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Report No.



**Report of an Announced Inspection
of Hakea Prison
March 2002**



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES
WESTERN AUSTRALIA

Cover photo: The new gatehouse of Hakea Prison. Note the concrete wall to the left and the mesh and razor wire fence to the right, discussed in the Inspector's Overview and in Chapter 8.

**Report of an Announced Inspection
of Hakea Prison – March 2002**

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Contents

THE INSPECTOR'S OVERVIEW

THE DIFFICULTIES OF TRANSITION: DEFINING A ROLE AND BUILDING A CULTURE.....	3
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CHAPTER 1:

CREATING HAKEA PRISON: THE AMALGAMATION OF THE CANNING VALE PRISON AND THE C. W. CAMPBELL REMAND CENTRE	7
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CHAPTER 2:

RECEPTION, ORIENTATION AND ASSESSMENT.....	9
Reception and Orientation of First Time Receival Prisoners.....	9
Bail Arrangements	11
Law Library Materials	12
Video Court	13
Assessment of Sentenced Prisoners	13

CHAPTER 3:

CUSTODY.....	16
The General Prisoner Population	16
Perceptions of Personal Safety.....	16
Discipline	17
Emergency Procedures and Occupational Health and Safety.....	18
Drugs Strategy.....	20
Protection Prisoners	20
Conclusion.....	22

CHAPTER 4:

CARE AND WELLBEING	23
Food, Shelter and Clothing.....	23
Health Services.....	24
Visits, Telephones, Mail Service	27
The Gymnasium, the Oval and the Libraries	28
Other Services	29
Specific Needs: Aboriginal Prisoners and Non-English Speaking Background Prisoners.....	30
Complaints and Grievances.....	30
Pro-Social Environment	31

CHAPTER 5:	
REPARATION – EMPLOYMENT OPPORTUNITIES AND THE STRUCTURED DAY	32
CHAPTER 6:	
REHABILITATION	35
Offender Programs	35
Education Services.....	36
Other Matters	37
CHAPTER 7:	
RESOURCES AND SYSTEMS	39
Zone Management	39
Uniformed Staff Morale	39
The Morale of Other Staff Groups	42
Industrial Officers.....	42
Programs Staff	42
Clerical and Administrative Staff.....	43
Summary	43
CHAPTER 8:	
SECURITY	45
The Security Rating of the Prison.....	45
Perimeter Issues	45
Integrated Control and Command.....	46
Search and Surveillance	47
Other Security Processes.....	47
Summary	47
CHAPTER 9:	
RECOMMENDATIONS	48
APPENDIX 1:	
INSPECTION TEAM MEMBERS	51
APPENDIX 2:	
RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE RECOMMENDATIONS OF THE REPORT.....	52

The Inspector's Overview

THE DIFFICULTIES OF TRANSITION: DEFINING A ROLE AND BUILDING A CULTURE

THE ORIGINS OF HAKEA AND THE DESTRUCTIVE IMPACT OF CONFLICTING CULTURES

For more than twenty years, Canning Vale Maximum Security Prison and the C. W. Campbell Remand Centre had existed as separate institutions on contiguous sites. The prison officers may have parked in the same car-park and shared the same Staff Club, but the two prisons were very different places with very different cultures. Canning Vale emphasised good order – inevitably a key issue with a population of convicted serious offenders and an introverted and claustrophobic architectural design. The Remand Centre was markedly more welfare-oriented, committed as far as feasible to conflict avoidance and dynamic security.

The decision to amalgamate the prisons, to join up the sites, was understandable in the light of evolving attitudes towards imprisonment. As the general prison population increased – a trend that has only reversed since 2001 – it became necessary for the Department of Justice to clarify the correctional purpose and profile of each prison and then to attempt to chart by means of an assessment process how prisoners should progress through the system. Recognition of the risks of self-harm involving remand and early-sentence prisoners also had increased. There was thus a degree of compatibility between the remand and the newly sentenced prisoner populations that seemed to justify their sharing facilities; and once newly sentenced prisoners were there, it was also sensible to complete the process of assessing the correctional needs.

So Hakea was born. But its geographic unification was not matched by cultural integration; two different value systems remained. This is still the case. It is crucial to understand this if one is to understand the stresses that were evident not only from this Inspection but also, more publicly, in the industrial relations field. The amalgamation has not yet bedded down. Hakea is the unhappiest prison in the state. A prison that is bad for the staff is inevitably bad also for the prisoners.

For that reason this Report contains a good deal of discussion about management systems, staff morale and human resources policies: see in particular Chapter 7. It does not matter how many physical resources, by way of capital improvements or maintenance, are put into the prison; until these other matters are resolved, the prison will remain to some extent dysfunctional. The Department's response to our Recommendations as to how to approach the problems, whilst acknowledging these points, is not, in my view, sufficiently focussed or committed. They require urgent attention.

