reparation (productive enterprise) and rehabilitation (preparation for release), mitigate against simply warehousing prisoners by overcrowding the prison. The second figure represents the Department's assessment of these other considerations for Casuarina Prison. It is a

simple measure to test the extent to which the Department acknowledges the human rights of prisoners, in providing decent, humane and correctionally appropriate conditions.

- 2.20 The United Kingdom has a series of controls to regulate the slide from acceptable levels of prisoner numbers based on the Certified Normal Accommodation (CNA) measure which acknowledges design capacity, provides for cells that may be out of use for refurbishment, and therefore calculates the actual number of prison places available for use. Once this baseline (CNA standard) is agreed and publicised the maximum number of prisoners that can be accommodated, with overcrowding, is then assessed as the Operational Capacity. The United Kingdom Prison Service adopts a Key Performance Indicator (KPI) to indicate the extent to which it has assessed its capability to balance all its correctional management obligations. The KPI has been set at 18 per cent over CNA standard and identifies the number of prisoners held two to a cell designed for one. This operational level is far in excess of what the Woolf Report<sup>8</sup> recommended in 1991 following a series of riots in the United Kingdom prisons in the preceding year. It proposed that the United Kingdom Prison Service establish a new Prison Rule requiring every establishment to keep within its CNA, except for temporary fluctuation to the extent of 3 per cent over CNA for not more than one week in any quarter, and with provisions for Parliament to be informed, if, exceptionally, there was to be a material departure from the Rule (see the Woolf Report, paragraph 1.21).
- 2.21 Western Australia does not have such an arrangement to regulate prison numbers. For the purpose of comparison, the prison population at the time of the Inspection was 548. Assuming that all its design capacity cells were in use and adding 18 per cent for 'safe' overcrowding the population should have been 468. At this point the population was 38 per cent in excess of its design capacity baseline, and when the population peaked at an all time record of 722 it was 82 per cent over the design capacity. This level of overcrowding has important implications for prisoners, the staff and the community. The failure of safeguards in prison numbers breaches the human rights of prisoners, occupational health and safety standards, and causes intolerable working conditions for staff. The Department was aware of these breaches and risks, having conducted a strategic planning workshop in September 1995 to consider overcrowding and the risks of double bunking in prisons. The workshop identified significant risk under six headings: public health obligations; prisoner personal safety; good order; management impact on prisoner behaviour; industrial relations; and occupational health and safety requirements. Twenty-one of the 39 risks listed were in the high (hazard) risk category. The rest were in the medium (hazard) category. In nearly all cases, the risks were rated as a high probability of occurrence. Despite knowing this, the practice was extended across all secure prisons, but importantly was most acute at Casuarina Prison.

---

<sup>8</sup> Woolf, Lord Justice and Tumim, S. (1991), *Prison Disturbances 1990*. London: HMSO. Cm 1456.

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

### The Impact of the Prison System on Casuarina Prison

2.22 Casuarina Prison has been operating for just over a decade. The developments in the Prison Services Division are inextricably linked to the performance of the prison.

### THE FOUNDATIONAL PRINCIPLES OF CASUARINA PRISON

2.23 The operational commissioning plan for Casuarina Prison drew upon a range of service demand assumptions and reflected the intentions of the Department's Strategic Plan 1989–1992 that set down the organisational objectives and principles of operation. There were nine principles:

- To ensure the custody of prisoners in accordance with the requirements for the good order of prisons;
- To ensure the material health and other welfare needs of prisoners are met in accordance with prevailing community standards;
- To enable and encourage offenders (prisoners) to develop the work and other skills necessary to participate as constructive members of the community;
- Prisoners shall be managed in the least restrictive manner possible consistent with maintenance of their custody and the security and good order of prisons;
- Conditions of imprisonment shall be just and humane, in keeping with prevailing community standards;
- Offenders (prisoners) shall be managed on the basis that they are responsible and accountable for their actions;
- Offenders (prisoners) shall be encouraged to participate in self-improvement activities and programs suited to their individual needs;
- The Department will ensure that staff possess the knowledge and skills necessary to perform their duties; and,
- As appropriate, staff shall participate and be consulted in policy formulation, decision-making and implementation processes.

2.24 These general principles were taken into account in developing the commissioning plan for Casuarina Prison. However, the two areas which offered the best possibilities for innovative approaches were community normalisation and unit management. Both have been the subject of considerable policy development over the past few years within Western Australia, but difficulties have been experienced in implementing unit management in a form which delivered a truly different and improved management style from the impoverished and inhumane conditions prevailing at Fremantle Prison.



## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

2.25 The design of the prison was expected to complement and enhance the structured day activities for prisoners. The ethos of the prison was established on the basis that a stable long-term prisoner population would be fully employed with prison officers taking a leading role in engaging prisoners in correctional regimes. This ‘unit management’ approach was designed to put each officer in a central case management role with devolved decision-making authority, with each accommodation unit being limited to a maximum of 52 and managed by a small, decentralised, semi-autonomous team. All the operational procedures, the staff training and prisoner expectations drew from this ethos. The planning for the prison showed extensive consultation between the architect, the expert consultant advising on unit management operational principles and executives within the Department responsible for staff training.<sup>9</sup>

### CHRONOLOGICAL EVENTS AFFECTING THE PERFORMANCE OF CASUARINA PRISON

2.26 The prison was unable to operate to the standards developed during the start-up phase because continued overcrowding within the system changed the original purpose from providing for long-term prisoners to adopting the role of a major reception prison, and this severely reduced its ability to successfully implement a unit management approach. The difficulties of the changed operational environment were also compounded by external circumstances, including a new industrial agreement for prison officers and the introduction of the 12-hour shift.

2.27 Over the years there were subtle shifts in thinking and practice that moved the focus from prisoner management to prison management. Here the focus was more on maintaining order and reining-in the cost of the prison service than on preparing prisoners for progression through the prison system and their ultimate release. This manifestation of managerialism significantly contributed to Casuarina Prison’s drift from a prison purposefully designed to assist in the reform the Western Australian Prison Service culture, where success would be measured by the prisoners successfully reintegrating into the community, to a framework where success was defined by cost management and acceptance of avoidable service failure thresholds.

2.28 As the prison population exceeded the prison’s design capacity, the Department frequently made adjustments to modify its operational capacity and thus fewer prisoners were able to engage in correctional programs in any meaningful way. Large groups of prisoners were unemployed or underemployed and the policy of supervising prisoners within their living units by staff became the norm. Prison staff became deskilled by this practice and the focus of attention drifted back to security and safety considerations for staff, rather than individual case management of prisoners.

2.29 The International Prison Policy Development Instrument, published by the International Centre for Criminal Law Reform and Criminal Justice Policy (2001),<sup>10</sup> in its introductory remarks reinforces the endemic problems associated with overcrowding and argues that staff/prisoner ratios inevitably

<sup>9</sup> Casuarina Prison – Operational Principles, File B1.

<sup>10</sup> International Centre for Criminal Law Reform and Criminal Justice Policy, op.cit.

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

fall, less supervision is present, and there is a lack of constructive programs and activities conducive to reintegration. Workplace safety is compromised, as are the overall working conditions for staff. All these features were evident at Casuarina Prison over several years since its commissioning, but especially after 1996.

- 2.30 The prisoner demographics for Casuarina Prison at the time of the Inspection show that 54 per cent of prisoners were classified by the Department as long term and that 42 per cent were in custody for violent sex offences. Importantly, these figures show that 46 per cent were either short term or unsentenced prisoners and that many were in custody for less serious offences relating to breach of orders, traffic, alcohol and drugs and property crimes. Only 28 per cent of the population was classified as maximum, whereas 63 per cent were medium and 9 per cent were minimum.<sup>11</sup> The population mix at the prison was grossly at odds with the assessment and placement principles contained in the Director General's Rule 13.<sup>12</sup> The human rights policy incorporated into the Rule was frequently breached in practice.
- 2.31 In effect Casuarina Prison had drifted from its original purpose, and its role within the prison system was more akin to a regional prison with a multifunctional brief. These troubling signs had persisted for many years. The Ministry of Justice *Annual Report 1995/96* (p. 7) noted that there was particular public concern at that time about the high imprisonment rate, and the way offenders were treated was yet again the subject of media debate. The Report noted (p. 9) that the State population was 9 per cent over standard bed capacity on 30 June 1996 and that Casuarina Prison was 30 per cent over standard bed capacity. Concerns were raised by the Parole Board regarding the difficulties experienced by prisoners, particularly sex offenders needing to address their offending behaviour through prison-based treatment programs prior to them being considered for work release or parole. The Department response to these criticisms was to seek outside expertise in the planning and evaluation of these initiatives (p. 7).
- 2.32 In 1997 the Department announced that the restructure of the Offender Management Division (the Division), that had commenced the year before, had been completed. The performance outcome adopted for the Division was 'to reduce re-offending, to contribute to the protection of the community and to direct offenders towards the adoption of law-abiding lifestyles'.<sup>13</sup> There was a reported shift in the strategic direction by the restructured Division to an integrated case management approach. The Department reported that new systems were under development to improve assessment of prisoners and to apply case management on a more individual basis. A six-month case management pilot project was trialled to identify the administration and staff training needs to implement this initiative 'from imprisonment through to release and community service' (p. 30). The Department reported that the Division was progressing the Government's intention to

<sup>11</sup> Department of Justice, 'Casuarina Prison Operational Service Review Report', August 2001, p. 5.

<sup>12</sup> Director General's Rule 13 – Assessment, Classification and Placement of Prisoners.

<sup>13</sup> Ministry of Justice, *Annual Report 1996/97*.

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

repeal and replace the current *Prisons Act 1981* because 'it is a reflection of custodial philosophy and practices of the 1970s and 1980s and has limitations in providing for the significant operational changes that have developed since that time'.<sup>14</sup> Newly emerging offender management practices and options in other jurisdictions were reportedly being researched as part of this legislative review.

2.33 Whilst the objectives and operational principles set down in the 1989–92 Strategic Plan may have been restated, what was lacking were the funded plans and initiatives to deliver services to a published standard within the Prison Services Division, but especially at Casuarina Prison.

2.34 In late 1996 the Department also prepared a report on the strategies needed to develop an integrated offender model entitled *Offender Management Division, Future Directions Report: Towards Integration*. The intention was to make best use of the information and expertise available from the juvenile justice and community corrections organisational structures within the Department to improve service delivery to all offenders within its jurisdiction, and especially focusing on prison services that were lagging behind. The report highlighted that 'an operational model to guide the integration, or to achieve performance improvements, had not been developed'. It also criticised the service areas of the Division as having 'a history and culture that is markedly isolationist' (p. 3). The report recommended that there needed to be a significant re-focus to change the culture from reactive and defensive to productive and pro-social and to target resources towards effective recidivism risk-assessment, intervention and case management practices, in addition to duty of care requirements. The report noted that Unit Management, as practiced, 'is only a pale reflection of the functional model depicted in the research' (p. 47); that 'the primary focus in prisoner assessment and management is on classification and the management of the muster' (p. 27); that 'significant program gaps have been identified' (p. 7); and that 'prison operations staff were [now] driven by security needs not offender needs'.<sup>15</sup>

2.35 The following year the Department further committed the Prison Services Division to implementing risk assessment programs.<sup>16</sup> The cost of keeping an adult offender in custody meanwhile had risen from \$118 per day in 1995/96 to \$134 per day in 1996/97 and to \$169 in 1997/98. The Department also noted that the demand for metropolitan secure beds exceeded design capacity by approximately 30 per cent (p. 15) and that inadequate remand receipt and assessment facilities had meant that unsentenced prisoners were held with sentenced prisoners, adding to accommodation difficulties. This had particularly affected Casuarina Prison, where the daily average number of remand prisoners fluctuated between 40–75 during that year. The Department acknowledged the 'escalating public opinion that "at-risk" prisoners are not receiving the appropriate care' (p. 16).<sup>17</sup>

<sup>14</sup> That work has not yet been completed.

<sup>15</sup> Offender Management Division, Ministry of Justice, November 1996, *Future Directions Report: Towards Integration*, Perth, Western Australia.

<sup>16</sup> Ministry of Justice, *Annual Report 1997/98*.

<sup>17</sup> Ministry of Justice, *Annual Report 1997/98*.

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

2.36 At the end of 1998 there was a riot at the prison. The Director General commented in the Ministry of Justice *Annual Report 1998/99* that ‘the Casuarina riot on Christmas Day was a sharp reminder that there is much we can, and should, do better’ (p. 2). A similar observation was made after the Fremantle Prison riot, and the public was entitled to ask what had been learned and what had been done about it? Despite a 43 per cent increase in the cost of keeping an adult offender in custody, the rate of re-offending during this period remained relatively constant. The *Report on Government Services 2000*<sup>18</sup> reported for the year 1998/99 that Western Australia had the highest prison utilisation rate in the country at 113.2 per cent of design capacity, as well as the second highest cost per prisoner day of any State for secure facilities (only exceeded by the Australian Capital Territory). The situation had developed that, as other prisons within the State system reached capacity, Casuarina Prison became the accommodation provider of last resort.

2.37 The Department had not addressed strategic infrastructure planning, and as a direct result of this the prison was not fulfilling, or was unable to fulfil, its original purpose within the broader prison system. The nine foundational operational principles were not implemented and Casuarina Prison became a vision of past hope rather than a leading new generation prison. Key operational planning concepts, such as unit management, had failed to take root and the new operational culture, which was a high-cost investment and a Statewide reform measure, first drifted and then completely failed as a consequence of the 1998 riot.

### THE 1998 CRITICAL INCIDENT (THE RIOT)

2.38 In the afternoon and evening of Christmas Day 1998, up to 140 prisoners took direct part in a major disturbance in the grounds of Casuarina Prison. An estimated additional 60 prisoners caused disruption within the accommodation units. Over \$250,000 worth of damage was incurred, with 21 staff and two prisoners requiring hospital treatment and a further 30 prisoners receiving medical treatment to deal with the effects of drug overdoses. For about two hours staff were not in effective control of the prison grounds, and several staff were besieged by prisoners and believed that they would be killed. The prison was holding 529 prisoners on that day. This was 33 per cent over design capacity.

2.39 The Department established an inquiry within five days of the riot at Casuarina Prison. *The Report of Inquiry into the Incident at Casuarina Prison on 25th December, 1998* (Smith Report) was presented to the Department on 19 March 1999.

2.40 The Smith Report in its introduction comments that Casuarina Prison’s recurrent expenditure of \$16m a year represents close to 9 per cent of the Offender Management Division’s expenditure of nearly \$180m in 1997/98. The Inquiry Team commented that ‘as this represents a significant portion

---

<sup>18</sup> Steering Committee for the Review of Commonwealth/State Service Provision, *Report on Government Services 2000*, Vol. 2 Justice, Emergency Management, Commonwealth of Australia, AusInfo, Canberra, pp. 757–8.

of the Division's budget it is imperative that there is a strong accountability framework for the management of prisons, clearly defined through statute and reinforced by policy and practice'. The Report concluded that whilst there was a substantial accountability framework already in place, what was needed was emphasis to ensure that 'the accountability obligations are adequately satisfied in the management of prisons' (p. 12). These comments acknowledge that the custody objectives were appropriate at that time, as they had been for a long time. The difficulty was always going to be to secure the actual delivery of necessary services and for the responsible authority to be made fully accountable within a human rights framework. Prison administration has traditionally been closed and secretive; not too many questions are asked and few answers are actually given. Accountability has not hitherto been developed to maturity. As one crisis overtakes another, public pronouncements tend to be founded on 'least worst' statements – showing minor and temporary improvements to conditions previously condemned, or pointing to other jurisdictions where things are worse.

2.41 The Smith Report, in analysing the causes of the incident at Casuarina Prison, cautioned about the dangers in focusing too heavily on explanations ranging from the general to the specific. An obvious factor at Casuarina Prison was stolen drugs, but there were many factors identified by the Inquiry Team. They reported that:

'Seeing the full picture is important because a focus on what happened specifically on Christmas Day denies the fact that the riot could have been much worse and, equally important, that it could have happened at another time and in a number of prisons within Western Australia. The Inquiry consistently led the team back to serious problems in the Ministry of Justice since its formation and particularly with the Offender Management Division. Although the focus on prison conditions was the centre of most prisoners' and officers' explanations, given the consistency with which structural problems of the Ministry and the Division emerged in the accounts of those at senior levels, it would be impossible not to consider their importance and how they relate to prison conditions.'

2.42 In other words, the prison failed because it was bound to fail, it was simply a matter of time and occasion.

2.43 The Smith Report's recommendations were intentionally aimed at suggesting measures for prevention of further major disturbances, rather than prescriptive solutions to complex strategic and operational issues (p. 143). There were five general recommendations and four operational recommendations. Many of these were consistent with best industry practice for custodial services and had been previously acknowledged by the Department in its own Annual Reports over recent years. The Director General acknowledged in the Ministry of Justice *Annual Report 1999/2000* that 'while the changes at Casuarina Prison, implemented following the Christmas Day riot of 1998 and the subsequent Smith Report have been most welcome, the Ministry is aware they were too long in coming'. The Department reported that by 30 June 2000 most recommendations had been implemented or substantially implemented and that Casuarina Prison returned to a normal regime in

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

November 1999 after the completion of a \$1.8 million program to strengthen security and provide staff with a safer working environment (p. 63). The Department announced:

- Substantial restructuring of the Offender Management areas with clearer definitions of responsibilities and accountabilities;
- The establishment of the Integrated Prison Regime Project to address prisoner management issues; and,
- The continued implementation of a comprehensive drug management strategy.

2.44 A comprehensive Action Plan was developed by the Department in response to the Smith Report. But some three years after the riot, many of the initiatives that were claimed to have been implemented have not fully translated into service delivery that is consistent with the high-level operational principles and standards published by the Prison Service.

2.45 One of the recommendations made in the Smith Report relates to Service Level Agreements being established for each prison to set out the accountabilities, requirements, responsibilities, authorities and provisions for the operation of the service (p. 144). The Department's Action Plan, in response to that Report, notes that draft performance agreements for Superintendents, covering the service requirements in key business areas, were put into place in January 2000 and that work was due to be finalised by March 2001. The response is qualitatively different from the proposal. The Inspectorate took up this theme in the *Report of an Announced Inspection of Karnet Prison April/May 2001*. The Department's response to the Inspection Report indicated a broad intention to 'pursue a model of understanding with individual prisons, which specifies agreed outcomes and performance requirements'. The Department advised that this may or may not take the form of Service Level Agreements and the matter is yet to be determined. The difficulty with this approach is that the Department appears not to have learned lessons from its own recent history. Prisons will not, and cannot, agree to outcomes and performance measures when operational parameters and resource controls are determined in minute detail in head office.

2.46 A year after the Woolf Report was published in the United Kingdom, the Prison Reform Trust issued a questionnaire to all Governors of prisons to discover whether a series of inquiry proposals, which had no major resource implications, had been put into practice. The Trust concluded that, although there was strong commitment to the overall program, impediments to the progress of reform were nevertheless present. These impediments included serious limitations of resources, frustration over lack of autonomy and an enduring lack of confidence in the [prison] Governor's relationship with the Prison Service Headquarters.<sup>19</sup> *The Annual Report of the Office of the Inspector of Custodial Services 2000–2001* (p. 19) found that many of these features were present in the Western Australian prison system, including at Casuarina Prison.