Unfortunately, the way forward will involve finding an equitable way to deal with a small group of officers whose demoralisation and bitterness is so profound that their continuing presence at Hakea has a toxic impact. There comes a point when it no longer matters why or how this situation has come about; the public interest in running a viable prison regime must override individualistic grievances.

THE DIFFICULTIES OF TRANSITION: DEFINING A ROLE AND BUILDING A CULTURE

SECURITY ISSUES

For this inspection of Hakea Prison, carried out in March 2002, the Office retained as a security consultant Mr Walter McGowan, a highly qualified UK prison governor – previously a Governor Grade 1 in the public system and currently the Governor of the Group 4 managed HM Prison Altcourse (Liverpool). His insights are particularly relevant to the discussion in Chapter 8.

The situation at Hakea is a curious paradox. From one perspective it does not meet the most rigorous requirements of a maximum-security prison – but from another perspective it does not need to do so.

A true maximum-security design involves a multi-tiered system having the capacity to significantly delay an escape attempt. Typically, this involves quarantine areas within the prison and beyond the outside perimeter, two physical barriers (either two razor-wire fences of suitable height or one plus a wall designed in such a way as to make it unclimbable) and at least one and preferably two electronic alert systems. In some prisons – typically the ‘super-maxi’ ones that accommodate exceedingly dangerous prisoners and those with known capacity to perpetrate daring escapes – this may be supplemented by armed tower guards and/or armed perimeter patrols.

Hakea Prison falls short in design terms because there is one area where security is limited to a single razor-wire fence. The Department covers this deficiency by means of motorised armed patrols around the outside perimeter. However, Hakea’s population is, judged by escape risk and dangerousness, not really a maximum-security one. At any given time, the remand population – on the basis of our own sampling – contained only about ten or a dozen prisoners whose offence and risk profile seemed to justify the full panoply of maximum-security. These prisoners could, and should, be held in Casuarina Prison – whose configuration is truly maximum-security by the measure adopted above. In fact, this habitually has been done in the past (i.e. when the C. W. Campbell Remand Centre was a stand-alone prison rather than a part of Hakea) and is still being done at the present time.¹

The Department objects that it cannot be determined whether a prisoner should be sent to Casuarina until after he has been assessed at Hakea. Therefore, it is said, Hakea must be a full-on maximum-security institution. That argument seems disingenuous. Prisoners are either already known or their risk profile is obvious. Borderline cases could be sent to Casuarina, and if after assessment they turned out to be ‘false positives’, then they could be transferred to Hakea.

¹ For example, on 8th November 2002 there were 14 remand prisoners held at Casuarina Prison. The Department seems intent on eliminating even this limited role, however, rather than expanding it in the way suggested. A Casuarina Prison memorandum of 11th October 2002 repeatedly emphasises that the Prison’s future profile (related to its staff levels) should contain ‘no receipts ex court’. In the light of the security issues discussed here and in the main part of the Report, this is an ill-considered policy in itself as well as in the context of our own proposals.

THE DIFFICULTIES OF TRANSITION: DEFINING A ROLE AND BUILDING A CULTURE

The relevance of this to the use and management of Hakea is that it could fairly inexpensively be brought up to the contemporary notion of medium security by completing a second razor-wire fence around the area that at present only has a single wire and installing a ‘Sentrax’ (electronic sensor beam) system. This capital expenditure would then free the Department up to re-consider the need for 24 hours-a-day, armed perimeter patrols, as at present. The potential exists for significant savings in recurrent expenditure, as well as re-deploying some highly-trained staff from the Emergency Services Group into more productive correctional activities.

In its response to the Draft of this Report, the Department rejected this argument.² Decisions about security policy and practice properly reside with the Department, not with this Office. Nevertheless, to facilitate possible debate this alternative approach should be placed on the public record.

FIRE PROTECTION STRATEGIES

This Office has only once previously addressed prison fire risks in a Report – in relation to Riverbank Prison where duty of care obligations were arguably not being adequately met by the Department.³ Fires are an acute potential hazard in the prison setting. The 1985 Jika-Jika fires at Pentridge Prison, Victoria, in which five prisoners died, highlighted that a closed prison is by its very nature a fire-trap. A few days ago (2nd November 2002) 49 prisoners died in a fire at Sidi Moussa Prison, Morocco, trapped with no means of escape. One would certainly not suggest that conditions at Hakea are in any way comparable to those at Sidi Moussa (where 1,300 prisoners were held in a prison designed for 1,000), except in the vital fact that once a fire is burning escape opportunities, at any rate after lock-down, are extremely limited.