---

<sup>19</sup> Player and Jenkins, in *Prisons After Woolf*, 1994, Routledge, p. 25.

- 2.47 Western Australia has yet to adopt a prison service culture where the operational standards are committed to in a way that prisoners and staff can understand them as firm commitments, stable enough to form the basis of their expectations. Resources directly linked with the delivery of these standards are not assessed, or even specified in tangible ways, so that custodial staff and prison managers can effectively put into place these schemes and become accountable for measurable performance against published standards.
- 2.48 Linked to this expectation is the dearth of research and audits of prison operational standards and service delivery. External evaluation has rarely been conducted and made public in recent years. Even when this foundational work has been done and forms the basis of financial appropriations for the Prison Services Division, there appears to be little evidence of its effective implementation. Rather, the opposite is true: there is strong evidence of disconnection between centralised planning, resource management and correctional operations.
- 2.49 In the case of Casuarina Prison there was recognition in the public pronouncements by the Department that community expectations were unfulfilled and there was a firm acknowledgement of the need to do more, long before the 1998 riot. The situation at Casuarina was more a case of the prison system failing the prison than the prison failing the prison system. Any chance the prison may have had to deliver to its founding charter had dissipated many years ago. What remained was a distorted attempt to provide accommodation services through ad hoc localised practices as the real risks to prisoners, staff and the community escalated.
- 2.50 The Smith Report's recommendations were aimed at fundamental improvements in leadership, accountability, and planning; as well as a raft of local issues related to the prison itself. These matters were then detailed in a Ministerial Statement to the Legislative Council in April 1999 when the Smith Report was tabled in Parliament.

#### Post-Riot Developments

- 2.51 Despite the critical incident in December 1998, the Smith Report of 1999 and the closure notified in the Ministry of Justice *Annual Report 1999/2000*, the following year continued to be controversial for prison management within the State, and especially for Casuarina Prison.
- 2.52 The *Annual Report 2001 of the Ombudsman, Western Australia* reported that there had been a 300 per cent increase in the overall number of prisoner complaints within the prison system compared to the number received in 1996/97. For Casuarina Prison the percentage increase in prisoner complaints between 1997 and 2001 was 424 per cent. The highest proportion of all complaints within the prison service related to case management, the next highest was medical treatment, followed by fairness in disciplinary procedures. The *Annual Report* also made reference to the Ombudsman's *Report on an Inquiry into Deaths in Prisons in Western Australia*, tabled in December 2000. The key conclusions of the Report were that some prison services were under-resourced and were frequently

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

over-ridden by prison operational conditions, that there was a need for improved prisoner/prison officer relations; that the Department's co-ordination and commitment to various agencies that investigated deaths in custody was lacking; that the Department had failed to follow its own procedures; and that no specific person in the Department had responsibility for responding to and pursuing recommendations made following the death of a prisoner.

2.53 On 7 November 2001, some days after the on-site phase of the Inspection, the Assistant Director of the Training and Specialist Services Branch (TSSB) provided the Inspector of Custodial Services with a confidential security briefing relating to Casuarina Prison. The detailed briefing covered:

- The security philosophy of the prison;
- The impact of the 25 December 1998 incident;
- Assessed threats to the security of the prison;
- Planned control measures; and,
- The role of the TSSB within the overall Prison Service.

2.54 In broad terms, the Inspectorate was informed that the foundational security philosophy was entirely consistent with the operational principles that guided the commissioning of the prison in 1991. An important aspect of this was the intentional emphasis on perimeter security to allow the unit management system to function. The 25 December 1998 incident involved loss of control over a large part of the prison, but the perimeter security systems provided a high degree of confidence during the management of this major disturbance. Nevertheless, the TSSB acknowledged there were direct impacts of the incident on the confidence of staff that translated into workplace safety issues and resulted in structural modifications within the building envelope and a thorough revision of the security philosophy of the prison. Where open space was once a design feature of the prison, unit-based recreational yards had now been constructed to achieve compartmentalisation of the spaces accessible to prisoners. Physical security within the units was also strengthened and structured movement of prisoners throughout the prison was introduced. The Department advised that it is reviewing and documenting a new security philosophy shifting the emphasis to identified risks.

### THE RE-EMERGENCE OF A PUNISHMENT PHILOSOPHY

2.55 In the spring of 1994 a conference was held at the University of Leicester focusing on the international perspective of current and future trends in imprisonment and the implications for penologists and policy makers.<sup>20</sup> One recurring issue discussed at the conference was the means by which the community debate on getting tough with crime is translated into getting tough on offenders. This approach has come to be called the 'punishment paradigm', whereby an underlying

---

<sup>20</sup> Roger Matthews and Peter Frances (Eds.) 1996, *Prisons 2000, An International Perspective on the Current State and Future of Imprisonment*, Macmillan Press, London.



assumption is that sending more people to prison for longer periods in increasingly harsh regimes will deter prospective offenders. The counter-view to this is referred to as the 'progressive paradigm', which analyses imprisonment in relation to the wider socio-economic community in which it operates and is concerned with recognising the needs of different types of offenders and maintaining appropriate custodial standards.<sup>21</sup>

2.56 At Casuarina Prison there is little evidence of a structured approach to prisoner management. Each day is based on contingencies such as staff availability and the extent of prevailing good order in the prison. The actual state of regime activities is not firmly scoped by any identified template to structure and deliver services. There is no obligation to record deviation from any service standard or to report it. This state of affairs is the consequence of the prison being overwhelmed through overcrowding and inappropriate custodial management. Whereas the Department's rhetoric is consistent with the 'progressive paradigm', in reality structural factors have resulted in the features of the 'punishment paradigm' becoming entrenched. Thomas (1978) puts the point that as conditions for prisoners in custody improve, it is important to guide, lead and engage operational staff to assist them to understand these necessary developments in order to prevent them from developing negative attitudes to change.<sup>22</sup>

2.57 Dr Keith Carter (2001), in critiquing the Smith Inquiry into the Casuarina Prison riot, commented that there was undue emphasis given to the views of staff in locating the causes of the riot, and the focus of the recommendations was too managerial. What was not laid bare were the true experiences of prisoners, their deteriorating conditions and their poor treatment by some staff. He drew attention to the complex balance between elements of 'security, control and justice', first articulated by the Woolf Inquiry. He concluded that 'policy makers, prison administrators and politicians who have historically placed all the emphasis on security and control, at the expense of humanity have, in part, created these dynamics, both in the UK and in Western Australia'.<sup>23</sup> The *Annual Report of the Ombudsman 2001* supports this conclusion by providing sufficient evidence that fairness and humanity, the core elements of justice, were generally lacking in the Western Australian prison system, and were obviously missing at Casuarina Prison.

2.58 On 11 December 2000, the Inspector of Custodial Services commenced an Unannounced Inspection of the Induction and Orientation Unit and Special Handling Unit within Casuarina Prison. The Minister for Justice directed the Inspection following the receipt of correspondence from a prisoner. There were allegations of systematic use of excessive force towards prisoners and complaints that prison officers were not following procedures set out in the Director General's

<sup>21</sup> *ibid.*, p. 9.

<sup>22</sup> Thomas, J. E. (1978), 'A Good Man for Gaoler? Crisis, Discontent and the Prison Staff', in Freeman, J. (Ed.), *Prison Past and Future*, Heineman, London.

<sup>23</sup> Carter, K.W., 'The Casuarina Prison Riot: Official Discourse or Appreciative Inquiry?', in *Current Issues in Criminal Justice*, Vol. 12, No. 3, March 2001, p. 374.

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

Rules. The Inspection found that there was no evidence of systematic brutality, but there were concerns about the prevailing value system of staff and the poor standard of record keeping.

2.59 Meanwhile, the Department of Justice *Annual Report 2000* reported that the rate of adult re-offending increased by 2 per cent (to 33%) and that the cost of keeping an offender in custody increased to \$181 per prisoner per day. By 2001 the rate of re-offending was up to 34 per cent and the cost was up to \$193. *The Report of the Standing Committee on Estimates and Financial Operations in relation to the Financial Management of Prisons (Report 29)* noted the Department had predicted that one in seven of all adult offenders would not be released at the earliest possible release date for the 1999/2000 financial year. The reason given to the Committee was 'lack of access to offending behaviour programs which are prerequisites for release' (p. 37). Documents provided to the Inspectorate indicated that the 'on-site' cost per prisoner per day at Casuarina Prison for 2000–2001 was \$85, but the 'off-site' costs for the prison associated with corporate overheads, health services, programs etc. was \$121 per prisoner per day. Excessive layers of management, complicated rules, poor engagement and utilisation of staff, and the peripheral role of local prison managers are unlikely to deliver improved service outcomes.

2.60 The 1998 critical incident at Casuarina did more than challenge the prison's preparations for the security of the prison itself or the maintenance of control over the prisoner population. It further retarded its operational culture. There were structural modifications within the prison that isolated the staff from prisoners. When the Inspectorate conducted the *Follow-Up Inspection of the Special Management Units at Casuarina Prison* Report of September 2001, it found that the aftermath of the riot, with regimes intended to emphasise security and control, had adversely affected the essential relationship between prison officers and prisoners. This is consistent with Dr Carter's research; that ten months after the riot 'the relationship with prisoners had deteriorated rather than improved'. He found that prison officers felt fearful and distrustful of prisoners.<sup>24</sup> Resentment in the prisoner ranks had built as the months passed and the large intake of new arrivals was equally subjected to the stringent conditions imposed. The reduced access to normal services and opportunities, such as programs and employment, brought elevated numbers of prisoners into direct contact with unit-based prison officers under conditions of conflict. Sympathy from many special interest groups for the plight of those prisoners not directly involved with the riot marginalised the prison officers and served to strengthen their resolve to act in custodial rather than correctional ways. The value system of the prison was becoming increasingly unbalanced and this heightened the risk of losing the positive prison culture built up in Western Australia over decades. Some of these factors, or at any rate their aftermath, were still present at the time of the previous Inspection (December 2000) some two years after the incident.

---

<sup>24</sup> *ibid.*, p. 374.

## THE HISTORICAL BACKGROUND AND NEED FOR THE PRISON

---

---

### SUMMARY

- 2.61 The prison had an inauspicious start. Its origins owed much to the public disquiet about the treatment and conditions for prisoners at Fremantle Prison. Casuarina Prison was not a State asset held in high public esteem. It attracted controversy during the building period that was heightened later, when several external inquiries were held into the procurement methods and costs.
- 2.62 The operational philosophy adopted for the prison design was entirely consistent with best industry practice at that time, and the unit management focus for the prison had wide-ranging and beneficial impacts upon the whole Prison Services Division in its early phase.
- 2.63 As the State's criminal justice policies and sentencing practices drove up the proportion of citizens imprisoned, overcrowding became a familiar term in Western Australia, as it already was in many other international prison jurisdictions. The State's Prison Service moved down several rungs on the ladder of best industry practice to merely 'warehousing of prisoners';<sup>25</sup> rather than aspiring to do better, it had begun to justify not doing worse.
- 2.64 The Western Australian Prison Service made greater and greater demands on its flagship prison to cope with increased prisoner population pressures. It changed the primary purpose of Casuarina Prison from specialising in catering for long-term serious offenders, then later it established the prison as the State's accommodation provider of last resort for all categories of offenders. These massive changes were not sustainable without a strong risk management plan that provided the ancillary services appropriate to the changed operational focus. Instead, short-term and temporary measures became the conditions associated with the prison for several years, and the poor experiences of both prisoners and staff melded to form the bedrock of its operational culture.
- 2.65 The riot in 1998 sharply brought home the point that there is a limit to most things – the Smith Report called for fundamental reform. After the riot, the treatment and conditions of prisoners sharply declined; the conditions for staff were only marginally improved by the changes to physical security. Casuarina Prison staff have experienced a procession of acting Superintendents, deteriorating working conditions, and precious little training and development to prepare them for the excessive demands placed on them.
- 2.66 It was in the above context that the Inspection of Casuarina Prison commenced.

<sup>25</sup> Cohen, S., 'Human Warehouses: The Future of our Prisons', *New Society*, 14 November 1974.

# Chapter 3

## THE FINDINGS OF THE INSPECTION – CUSTODY AND CONTAINMENT

---

---

### CORRECTIONAL SERVICE STANDARDS, SERVICE DEMANDS AND DELIVERY

- 3.1 Many prison jurisdictions around the world are in a state of near crisis. Investment in correctional services is rarely afforded the same status as the health and education portfolios, even though there is strong evidence that many offenders in the prison system are dysfunctional, suffer serious mental illnesses, and are educationally disadvantaged in comparison to the general population. In the 1997 *Boyer Lectures* broadcast on ABC Radio National, Professor Martin Krygier<sup>26</sup> delivered a lecture entitled ‘Between Fear and Hope – Hybrid thoughts on Public Values’ in which he commented that some people cherish their society and its institutions simply because they have experienced or know of much worse. Others denounce the same things because they hope for much better. Bad prison conditions are encouraged by some segments of the community, others tolerate them in preference to other services, but few understand the effects of treating prisoners poorly. The reality is that the vast majority of prisoners will be released back into the community, and treating them badly or ignoring their needs will in the longer term only create more problems for society and for the individuals themselves.
- 3.2 Prison overcrowding is one consequence of low public funding and invariably leads to a legion of other problems. There are issues of increased tension and violence amongst prisoners as well as violence against staff. Workplace safety and the overall working and living conditions for staff are compromised. As staff/prisoner ratios fall, this leads to less supervision and the inability to engage in constructive programs and activities conducive to rehabilitation. In these circumstances the non-observance of international and local standards becomes the norm rather than the exception. Public demands for more punitive sanctions and increased reliance on incarceration as the crime control measure of choice is easily translated into an acceptance of lesser standards for the treatment of offenders in a humane manner. This spiral gives meaning to the term ‘passive injustice’, used by Professor Krygier to describe a situation where those who should know better do not do enough.
- 3.3 In the United Kingdom, three reports written in the 1990s sought to redraw the balance of potentially conflicting forces within the prison systems in Scotland, England and Wales: *Opportunity and Responsibility* (Scotland), *The Woolf Report* (UK) and, *Custody, Care and Justice* (UK).
- 3.4 Ray King in a comparative study of these blueprint references, notes that whilst there are important and subtle differences of inflection in the way the ideas are expressed, the three reports ‘all look to the world outside prison as a comparative base for normalising life inside; all stress the need to provide greater opportunities for prisoners with staff playing a facilitating role; all look towards the assumption of greater responsibility by prisoners’.<sup>27</sup> In Scotland, a strategic planning approach was

---

<sup>26</sup> Martin Krygier was at the time Professor of Law at the University of New South Wales. His works span a number of fields, particularly legal, political and social philosophy, legal sociology, communist and post-communistic studies and the history of ideas. At the time of the lectures he was engaged in a project comparing the character and development of civil society and the rule of law in post-communist Europe with that in liberal societies.

<sup>27</sup> Matthews, R. and Frances, P., (Eds.), op. cit., p. 62.

adopted to give expression to these foundation principles; importantly, this involved prisoners, staff and managers setting their objectives within a broad framework. In the United Kingdom, a system of contracts was developed to regulate the relations between each organisational layer and to define the legitimate expectations of prisoners. These arrangements facilitate the routine monitoring of service delivery and provide the beginnings for the codification of standards.

- 3.5 In Europe, intellectual debate about human rights standards is informed by the Council of Europe system. There is a similar process in the Inter-American system through the Organisation of American States. There is also an African system under the Organisation of African Unity. But no such arrangements are yet in place for the Asian region,<sup>28</sup> and so Australia, including Western Australia, lags behind in these important considerations. Debate on these issues is insular within a weak national and regional framework.

#### THE INSPECTION APPROACH

- 3.6 In Western Australia, service standards are set out in a rudimentary way in the *Prison Services Business Plan 2000–2005*. The Prison Services vision, values and guiding principles set the tone and direction of the service. At best they imply aspirational standards. The emphasis of the Business Plan is on the forward strategies, the immediate priorities and the challenges. The sense one gets from this document is that prisoners have been relegated to be little more than the objects of a management process. It does not, for example, resemble the Scottish approach in which broad consultation is undertaken and where prisoners are recognised as legitimate participants in the process.
- 3.7 In March 1998, the then Government authorised the Department to call for expressions of interest to explore the viability of new prison service delivery options, and in particular to test the private sector's potential to contribute to improvement in the provision of prison services. *The Second Reading Speech for the Prisons Amendment Bill 1998* reported that the decision was taken against a background of increasing pressure on the prison system and recognition that more was needed than just additional prison accommodation (p. 3). This included better structures and regimes to make positive and productive use of the time offenders spend in prison so that they are less likely to re-offend after their release (p. 4). The Government also announced that the Department would develop strategies for individual management plans for all prisoners to be in place within three years.
- 3.8 The Department developed a comprehensive Request for Proposal (RFP) document detailing qualitative outcomes for the then proposed private prison to ensure that standards were raised and maintained in all Western Australian prisons. One of the reasons cited by the Government for the creation of a multi-service provider environment was that the public sector managed-prisons would progressively have these operational standards applied. It is important to note that in applying the Department's RFP Standards Framework to Casuarina Prison, its relevance is the underlying

---

<sup>28</sup> Office of the High Commissioner for Human Rights, op. cit., p. 14.

philosophical underpinnings and its linkage to the international human rights body of knowledge. The performance of the private prison is not the subject of this Report.

#### YARDSTICKS FOR PERFORMANCE MANAGEMENT

- 3.9 Western Australia has 12 operational public sector prisons, of which six are located in regional areas and six in the Metropolitan Area. The metropolitan prisons include two prison farms, the women's prison and its minimum-security annexe and three large male institutions. These three prisons cater for just about half of the State prison male population (1456 of 2973 prisoners on 15 November 2001). At the time of the Casuarina Prison Inspection, Acacia Prison was operational but still in the process of being filled at a deliberately slow rate; there were just over 300 prisoners there at the time. Hakea Prison was still establishing its new operational culture following the amalgamation of two contiguous prisons to create the remand, receipt and assessment facility.
- 3.10 In 1999 the Government of the day put on the public record two important statements that had a direct bearing on the inspection approach adopted for Casuarina Prison. The first related to the central role that Acacia Prison is expected to play in reforming the whole of the State Prison Service. It would do this in two principal ways – by substantially increasing prisoner accommodation and by delivering services to predetermined standards linked to best industry practice. The second Government policy statement related to the external independent scrutiny that the Inspector of Custodial Services would apply to the conditions within Western Australian prisons. The Office is expected to inform itself through international research of best practice and to advise the Parliament, Government and the Department about the relative performance of Western Australian prisons and the appropriateness of particular correctional standards for Western Australia.
- 3.11 The Office of the Inspector of Custodial Services was established in June 2000 and became fully operational in early 2001. The first phase of prison inspections has been to publish what are in effect baseline reports. This may be considered a stocktake of the prison services with particular emphasis on the unique features of each prison and a scorecard of performance relative to its primary purpose. The inspections that preceded that at Casuarina Prison were purposefully chosen to facilitate the testing of the Inspectorate's methodology, and were either small metropolitan prisons or discrete regional prisons. Casuarina Prison was the first of the large complex facilities to be inspected, which by virtue of its role and function makes strategic operational policy and executive leadership and management more visible. It is a natural point at which the gap between best industry practice and this prison's performance may be discussed. The prison is of modern construction and its operations measurable against the best industry practice reflected in the Department's RFP Standards Framework in a way not appropriate to the other prisons thus far inspected.
- 3.12 In recent years a number of important standards have been developed and published on good prison practice. Those selected for the Casuarina Prison Inspection are directly linked to United Nations' instruments and were specifically developed to strengthen international contact between agencies.