This Office has become aware of three potentially serious prison fires in the Western Australian prison system since the beginning of 2001.⁴ The most serious of them occurred at Hakea Prison. It is described and discussed in paragraphs 3.11 to 3.15 of this Report. As we probed, we discovered that the Department, as a matter of explicit policy, has not developed a rescue capacity. In the case of a cell-fire, the expectation is that the rescue of a trapped prisoner must await the arrival of the fire brigade. In practice, in the Hakea fire the Senior Officer and other staff bravely ignored this Operational Instruction and, using equipment designed only to enable themselves to escape, rescued the prisoner from his cell. Had they not done so and the prisoner died, the Department would

² The Department stated, however, that it “recognised the need for these works [completing a concrete wall around the area that consists merely of a steel post and security link mesh construction] to be undertaken and has incorporated the project into its forward plans”.

³ See ‘Report of an Announced Inspection of Riverbank Prison’: Office of the Inspector of Custodial Services, July 2001, pages 5, 20 and 75. The subsequent decision of the Government to close Riverbank was partly driven by recognition of the legal risk, combined with the costs involved in rectifying the fire hazards. The related but distinct issue of bush fire risks, involving the whole area within which the prison was situated, was discussed in the Karnet Report (December 2001).

⁴ These occurred at Roebourne Regional Prison, Hakea Prison and, most recently, at Eastern Goldfields Regional Prison. There was also a serious fire at Bandyup Women’s Prison in 2000, shortly before the establishment of this Office.

THE DIFFICULTIES OF TRANSITION: DEFINING A ROLE AND BUILDING A CULTURE

almost certainly, and correctly in my view, have been subject to severe criticism at a Coronial inquest.

It is a matter of urgency that a rescue capacity be developed – a process that involves a full commitment not only to the purchase of state-of-the-art equipment but also to investment in staff training. This should be done state-wide, not just for Hakea. Fire prevention measures generally require close examination and risk analysis in all prisons. These matters are fundamental to the duty of care that rests upon the Department.

SUMMARY

The body of the Report deals with many other matters that require attention at Hakea Prison. The difficult task of bringing a re-constituted prison and a fresh culture to life seemed, at the time of the Inspection, almost beyond the reach of the Department. Probably, the realistic view is that it was always going to get worse before it got better, and there are some grounds for optimism that since the inspection the Prison's performance may possibly have 'bottomed out'. The staff strike of September 2002 could well have been that low point.

If Hakea is not working effectively, the operation of a significant part of the rest of the Western Australian prison system will inevitably be distorted. The *Prisons Act* requirement is that the Inspector should inspect each prison at least once every three years. In the case of Hakea, there are sufficient grounds for concern that it will be the subject of an announced or unannounced follow-up inspection a considerable time before the full period has elapsed.

Richard Harding
Inspector of Custodial Services

19th November 2002

Chapter 1

CREATING HAKEA PRISON: THE AMALGAMATION OF THE CANNING VALE PRISON AND THE C. W. CAMPBELL REMAND CENTRE

- 1.1 The Canning Vale site owned by the Department of Justice had previously been the location for two separate adult prisons: the 350-bed Canning Vale Maximum Security Prison for sentenced adult male offenders and the C. W. Campbell Remand Centre for 150 adult remand prisoners. In 1998 the policy decision was made that Western Australia needed a unified reception, remand and assessment prison and that the optimum way of achieving this was to join up the two prisons on the Canning Vale site, refurbish parts of them and add some new accommodation. The intention was that newly sentenced prisoners should, after assessment, be held either at Casuarina Prison (maximum security), or at Acacia Prison (medium security, and expected to come ‘on line’ two years after the amalgamation decision was made), or elsewhere as appropriate to their security rating and background.
- 1.2 Amalgamation posed some complex security issues in that perimeter containment relating to the old Canning Vale Prison rated as maximum security, whereas that relating to the Remand Centre was basically medium security. The intention was that the whole prison, once amalgamated, would be appropriate for maximum security prisoners. Consistent with that, the whole panoply of continuous motorised perimeter patrols by armed personnel is in place.⁵ Yet the oval area attached to the former remand centre just has a single fence and razor wire perimeter with external electronic detection (‘Sentrax’) – a level of security that falls short of what is currently regarded within Western Australia as constituting maximum security. Recognising this apparent deficiency, the Department had in the past supplicated for nearly \$4 million to extend the existing wall of the former Canning Vale Prison around the full extent of the Hakea Prison perimeter, including the former remand prison oval. However, this has not been done. Accordingly, there is a paradox: viewed simply in technological and construction terms, Hakea is not truly a maximum-security prison; only the armed patrol system justifies that designation. But neither does it really need to be. The profile of prisoners is such that only a dozen or so at any given time would, on the basis of the risk that they pose, seem to merit maximum-security classification. That being so, there really is no insuperable reason why those particular prisoners should not be housed at Casuarina Prison, with the consequence that further security upgrades at Hakea would be unnecessary. This matter and the implications it raises will be explored more fully later in the Report, in Chapter 8, and appropriate recommendations made.
- 1.3 There also arises the question of the capacity of Head Office systems (of the Department of Justice) to respond to the challenges of amalgamating prisons. Above all, these relate to the human resources area, for the prevailing cultures of the two prisons were previously quite different and yet, demonstrably, it is necessary for them to become unitary. This leads on to the question of staff morale. It will be seen that there have been considerable problems in each of these areas. It is no coincidence that Hakea has been at the forefront of recent industrial problems within the Department.