The first is an international handbook on good prison practice *Making Standards Work*.<sup>29</sup> The handbook acknowledges the contribution of more than a hundred governmental and non-governmental experts from more than 50 countries. It is intended to be a worldwide resource to assist in the development of decent prison conditions. The second is a manual on human rights training for prison officials entitled *Human Rights and Prisons: A Manual on Human Rights Training for Prison Officials*.<sup>30</sup> The manual provides in-depth information on sources, systems and standards for human rights related to the work of prison officials. The third reference is the *International Prison Policy Development Instrument*.<sup>31</sup> The instrument is designed as a tool to assist countries in their development and review of prison policies. These references, together with the contract documentation for Acacia Prison, provided the strategic framework for the Inspection of Casuarina Prison.

- 3.13 In August 2001 the Department conducted an operational review of Casuarina Prison. The Department's Review Team methodology is an adaptation of the 'Expectations' framework devised by the Prisons Inspectorate in the United Kingdom. Seven departmental officers attended Casuarina Prison between 25 July and 6 August 2001 and produced a 53-page report which is a comprehensive audit of 34 distinct services. The Department has, since the establishment of the Inspectorate, deployed Operational Review Teams to take stock of a prison immediately prior to an announced Inspection. The reports are useful in that they provide some historical and demographic information that would not otherwise be easily accessible from the Department. This Report has analysed many of the comments made in the Casuarina Prison Operational Review Report, contextualising the comments and linking them to necessary actions for the Department to take. Initially, these Operational Reviews confused prisoners, who thought that the Review Team represented the Inspectorate. Some prison managers used their reports in an attempt to 'tidy up' the prison prior to Inspections. Many staff advised the Inspectorate that there were short periods of frantic effort immediately prior to an announced Inspection and some of them were survey-fatigued by the time of an inspection. These issues have abated over time, as the Inspectorate staff became better known and as the full purpose of inspections was acknowledged.
- 3.14 The Inspectorate has on several occasions mentioned to the Department that the Prison Services Division lacks a fully functioning and integrated operational compliance management system, one that informs the Department about the extent to which its prison operational branches comply with purposefully determined high-level policy and strategic directions. Those resources invested in the Operational Review Teams could easily be redeployed for this useful purpose.
- 3.15 Western Australia can no longer afford to increase the funding for the Prison Services Division of the Department of Justice in an unstructured way. What needs to be done is known internationally,

<sup>29</sup> Penal Reform International (UK), Second Edition, 2001.

<sup>30</sup> Office of the High Commissioner for Human Rights, Geneva, Switzerland, December 2000.

<sup>31</sup> International Centre for Criminal Law Reform and Criminal Justice Policy (Canada), July 2001.

and is widely published. How this is to be done in Western Australia, and in a way that is linked to best industry practice, was determined by Government, and also made public during the passage of the *Prisons Amendment Bill 1999*.

- 3.16 The importance of this Inspection and the crucial role of Casuarina Prison cannot be underestimated. The Inspector invited an internationally acknowledged expert in prison inspection, the recently retired Chief Inspector of Prisons from the United Kingdom, Sir David Ramsbotham, to join the Inspections Team as an Expert Inspector. Sir David had just completed six years as the head of the agency that was the base model for the Western Australian Office of the Inspector of Custodial Services, and he brought a wealth of experience in the application of international law and norms relating to the treatment and conditions of prisoners.
- 3.17 At the commencement of the Inspection, the Department provided a significant quantity of written material and conducted a verbal presentation to demonstrate their own assessment of Casuarina Prison.
- 3.18 The Department claimed that 335 of the 580 prisoners were employed in a wide variety of employment areas; that 38 per cent of prisoners accessed educational programs that were linked to community-based education and vocational training; that between January and June 2001, 171 prisoners had participated in substance abuse programs, 24 prisoners in sex offenders' treatment programs, 82 prisoners in violent offender treatment programs, 34 prisoners in cognitive skills programs, and that a new legal and social awareness program had been piloted. The Department advised that changes were being planned to program delivery, whereby prison-based teams of programs staff would report to Superintendents with a central programs unit focusing on research, program development and quality control. Casuarina Prison was nominated as one of five pilot sites for the provision of integrated and coordinated services to help prisoners address offending behaviour through case management, and one of seven pilot sites for the provision of a refocused, revitalised and integrated approach to unit management. The Department advised that there were, however, a number of unresolved issues relating to industrial relations at the prison and a level of uncertainty following the appointment of a new Superintendent. The prison's population was forecast to reduce significantly as Acacia Prison became fully operational.
- 3.19 At first glance the Department's information would indicate that the prison was functioning reasonably well and that plans were well developed to improve the standards of service. This assessment needs to be contextualised, and related to measuring improving performance. The prison is a major contributor to the management of offender throughput in the prison system, and is more than a provider of a static number of prisoner places. Planned and purposeful correctional intervention is crucial to strategic crime prevention outcomes. This requires a full appreciation of what corrections is, what is meant by effectiveness and what corrections can realistically achieve. Such a broad vision is fundamental to delivering services. Whilst Casuarina Prison has a level of



prison activity, it is only meaningful if the pre-conditions for applying those correctional services are in place and operating effectively in the field. The quality of operational culture, the instability in the local management arrangements, the notified industrial disputation relating to staff terms and conditions, the immature operation arrangements relating to key concepts of unit and case management, and the raft of pilot projects to determine future standards of service are all barriers to the implementation of cultural change at the prison. After the riot, the prison was starting from a very low base.

### THE RELEVANCE OF THE WESTERN AUSTRALIAN PRISON SERVICE GUIDING PRINCIPLES

3.20 The *Prison Services Business Plan for 2000–2005* announced that it had embarked on a challenging program of reform that would severely test the organisation but offer many challenges and rewards. A firm commitment was made to give staff every encouragement to participate in, and contribute to, this program and to gain new skills to make their jobs even more fulfilling.

3.21 The Plan notified that eight principles guided the management of prisoners:

- People are sent to prison as punishment, not for punishment. The punishment associated with imprisonment is the loss of liberty arising from being in custody;
- Each prisoner shall retain the rights of any member of society, except the rights necessarily removed or restricted by imprisonment;
- Each prisoner shall be treated with humanity and respect for their inherent dignity as a human being;
- Discretionary management decisions affecting the administration of a sentence should be made openly and subject to appropriate controls and these guiding principles;
- The Department is responsible for minimising the detrimental effects of imprisonment;
- The Department is responsible for preserving the health, safety and well-being of prisoners, employees and visitors;
- Prisoners, employees and visitors shall take reasonable care to ensure the health and safety of themselves and others; and,
- All prisoners shall have ready access to fair grievance procedures.

3.22 Whilst these guiding principles are consistent with high-level international prison standards, the qualitative performance measures in the Business Plan bear no resemblance to these commitments.

### SURVEYING FOR STRATEGIC PLANNING

3.23 Western Australia does not have a policy in place to monitor the operational culture of its staff and prisoners. At the present time the only reliable information source is provided by the Inspectorate through surveys conducted for its reports. Staff surveyed at Casuarina Prison reported that there was very little interaction between them and programs staff, and they did not consider that the prison prepared prisoners for eventual release into the community. They advised that they did not have enough information or skills relating to Aboriginal culture, psychology and mental health, case management or principles and practices of rehabilitation. There was widespread dissatisfaction with the promotional selection system and criticism of the lack of senior officer training. They did not feel supported by local management or by the Prison Services Head Office.

3.24 In comparison, the Scottish Prison Service has been surveying prisoners and staff since 1991. This was designed to assess facilities in the prison, to judge standards, to measure the atmosphere and relationships in prison and to discover how prisoners and staff wanted to see their prison service develop. In the 1994 Report:

- 77 per cent of surveyed prisoners described their relationship with staff as favourable;
- 89 per cent were positive about their relationship with female staff;
- 94 per cent were very positive about their relationship with other prisoners in their units;
- 58 per cent rated the atmosphere in the prison as relaxed;
- Only 2 per cent of staff surveyed reported their relationship in negative terms;
- 63 per cent said that they got on either very well or quite well with prisoners, and
- Only 12 per cent rated the atmosphere in the prison as being in any way tense, and even a smaller number (1%) rated it as very tense.<sup>32</sup>

3.25 The United Kingdom Prison Service also surveys its staff. In the second survey, conducted in 2001, 61 per cent of staff responded (compared to 55% in 2000). The Prison Service was encouraged by some of the responses, including:

- 82 per cent of staff have a clear understanding of their roles and responsibilities;
- 80 per cent believe that treating prisoners with decency improves the working atmosphere;
- 77 per cent felt that taking time to talk to prisoners increased the respect for staff;
- 73 per cent have enough information and skills to do their present jobs; and,
- 73 per cent believe the level of suicide and self-harm in their prison is good.

---

<sup>32</sup> Wozniak, M., et. al. (1994), *The Second Prison Survey*, The Scottish Prison Service, Occasional Paper No. 10, Central Research Unit.

- 3.26 This survey, however, also brought out negative staff beliefs about the relationship with Head Office, staff levels and the likelihood of improvement.
- 3.27 The only comparable survey involving Western Australian correctional staff was conducted by the AIMS Corporation (the private sector managers of Acacia Prison) in September 2001. In that survey, the company found that operational staff also harboured negative beliefs about their relationship with Head Office, the standard of training, and were concerned about their future employment. AIMS Corporation has subsequently developed strategies to improve staff communication.
- 3.28 Like Western Australia, the United Kingdom's Prison Service Business Plan 2000–2001 (p. 1) has six principles and two objectives. Managing the prison population safely, improving health care and delivering improved regimes are three of their eight priorities. Here the Key Performance Indicators focus on the proportion of prisoners held two to a cell designed for one, and a three-year target has been set to double the number of completions of accredited offender behaviour programs.
- 3.29 In the *Annual Report of Her Majesty's Chief Inspector of Prisons for England and Wales of 1998–99*, Sir David Ramsbotham commented that the Prison Service could not afford to stand still in improving the treatment and conditions of prisoners. That Annual Report discussed the role of imprisonment within the broader criminal justice system. It drew attention to the need for co-operation and co-ordination in deriving necessary information about individual prisoners, the continuity of care to cover both the period in prison and beyond, and the duty imposed upon the Prison Service by helping to prevent re-offending by making full use of the sentence time to work with and for prisoners.
- 3.30 Sir David reported that he had suggested on many occasions that organisational deficiencies, not the commitment of individuals, appear to be holding up improvements in the treatment and conditions of prisoners. He drew attention to the responsibility of senior management in the Prison Service to provide the direction and the resources to ensure that what is done with and for prisoners in every prison is of sufficient quantity and quality. He observed that the Prison Service Headquarters 'appears to be structured unlike any other operational service that I have come across, anywhere' (p. 19). The prisons were viewed as being scattered and functioning largely in isolation of Headquarters. Sir David drew attention to the bureaucratic load generated by the Prison Service Headquarters that takes operational line managers away from dealing with prisoner-related matters. He contrasted this with the obvious solution contained in the contractual framework established for private prisons and its parallel form of Service Level Agreements in some publicly managed prisons that focus on service standards and service outcomes. Finally, he commented on lack of development opportunities for the Senior Officer rank. The parallels with Western Australia are remarkable, to say the least.

### CASUARINA'S HEALTHY PRISON TEST

3.31 In May of 1999 the United Kingdom Prisons Inspectorate introduced the concept of the 'Healthy Prison'. This involves four criteria to test the extent to which:

- Every prisoner is safe;
- Every prisoner is treated with respect as a fellow human being;
- Every prisoner is encouraged to improve himself and given the opportunity to do so through purposeful activities;
- Every prisoner is enabled to maintain contact with their family and prepare for release, thereby reducing the likelihood of their re-offending.

3.32 In the *Annual Report of Her Majesty's Chief Inspector of Prisons for England and Wales 2000–2001* a copy of the Inspectorate's work entitled 'Expectations' was appended. This instrument breaks down each of the four healthy prison tests into a number of expected outcomes. The methodology was field tested and refined over a three-and-a-half-year period and takes account of existing statutory United Kingdom Prison and Young Offender Institution Rules and United Nations and World Health Organisation statements that offer guidance, particularly in declaring principles about the way in which prisoners are to be treated. The Report cautions that 'the whole experience of custody is important here, because every part is likely to impact on prisoners in some way. This may either be positive in helping to prevent further offending, or negative in reinforcing criminality. It is, therefore, important to assess the cultures that operate in prisons, which may obscure or disguise what is actually happening to prisoners.'

3.33 At the conclusion of the Casuarina Prison Inspection, Sir David's first comments to the senior management team were to point to the many similarities of the issues and also the inspection process in Western Australia to those of the United Kingdom. He was clearly able to apply the four tests of the healthy prison – safety, respect, purposeful activity and preparation for release. With regard to safety he was extremely uneasy about the split command arrangements at the prison where the Superintendent is not directly in control over armed staff patrolling the perimeter fence. He considered this policy unsound. He was concerned about the working conditions for staff, the lack of in-service training, and, in particular, the physical compartmentalisation of the prison following the riot.

3.34 He examined the caged exercise yards constructed in Unit 1 and expressed deep concern about the dehumanising way these prisoners were treated. He concluded that, although there were sometimes problems in managing difficult prisoners, this mode of treatment clearly contravened any notion of respect. Sir David noted that health care is the activity in any prison that most demonstrates the level of respect for prisoners, and that at Casuarina there was room for improvement.

3.35 He was surprised at the short unlock period and urged a review of this arrangement. This refers to the 12-hour shift arrangements, that are convenient for staff but limit services to prisoners. In considering purposeful activity, he was impressed by the efforts made to provide education assessments to the majority of prisoners, but the high level of unemployment led him to conclude that the prison fell far short of providing a purposeful and active day for everyone.



*The caged exercise yards in Unit 1 were dehumanising.*

3.36 Finally, in reviewing the arrangements for release preparation, Sir David looked at the extent to which prisoners were able to make contact with their families and found relatively low visiting rates brought about by prisoners' dislocation from their home communities. Prisoners in the focus group meeting certainly confirmed this. They reported that their families do not have the means to travel to the prison from other parts of the State. They also said that the procedures for arranging temporary transfer from Casuarina Prison to regional prisons were too complicated. Sir David did not consider that Casuarina Prison was properly preparing prisoners for release.

3.37 There is little point in having guiding principles that are divorced from the reality of the operations. Such principles have to be made purposeful, they need to be practised and to be monitored and reported. In Western Australia, and obviously elsewhere, rhetoric and reality are distant ends of the prison operation spectrum. But this does not mean that the situation is completely hopeless. There are clear pathways to success, but strong leadership and firm commitments are necessary.

#### A NOTIONAL SERVICE LEVEL AGREEMENT

3.38 In 1999 the Prison Services Division adopted a new operational philosophy that sought a balance between four cornerstone outcomes that define the purpose of imprisonment in Western Australia: custody, care and well-being, reparation and rehabilitation. The service requirements and standards developed for the Department's RFP Standards Framework represent a full articulation of this philosophy. The framework, like the 'Expectations' document introduced in the United Kingdom, takes account of high-level international standards and breaks them down in a structured way into a

<sup>38</sup> The current expansion project at Bandyup is being conducted in the knowledge that the prison will most likely accommodate medium-security male prisoners in the future.

series of service areas that enables the treatment and conditions of prisoners to be objectively assessed. Whilst the performance of each prison in Western Australia may significantly differ, when assessed in this way the Department's operational practice standards should not vary.

### CUSTODY MANAGEMENT

3.39 The first of the four cornerstones relates to custody management. The two strategic objectives are to ensure prisoners remain in custody and to implement security arrangements which enable a balance between the use of technology and pro-social interaction between staff and prisoners.

#### Preventing Escapes

3.40 The first requirement is to prevent escapes. It is the first responsibility of the Prison Service to protect the public and it is not in anyone's best interest for a prisoner to escape from secure custody. There is no evidence of weakness in the physical security arrangements at Casuarina Prison. The Prison Services Division's attention to this requirement has been first rate and the community should have a high level of confidence in the arrangements. However, the requirement is twin-edged. Whilst it is necessary for rigorous prevention measures to apply to the operations of the prison gate and the perimeter systems, these must not result in an unduly repressive regime in other parts of the prison. Sir David drew attention to two issues: the split command relating to the responsibility and accountability for the armed staff patrolling the fence and the compartmentalisation of the whole prison that has diminished the quality of staff/prisoner relationships.

3.41 Following the riot a number of procedural changes were introduced and persisted up to the time of the Inspection. The major threat emanated from the continued overcrowding of the prison and the inadequate conditions for staff and prisoners. Since then the prison population has significantly reduced and it is now incumbent upon the Department to set a population limit for the prison in order that all the extrinsic measures are reviewed and adjusted.

#### Safe Environment

3.42 The second requirement within the custody cornerstone relates to maintaining a safe environment for staff, visitors and prisoners.

3.43 It was previously mentioned that the compartmentalisation of the prison had an adverse consequence for prisoner safety. The prisoner survey found that 11 per cent never felt safe and that a further 17 per cent felt safe sometimes. Those who always felt safe or felt safe most of the time gave a variety of explanations for that state of affairs; some saw themselves as not being vulnerable and capable of protecting themselves, or being able to rely on other prisoners; others tried to keep a low profile but tended to be always on guard and vigilant. Many prisoners commented that some officers, especially since the riot, have problems of poor attitude and can be very demeaning towards prisoners.

- 3.44 The staff survey reported that the majority of respondents thought that physical and verbal abuse between prisoners happened often. They also reported that whilst physical assaults by prisoners on staff sometimes happened, verbal abuse often occurred. It is of particular concern to note that these staff reported that staff-to-prisoner verbal abuse, including racist remarks, and physical assaults sometimes occurred.
- 3.45 The Department's Operational Review in August 2001 reported that bullying was a serious concern reported by both prisoners and staff, and this was a direct consequence of the overcrowding. The Assistant Superintendent Security reported that he spent 50 to 60 per cent of his time dealing with issues related to bullying. There were no programs in place to address bullying behaviour.
- 3.46 At the time of the Inspection approximately 120 prisoners under various protection regimes were scattered across the prison. An attempt was made to review a sample of files for prisoners on protection, but this was complicated by the changed records management procedures whereby essential operational information is now stored electronically through the TOMS system. Staff advised that it was not possible to access aggregated information; rather the new system was only capable of providing information for each individual prisoner, so that a review of protection management would require a print-out of all prisoners at a location to accurately determine their current status. Of the records examined, mandatory weekly reviews required by the relevant rule and operational instruction had not been conducted. Unit staff reported that some prisoners had been placed on protection status by line managers for reasons not known to them (reference was made to 'jail politics'). Prisoners in one of the designated protection areas reported that some of those afforded protection did not belong there and that there had been avoidable incidents of bullying. It was evident that the procedures were catering for liability management rather than risk assessment with a strong anti-bullying management approach. There was little effort being made to challenge the bullying culture.
- 3.47 The Inspectorate has in recent months commenced a thematic review of the Department's protection management strategies at several prisons, including Casuarina Prison. The work was led by an academic from the United Kingdom with relevant experience and qualifications. A key finding of the completed fieldwork is that Operational Instruction No. 4 (Management of Prisoners in Protection) is ignored in practice. The draft thematic report will be available to the Department in December 2002. It is imperative for Casuarina Prison to have a robust anti-bullying strategy, given the population mix it is catering for.

#### Maintain Order through Control

- 3.48 The third requirement of custody is to maintain order through control. In every prison there must be sufficient good order and discipline to ensure the reasonable safety of prisoners and staff and to encourage responsible behaviour from prisoners.

- 3.49 There are important checks and balances that are essential to achieving good order in prisons. Prison staff can and should seek to positively influence and enlist the willing co-operation of prisoners through humane leadership and good example. Reliance on coercion will not achieve this outcome. Many prison disturbances arise from prisoners feeling a sense of injustice over the way that the disciplinary rules are administered. On the other hand, when prison staff do not perceive that the disciplinary system is effective there is a danger that they may take out their frustrations on the prisoners by adopting and inflicting summary and illegal punishments.
- 3.50 At Casuarina Prison a new disciplinary adjudication system was being piloted. This involved a Magistrate hearing more serious prison charges, rather than the usual arrangement whereby a Justice of the Peace is appointed as a Visiting Justice. Prisoners have reported that they have more confidence in the new system. The Department's Operational Review Report noted that the Magistrate took program participation, visits and special occasions into consideration when setting hearing dates.
- 3.51 In the seven months preceding the Inspection there had been 13 prisoner prosecutions for charges of assaulting staff. This is an aggravated prison offence. The number of prisoner-to-prisoner assaults was six for the same period. It would appear from these statistics that assaults on staff are twice as high, and this raises serious issues about the management of control strategies within the prison. With reduced interaction between staff and prisoners in recent times, this figure is all the more alarming. The Department should examine the underlying causes for these occurrences.
- 3.52 In the aftermath of the riot, a deliberate 'zero tolerance' approach was adopted. This was facilitated by senior management and participated in by many custodial staff. The *Follow Up Inspection of the Special Management Units at Casuarina Prison* found that there were long periods when administrative segregation and strict application of disciplinary rules were significantly elevated. Some of the remnants of this attitude towards prisoners still persist. They are manifested in the use of the loss of privileges system and expressed in the comments of some staff who disfavour the pilot prison Magistrate adjudication system, believing that the burden of proof has been artificially raised in favour of prisoners. All the cautions from the collective wisdom of the international criminal justice community relating to prison disciplinary adjudications resonate at Casuarina Prison. The Department advised the Inspectorate that the Magistrates who participated in the pilot scheme now wished to discontinue. This would be unfortunate and remove a much-needed human rights safeguard.
- 3.53 The Prison Services Policy Directive No. 3 guides the procedures for the prisoner loss of privileges system. Since the introduction of the TOMS information technology system the manual list of prisoners subject to loss of privileges has been discontinued. Staff at the prison advised that the new system only provided for individual records to be examined, so the extent that the prison manages order by removing prisoner privileges is difficult to quantify. It is important that the sanctions are



fairly applied and in proportion to the infraction of the prison rules. There was a memorandum to staff displayed on notice boards, initiated by an executive of the Prison Services Division, cautioning against group punishment by evoking the loss of privileges system. This indicated a need for the Department to audit the practice at this and other prisons.

#### Provision of a Comprehensive Drug Management Strategy

- 3.54 The fourth requirement of the custody cornerstone is the provision of a comprehensive drug management strategy. This involves measures to deter, detect, prevent and treat substance abuse by drawing upon research and best practice.
- 3.55 This is a complex function requiring strong measures to prevent illicit drugs, alcohol and other intoxicating substances from entering the prison. There should be an attractive education program presented as part of the induction program. An effective prison strategy should be in place to eradicate the production of home-brewed alcohol and to address the exchange of prescription medication. Prescription medication should only be provided on the basis of assessed need, rather than demand. Where prisoners have a history of drug, alcohol or substance abuse, they should be engaged in an individually appropriate treatment program to address these issues.
- 3.56 At Casuarina Prison the emphasis of the strategy is on detection. Active and passive drug detection dogs are in regular attendance at the prison. The prison adopts a strategy of non-contact (closed) visits for people who arrive late for their visits and therefore are not screened by this means. In this case, visitors who arrive late for a visit and after the dogs have left the site are only offered non-contact visits. The drug detection dogs screen large numbers of family visitors and find very few positive indications of contact with drugs. These drug contacts may include actual attempts to introduce contraband into the prison, recent personal use of drugs away from the prison, or even physical contact with another person who may have used drugs (such as sitting beside a stranger on public transport on the way to the prison). In addition, prisoners' cells and common use spaces are also searched regularly.<sup>33</sup> However, other aspects of the strategy are weak and the overall result is consequently inadequate.
- 3.57 The Department's own Operational Review noted that there were significant environmental and psychological stressors evident in the prison which were not being managed to deter prisoners from abusing substances. Forty-eight per cent of prisoners were on prescribed medication and yet there were no referrals to programs for prisoners detected using illicit substances. There were also very limited incentives and privileges for prisoners who did not use alcohol or other illicit substances.

<sup>33</sup> The Casuarina Prison Standing Order 2D 2.2.1 required a higher number of cell searches than were actually recorded as having been completed. Where the requirement was for 3,680 such searches to have been performed between May and October 2001, only 892 (24%) actual cell searches were recorded.

- 3.58 The United Kingdom Prison Service drug-testing target for 2000–2001 was a rate less than 16 per cent positive for random tests, from a 10 per cent monthly sample of the entire prison population. There is no comparable Western Australian Prison Services target, but the rate of positive results from random tests for Casuarina Prison for a six month period prior to the Inspection was 21 per cent. Even the mandatory drug-testing arrangements themselves are ad hoc at Casuarina Prison, where the random tests are not conducted monthly. The Department has recently advised the Inspectorate that these tests are undertaken twice a year because of the high costs involved. The lack of a systematic strategy operating at Casuarina Prison makes the whole operation for drug-testing a lottery for prisoners. The chance of being detected is so low as to encourage risk-taking, and in any case does not provide an effective deterrent.
- 3.59 A major initiative in the United Kingdom is the Voluntary Drugs Testing Program which encourages prisoners to take control of their drug habits, and it should be considered when the Department reviews the current inadequate drug management strategy operating at Casuarina Prison.

#### A Fair Disciplinary Process

- 3.60 The fifth requirement of the custody cornerstone relating to a fair disciplinary process has been previously commented upon under the requirement to maintain order and control.

#### The Provision of Emergency Response Capacity

- 3.61 The sixth requirement relates to the provision of emergency response capacity. The confidential security briefing provided to the Inspection Team and reported elsewhere in this report has addressed this issue. In addition, the Department's Operational Review Team identified some minor improvements to these procedures that should also be implemented.

#### The Provision of Effective Grievance Mechanisms

- 3.62 The seventh requirement of custody relates to the provision of effective grievance mechanisms. The Department is committed to the establishment of a prisoner grievance system that would enable greater internal resolution of complaints and grievances. The 2000–02 Budget Statements for the Department committed to make the process fully operational at all prisons across the State during this financial year (p. 522).
- 3.63 In the seven-month period between January and August 2001 there were 191 complaints about prisons sent to the Ombudsman. The majority of the matters related to visits and contact with the community, personal property, disciplinary processes, health services, and to prison conditions. Of the 116 matters finalised prior to the Inspection, 45 were wholly or partially sustained. Sixty-five matters were not investigated by the Ombudsman for a variety of reasons, including: referred back to the Department (32), complaint withdrawn (12), the Office exercised discretion not to investigate (17),

or there was no jurisdiction (4).<sup>34</sup>

3.64 Almost half of the prisoner respondents to the Inspection survey indicated that they had made a complaint of some description whilst at Casuarina Prison but most felt they did not get a satisfactory outcome. These prisoner complaints related to the loss of and damage to property, or being threatened by other prisoners. Most complaints had been directed to the Ombudsman's Office. The overall impression of prisoners was that their complaints had not been properly followed up by the Ombudsman; however, some believed their complaints did not even get that far. One prisoner said he had written fourteen letters to the Ombudsman, but believed that none had reached the Ombudsman's Office. There has been a steady flow of complaints by prisoners directly to the Inspectorate, but the governing statute, Section 109 I(6), proscribes it from dealing with individual complaints. Consequently, an arrangement has now been developed to refer these matters to the Ombudsman's Office, as is the requirement at law.

3.65 The Department has introduced a new grievance system into prisons, intended to improve the resolution of minor matters at a prison level, but Casuarina Prison was not part of this pilot program. At the time of the Inspection most prisoners had not even heard about the operation of this system.

3.66 The Department's Operational Review Team observed that unit staff were ignoring common prisoner requests at an operational level, sometimes advising prisoners to complain directly to the Ombudsman's Office. They admitted to destroying complaints, although this was on a qualified basis as the agreed procedure when the prisoner accepted the action taken about the matter originally raised.

3.67 The Official Prison Visitors Scheme had not operated at the prison from 1 July 2000 to 30 June 2001, and this further denied prisoners the opportunity to bring their grievances to the notice of an independent body.<sup>35</sup>

3.68 There are strong issues of safety and respect raised by this Report and the Department should attend to these as a matter of urgent priority. The Inspectorate has observed that a not-insignificant number of incidents at prisons, logged on the Department's Daily Situation Reports, commenced with simple requests or complaints and frequently escalated into events where the use of force in controlling prisoners has been necessary in maintaining order.

3.69 In the United Kingdom the Prisons Ombudsman independently investigates prisoners complaints. The *Prisons Ombudsman Annual Report 1999–2000* (UK) was the first for the current incumbent and he used the Report to set new priorities that included a reduction in the delay in the process, to improve the relevance of the Office to prisoners and to increase awareness amongst staff and prisoners. In the last year that service has expanded to also include jurisdiction over the Probation Service. The agency's Business Plan for 2000–2004 notes that although the existing internal request

<sup>34</sup> Information provided by the Ombudsman's Office at the request of the Inspectorate in the lead up to the Inspection.

<sup>35</sup> The administration of the Official Prison Visitors Scheme was subsequently transferred to the Inspector.

and complaints system is to be replaced by a simpler and quicker system, the Ombudsman in the United Kingdom is expecting his system to deal with a significant increase in complaints because of changed eligibility criteria. All these factors are relevant to prisoners in Western Australia. The Department should monitor these developments for relevance in adjusting the Western Australian pilot prisoner grievance scheme.

#### Use of Force and Instruments of Restraint

- 3.70 The eighth requirement of custody relates to the use of force and instruments of restraint. The Prison Service Policy and Procedures on the use of force and instruments of restraints are clear and consistent with international standards.
- 3.71 The international handbook on good prison practice, *Making Standards Work*<sup>36</sup> makes the point that the use of force is a very fundamental form of the exercise of power. Before using any kind of force, an officer should always establish whether the desired objective could be achieved by other means. These are the basic principles of subsidiarity and proportionality that should always be applied when force is used. A prison officer is justified in using force and is protected from criminal and civil liability when the officer, in good faith, acts reasonably and uses only the necessary amount of force called for in the particular circumstance. However, a prison officer is criminally responsible for any excessive use of force. The individual officer and the Prison Services Division may also be civilly liable for any excesses in the use of force.
- 3.72 At Casuarina Prison a Recovery Team patrols the prison and attends to the requests of other operational staff who call for additional assistance. The team carries a number of instruments of restraint, including chemical agents. It has long been the practice that prisoners removed from a mainstream location to a Special Management Unit are first restrained in handcuffs. This routine use of force and restraint should be reviewed and only applied on the basis of assessed risk of harm from the prisoner towards himself or others. Other means of reasoning or verbal control should first be considered, even in these circumstances. The lack of staff training in interpersonal skills is part of the explanation of why these staff have come to depend upon methods of last resort to the extent that they have. Canisters of pepper spray are widely distributed throughout Casuarina Prison, including amongst general duties custodial staff. And they are used.
- 3.73 The *Follow-Up Inspection of the Special Management Units at Casuarina Prison* reported the need for improvements in record-keeping of use of force and instruments of restraint. The Department's Operational Review Team found that the central security register held at the prison did not correspond with other registers and that some information was now recorded only on the electronic information technology system.

---

<sup>36</sup> Penal Reform International (2001), *Making Standards Work: An International Handbook on Good Prison Practice*, Astren Printers, London p. 163.

## THE FINDINGS OF THE INSPECTION – CUSTODY AND CONTAINMENT

---

3.74 A thorough audit of the authority, actions, notification and records should be conducted and revised procedures established as necessary. Each stage of these arrangements should be managed to a scrupulous and detailed standard. The Department should also research the extent to which mechanical restraints and chemical agents are used in comparable prison jurisdictions and act upon its findings.

# Chapter 4

## THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING; REPARATION AND REHABILITATION

---

---

### THE PROVISION OF CARE AND WELL-BEING

4.1 The second of the four cornerstones that frame the operational philosophy for prisons in Western Australia deals with care and well-being.

#### The Management and Care of Specific Groups

4.2 The first service requirement addresses the management and care of specific groups of prisoners. Here the particular needs, entitlements or requirements of groups such as remand prisoners, prisoners with intellectual disabilities, geriatric prisoners, prisoners with physical disabilities, prisoners from non-English speaking backgrounds, and Aboriginal prisoners should be properly identified and catered for.

4.3 At Casuarina Prison such a differentiated approach is not evident. There is some rudimentary separation of prisoners who are clustered into the health care area or into the broadly scoped unit catering for so-called ‘vulnerable and disturbed’ prisoners. But this is more an administrative arrangement of convenience than catering for individual and group needs. These issues are discussed at some length in Chapter 5 of this Report.

4.4 Regarding the management of Aboriginal prisoners at Casuarina Prison, the Inspection Team found that there were issues of equity, racial abuse, difficulties in obtaining approval to attend funerals and other significant cultural events, and access to visitors. Additional comments about these findings are made under various service areas in this Report. Whilst not on the scale found at the Eastern Goldfields Regional Prison, which clearly constituted a form of structural racism, there is nevertheless lack of attention to group and individual needs. These issues need to be acknowledged and addressed by the Department.

#### The Provision of Adequate Food, Shelter and Clothing

4.5 The second specific service requirement covers the provision of adequate food, shelter and clothing. Food is intended to be of sufficient quantity, quality and nutritional value for the health and well-being of prisoners. The food preparation at Casuarina Prison is complex and occurs in stages over weeks, with the main portion of the cooked meals originating at Hakea Prison. All the Aboriginal prisoners in the pre-Inspection focus group and 74 per cent of all prisoners surveyed thought that the food was bad or very bad. They complained about the lack of variety, quality and freshness. Some reported that access to special diets for medical or cultural reasons was difficult to negotiate. Many of the prisoners reported that they selectively ate portions of the food and often relied on personally purchased canteen items to supplement their dietary needs. Many prisoners felt that the poor standard of food contributed to health problems. The prison staff confirmed that two pallets of instant noodles were sold each week through the canteen (the prison shop).

THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING;  
REPARATION AND REHABILITATION

---

---

- 4.6 The Department's Operational Review Report reported that staff and prisoners expressed concern about the high fat content of the meals. There were complaints about the chemical taste of some meals and the lack of input from staff and prisoners into the development of the menus. They reported that the midday meal soup component had not been supplied, despite being on the menu, because there was a shortage of special soup containers, that some units did not supervise the issuing of meals and that excess fat was removed from some evening meals to make them appear more presentable. Nursing staff also expressed concern about the high fat content of the food.
- 4.7 The Inspectorate contracted the Heart Foundation of Australia to assess the food service at Casuarina Prison. Initially, the Heart Foundation was provided with a copy of the Casuarina Prison Catering Manual to comment on the quality of meals. The Foundation reported that the data contained in the manual was unreliable: there were some obvious data errors (one entry claimed the recipe for a meal with meat content equated to a mere 44 calories, or little more than a slice of toast); other entries were difficult to assess because of the vagaries of entry (the entry for a roast beef meal indicated an error factor of 68%), and the absence of some essential information (sodium content of meals was not taken into account). The Foundation was then commissioned to undertake an accurate and complete assessment of all meals and snacks to collect information on macronutrient breakdown, vitamins, minerals and dietary fibre. The main meals were separately analysed by a qualified Dietitian, trained in the use of nutrient analysis software, to assess sample meals for total fat, type of fat, protein, carbohydrate and sodium content per serve and per 100g. of weight. The Foundation submitted a comprehensive report in April 2002. In summary, the Heart Foundation assessment of the estimated average dietary intake for prisoners found that:
- The intake of saturated fat was higher than desirable;
  - There was high intake of total fat, which would contribute to weight gain and obesity;
  - Salt intake was at least 50 per cent higher than necessary; and,
  - There was a need to increase the amount and types of vegetables provided.
- 4.8 The study found systemic problems with the supply of meat from the farm at Karnet Prison to the central kitchen at Hakea Prison. The meat contained fat that the Hakea Prison kitchen was unable to trim. There were also production problems at Casuarina Prison, relating to labour shortages and reliability of the prisoner workers, and the bakery often resorted to purchasing baked goods of generally very poor nutritional quality for consumption as substitute items on the menu. The inclusion of some food products in both the standard and vegetarian menus means that in effect low-fat diets are not catered for. The report identified simple solutions to many of these problems, which could be implemented quickly. A copy of the Heart Foundation Food Service Assessment Report has been forwarded to the Department.

THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING;  
REPARATION AND REHABILITATION

---

---

- 4.9 During the course of the Inspection many prisoners also commented negatively on the complicated laundry system and the clothing issued to prisoners. The prisoners' laundry is placed in bags with an identification tag and sent to the prison's laundry sorting store. From there the laundry is dispatched to Hakea Prison where the clothes are washed and finally returned to prisoners via the laundry store. Some prisoners stated that there are lengthy delays in receiving back items and this often leaves them without a clean set of clothes. In high summer temperatures this could be a high hygiene risk.
- 4.10 The standards relating to food, shelter and clothing are described in 20 sub-points in the Department's RFP Standards Framework. Casuarina Prison does not meet many of these standards.