⁵ Armed patrols were used at the former Remand Centre. That was deemed necessary if the Department was to hold maximum-security prisoners there. However, once Casuarina had been opened (1981), high-risk remand prisoners were held in that prison. In Chapter 8, it will be suggested that this should be standard practice.

- 1.4 Questions also arise as to both the correctional and the financial implications of the amalgamation. As to the correctional objectives, these involve improved service delivery to remand prisoners and the creation of the capacity to meet the needs of newly sentenced prisoners and comprehensively assess their likely path through the prison and parole systems. Those were certainly the Department's intentions. However, such changes do not come without new expenditure. The financial implications are subsumed within the broader question of Departmental funding generally, and centralised control of budgets. What will emerge is that Hakea had been obliged to function against an unrealistic budgetary allocation, with the consequence that actual expenditure has been significantly in excess of budgeted expenditure throughout the financial year in which the amalgamation took place. This in effect leaves local management with virtually no discretionary expenditure whatsoever. A major prison, like any other major human service, simply cannot function indefinitely on this basis.
- 1.5 Amalgamation also raises profound questions as to the maintenance and improvement of general prisoner services. In the case of Hakea, it will be seen that the Department has virtually abandoned a programs role at that prison,⁶ and that radical foreshadowed changes in industrial commitments have put stress on staff, prisoners and the maintenance of a satisfactory regime. The chronic system-wide issues of health services and the treatment of Aboriginal prisoners overlay these other prisoner service issues. A purpose of the Inspection was, accordingly, to ascertain how successfully these matters have been addressed.
- 1.6 The amalgamation of two contiguous prisons previously carrying out distinct roles is an enormous undertaking. It is certain to be fraught with difficulties. The identification of these difficulties should not be allowed to distract from the key question of whether amalgamation was the right way to go. In the view of the Inspector, it was a sensible and appropriate decision. Western Australia has needed for a considerable time a prison that can effectively carry out the entry and threshold functions relating to imprisonment – i.e., the proper handling of remand prisoners and the reception and assessment of newly sentenced prisoners. In correctional management terms these are compatible groups. Such a prison should work in such a way as to make the remainder of the prison experience more meaningful and constructive for prisoners and the prison population generally. This ties in with the Departmental commitment to the development of Individual Management Plans – with a view to refreshing the notions of unit management which had previously come to something of a full stop – and to re-profiling each prison within the WA system so as to identify more clearly its role within the totality. This Inspection Report, therefore, will take the amalgamation decision as a 'given', and concentrate on how the new and supposedly unitary prison regime can be enhanced for the future.

⁶ This is a perfectly logical consequence of changing the prison's profile to that of remand, receipt and assessment. However, the convicted prisoner population is still running at about one third and sometimes up to 50 per cent, so that there is a case for retaining some offender programs.

Chapter 2

RECEPTION, ORIENTATION AND ASSESSMENT

RECEPTION AND ORIENTATION OF FIRST TIME RECEIVAL PRISONERS

- 2.1 The nature of a remand prison is that a considerable proportion of prisoner movements concern persons who have already gone through a formal reception and orientation process and are, in effect, returning 'home' after a day in court. This is a high volume business, though such prisoners pose no problems other than the usual security and search procedures. Hakea handles their re-entry to the prison efficiently and routinely.
- 2.2 The issues relating to reception and orientation revolve around prisoners being received for the first time, or, at any rate, for the first time in the course of their current involvement with the criminal justice system. By and large, the Inspectorate considers that Hakea has put in place effective and reasonably sensitive procedures for prisoners being received into the prison under these conditions. There are some problems, and these will emerge in the description that follows. However, they should be seen as flaws in a good system rather than as symptoms of a flawed system.
- 2.3 Upon arrival, prisoners are led from the sally port into a holding room in the reception centre; then, one by one, they are taken from the holding room to complete various reception tasks. These involve being searched, supplying their details and antecedents, having their personal property checked and catalogued, being photographed, having a shower and being issued with prison clothing. At this time they are also given personal toiletries, and cigarettes are issued to those who identify themselves as smokers. The interviewing reception officer will endeavour to ascertain whether any protection issue is relevant to that prisoner, and if so the subsequent processing is somewhat different from that for other prisoners. In particular, it is likely that the person would be taken straight to Unit 4 (the Protection Unit) rather than transferred to Unit 6 (the normal first night location for newly arrived prisoners). The whole question of protection prisoners will be discussed separately later.



Photographing a newly received prisoner. Hakea has effective and reasonably sensitive reception procedures.

- 2.4 The reception area was clean, tidy and well organised. Prisoners generally received a welcoming response from prison officers, and the prisoners interviewed during this Inspection reported that prison staff were mostly courteous and efficient in their dealings with them. The prisoners assisting reception officers were also seen as generally supportive. However, Aboriginal prisoners already, at

RECEPTION, ORIENTATION AND ASSESSMENT

this early stage, began to experience a sense of marginalisation in that there were neither Aboriginal officers nor prisoners involved in the reception process. This simple and obvious example of inadequate cultural awareness is one that should be rectified by the Department. Another matter that could usefully be explored is whether peer support prisoners should have access to new arrivals at this first stage of the reception process. There could be some distinct benefits in involving them more formally with the reception tasks.

- 2.5 After the processes described above, all new prisoners undergo a health assessment. Performing these assessments in the reception area and at this initial stage is sensible and logical; the positive interface between custodial and health functions is welcome. The nurse can make a rapid risk assessment, as well as identifying routine health issues, and can pass on any concerns about a prisoner's emotional or physical wellbeing to the reception officer. It should, however, be mentioned that the health assessment interview room in the reception area lacks privacy and contains very basic equipment. The health interview room should be better equipped and appropriate screens or doors put in place to provide privacy and reduce the noise levels.
- 2.6 However, problems do arise in relation to late arrivals. The rostering arrangements work in such a way that prison officers are not available either in the reception area or to move prisoners to the various units after 7.00 p.m. Anyone who arrives after 6.00 p.m. may well not be available for a health assessment – which comes at the tail end of the reception process – until later than 7.00 p.m. Consequently, some inadequately assessed prisoners have been sent down to Unit 6 (the normal reception unit) before a health assessment has been made. The nurse may thus have to go to Unit 6 to complete this work or, if this cannot be done, the health assessment will be done the next day. The corollary of this is an increased risk that a vulnerable prisoner may be accommodated for his first night in Hakea in an inappropriate environment. There exists, however, an informal arrangement whereby some unassessed prisoners will be sent to the Crisis Care Unit for their first night – though it was not clear to the Inspection team how the differentiation was made between those treated this way and those sent to Unit 6 pending assessment.
- 2.7 Another small defect in the reception process is that prisoners are not permitted to make a phone call at this time. Indeed, a full day could go by before such an opportunity arises – the next evening after the completion of the Day 1 orientation process. There does not seem to be any insuperable reason why a phone call to dependent relatives or family could not be made at this time, and the prison should re-examine its practices in this regard.
- 2.8 For those prisoners who have not posed any special problems by way of protection or other needs, the orientation process commences the next day. The Department and the prison had recently, as from 15 February 2002, revised its orientation program. The main features are as follows. After breakfast the orientation officer will gather together a group of newly arrived prisoners (between four and six is the optimum number), who are unfamiliar with the prison. They will then be given a guided tour of the whole complex. They are then taken to a classroom within Unit 6 where they

RECEPTION, ORIENTATION AND ASSESSMENT

watch a video. The presenter is Chris Lewis, a former Aboriginal football champion. It lasts about 15 minutes, and explains fairly and sensibly the broad range of prison services and key management issues relating to the prison. Following this video, there is an opportunity for a full discussion with the orientation officer about the prison, its services, standards of behaviour, how to access education and employment, what prisoner and family support services are available, and other relevant matters. Thereafter, a prisoner support officer is available to address prisoners and advise them of the role of the peer support group of prisoners. They are also issued with a written peer support guide and initial contact is made with the group or its representative(s). When these processes are completed, there is an opportunity to make a phone call to family or dependant relatives. Later the same day, or more usually the following day, prisoners will be moved out of Unit 6 into another Unit deemed appropriate for their needs, and they can commence the process of 'settling in'.

- 2.9 The prisoner responses to the survey, which was distributed before the Inspection, indicated a considerable degree of dissatisfaction with the orientation process. Following this Inspection and extensive discussion with both prisoners and staff, the Inspector is of the view that this negative response pre-dates the introduction of the new orientation program, which appears to be operating reasonably well, though it is perhaps unduly rule-orientated rather than service-focussed.
- 2.10 Remand prisoners, however, have particular needs going well beyond a humane and efficient reception system. In particular, they require: information about access to bail; legal services that are facilitated rather than hindered by the fact of imprisonment; avoidance of unnecessary visits to courts; and availability of family visits and other contacts.