#### The Provision of Health Services

- 4.11 The third specific service requirement under care and well-being is the provision of health services. Health care relates to medical care, dental care and mental health care, provided by registered health care professionals. The primary purpose of health care is to treat illness, injury and disease in order to restore or improve the health of the prisoner. This provision is expected to conform to professionally acceptable standards. The Prison Service is expected to provide every prison with essential health care, as well as reasonable access to non-essential health care that will contribute to the prisoner's rehabilitation and successful reintegration into the community.<sup>37</sup>
- 4.12 The Department's RFP Standards Framework emphasises the importance of primary health care by documenting four elements:

#### *Primary Health Care: Assessment and Prevention*

- 4.13 There are seven sub-points here including the requirement to review a prisoner's physical and mental state within two hours of arrival at the prison, within 72 hours to receive an orientation program on health service policies, within one month of admission to receive two hours of formal health education and for an annual comprehensive medical assessment.

#### *Primary Health Care: Prisoners at Risk*

- 4.14 There are five sub-points here including the identification, assessment, management and referral of such prisoners. In April 2002 the British Home Office released a literature review of offenders' risk of self-harm.<sup>38</sup> The report found that suicide amongst prison inmates is associated with psychiatric disturbance in approximately a third of cases in the United Kingdom.<sup>39</sup> The report drew on research predominantly from the United Kingdom and the United States of America and summarised factors consistently found to be associated with risk of serious harm.

<sup>37</sup> International Centre for Criminal Law Reform and Criminal Justice Policy, op. cit., p. 18.

<sup>38</sup> Beverly Powis, *Offenders' Risk of Serious Harm: A Literature Review*, Home Office Research Development and Statistics Directorate, Occasional Paper No. 81.

<sup>39</sup> *ibid.*, p. 38.



THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING;  
REPARATION AND REHABILITATION

---

4.15 In April 2002 following an inquest into a death at Casuarina Prison, the Coroner handed down a finding in which three aspects of the case have broad relevance to management systems: the understanding of mental health issues, the attention to the vulnerability of remand and newly sentenced prisoners, and the timely transfer of information. The Coroner identified the prison's failure to have the deceased assessed by a Mental Health professional following his arrival at the prison from Hakea Prison, where he had been on remand following sentencing. There had been extensive sentencing submissions and the judge asked for the prisoner to be psychiatrically assessed as soon as possible on his return to custody. The prison authorities did not know about the judge's concerns at the time, but the nurse completing the transfer form indicated that he was to be given high priority in respect of his risk assessment. The form also indicated that he was at risk of self-harm and had psychiatric problems. This medical file was not transferred with the prisoner at the time. On arrival at Casuarina, he was provided with medication, and was placed with another prisoner in a mainstream cell. The cell check system only catered for accounting for prisoners, rather than monitoring for signs of life. The Unit Occurrence Book was not able to be produced for the inquest, and so the actions of staff to assess the level of risk and to record the sequence of events had to be reconstructed by other means. The prisoner hanged himself during the night. The death was brought to the notice of staff by the other occupant of the cell some time after death. There was a system failure at all levels in the care and supervision of this prisoner, and improved safeguards need to be introduced as a high priority.

*Primary Health Care: Emergency Health Response*

4.16 There are four sub-points here including attendance within 10 minutes of a qualified primary care professional and within one hour by a medical practitioner, and for all health and custody staff to have Cardio-Pulmonary Resuscitation (CPR) certificates which are maintained to ensure currency.

4.17 Most of the staff surveyed had not had any suicide-prevention training within the last five years. Most had not had a CPR refresher course, and consequently their certificates had lapsed. Some staff were also concerned about the inadequacies of infection control and mental health services. This lack of training featured highly amongst the responses as one of the three worst things about working in the prison.

*Primary Health Care: Facilities to be Provided*

4.18 There are seven sub-points here including the provision of a Level 2 Accident and Emergency system incorporating assessment and treatment, consultation and necessary clinical facilities adequate for the prison population.

4.19 Secondary and tertiary health care relates to the negotiated access to off-site general or psychiatric or specialised services available at a hospital. The standard of care is to be consistent with that generally available to the community. It is expected that there is a close relationship between the prison medical officer and health care specialists in the community, so that use may be made of community expertise.

THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING;  
REPARATION AND REHABILITATION

---

---

- 4.20 The health care facilities at Casuarina Prison are comparable with these standards because the prison is the hub of Statewide health services for prisons managed within the public-sector. However, the access standards and the quality of service delivery are not at the same level.
- 4.21 The Crisis Care Unit, consisting of 12 beds, is located within the main health care centre. Whilst a range of health care professionals attend the unit daily there was a lack of service coordination. Referral for placement came from a variety of clinical and custodial sources and decisions were made through a case conference process. During the Inspection it was noted that prisoners were not given a clear clinical diagnosis and consequently clinical boundaries were not well established between the psychiatrist, psychologists and nursing staff.
- 4.22 The Medical Observation cells are located at the rear of the mirror-tinted glazed control room that is occupied by both custodial and clinical staff. Nursing staff reported that placements are frequently made for management rather than health care reasons. Only one cell is capable of being directly observed from the control room. The cells are sparse and infrequently attended by staff. A restraint (blue) bed was located in an open area outside these cells. This is an inappropriate location for what is in effect an instrument of mechanical restraint.<sup>40</sup>
- 4.23 Some of the equipment in use in the health care centre appeared to be aging and other items did not suit the patient profile of geriatric prisoners and those with chronic health conditions. The sluice/disposal room was being used as a linen storage room, and the steriliser was not in working order. There were no health promotion programs running at the prison; and although there was a range of educational posters and pamphlets these were not culturally appropriate for Aboriginal and other cultural groups.
- 4.24 Dissatisfaction with health services was raised by the focus group of Aboriginal prisoners and by prisoners who participated in the structured pre-Inspection survey. Prisoners were critical of the form-filling requirements to access the health staff and were particularly concerned about the length of time they had to wait to see a doctor. Some prisoners waited from two to three weeks before they could access a medical officer. The low literacy levels amongst prisoners is a particular issue, as the request forms are triaged by a duty nurse who decides the priority for prisoners to be further assessed by a nurse or referred to the doctor's clinic. There were comments made about inadequate mental health services and facilities and about the excessive reliance on agency nurses who were not familiar with work in the prison.<sup>41</sup> Most responses recognised that the health services was under-resourced and not properly supported.

<sup>40</sup> The *Report of the Unannounced Inspection of the Induction and Orientation Unit and the Special Handling Unit* in November 2000 recommended criteria for the recorded use of this bed. An examination of the register for the recent use showed that limited details relating to the prisoners name, date and times of use were recorded. This falls far short of the detailed criteria outlined in the Inspection Report.

<sup>41</sup> During the course of the Inspection the staff roster was reviewed and 32 per cent of positions were found to be covered by agency staff.

THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING;  
REPARATION AND REHABILITATION

---

---

- 4.25 The lack of contract-worker experience in a custodial setting was also reported in the Department's Operation Review Report. The Report supported the views of prisoners in describing a facility unable to cope with legitimate demands for service. The average number of outpatient attendances was 70 per day. The prison staff reported that this level would be higher were it not for the security controls in place to limit the number of prisoners allowed to be in the vicinity of the health care facility at any one time. It raises the question of whether prisoners needing medical attention are denied legitimate access. They reported a shortage of consultation rooms, with constant competition between health professionals, and that 27 per cent of available nursing time was utilised just to issue prescribed medication. The Review Team found that the proportion of prisoners on prescription medication (48%) rose with the level of overcrowding. Nurses reported that compliance monitoring of individual medications against the care plans were routinely missed, and doctors did not have the necessary charts when undertaking reviews of prescribed medication. This is a dangerous practice and should not be tolerated by the Department.
- 4.26 The access to ancillary facilities is also stretched to the limit. The Operational Review Team reported that the Medical Observation cells were rarely vacant for more than one day at a time, and were often used for purposes other than for which they were intended.
- 4.27 Dental services were also falling behind, with 180 prisoners who qualified for treatment on the waiting list. Some of these prisoners had been waiting for dental treatment for over two years and there was no system in place to assess the urgency of the treatment by a dentist. The dentist did not always actually see prisoners prior to assessment/treatment. The degree of urgency was determined on the basis of comments made on the form filled out by the prisoner. Some of these prisoners were assessed as not being urgent and there was no mechanism to inform the prisoners about their place on the waiting list.
- 4.28 The Department attempted to contract out the entire prisoner health service some three years ago. There were protracted delays in documenting the service levels and benchmarking the practice. The initiative eventually failed when the Department was unable to secure a health care provider within the pre-determined cost structure. During this entire period, public service positions were not filled and the standard of care drifted. Another year has passed since then and there is still no evidence that prison-based health services at Casuarina have improved, or will do so.
- 4.29 Being imprisoned means being made powerless and dependent. The lack of care can cause bitterness, aggressiveness, nervousness and stress. Hence physical health may affect mental health and vice versa. What is essential in prison management is that health services have priority over security and good order. At Casuarina Prison the severe overcrowding, the poorly planned health services and the lack of necessary training have diminished the service that should stand above all others.
- 4.30 The role, function and future of the health care centre needs to be reviewed and documented. The Inspector has recently provided advice to the Minister and the Department that calls for the

## THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING; REPARATION AND REHABILITATION

---

prisoner health service to be transferred to the Health Department with special arrangements to be made for prisoner access to necessary services. In early 2002 the Minister jointly agreed with the Minister for Health to establish a multi-agency committee to oversee prisoner health service strategies and standards.

### The Establishment of a Pro-Social Environment

- 4.31 The fourth specific service requirement is for the establishment of a pro-social environment through good staff/prisoner relations, programs and management routines.
- 4.32 This requirement calls for prisoners to be treated with respect and allowed such freedom of movement as is consistent with the good order of the prison. It acknowledges that good relationships between staff and prisoners are the most effective means of maintaining the good order of the prison. Staff are expected to maintain the dignity of prisoners whilst exercising an authoritative presence, rather than be separated by physical barriers. The primary role of staff in this context is to positively engage and manage prisoners and to explain and ensure compliance with a fair set of rules. Staff training in conflict resolution, negotiation and mediation are considered important priorities, as is training in the special needs of Aboriginal prisoners. Efforts are also to be made to give staff access to counselling services designed to assist them with work-related difficulties.
- 4.33 Casuarina Prison had been subject to industrial action in the months leading up to the Inspection. One of the issues related to staffing levels, another was the future employment of some officers on temporary contracts. The issues were not resolved by the time of the Inspection and were under negotiation between the union and the Department.
- 4.34 There were 18 complaints by prisoners alleging assaults notified to the Inspectorate as being relevant to the Inspection. The period of time over which these complaints were made is not known, but all were investigated by the Prison Service Internal Investigations Unit and all were found to be unsubstantiated. This result contradicts information reported by prisoners and staff under the Safe Environment Section of this Report (see paras. 3.43–3.48).
- 4.35 The staff at Casuarina Prison have not been prepared for their roles in the way contemplated by this requirement. Supervisors and staff appear to have little understanding of the concept of a pro-social environment and have not received specific training to fulfil this requirement. Seventy per cent of ranking officers were acting in that capacity, and the whole of the senior management team also had held their positions in acting capacities for the three years prior to the time of the Inspection. In many instances they lack the training, experience and authority to implement the necessary changes nominated by the Department.
- 4.36 Training at the prison had in effect ground to a halt. There are two kinds of training: the first primarily relates to occupational health, safety and welfare (Operational Skills) and involves escort procedures, radio communication, baton training, use of force, restraints, chemical agents, cell

## THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING; REPARATION AND REHABILITATION

---

extraction, emergency procedures and self-defence; the second type of training (Personal Development) involves correctional practice and CPR. The training records for the prison, provided by the Department, show a reduction from 1288 hours for 1999, to 401 hours for 2000, down to 384 hours for 2001 (the Inspection took place at the end of October 2001). If the CPR component is removed from the 2000 figure the remaining training effort is 56 hours. Case management training was a paltry 16 hours for five officers and a further two officers had completed three hours. There were 292 custodial staff at the prison at the time of the Inspection.

4.37 Staff training and personal development was totally inadequate, one-dimensional and focused on security and control at the expense of all other areas. Senior Officers, the first line of management, have not been trained since 1992. The consequence is that the environment has become anti-social, with poorly trained staff who have negative prison experiences and pass these bad habits and outdated practices on to the new recruits.

4.38 In the *Annual Report of Her Majesty's Chief Inspector of Prisons for England and Wales 1998–99*, Sir David Ramsbotham reported that the Senior Officer ‘...plays a critical role in the command and control chain of the Prison Service. Performance drift, caused by more senior positions being burdened by bureaucratic pressures and the lack of structured training, causes the whole management structure to break down.’ This is exactly what has happened in Western Australia, and was evident at Casuarina Prison.

### Meeting Religious and Spiritual Needs

4.39 The fifth specific service requirement is about meeting prisoners’ religious and spiritual needs. This requirement was deliberately broadened to include acknowledgement for Aboriginal prisoners to be given access to recognised spiritual leaders and for Aboriginal spirituality to be encouraged and strengthened through observance of customs related to language, food, death, healing, art, storytelling, rites of passage and tribal traditions.

4.40 The role of the Prison Chaplaincy at Casuarina Prison is much more limited that it should be. Prisoners commended the efforts made by the individual chaplains, but their roles were isolated from prison management and they lacked the regular access to senior staff to give them the natural authority they deserve. Seventy-four per cent of surveyed prisoners reported that they had access to the chaplaincy service when they needed it.

4.41 In the period immediately following the 1998 riot, the Heads of Churches Association played a strong leadership role to champion the cause of prisoners as their treatment and conditions worsened. The prison’s chaplains were courageous and played a significant part in preserving the dignity and respect of prisoners.

4.42 Aboriginal prisoners in the focus group commented that the Aboriginal Meeting Place is a hollow token. The tightly controlled movement procedures deny them access in any meaningful way. It has

become a symbol and talking point for the prison, rather than meeting prisoners' spiritual needs. A similar situation had arisen at the Eastern Goldfields Regional Prison where the Aboriginal Meeting Place had been fenced off for vague custodial reasons. These examples demonstrate a fundamental lack of the understanding of, and respect for, other cultures necessary for the establishment of a pro-social operational environment, and for meeting the special needs of Aboriginal prisoners.

- 4.43 The chaplains advised that there are also controls on the number of prisoners who can attend worship services. There is a staff to prisoners ratio of 1:25, and so when a higher ratio of prisoners seek to attend services, belated efforts are made to redeploy scarce staff on duty, and a limit is imposed on the prisoners' attendance. This is more than a service deficit. It is a breach of prisoners' constitutional and statutory rights to be able to practice religion.

#### Psychological Services and Managing Stress

- 4.44 The sixth specific service requirement relates to psychological services and managing stress. This requirement recognises that the causes of prisoner distress may lie in some aspect of the prison system or in matters outside prison. Hence, prisoners are to be encouraged and facilitated to report their stress before they reach a point of crisis. The standard requires programs to be generally available which aim to decrease prisoners' vulnerability to distress by providing appropriate skills and individual psychological assessment and counselling where this is necessary. Other aspects of the prison, including the built environment, the competence of staff to recognise and respond to stress in prisoners, and the approachability of staff are all relevant to gaining access to relevant external culturally-specific agencies.
- 4.45 It was earlier reported that the Department's own Operational Review Team found significant environmental and psychological stressors evident in the prison. It was also reported that even access to necessary primary health care involved complicated form-filling procedures. Added to this are the paucity of staff training and development, the overcrowded conditions, and hardening attitudes in the aftermath of the riot. None of these augur well for those prisoners who experience stress. Compounding all this are the structural organisational arrangements by the Department to place psychological services within the Health Service Branch. The emphasis here is on 'forensic case management', that is, the first priority is to deal with mental health issues. In effect, the prison-based teams have become psychological fire-fighters combating deep depression and managing potential self-harmers. One-on-one or group counselling to manage stress before it becomes an issue, or worse an incident, is very limited.

#### The Development and Application of Individual Management Plans (IMPs)

- 4.46 The seventh specific service requirement relates to the development and application of individual management plans (IMPs). The standard proposes the IMPs will be initiated at Hakea Prison (the metropolitan remand, receipt and assessment centre established in 2000). Such plans are intended to

## THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING; REPARATION AND REHABILITATION

---

include assessment of past or current security concerns and also any past or current critical incidents or known significant stressors which may be relevant to maintaining the prisoner's mental well-being and preventing self-harm or suicide. Information relating to the prisoner's family location and likelihood of receiving visits should be included, as well as details about separation from any individual or group of prisoners. Of particular importance are assessments and recommendations for education, employment, vocational skills development and engagement in programs designed to address offending behaviour or maintain health.

4.47 In Western Australia IMPs are important statements of the extent of care and attention paid to the management of prisoners. It is to some extent a contract with a prisoner to encourage participation in case management. Case management is an all-encompassing term which refers to the initiatives that are taken to ensure that the period of a sentence is most effectively used by a prisoner.<sup>42</sup> In this context an IMP is the document that guides and monitors case management.

4.48 It has been mentioned previously that in 1999 the Government announced that the Department would develop strategies for individual management plans to be in place within three years. The *Prison Services Business Plan 2000–2005* refers to the importance of an associated initiative, the Integrated Prison Regime (IPR) change program. This involves the revitalisation of Unit Management, Case Management, the Constructive Day (purposeful activity) and Incentives and Earned Privileges. Its goal is stated to be to ultimately reduce recidivism. The milestones for this program are spread over the period 2000–2005. In reality, it means that the essential ingredients to enable IMPs to operate are not in place.

4.49 The emphasis at Hakea Prison, up to the period of the Inspection of Casuarina Prison, has been to develop IMPs to facilitate the transfer of suitable prisoners to the new medium-security Acacia Prison. Many of the prisoners and a surprisingly high proportion of staff are not acquainted with this system. It is certainly the case that Casuarina Prison has not developed local policies and procedures that are reliant upon IMPs. Rather, there is an ad hoc arrangement whereby some IMPs are emerging, but they are not of the calibre contemplated in this standard.

### Identification and Involvement of Voluntary Community Services

4.50 The eighth service requirement calls for the identification and involvement of voluntary community services. This standard ensures that prisoners have access to relevant non-profit helping agencies. It encourages the formation of relevant self-help groups within the prison.

4.51 Casuarina Prison has a small number of self-help groups. Prison Fellowship has a long association with the prison and there are others, such as Outcare, which has a contract to provide support services for visiting families. Most of the community agencies identified as associated with the prison were involved with recreational services.

---

<sup>42</sup> International Centre for Criminal Law Reform and Criminal Justice Policy, op. cit., p. 44.

THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING;  
REPARATION AND REHABILITATION

---

---

4.52 The standard, however, contemplates that the prison would keep a database of relevant social services, Aboriginal agencies and individual volunteers. This is intended to establish regular attendance by such agencies, groups and individuals so that the majority of prisoners may have contact with the outside world, and in this context Casuarina Prison would not score well. The daily lives of prisoners are insular, in that their interaction is principally with custodial staff, and to a lesser extent with other Departmental staff. Volunteers and helping agencies are uncommon.