BAIL ARRANGEMENTS

- 2.11 Hakea Prison comes at the end point of those services within the criminal justice system that are meant to be facilitating or organising bail. It is apparent that the police and the courts are to some extent letting the prison system down. Data supplied to this Office indicate that 63 prisoners were bailed from Hakea Prison in December 2001, 57 in January 2002 and 70 in February 2002. Of this total of 190 prisoners, one third (63) were released on the same day as the warrant and one quarter (48) on the day after the warrant. These were almost entirely cases where bail had not been set by the court or where the opportunity to raise the bail had not been sufficiently explored. Hakea has a bail co-ordinator whose job is to endeavour to facilitate bail, and it is apparent that that person is doing an effective job. However, it may be well be that an even more effective role could be played if the function of co-ordinating bail were accessible for longer hours (at present it is 5 days a week, ceasing at 4.30 p.m.), and if particular effort were put into the endeavour of obtaining bail for Aboriginal prisoners.⁷ The weaknesses in the bail system add to the pressures in terms of reception

⁷ This is not to downplay the importance of bail for non-Aboriginal prisoners. However, the reality is that Aboriginal people generally have greater difficulty in obtaining sureties, even where quite small amounts are involved – yet another example of the well-known fact that the deeper one goes into the Australian criminal justice system the greater the over-representation of Aboriginals.

RECEPTION, ORIENTATION AND ASSESSMENT

and orientation on Hakea Prison.⁸ A joined-up criminal justice system response is the preferable way in which to reduce ‘unnecessary’ committals to prison for those who should or will obtain bail. But in the absence of this it would be in the best interests of the administration of Hakea Prison to put even more emphasis upon a system that is proving its worth. A second bail co-ordinator ideally should be appointed and, if this is done, that person should be drawn from the ranks of uniformed officers.⁹

LAW LIBRARY MATERIALS

2.12 With the cutback in the availability of Legal Aid, there is an increasing number of self-representing defendants and appellants.¹⁰ A remand prison must have an adequate Law Library to which remand or appeal prisoners have effective access. It must be prepared to invest in legal materials, which constitute a basic prisoner service.

2.13 In this regard the facilities at Hakea are not adequate. For example, the library copy of the basic law report series – The Australian Criminal Reports – runs only until 1988. Most cases that are likely to be relevant to offenders’ situations will have been decided since that time. Similarly, the collection of Western Australian legislation is inadequate, with not even an up-to-date consolidated Criminal Code being available. To its credit, the Department of Justice commissioned in 2000 a review of the availability of legal materials and other support material, though with an emphasis on the needs of appellants. The recommendations of the reviewer, retired Judge Sadleir, have been implemented by the Department. An aspect of this implementation was the purchase of certain legal materials for the libraries at Hakea Prison, Casuarina Prison, Acacia Prison and Bandyup Women’s Prison. In the view of the Inspector, those recommended materials were inadequate to the needs. In addition, the Department established a system whereby a centrally located appellant librarian will, on request from prisoners, access major law collections in Perth with a view to photocopying materials that they consider relevant. Whilst this initiative deserves credit, again it simply does not meet the realities of the needs of non-lawyers in dealing with legal cases. The nature of legal research by non-lawyers (and often by lawyers) is that they seldom know what they are looking for until they have found it. In other words, it is crucially necessary to be able to browse and cross-reference and turn the pages

⁸ If all those cases that resulted in bail on the second day of incarceration or sooner had been diverted from the reception process at Hakea, the throughput of received prisoners would have been reduced by approximately 5%.

⁹ In a 1997 Report – “Waiting for Justice: Bail and Prisoners on Remand” – the WA Auditor General commented that: “Potential exists to reduce the number of remand prisoners. Many ... are released on bail within two days or remain in remand because of an inability to arrange a surety bail of less than \$1,000.” He recommended that the [Ministry] of Justice “analyse and consider the circumstances where the various types of bail are most effective.” The Hakea bail co-ordinator arrangement is a positive response to that Report, but the essential conditions identified by the Auditor General still exist and even more could be done to address them.

¹⁰ Appellants are not necessarily kept at Hakea but may be assessed and sent on to another prison to commence serving their sentences. This raises the question of availability of legal materials at other prisons, somewhat complicating the discussion that follows in the text. However, there are relatively small numbers in this category.

RECEPTION, ORIENTATION AND ASSESSMENT

of legal materials. The service provided – though certainly better than nothing and having being used reasonably frequently by prisoners from around the State – does not meet the legitimate needs of persons trying to sort out the rudiments of legal principles so as to be able to mount some kind of defence or appeal.

2.14 It should be added that as the overwhelming majority of remand prisoners are now accommodated at Hakea (about 80 % at any given time), it is not inappropriate to concentrate expenditure primarily on legal materials into that prison. It will be recommended that the holding of and access to legal materials at Hakea Prison be revised in the light of the above comments and those conveyed to the Department previously by way of the Inspector's post-Inspection briefing.

2.15 A further problem involves protection prisoners. There are two library locations within Hakea Prison, and protection prisoners have access to only one of them – the one that does not contain the legal materials. This must be rectified.¹¹

VIDEO COURT

2.16 The video court system is working well. Prisoners, initially reluctant to participate, are now with the assistance of a dedicated prison officer getting accustomed to it and using it more readily. Consequently, there is less pressure on prisoner movements to and from Hakea for court appearances. That is all to the good, less disruptive of the regime generally, and preferable for the prisoners themselves. An admirable by-product of this arrangement is that the duty lawyer who comes in to service the video court also offers general legal advice to prisoners about their cases. However, this is an informal arrangement and cannot be counted on for the future.