**Earned Gratuities, Private Cash and Purchases**

4.53 The ninth specific service requirement covers earned gratuities, private cash and purchases. The intention is that prisoners will have the means to earn money and the opportunity to buy goods from a shop at prices comparable to those applying in the community.

4.54 The Aboriginal prisoners in the pre-Inspection focus group complained about the relatively high cost of tobacco and phone calls. The distance from their family and friends and their placement in low-earning jobs doubly disadvantaged them. When prisoners from disadvantaged socio-economic communities have to rely upon their families to support them through financial contributions to their private cash accounts, it adds to the burden of the families. In some circumstances families discontinue contact to avoid the insistent demands from their prisoner-relatives. Poverty in prison creates its own stress levels.

4.55 The prisoner survey found that 38 per cent rated the canteen as bad or very bad. There was consensus about high costs and lack of regular access. Many prisoners reported purchasing food items because they did not have confidence in the prison-catered food. This limited the range of other items that they could afford. There were also complaints about the range of items for sale and about delays in receiving items that had been ordered and paid for.

4.56 The Department's Operational Review reported that information on the canteen operations was located in an out-of-date operational standing order, and was in any case not issued to prisoners during their orientation. They found that on occasion goods were substituted when the requested item was not in stock. They considered the prices to be comparable to other prisons, rather than competitive in the general community, as they should be. During the review period, the canteen switched to the new Government Electronic Marketing Systems (GEMS) and difficulties with supplier payments resulted in disruption to delivery of some listed items, including tobacco products.

4.57 There is nothing here to commend the service.

**Physical Education and Recreational Services**

4.58 The tenth specific service requirement relating to physical education and recreational services requires efforts to be made to encourage exercise and a healthy lifestyle through education. An ambitious standard of ten hours per prisoner per week was set in the Department's RFP Standards



THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING;  
REPARATION AND REHABILITATION

---

Framework to span a range of active, passive, individual and group recreational activities.

4.59 The Aboriginal prisoners in the Casuarina Prison focus group commented that many of the unit-based recreational equipment items were removed because staff considered that they could be used as weapons. Yet again, inappropriate custodial practices were denying access to necessary services. They also lamented the loss of previously accessible open spaces. They reported that access to the oval and gym was now severely curtailed and was provided on a limited weekly rotational basis.

4.60 The prisoners in the structured survey group reported that since the 1998 riot prisoners spend more time locked in their units. Some believed that the prison did not encourage prisoners to be healthy and to exercise. Only 20 per cent said they had sufficient access to the oval and gym. The oval was only accessible to those who had secured a place in a competing team. They reported an increase in tension as recreational activities previously used as an outlet for stress were curtailed.



*Prisoners lamented the loss of previously accessible open spaces for recreation.*

4.61 The Department's Operational Review Team reported that two two-hour recreational time slots are allocated for each unit per week. They noted that some unit managers were regulating distribution of playing cards due to concerns about prisoners gambling. They reported numerous complaints about the limited active recreational activities and access to these. They also reported that prisoners seemed to have little or no awareness of the structured recreation plan in place. They noted that as a consequence of restricted movement the library sent a trolley of books to each unit on a fortnightly basis. This was meant to cater for prisoners who worked and were therefore not permitted to access the library at the time when it was catering for unemployed prisoners, who attended from the accommodation units in supervised groups of ten. Most prisoners in the survey expressed a preference for attending the library instead of selecting books from a very limited range off a trolley. They said that there was insufficient access to newspapers and that communal access to television was also limited.

## THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING; REPARATION AND REHABILITATION

---

---

4.62 There is an arrangement to cover five additional positions each day, but if staff in excess of this number book off sick then there is a direct impact on prisoner services. So-called ‘Industrial Prison Officers’ (custodial staff who are typically not shift officers) are then re-deployed to provide prisoner supervision, and consequently the services they were employed to cater for are not delivered. When the recreation officers are utilised in this way the prison’s recreational program is not delivered. The prison management admitted that weekend recreational activities are often disrupted because of staff practices.<sup>43</sup> There has not been an evaluation of the recreational services. The recreation budget for the previous year was \$25,000 and the budget for the current year set at \$50,000 whereas the actual expenditure for the last year was \$56,000. This equates to 28 cents per prisoner per day.

### REPARATION OBLIGATIONS

#### Work and Donations to Not-For-Profit Organisations

4.63 The third of the four cornerstones of the Western Australian Prison Service Standard Framework relates to reparation. This involves the provision of sufficient work for all able-bodied prisoners and engaging prisoners in reparative activities to minimise the impact and offset the cost of imprisonment to the community. The Department announced in the 2001–02 Budget that a major initiative for the year was the continued expansion of prison industries to improve employment and training for prisoners and the increased inflow of revenue from this activity.<sup>44</sup>

4.64 The standard for work in the Department’s RFP Standards Framework was set at a minimum of six hours per prisoner per weekday. A mix of employment opportunities is expected to cater for prisoners from metropolitan as well as regional and rural areas. To meet the needs of these diverse groups, varying types of work ranging from complex assignments requiring high levels of skill to grounds maintenance, gardening and traditional craft work were envisaged. Work appropriate for disabled prisoners was specifically required. The focus of attention is on post-release employment opportunities that are to be identified through labour market research. Partnerships with private sector employers are encouraged to improve the prospects of post-release employment.

4.65 With regard to community reparation, not-for-profit organisations such as women’s refuges, hospitals, schools and Aboriginal organisations were identified as suitable recipients for donations. Such a focus was also intended to locate opportunities for prisoners to meet specialised needs such as the manufacture of equipment for the disabled members of the community.

4.66 Prisoners should be provided with opportunities for work and skills training that will assist them to secure and retain jobs upon release, but that also build self-esteem and encourage the establishment of a positive work ethic and work habits. Encouraging prisoners to be purposefully occupied also

---

<sup>43</sup> The average amounts of sick absence was six per day in the three-month period prior to the Inspection.

<sup>44</sup> 2001–02 *Budget Statements*, Vol. 2, p. 522.

THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING;  
REPARATION AND REHABILITATION

---

---

plays a part in the maintenance of good order in the prison. Prisoners who do not have these opportunities are more likely to become bored and frustrated and the potential for disruptive incidents increases. At Casuarina Prison there are 12 industrial workshops that provide the bulk of employment opportunities for prisoners. There are also some employment opportunities in cleaning, serving food within the units, and gardening.

- 4.67 The prisoners in the Casuarina Prison Aboriginal focus group reported that the choices available to them were very limited and did not provide them with useful skills, or in any case skills they wanted. Half said that they were unemployed, the others reported frequently moving from job to job.
- 4.68 Fifty-eight percent of the prisoners in the larger survey group were in full-time employment, 15 per cent were part-time and 27 per cent were neither working nor studying. Only 9 per cent of those prisoners in full-time work or study were Aboriginal.
- 4.69 The Department's Operational Review found that there were only 24 (17%) Aboriginal prisoners out of 140 employed in the industrial workshops. Not surprisingly they reported that they did not have equitable access to employment in the workshops. There were 348 jobs at the time of the review, with the prison population in the range of 640. Therefore, Casuarina Prison only has meaningful employment for 54 per cent of the total population in the workshops. Whilst there were seven separate Vocational Skills courses on offer, at the time of review there were actually only three cabinet making trainees and 15 horticulture trainees in the whole prison.
- 4.70 At the time of the Inspection, 347 prisoners were employed in some capacity from a population of 548 (63%), although some of these positions only necessitate two or three hour's involvement each day. Two hundred and seventeen jobs are situated in industries (40%), despite the workshops having the capacity to employ 230 prisoners (42%). Casuarina management stated that this discrepancy was due to the lack of funding allocation to replace industrial officers who were absent. There is a local industrial agreement that requires one officer to be present for every ten prisoners in each workshop. The prison has the capacity to cover shifts for five absent officers, but this is across the whole prison and not just in industries. Accommodation unit-based workers (gardeners, cleaners and cooks) constitute 128 positions (23%), which generally involve part-time work. The remaining two positions are minimum-security prisoners on Section 94 work detail outside the prison. Casuarina Prison only has work for 217 prisoners in workshops, 128 in unit-based and other work, which leaves 201 prisoners (37%) who were not accommodated in constructive work activities.
- 4.71 Whilst Aboriginal prisoners made up approximately 26 per cent of the total prison population, they only constitute only 16 per cent of prison workers. Surveys and focus groups conducted prior to the Inspection indicated that Aboriginal prisoners feel they do not have equal access to work opportunities. Generally, it seems that it is important to Aboriginal prisoners to work in a supportive environment with family members or friends and so they gravitate towards only those work areas that present that opportunity. This is perhaps reflected in the large proportion of Aboriginal prisoners

## THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING; REPARATION AND REHABILITATION

---

---

employed in the bakery and in gardening. The fact that Aboriginal prisoners have this perception, however, indicates that better lines of communication may need to be developed with those prisoners, so that they are aware that they have other employment opportunities.

- 4.72 Despite being a maximum-security facility with large numbers of medium- and long-term prisoners, Casuarina Prison has a relatively high turnover of prisoner-workers. Over a three-month period, 537 prisoners registered for employment, with a turnover of 327. The lack of stability in the workforce can have negative repercussions for efficiency of outputs (as new workers have to be constantly trained in production) and in the requirement to provide more formal accredited training to prisoners. At the time of the Inspection, only 37 prisoners were undertaking formal traineeships in the industries area out of a total of 347 workers (11%).
- 4.73 Prisoners who have protection status (meaning that they cannot interact with mainstream prisoners for a variety of security and safety reasons), have good access to work, considering the requirement for them to remain segregated. While having access to purposeful activity is positive for those prisoners, it has caused a great deal of resentment with other prisoners. To enable protection prisoners (who all generally reside separately in Unit 6) to work safely, the kitchen work area has been reserved almost exclusively for them. Occasionally, carefully chosen mainstream prisoners are also permitted to work in the area. Mainstream prisoners reported this as favouritism towards prisoners whom they believed did not deserve such special treatment.<sup>45</sup> In the absence of an anti-bullying strategy, issues of personal safety often arise.
- 4.74 Industry managers at Casuarina Prison stated that there is increasing pressure on the workshops to produce product that has a commercial value – that is for the priority of industry to be reparative in offsetting costs of imprisonment or bringing in an income from private sources to the extent of not only desiring industries to break even, but to make a profit. This is shifting the priority for work at the prison away from the training, learning and rehabilitation towards pure production measures. To achieve this, the workshops attempt to retain skilled employees who will not waste valuable production time, at the expense of unskilled prisoners and those who may be more difficult to manage.
- 4.75 The Department must examine whether this is truly the priority it wants to give to work in Casuarina Prison, given the importance of training, skilling and work towards lessening recidivism. If vocational training is to be given more priority, then the co-ordination of this service needs to be assessed. Management and staff in industries stated that co-ordination of training is poor and is mostly done at the instigation of local industrial officers. There appears to be little pro-active management of traineeships generally.

<sup>45</sup> In the period immediately following the Inspection, there was an incident where a kitchen worker was reported for contaminating the meal intended for the mainstream population. The Inspectorate was advised by Official Prison Visitors that when this information became known many mainstream prisoners refused meals. The prison management team subsequently took action to rebuild confidence in the food supply.

## THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING; REPARATION AND REHABILITATION

4.76 Work that benefits the community directly is not abundant at Casuarina Prison as high-security prisoners cannot be released on Section 94 into the community to complete ‘traditional’ community work (such as for the Department of Conservation and Land Management, aged homes, Lions Clubs, etc.). One excellent program that does exist, however, is the spectacles restoration program, although it is limited to the participation of only two prisoners. The work involves the training of prisoners to fit lenses to glasses frames donated by opticians, which are then donated to Third World countries. It is a worthy program that has been the focus of media reports in the past. It would benefit the Department to seek out other activities in a more proactive way, which would allow prisoners at Casuarina Prison to make some constructive contribution to charity or community work and receive valuable training in the process.



*The spectacles restoration program.*

### REHABILITATION PROGRAMS

4.77 The fourth cornerstone in the Western Australian Prison Service standards framework is Rehabilitation. There are five specific service requirements that are linked to this outcome.

#### Engagement in Correctional Programs and Activities

4.78 The first specific service requirement relates to the engagement of prisoners in programs and activities which address their offending behaviour. The Individual Management Plan (IMP) is a central feature in the delivery of these services. The importance of engaging Aboriginal prisoners in programs that are culturally appropriate emphasises this standard.

4.79 Documentation received from the Department shows that 144 Aboriginal prisoners and 253 non-Aboriginal prisoners at Casuarina Prison had engaged in Offender Programs (with an aggregate of 15,446 hours) compared to 166 Aboriginal prisoners and 484 non-Aboriginal prisoners at Hakea Prison (with an aggregate of 19,515 hours) during 2000.<sup>46</sup> The number of prisoners received by

<sup>46</sup> Department of Justice, Offender Programs Overview, April 2001.



## THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING; REPARATION AND REHABILITATION

---

Casuarina Prison in that year was 681, compared to 2,783 received by Hakea Prison.<sup>47</sup> The latter prison has a high proportion of unsentenced and newly sentenced prisoners, and yet it delivered higher program participation, even though it has a highly transient population.

4.80 The Department's Operational Review Team found that there was a backlog of 39 parole-type reports and there was no comprehensive system operating to track program requirements or participation. The prison's assessment team advised that some long-term prisoners had not been assessed for up to twelve months because of the high prison population. The Team also confirmed that due to the backlog in sentence planning and formulation of IMPs, identification and referrals to programs were either not being carried out, or were taking place late in prisoners' sentences. They acknowledged that it was common for prisoners' interview forms, some requesting program assessment or participation, either not being responded to or to be subject to significant delay in getting information back to prisoners. Also, there were program policies in place to limit prisoner access, for example, the substance abuse program restricted numbers and was being denied to short-term offenders.

4.81 Twenty-one per cent of the prisoners in the survey group at Casuarina Prison had reached or passed their earliest eligibility date, and many of these had not completed programs highly valued by the Parole Board. Many prisoners did not understand the release system and had experienced difficulties in understanding exactly what they needed to do in order to be successfully released back into the community. It is incumbent upon the Department to improve this situation.

### Education and Vocational Training

4.82 The second specific service requirement within this cornerstone relates to the engagement of prisoners in education and vocational training. The contract framework for the Department's RFP Standards Framework established a high standard of four hour's education and vocational training per prisoner per week.

4.83 The Department's Operational Review Team reported that the education centre actively promoted accredited courses. There was an Education Orientation Program and efforts were made to assess newly received prisoners. There were two education officers who conducted assessments and referred prisoners to groups or for one-on-one tutoring. The Centre had employed four Indigenous staff, to teach sport and recreation, music, art, literacy and numeracy. This had increased and stabilised student numbers and encouraged Aboriginal students to enrol in other mainstream courses. There were 28 full-time, 136 part-time and 250 external students enrolled. Of these, there were five full-time and 55 part-time Aboriginal students. The Department's Education and Vocational Training Unit is a Registered Training Organisation and is authorised to issue accredited certificates to students.

---

<sup>47</sup> The source of this information is the Department's TOMS information system and was taken from the report entitled *Receivals All – State* for the period 1 January 2001 to 31 December 2001.

THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING;  
REPARATION AND REHABILITATION

---

---

4.84 The Inspection Team was encouraged by the evident vigour of the educational staff. In many of the other prisons inspected the repeated budget cuts had demoralised the staff and there was invariably a knock-on effect in the delivery of the program. The participation rate at Casuarina Prison, compared to the Department's RFP Standards Framework, shows that there was considerable room for improvement. The real measure of the program is improved functioning rather than a count of places taken up. Nevertheless, the steady progress of the educational and vocational training program was a beacon compared to other correctional programs at the prison.

**Maintenance of Family and Community Contact**

4.85 The third specific service requirement relates to maintenance of family and community contact. One of the most potent forces available to prisons for reducing re-offending and enhancing re-integration with the community is the influence exerted by family and friends. This standard provides for the encouragement and assistance to develop and maintain family ties and relationships. This may occur through visits, correspondence and telephone.

4.86 Documentation provided to the Inspectorate by the Department relating to the period between 1 April 2001 and 30 June 2001 shows that the average prisoner population was 651. During this period on average 84 discrete individual prisoners received visits (13%) and 86 (13%) received mail each week. The number of prisoner initiated (paid) telephone calls was 7,639 compared to a paltry 16 officer-initiated (free) calls.

4.87 Almost half the surveyed prisoners kept in touch with their families or friends by telephone daily, with 28 per cent using the telephone every few days. Using the telephone was the most common mode of communication for staying in touch. A small number had never used the phone. Most of these were Aboriginal prisoners and some of them were from remote areas. Prisoners reported that the 'Arunta' system is not reliable, costs too much and the telephones are frequently out of order. This is consistent with the prisoner complaints made to the Inspectorate at each of the prisons inspected to date.

4.88 Only a third of the surveyed group received weekly visits from family and friends. About a quarter said they had fortnightly visits and 16 per cent said that they had visits monthly. A quarter of the prisoners reported that they had not had any visits at all. Half of these were Aboriginal. Many prisoners complained that visits were delayed or cut short because of overcrowding at the prison. Many prisoners were concerned about the number of visitors strip-searched and the effect of the drug control dogs on their families, including children.

4.89 The Department's Operational Review Team reported prisoners and visitors complained about the lack of toilet facilities made available. There were a number of logistics issues which resulted in visits starting late, in the overbooking of the area and also to some prisoners' status erroneously defaulting to non-contact visits. The Review Team also acknowledged that all calls made during peak periods

## THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING; REPARATION AND REHABILITATION

---

---

to locations outside the Metropolitan Area were expensive and impacted on family contacts.

4.90 The United Nations Standard Minimum Rule 80 calls upon prison authorities to consider a prisoner's future after release, and in this regard to encourage and assist in the maintenance, and even in the establishment, of such relations with persons and agencies outside the prison that may promote the best interests of social rehabilitation. Casuarina Prison did not do this well, and, for many of the Aboriginal prisoners from remote locations, it failed them completely.

### Reintegration and Throughcare

4.91 The fourth specific service requirement relates to the preparation of prisoners for re-integration into the community and the fifth relates to the throughcare of prisoners. Both these standards envisage a seamless approach to the management of each prisoner's progress through the correctional system from one prison to the next and on through to release back into the community. They require co-ordination and collaboration between the various prisons and post-release agencies so that the IMPs for each prisoner can implement progressive and accumulative steps toward the successful re-integration of the prisoner within the community.

4.92 Casuarina Prison is not generally a releasing prison, although a few prisoners are directly released from there. Even so, in the context of these two standards many prisoners who commence their imprisonment at Casuarina have a less than satisfactory start.

### SUMMARY

4.93 Whilst the Department of Justice Prison Services Division has published a Business Plan, the performance measures are not in any sense anchored to the high-level correctional standards in a way that the community and the prisoners can understand them. Although a number of useful initiatives are starting to emerge, they are in reality simply restoring service delivery that was distorted by recent historical circumstances in the Prison Services Division. The picture at Casuarina Prison makes most of these points visible.

4.94 For ten years the prison was diverted from its primary purpose so as to meet system-wide demands. The prison is barely coping. It is still focused on security and control. There is also a real danger that the few changes that have been directed at the prison, as part of the Prison Services Division change management program, will be wasted unless the current effort is substantially increased. The situation is unsatisfactory for those prisoners whose throughcare and re-integration needs are delayed or retarded as a consequence of placement at this prison during this period in its history. When measured by the service standards developed to fully articulate the new operational philosophy, the prison's performance is substandard. This was independently confirmed by Sir David Ramsbotham through his application of the Healthy Prison Test framework. The Department is also aware of the situation through its own Operational Review Report. It would seem that improvements have thus



THE FINDINGS OF THE INSPECTION – CARE AND WELL-BEING;  
REPARATION AND REHABILITATION

---

far been measured by recalling the depth to which the prison sank following the 1998 riot. The prisoners are not treated in a humane manner and with respect, as envisaged by international prison standards. The prison's core values have been disturbed. A strong reform charter is urgently called for with a focus on prisoner management, visibly encouraged and supported by Head Office.

- 4.95 The prison would benefit from adopting the Department's RFP Standards Framework as a notional Service Level Agreement. This would provide an agreed structure to facilitate the development of prison-based plans to deliver the quality services that it is inherently capable of undertaking.

# Chapter 5

## THE PROSPECTS FOR A NEW BEGINNING

---

---

### THE POST-INSPECTION DEVELOPMENTS AT THE PRISON

5.1 In October 2001 the Victorian Government's Expenditure Review Committee provided substantial funding to develop a framework to reduce re-offending. The strategy was based upon research over the last two decades that shows re-offending rates can be reduced through rehabilitation of offenders, rather than punishment alone. The increased funding indicates a shift in accordance with contemporary correctional practice. Over a four-year period the Victorian State Budget will provide \$334.5 million for the Correctional Long Term Strategy. As part of this funding three new prisons are to be built, and the largest prisoner rehabilitation and prison diversion programs ever undertaken in Victoria are being introduced. This development will allow for:

- An environment conducive to the rehabilitation and re-integration of prisoners;
- More modern and enhanced operational practices; and,
- The opportunity to introduce leading-edge technology and design.

5.2 In effect, the Victorian strategy is taking stock of its prisoner population, applying best industry practice and realigning its prison infrastructure to deliver outcomes understood and valued by the community. The plan is strategic, well-articulated, and endorsed by Government for a good public purpose. Apart from the capital works, integrated planning is also evident for staff retraining and for the delivery of researched programs.

5.3 The developments within Western Australia over the last three years had similar strategic purposes. The establishment of Hakea and Acacia prisons put this State in a good position to do what Victoria is planning to do. The future role of Casuarina Prison is central to this strategy.

5.4 The developments at Hakea and Acacia prisons significantly impacted upon Casuarina Prison following the on-site Inspection period in October 2001. These changes were so significant that the Inspectorate continued to actively monitor the prison for some months. They provided a rare opportunity for the prison to reform and to focus on service delivery, rather than react to operational contingencies from throughout the Prison Services Division. The population at the time of the Inspection was 548, and six months later in late April 2002 it was down to 385. This provides opportunities rarely seen in any prison jurisdiction to evaluate and take stock of the past, and to plan for the future delivery of services to an accountable standard.

### REALISING THE PRISON'S CORE BUSINESS

5.5 As the Prison Services Division develops strategies to stream prisoner populations, this allows Casuarina Prison to be re-defined and to then focus on its core business.

5.6 The single distinguishing feature of the prison is that it has a very secure perimeter system. At least this is the case when it is compared to the perimeter systems of any other secure Western Australian

## THE PROSPECTS FOR A NEW BEGINNING

---

---

prison. It follows that prisoners who are actively classified as requiring long-term and high-security placement should be streamed into Casuarina Prison.

- 5.7 Up to the present time, the Department has not classified its prison facilities. Rather, there are procedural rules and instructions for prisoners, and prisons are described as being capable of accommodating these classified prisoners. The relevant Director General's Rule (Number 13) describes Casuarina Prison as being capable of holding minimum, medium and maximum security rated prisoners. This makes it a vague multifunctional facility. The Prison Services Division has in the past commented that this is necessary in order to create flexibility. This approach places great demands upon the staff, the dominant prisoner population and the facility itself, and there is a higher training obligation imposed on the Department when it demands that its staff attends to the disparate risks, needs and motivations of the divergent cohort groups. Lifers and prisoners serving very long-term sentences should not be blended with short-term offenders. The former are affected by the boisterous behaviour of the short-term prisoners, whose conversations and focus relates to their imminent return to the community, whereas the latter may be at risk of bullying and violence in an environment that they may not fully understand. Due to overcrowding, Casuarina Prison has held high proportions of medium security classified prisoners, and has also had to cope with a significant proportion of prisoners rated as minimum security.
- 5.8 The Department should now carefully consider the checks and balances necessary to determine the population mix appropriate to the facility provided by Casuarina Prison, and ensure that their management is within the staff competencies. This will require fundamental re-thinking to define the future core business of the prison.

### BETTER CORRECTIONAL INTERVENTIONS

- 5.9 Most prisoners commence their journey back to the community on their first day of imprisonment. The time spent in custody should be purposeful and rehabilitative.

#### Investing with Due Diligence

- 5.10 The Prison Services Division does not have a good reputation for making full correctional use of the imprisonment periods imposed by the courts. The rate of re-conviction is out of balance with the high cost of imprisonment, and programs do not feature as a key prisoner service. The Prison Services Division's budget allocation is based on a cost per prisoner per day. The budget for 2000-01 was \$138,150,000.<sup>48</sup> The allocation to the Operational Services Directorate for all programs was \$11,048,000. The Health Services Directorate allocation was a further \$12,835,000. The field-based services cost of these Directorates is proportionately low, for example \$6,171,339 was spent on

<sup>48</sup> This is the cash cost, rather than the accrual cost, and excludes amongst other things the transition costs related to the commissioning of Acacia Prison and the costs associated with the unsuccessful attempt to outsource health services.

## THE PROSPECTS FOR A NEW BEGINNING

---

---

various programs at prisons. The component for adult education was \$3,264,803; the other correctional intervention programs took up the remaining \$2,906,536.

5.11 It is currently difficult to show the Casuarina Prison profile because programs and health services are centrally managed and separately funded, but an estimate of service costs for the prison is that \$330,000 was expended on education, \$220,000 on offender programs and \$2,000,000 on health services.<sup>49</sup> Understanding the funding model to create resources is important to assessing service delivery. Poor resource structures may result in incomplete service delivery and resource wastage as well as lost opportunities to inform future decision making. Seamless program delivery needs to be carefully considered and integrated with custodial management to ensure that there is a unified case management approach.

5.12 The Department restructured the programs service delivery in January 2001 'to bring together a group of related programs with a common goal of providing effective, high quality programs to target groups of offenders, aimed at reducing their offending behaviour'. There is a finite range of programs developed, funded and staffed for this strategic purpose. The key word is 'targeted', meaning that the Department has prioritised these programs. But there has not been a comprehensive and prior identification of risks and needs either for individuals or cohort groups; the link to the objective of reducing offending behaviour is therefore tenuous.

5.13 The Offender Programs Branch is organisationally separate from the Education Services Branch, and comprises:

- The Sex Offender Treatment Unit;
- The Violent Offender Treatment Unit;
- The Substance Use Resources Unit;
- The Disability Services Unit.

5.14 In addition to these units, the Offender Programs Branch manages the Cognitive Skills Project. This is a component of the Integrated Prison Regime (IPR), a key reform initiative currently being introduced into Western Australia. The Department entered into a commercial contract with T3 Associates Training and Consulting Inc., a Canadian criminal justice consulting firm, in May 2000 for a period of two years. The programs that are associated with this project are Interpersonal Skills Training Program (ISTP) to enhance the skills of prison officers and Reasoning and Rehabilitation (R&R) Program for delivery to prisoners.

5.15 The Department of Justice has a relatively short history of offender program provision. This is, however, generally representative of the status of offender programs in Australia. For this reason, it has

---

<sup>49</sup> The health services costs include in-patient and out-patient services; pathology; specialist services; psychiatric services and dental services.

## THE PROSPECTS FOR A NEW BEGINNING

---

---

been difficult to build up a significant body of expert knowledge, and what has been built up is very insular, with little sharing of knowledge or planning. Given that successful program intervention is a key factor in reducing recidivism and prison numbers, it is extraordinary that this item has rarely occupied agenda space at the regular Correctional Administrators' or Ministers' Conferences.

- 5.16 The weak national framework has resulted in a propensity for the various state correctional departments to bring in expensive overseas experts to develop their programs, or to try to copy other jurisdictions with limited research or investigation beforehand. Some of these programs have been successful, others have not.
- 5.17 The United Kingdom and Canada are generally recognised as the leaders in program development, with extensive resources committed on a national basis to program development, implementation, accreditation and evaluation. The United Kingdom has dedicated significant resources to program development over the past decade; commensurate with this is investment in monitoring and standards to ensure that there is a consistent level of measurable outcomes. New Zealand has also made commitments at a national level to program development and, consequently, has some effective programs in place. Like Australia, there is little national cohesion in the United States, and there are numerous examples of good and poor programs co-existing.
- 5.18 A strong distinguishing feature of many overseas jurisdictions is their emphasis on seeing rehabilitation as an investment and not a cost. There is now ample evidence to demonstrate that well-researched and supported programs reduce recidivism significantly. Cognitive behavioural based programs are acknowledged as the programs that have been proven over an extensive period to deliver consistently uniform, measurable results. Friendship et al.<sup>50</sup> in an extensive analysis of cognitive behavioural programs, estimates this reduction in recidivism to be up to 14 per cent, whilst Maguire,<sup>51</sup> using different counting rules, estimated a potential for 50 per cent performance improvement.
- 5.19 There have been extensive studies, such as Harries<sup>52</sup> (1999:1), who in a Home Office research paper values the cost of a Crown Court sentence at \$80,000. An Australian study by Donato and Shanahan<sup>53</sup> estimate the average cost to the community of a notifiable child sexual offence as \$157,000. This includes the cost of incarceration, but does not include the cost associated with managing the trauma to the victim and their family, the police investigations, or medical and legal costs. Bakker et al.<sup>54</sup> estimate that the New Zealand Kia Marama Program for intra-familial sex

<sup>50</sup> Friendship, C., Blud L., Erikson, M. and Travers R. (2002), *An Evaluation of Cognitive Behavioural Treatment for Prisoners*, Home Office Research Publication, United Kingdom, p. 1.

<sup>51</sup> McGuire, J. (1998), *Sentencing as a Starting Point in Work with Offenders*, Conference Paper, University of Liverpool.

<sup>52</sup> Harries, R. (1999), *The Cost of Criminal Justice Home*, Office Research Publication United Kingdom, p. 1.

<sup>53</sup> Donato, R. and Shanahan, M. (1999), *The Economics of Implementing Intensive Sex Offender Programs*, Australian Institute of Criminology, p. 3.

<sup>54</sup> Bakker, L., Hudson, S., Wales, D. and Riley, D. (1997), 'And There Was Light', *An evaluation of the Kia Marama Treatment Program*.

offenders reaped net savings of over \$3 million by lowering the projected recidivism rate for 238 prisoners who completed the program. Marshall et al.,<sup>55</sup> in a study of sexual offences against children and adults, identified all possible expenses including police investigations, medical and counselling expenses, legal costs and incarceration. He then compares these costs to those of program provision for offenders and the recidivism rates for those who participate in programs. His conclusion is that the community can expect a significant reduction in offending and a corresponding financial saving in the order of approximately \$390,000 per offence by investing in programs for high-risk sex and/or violent offenders.

5.20 The United Kingdom in the last decade embarked upon an ambitious program to make more effective and efficient use of the plethora of programs provided in its prisons. As a consequence, it now has a comprehensive system in place for program development, practice and evaluation, possibly the best in the western world. These programs are now accredited before they can be provided in the various prisons. Eldridge<sup>56</sup> sets out the criteria that the British Home Office uses to determine program accreditation for the Prison Service in that country. In broad terms the framework provides for:

- A clear commitment to change, backed by research evidence;
- Careful selection of those participants who need to change and whose risk is likely to be reduced by the program;
- Targeting dynamic risk factors such as cohort associates, and extent of community support;
- Choosing a range of offence risk areas to focus upon;
- Utilising effective correctional program methods;
- Incorporating life skills and re-socialisation training for offence free living;
- Consideration for sequencing, intensity and duration in the program design;
- Attention to ongoing engagement and motivation of program participants;
- Continuity of delivery for programs and services;
- Continuous program monitoring; and,
- Structured external evaluation.

5.21 The Department of Justice's correctional program practice is not consistent with identified international best practice in regards to these criteria for two key reasons. First, there has been a

---

<sup>55</sup> Marshall, W. L., Eccles, A. and Barbaree, H. E., (1993), 'A Three Tiered Approach to the Rehabilitation of Incarcerated Sex Offenders', in *Behavioural Sciences and the Law*, Vol. 11, pp. 441–455.

<sup>56</sup> Eldridge, H. (2000), *What Works: First Report From the Joint Prison/Probation Accreditation Panel*, Home Office Publication, United Kingdom, p. 23.

## THE PROSPECTS FOR A NEW BEGINNING

---

---

primary focus on custodial process (containing prisoners in the prison) rather than managing them for community safety. This bias permeates every aspect of operational culture. Second, the business case of funding has been fragmented, so that correctional programs feature as optional extras to the custodial costs associated with control and security. This piecemeal approach will not achieve the long-term recidivism reduction in offending behaviour that the community requires. The historical developments to date are those of hopefulness and haplessness, where much has been promised and little delivered.

5.22 The Department's *Future Directions Report*<sup>57</sup> strategy paper was developed as a blueprint framework to guide improvements in service standards, and efficiencies in the delivery of correctional programs and services. It contained well-researched and relevant strategies for the integration of these services across the entire corrective services portfolio of the Department, ranging from Community Corrections to Juvenile Justice and through to Prison Services. A seamless throughcare approach, with a focus upon case management, was conceptualised. Unfortunately, recommendations were not comprehensively implemented, and some elements were put into practice at different times, but the parts never added up to the whole. There was frequent tension in the operational balance between prisoner containment and offender development, so that structural and moral support was withdrawn in each contest. The recommendations and strategies in this 1996 Report are as relevant and appropriate for the Department now as when they were first written.

5.23 The advent of Acacia Prison was the next step in the Department's correctional program journey. In 1999 the Minister for Justice announced that Acacia would provide the State with the latest, most effective, and innovative programs for reducing offending behaviour, which would provide the public prisons with an aspirational standard.<sup>58</sup> The prison has been fully operational for less than a year. The service contract for Acacia Prison emphasises delivery of corrective services, and the fee payment is inextricably linked to the performance measures. It is important that the Department comprehensively assess the risk, needs and motivation of prisoners selected for transfer to what is in effect its purposefully designed 'programs prison'. It is incumbent upon the Department to maximise the return on this substantial investment so as to reduce the programs impost on Casuarina Prison.

5.24 The Department has invested substantially in the development of Hakea Prison as a refocused remand, receipt and assessment prison. The establishment of this facility provided the opportunity to research and develop processes to accurately assess each prisoner received into the prison, to document their risks and needs in an Individual Management Plan, and to determine their prison placement so that the receiving prison would commence the important work of rehabilitation. However, the Department has yet to validate the assessment tools of the new system and now runs

<sup>57</sup> Ministry of Justice, Offender Management Division (1996), *Future Directions: Towards Integration*, Perth, Western Australia.

<sup>58</sup> Minister for Justice, 'Contract Signed With Private Company for the Management of Acacia Prison', Media Statement, Government of Western Australia, December 1999.

the risk that planned interventions will not be appropriate and scarce resources for program intervention will once again be wasted.

5.25 Casuarina Prison has the opportunity to take up the mantle of the premier prison in the State to deliver key programs to high-risk prisoners. Whereas Casuarina currently offers remarkably few intensive correctional programs, it has the potential to begin the challenging work of changing anti-social attitudes and behaviour. The timing for correctional intervention is essential. The Department's current inclination is to deliver these scarce programs in the period immediately prior to release. These arrangements result in delayed releases for a significant number of prisoners and this correctional intervention could be activated much earlier in the sentence, when the offending behaviour is fresh, when the social circumstances of the prisoner are likely to have been researched and documented by the Department's Community Justice Division, and when the prisoner's Individual Management Plan has been charted. Instead, prisoners spend long periods being correctionally ignored, until very late, and sometimes too late, in the sentence. The Department appears to lack confidence in correctional programs as a good community investment.

### Mind the Gap – Assessments with a View to Intervention

5.26 The statistics on the number of people in the prison system who suffer from a mental health problem ranges broadly, depending on how they are calculated, and what areas of mental health are included in the collation of information. It is widely acknowledged that a significant proportion of prisoners have low functioning levels and some form of disability. This could be as a result of an organic mental health issue, drug use, or the family life (nurture) of an individual where the lack of stimulus and interaction with the parents culminates in a learning disability or personality disorder. Walker, in a report in *The Australian* entitled 'The Forgotten Ones',<sup>59</sup> quotes a leading expert on prisons and psychiatric care, Paul Mullens, who said that although no studies have been done in Australia to quantify the problem, the numbers probably reflect an international study published in the British medical journal, *The Lancet*, in March 2002. That study found 65 per cent of 22,790 prisoners in 12 countries had a personality disorder, 10 per cent suffered major depression and nearly 4 per cent had a psychotic illness.

5.27 The Department's Hakea Prison Project Committee estimated for working purposes that 15 per cent of prisoners in Western Australia had severe mental health illness. There are other groups that need special consideration in the prison environment which includes people with:

- Psychotic disorders (substance induced disorders and functional psychoses that are a result of major depression, schizophrenia, bi-polar disorder);
- Severe behavioural disorders and/or complicated conditions that include more than one diagnosis;

---

<sup>59</sup> Walker, V., *The Australian*, Features Section, 29 April 2002, p. 9.



- Personality disorders;
- Dangerous prisoners; and
- People with physical and learning disabilities.

5.28 There are serious concerns relating to people in these groups and how they are treated and managed in the prison system. A key issue is the determination as to which organisation has the primary role in the provision and management of services. Debate has ensued and is ongoing with the Disability Services Commission regarding those with an intellectual disability, similarly with the Health Department regarding the management of those with a psychiatric disturbance. The lack of an appropriate diagnosis creates difficulties for them as individuals, and for the system as a whole.

5.29 The Department should identify prisoners with these special needs as early as possible. In many instances they have been denied access to programs that can reduce recidivism rates and allow them to access early release options. The needs of these prisoners would probably be better served in a continuous care unit within the prison system, where their needs could be met by professional staff in a therapeutic environment.