ASSESSMENT OF SENTENCED PRISONERS

2.17 The model that Hakea follows tries to link the reception and orientation procedures, described above, to the assessment procedures in relation to sentenced prisoners. In other words, the assumption is that most sentenced prisoners coming to Hakea for assessment are already known within the prison. Of course, that is not always the case, and in those cases the prison procedures should be intended to pick them up and put them through the first two stages.¹²

¹¹ It was indicated to the Inspector that Hakea Prison is hoping to establish a prisoners' legal centre in conjunction with Notre Dame University, Murdoch University and The University of Western Australia. This would involve students under supervision taking on and advising upon cases of appellants and remandees. Funding was being sought from the Public Purposes Trust Fund of the Law Society of Western Australia. If this Scheme were established, it would go a long way towards improving services, but would not seem to obviate the need for prisoners to try to assist themselves by direct access to legal materials.

¹² In practice, a newly sentenced prisoner who has been held on remand in another prison is apparently treated as having been already orientated. But this is not so; he may have been orientated to the prison system in general terms but not to Hakea as such. There is also an argument that even a Hakea remand prisoner, after conviction, should receive further orientation, in that his risk status might change at this time.

RECEPTION, ORIENTATION AND ASSESSMENT

2.18 The next three stages are as follows:

- Screening or classification by way of the Management and Placement checklist (MAP);
- Individual Management Plan (IMP) development and decision, including a case conference and approval and review; and,
- Transfer from Hakea to the appropriate prison to serve the sentence.

2.19 All newly sentenced prisoners have a MAP checklist completed by the assessment team within 72 hours of arrival at Hakea to commence their sentence. This is essentially the classification tool for prisoners' security rating and placement in the system. It should also pick up any serious special needs the prisoner may have. If a prisoner's head sentence is less than nine months (i.e., the effective sentence is less than six months), then the MAP is in most instances the only level of assessment that will be made in relation to his situation.

2.20 Individual Management Plans are developed in relation to prisoners with head sentences of more than nine months (i.e., effective sentences of more than six months). The IMP involves assessment of the prisoner's needs for cognitive skills training, his educational and vocational needs, the desirable treatment interventions and his likely through-care needs and patterns. The intention is that this assessment should be developed within 28 days,¹³ discussed with the prisoner and approved within a further seven days, then actioned by way of transfer to an appropriate prison as soon as possible thereafter. The IMP will form the basic document for case management through the prison system over the course of the sentence.

2.21 The model is a coherent and logical one. The task of the Inspector was to assess whether the model is actually working in this way or could be substantially improved.

2.22 Some members of the assessment team made the point that, in the short run, the Department of Justice's need to ensure a flow of prisoners to Acacia Prison was dominating the assessment procedures. In other words, there was in their perception an implied agenda to push people through into medium security classification with IMPs that qualified them for Acacia Prison so as to ensure a fill-up rate of that prison which was commensurate with the Department's obligation to pay for prisoner places.¹⁴ We believe that there is some truth in that assertion; information offered to us from the industries area also tended to support this in the sense that they were having to fight to stop key

¹³ The assessment staff stated that this was too short a period, given the invariable delays in the receipt of relevant court documentation such as pre-sentence reports or the judge's sentencing remarks. The sheer volume of work, at the inception of a new system, is currently exacerbating this systemic problem.

¹⁴ The Department has stated in its response that there was no such implied or express agenda. It stated: "The role of Hakea Prison was changing to the remand/receival prison, with Casuarina the maximum-security prison for the Metropolitan area and Acacia as the medium-security prison. Therefore, the usually sentenced prisoners held at Hakea Prison had to be assessed and moved to allow for its function as the remand/receival prison. The assessment centre at Hakea was not only assessing new prisoners coming into the system, but also assessing existing prisoners at Hakea and Casuarina Prisons. To achieve this, existing prisoners believed to be medium-security were targeted and assessed using the new security classification system."

RECEPTION, ORIENTATION AND ASSESSMENT

workers being stripped from their areas and sent on to Acacia Prison.¹⁵ From the prisoners' perspective, there was a great deal of confusion, misunderstanding and resentment about cut-off levels of security classification. Prisoners believed that some of them were being 'over-classified' – i.e., although they were prima facie eligible for minimum-security status their scores were being moved so as to justify their transfer to a medium security prison. Assessment team personnel were, however, adamant that the processes could not work in such a way. We accept that assurance; but there was no doubt that the assessment exercises were being conducted in an atmosphere where both the staff and the prisoners were concerned about the integrity of the process.