5.30 Lees<sup>60</sup> describes a therapeutic community as ‘a consciously designed social environment and program within a residential or day unit in which the social and group process is harnessed with therapeutic intent’. The development of therapeutic communities within prisons is an attempt to include the entire environment of the group in the treatment process. The intention is to bridge the communications gap typically found in prisons between staff and prisoners, and utilise prisoner peer pressure to help them to gain self-awareness and a more responsible outlook. Under this arrangement prisoners who live and work together meet with staff regularly with an expressed goal of improving post-release performance. In the United Kingdom, a therapeutic community is in operation at Grendon Prison in Buckinghamshire, where there is a substantial amount of research that suggests that the methods used in this prison are working. The prisoners leaving this environment are closer to the range of normal behaviours than when they entered the prison and have made more progress than other prisoners who have been in the mainstream prisons.

5.31 The British Home Office<sup>61</sup> has identified a number of scientifically tested instruments to assist with testing for personality disorders, and suggests that applying a diagnostic system for mental illness and developmental disorders at induction would help to screen each individual and enable the prison system to better meet each individual’s needs. These tests have more validity than the current tools used by the Department because of their extensive use by medical practitioners globally. Every

<sup>60</sup> Lees, J. (1999), ‘Therapeutic Community Effectiveness: A Systemic International Review of Community Treatment for People with Personality Disorders and Mentally Disordered Offenders’, CRD Report 17, University of York, NHS Centre of Review and Discussion.

<sup>61</sup> Home Office, Department of Health (July 1999), ‘Managing Dangerous People with Personality Disorders’, *Proposal for Policy Development*.

prisoner that enters the system needs to be screened according to these criteria. Moreover, it would be valuable for the releasing authorities to know this information, so appropriate after-care can be engaged and monitored. The building of close working relationships with other government departments in relation to accessing information on a person's mental health history would also help prison staff develop and implement a management plan for prisoners with mental health issues. Hayes<sup>62</sup> reports that there are striking similarities between the way that people with mental illnesses are treated and the treatment of people with intellectual disabilities in the services offered, specific training provided for prisons staff, the levels of recidivism, and the sheer number in the system. In many ways these two groups share the same fate in the prison system. Furthermore, in some cases people have both a mental illness and an intellectual disability.

- 5.32 The Department needs to engage in research that will provide validated screening, diagnosis and assessments so that correctional interventions may be provided on a reliable basis.

#### The Relationship between Purposeful Activity and Rehabilitation

- 5.33 The relationship between prison education and recidivism has been well-documented in research conducted in Canada. The Canadian research found that there was a improvement of 7–21 per cent reduction in repeat offending once a prisoner had entered and completed the adult education programs offered by the prisons, compared to the benchmark group and depending on the type of the educational program. The research undertaken by the Canadian Correctional Services found that these reductions were greater with those individuals rated as high risk.<sup>63</sup> This finding is consistent with what has been referred to as the 'risk' principle, which contends that correctional programming shows the most benefit among cases that are at high risk.<sup>64</sup>

- 5.34 There is also a relationship between prison employment and recidivism. Research in Canada has revealed that employment in prison has a likelihood of reducing recidivism, particularly for men. Offenders who were employed were convicted at less than half the rate of unemployed offenders, and committed only one quarter as many violent offences as unemployed offenders. Furthermore, there is evidence that those who have had employment in prison are more likely to find employment once they are released, and that the employment that they gain is better paid.<sup>65</sup>

- 5.35 The Department's commitment to its Rehabilitation cornerstone is predicated on the successful delivery of correctional programs. This is aimed at the protection of the community and early

<sup>62</sup> Hayes, S. (1999), 'From Research to Policy and Practice Changes for Offenders with Intellectual Disabilities', *Behavioural Science in Medicine*, University of New South Wales.

<sup>63</sup> Boe, R. (1998), *A Two Year Follow-up of Federal Offenders who participated in the Adult Basic Education (ABE) Program*, Research Branch, Correctional Services Canada.

<sup>64</sup> Andrews, D. A., Zinger, I., Hoge, R. D., Bonta, J., Gendreau, P. and Cullen, F. I. (1990), 'Does Correctional Treatment Work. A Clinically Relevant and Psychologically Informed Meta-analysis', *Criminology*, Vol. 28, 369-404.

<sup>65</sup> Gillis, C. A., Motiuk, L. L., and Belcourt, R. (1998), *Prison Work Program (CORCAN) Participation: Post-Release Employment and Recidivism*, Research Branch, Correctional Services, Canada.

intervention in the sentence of high-risk prisoners will also contribute to improving safety within secure prisons. This is essential for all those who interact with the high-risk prisoners. Importantly, it encourages and enables prisoners to lead law-abiding lifestyles, and demonstrates that the community and the Department take responsibility to assist offenders to rehabilitate. The delivery of successful programs in prison has been hampered in the past, but the convergence of a number of situational and operational factors have created another rare opportunity to structure and control for the achievement of key service objectives.

- 5.36 The Department should review its organisational structure to better integrate the learning, skilling, employment, treatment and development program delivery.

#### Re-Profiling the Staff Deployments

- 5.37 The focus of Casuarina Prison Division has been on custody management. The Inspectorate has previously commented that in many ways the Prison Services Division has better staff than it deserves, given the poor planning, leadership and human resource management that has plagued the Department over a lengthy period of time. In a small number of cases attitudes have hardened towards prisoners and punitive practices have developed and sometimes become entrenched. But there are good staff who have chosen this difficult profession as a career, and who, with good leadership and appropriate human resource practices, can make a significant contribution to the practice of humane correctional management within prisons, and in achieving a safer Western Australian community. The Department needs to re-establish a performance management system to ensure that they encourage and retain good staff, and discourage and closely supervise staff manifesting inappropriate workplace behaviours.
- 5.38 There is a strong parallel between the framework recommended by the Inspectorate for the Special Management Units and for the management of the whole of Casuarina Prison. The entry and exit criteria for the prison need to be fully developed and set down in the operational policy and procedural documents. There should be good managerial oversight of the application of discretionary decision-making, including appropriate participation by prisoners and strong links with competent community-based and non-profit agencies. There should also be a fully articulated and resourced prison plan, along the lines of a Service Level Agreement. Each of these layers makes visible the relationship between prisoners and staff, between staff and line managers, and between operational managers and the executives of the Prison Service. These clear linkages describe aspects of authority, responsibility, resources and accountability.
- 5.39 The mix of staff at Casuarina Prison needs to be comprehensively reviewed. This involves a clear statement of the individual roles, team formation, provision for devolved leadership, a focus on service delivery and planned strategic outcomes. There is a unique opportunity at this time to manage the transition of the prison, and to accelerate the pace of change, by increasing the

proportion of women employed in custodial staff grades, by deliberate empowerment of the non-uniformed operational grades (who have direct management roles with prisoners), and by recruitment of more Aboriginal staff to posts at the prison. These are complex proposals, worthy of careful research and planning, which require strong leadership from the executive of the Prison Services Division and for meaningful milestones to be set and achieved.

#### SUMMARY

- 5.40 The operational environment at Casuarina Prison has significantly changed since the Inspection in October 2001. The prison population has declined to a level not experienced since its early history. As the excessive operational demands upon the prison abate and the prospects for research and planning emerge, the best industry practice from the international criminal justice community can suggest improvement pathways for the prison to make as its contribution to the total prison system.
- 5.41 First amongst these is to determine the entry and exit criteria for the prison, in other words to purposefully select the prisoner population mix.
- 5.42 Equal importance should be paid to the research, accreditation, monitoring and evaluation of all programs that have a bearing on reducing offending behaviour. This is a sizable task and necessarily involves a Department-wide strategic approach. There are implications arising here for the funding model for prisons and the day-to-day conditions for prisoners.
- 5.43 A third aspect, and one that is no less important for the change management program of Casuarina Prison, is to fundamentally re-profile the staff deployments. In this regard a raft of human resource strategies involving selection, training, supervision, performance monitoring and assessment and organisational arrangements for the terms and conditions of employment needs to be addressed.

# Chapter 6

## RECOMMENDATIONS

---

---

The Department of Justice should:

1. Introduce a Certified Normal Accommodation standard that expresses the Department's capacity to balance all its correctional management obligations and minimises the extent to which double bunking is relied upon across the Prison Service. Establish a population level for Casuarina Prison consistent with this operational principle;
2. Purposefully determine the population mix appropriate to the prison;
3. Adapt the service requirement framework developed for Acacia Prison as a Service Level Agreement for Casuarina Prison. Qualitative performance measures linked to the four key outcomes of imprisonment articulated in the Prison Service operational philosophy should be established as a part of this framework;
4. Develop a local prison management organisational structure to reflect the delivery of services scoped by the Service Level Agreement;
5. Establish an integrated and continuous operational compliance management system within the Prison Service;
6. Audit and report the extent to which the Smith Report recommendations have been implemented;
7. Complete and document the announced review of the Prison Service security philosophy. As part of this review, assess the split command arrangements at Casuarina Prison and Hakea Prison to ensure that the Superintendent of each prison is in direct control over armed staff patrolling the perimeter fence and all Gate House staff. Address the procedural issues raised in the Operational Review Report of August 2001;
8. Audit and report the extent to which the major operational initiatives in the budget submissions for the last five years have been implemented;
9. Research the extent to which mechanical restraints and chemical agents are deployed in comparable prison jurisdictions; and audit the authority, actions, notification and documentation of force involving restraints (including chemical agents) at Casuarina Prison since 25 December 1998;
10. Audit and report the extent to which Loss of Privilege sanctions are applied;
11. Urgently establish the piloted prisoner grievance system at the prison;
12. Encourage and support the continued appointment of a Magistrate as the Visiting Justice for Casuarina Prison;
13. Review the role, function and future of the health care centre;
14. Reinstate the system of temporary transfers for family visits for those prisoners, particularly Aboriginal prisoners, removed from their home communities. This arrangement should provide a

## RECOMMENDATIONS

---

---

standard of daily visits of one week in each three months for those prisoners not receiving visits as a consequence of dislocation;

15. Review the drug management strategy to ensure integration for detection, education and treatment aspects. Consider introduction of a Voluntary Drug Testing Program;
16. Establish a fully functioning Anti-bullying Strategy that minimises the development of fear for personal safety;
17. Undertake a comprehensive review of the delivery of correctional programs within the Prison Service. This includes 'what works' research, an external programs accreditation panel system, through-care program delivery (documented in IMPs), monitoring the professional standards of programs staff, and program outcome evaluation;
18. Improve the organisational arrangements for prison industries and the regimes at the prison to enable full use to be made of each prisoner's period of imprisonment. Staff should play a strong facilitating role in the increased regime opportunities for prisoners;
19. Adopt a best practice approach to the research, accreditation and monitoring of correctional program delivery; and,
20. Re-profile the staff deployments at the prison to purposefully select staff suitable for the refocused role of the prison. This should involve a multi-discipline focus with clear articulation of roles, provision for devolved leadership and ongoing arrangements for training and performance management.

# Appendix 1

## DEPARTMENT OF JUSTICE ACTION PLAN

Inspector of Custodial Services' Recommendation	DOJ Response (July 2002)
1 Introduce a Certified Normal Accommodation standard that expresses the Department's capacity to balance all its correctional management obligations and minimises the extent to which double bunking is relied upon across the Prison Service. Establish a population level for Casuarina Prison consistent with this operational principle.	The Department's aim is to keep within the design capacity for each facility. All prison populations were over their capacity during the period of 1997-2001. Casuarina's design capacity is 397, modified capacity 528 and current population as at 30 July 2002 is 357.
2 Purposefully determine the population mix appropriate to the prisons.	Agree – this work is currently underway and is nearing completion.
3 Adapt the service requirement framework developed for Acacia Prison as a Service Level Agreement for Casuarina Prison. Qualitative performance measures linked to the four key outcomes of imprisonment articulated in the Prison Service operational philosophy should be established as a part of this framework.	Agreed. It is planned to provide a performance management system for each prison.
4 Develop a local prison management organisational structure to reflect the delivery of services scoped by the Service Level Agreement.	Agree. Prison management structure is almost complete and once finalised the positions will be filled substantively.
5 Establish an integrated and continuous operational compliance management system within the Prison Service.	Agreed. It is planned to develop and implement a program of this nature once the baseline operational reviews have been completed.
6 Audit and report the extent to which the Smith report recommendations have been implemented.	Agreed.
7 Complete and document the announced review of the Prison Service security philosophy. As part of this review, assess the split command arrangements at Casuarina Prison and Hakea Prison to ensure that the Superintendent of each prison is in direct control over armed staff patrolling the perimeter fence and all Gate House staff. Address the procedural issues raised in the Operational Review Report of August 2001.	Agreed in principle with regards to completing the review. The Department will provide a report to the OICS outlining the processes and procedures regarding: <ul style="list-style-type: none"> <li>• Armed perimeter</li> <li>• Control room operation</li> <li>• Gatehouse management</li> </ul>
8 Audit and report the extent to which the major operational initiatives in the budget submissions for the last five years have been implemented.	Agreed. An audit will be undertaken of the implementation of major operational initiatives funded in the past five budget years.
9 Research the extent to which mechanical restraints and chemical agents are deployed in comparable prison jurisdictions; and, audit the authority, actions, notification and documentation of force involving restraints (including chemical agents) at Casuarina Prison since 25 December 1998.	Agree.

DEPARTMENT OF JUSTICE ACTION PLAN

Inspector of Custodial Services' Recommendation	DOJ Response (July 2002)
10 Audit and report the extent to which Loss of Privilege sanctions are applied.	Agree.
11 Urgently establish the piloted prisoner grievance system at the prison.	The Grievance process commenced at Casuarina on 17 June 2002. This process will be reviewed after three months and an update on its status supplied to the OICS.
12 Encourage and support the continued appointment of a magistrate as the Visiting Justice for Casuarina Prison.	It is intended to review this section of the Act. Current arrangements, involving a Magistrate as Visiting Justice, will continue in the meantime.
13 Review the role, function and future of the health care centre.	Agreed.
14 Reinstate the system of temporary transfers for family visits for those prisoners, particularly Aboriginal prisoners, removed from their home communities. This arrangement should provide a standard of daily visits for one week in each three months for those prisoners not receiving visits as a consequence of dislocation.	A system to enable temporary transfers for family visits is in place subject to suitability. Video link is an adjunct will continue to facilitate visits.
15 Review the drug management strategy to ensure integration for detection, education and treatment aspects. Consider introduction of a Voluntary Drug Testing Program.	The Drug Management Strategy is currently under review. Department has prepared a draft drug plan which does include these elements.
16 Establish a fully functioning Anti-bullying Strategy that minimises the development of fear for personal safety.	This will be considered in the context of the current thematic review of protection.
17 Undertake a comprehensive review of the delivery of correctional programs within the Prison Service. This includes 'what works' research, an external programs accreditation panel system, through-care program delivery (documented in IMPs), monitoring the professional standards of programs staff, and program outcome evaluation.	Agree in principle. The range of programs available to prisoners has recently been reviewed as part of the restructuring process for the Offender Programs Branch. In the area of sex, violence and substance use, low intensity programs have mostly been replaced by medium to high intensity programs. This move is in response to research which indicates that offenders at medium to high risk of reoffending are the most appropriate group to target for successful intervention. The research further suggests that their needs be addressed through programs of a matched intensity. Reviewing programs to ensure their relevance to offending behaviours is an ongoing process. For example, discussions are currently underway with a community provider to train our staff in the delivery of a gambling program in prisons. We are also about to pilot a domestic violence program. In addition, a 50D



DEPARTMENT OF JUSTICE ACTION PLAN

Inspector of Custodial Services' Recommendation	DOJ Response (July 2002)
	<p>position has recently been created to ensure that culturally appropriate programs are available for Indigenous prisoners. A copy of the latest Service Guide is attached for your information. This document outlines the range of programs available for prisoners and provides information about the level of intensity and target population.</p> <p>All new and existing programs are based on the 'what works' literature. This research also provides the basis for the recently established delivery 'standards' for offender programs staff. A more comprehensive staff supervision process has also been implemented to monitor program integrity and maintenance of standards. This process involves allocating a level 6 'Clinical Supervisor' to each program delivered in prison. The supervisor is required to meet regularly with program facilitators to discuss group processes, observe programs as they are delivered and monitor case note and report quality.</p> <p>Recently the Offender Programs Branch prepared a discussion paper concerning the need for an external accreditation process to be established. This paper examined the Canadian and British accreditation systems and proposed strategies that would be suitable for the WA system. This document was used as the basis for a paper submitted by CJS Policy and Planning at the recent Administrators Conference. As a result of discussion WA was nominated to co-ordinate a national working party to examine the costs and benefits of establishing a national accreditation system. It is expected that Offender Programs will play a key role in this initiative.</p> <p>In relation to program evaluation, a partnership between Offender Programs and ECU has recently been established to create a comprehensive database for violent sex offenders. The database is also being used to track information concerning the new intensive substance use program. A document providing detail of this partnership is provided for further information.</p> <p>Negotiations have commenced with CJS to establish formal policy and procedures in relation to the throughcare of programs for prisoners moving on to parole. It is anticipated that the outcome of this process will include increasing opportunities for prisoners to complete programs in the community and to access improved maintenance programs.</p>

DEPARTMENT OF JUSTICE ACTION PLAN

Inspector of Custodial Services' Recommendation	DOJ Response (July 2002)
<p>18 Improve the organisational arrangements for prison industries and the regimes at the prison to enable full use to be made of each prisoner's period of imprisonment. Staff should play a strong facilitating role in the increased regime opportunities for prisoners.</p>	<p>There are unfilled prisoner work positions available at Casuarina which represent an opportunity for prisoners to make better use of their time in prison. Staff encourage prisoners to take up these opportunities and as well as education and vocational training.</p>
<p>19 Adopt a best practice approach to the research, accreditation and monitoring of correctional program delivery; and</p>	<p>As per 17.</p>
<p>20 Re-profile the staff deployments at the prison to purposefully select staff suitable for the refocused role of the prison. This should involve a multi-discipline focus with clear articulation of roles, provision for devolved leadership and ongoing arrangements for training and performance management.</p>	<p>Agreed. The Public Prisons Directorate will shortly release its strategic Human Resources Plan. As well as outlining the values, mission, strategic objectives and key performance areas of the Directorate, the Plan will also review the role and profile of officers both generic and prison specific.</p>

## Appendix 2

### THE INSPECTION TEAM

---

---

Professor Richard Harding	Inspector of Custodial Services
Bob Stacey	Director of Operations
Peter Upton-Davis	Senior Inspector
Gareth Morris	Inspections Officer
Andy Fitzgerald	Inspections Officer
Natalie Gibson	Inspections Officer
Jodie Contessi	Administration Support
Sir David Ramsbotham	Expert Guest Inspector



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

Level 27, 197 St George's Terrace, Perth, Western Australia 6000  
Telephone +61 8 9212 6200 Facsimile +61 8 9226 4616 [www.custodialinspector.wa.gov.au](http://www.custodialinspector.wa.gov.au)