2.23 Generally, at this relatively early stage of the new assessment models, there seemed to be a gap between the intended purpose of the development of IMPs and the consequential actions. At Hakea itself a sample group of prisoners who had had their IMPs completed within the past three months and were still being accommodated at that prison were interviewed. Amongst the issues discussed with them was whether these IMPs, and the consequential unit and case management arrangements that hang off them, were being administered effectively. The short answer was that they were not. All prisoners stated that they had not been able to discuss their IMP with anyone and had not yet been assigned a case officer. Whilst it was true that most prisoners were involved to some extent in the activities stipulated in their IMP, they said that there was no one with whom they could discuss their plan should they have any questions. This testimony was matched by the comments of prison officers, who almost universally stated that they really had no idea what an IMP was, what their role (if any) in the process should be, and what the various assessments involved.

2.24 To substantiate these necessarily somewhat anecdotal observations, we followed up prisoners with IMPs at two other prisons – Acacia and Casuarina. At Casuarina Prison the situation seemed to mirror that found at Hakea – both in terms of the perceptions of prisoners and of staff. At Acacia, there was some evidence that seemed to suggest that IMPs were not necessarily being strictly adhered to – though we reserve our final judgement upon that until such time as the scheduled prison inspection has taken place.¹⁶

2.25 In summary, the IMP system, whilst in principle laudable and robust has still not achieved full operational effect. In this context it is, perhaps, not surprising that no efforts have been made to evaluate its success. It is essential that the Department should soon pause, stand back and properly evaluate the system, both from a process and an outcomes point of view. Having said that, the Inspector notes the dedication and enthusiasm of the assessment team at Hakea and notes also the inevitable danger of frustration and demoralisation if their work is not better supported by the Department. All these matters could be 'teething problems' or they could turn into basic methodological and structural flaws. It is a matter that the Office of the Inspector will re-visit in due course.

¹⁵ The Department subsequently acknowledged that "the transfer of medium-security sentenced prisoners had a detrimental effect upon industries. The issue is being addressed by the review of industries throughout the prison system and their suitability in line with each prison's role and function."

¹⁶ Acacia Prison will be inspected commencing 9th March 2003.

Chapter 3

CUSTODY

- 3.1 In this Chapter the question that will be addressed relates to the nature of the custodial experience for prisoners. Is it safe, is it fair, does it avoid being unnecessarily oppressive? Issues relating to security arrangements at the institution – some of which were foreshadowed in Chapter 1 – will be addressed separately in Chapter 8.
- 3.2 To address questions about the nature of the custodial experience, one should first differentiate between the general prisoner population and prisoners who have been placed on protection. It is also necessary to differentiate to some extent between remand and convicted prisoners.
- 3.3 A preliminary point relates to hierarchical incentives. For both remand and convicted prisoners, a recognisable hierarchy of accommodation exists; this seems to be well understood by prisoners and is a useful management tool. For all that, the Inspection Team received quite frequent complaints about the quality of accommodation, even in the two Units (numbers 5 and 8) that were at the top end of the hierarchies. The complaints mostly revolved around climatic issues (too hot and airless in the cells) and overcrowding or cell sharing.

THE GENERAL PRISONER POPULATION

Perceptions of Personal Safety

- 3.4 A more compelling issue relates to safety and the perceptions of being safe. The survey questionnaires had indicated that 60 per cent of prisoners thought that there was a great deal of violence perpetrated by fellow-prisoners,¹⁷ and 40 per cent also stated that prison officers were violent towards prisoners. It was also suggested that racist remarks and insults were commonplace both about and by Aboriginal or Asian prisoners. Despite these things two-thirds of prisoners reported that they either always felt safe or mostly felt safe, whilst only 11 per cent stated that they never felt safe. Some locations were highlighted as being high risk, for example the gymnasium.
- 3.5 Surprisingly, prisoner perceptions were endorsed by officers in their questionnaire responses; 64 per cent considered that the policies and practices relating to bullying and ‘stand overs’ were ineffective. By this they meant policies and practices in relation to prisoner-upon-prisoner bullying and intimidation, but it should be added that Hakea has the highest numbers of complaints to the Department’s Internal Investigation Unit relating to assault by officers upon prisoners. Whilst it is true that the overwhelming majority of these complaints were not proceeded with, usually because of lack of proffered corroborative evidence, nevertheless the fact that they are being made with such regularity is indicative of some degree of dysfunctionality in the relationship of some officers and some prisoners.

¹⁷ Our sample was skewed towards prisoners who currently had work out of the Units. It is likely that unemployed prisoners would be more susceptible to bullying and intimidation by other prisoners.

CUSTODY

3.6 In summary, the Inspection Team could not say with confidence that they believe that the prison is as safe an environment for prisoners as it should be – an observation that will be fortified when the question of protection prisoners is dealt with. In this regard, a recent literature review by the UK Home Office relating to offenders’ risk of serious harm¹⁸ makes the following observations:

“Violence in prisons is a result of the interaction between prisoner characteristics and the environment in which they are placed. The most effective ways of reducing violence in prisons is to alter the situational factors that trigger offenders to become violent. Situational factors that may trigger violence are: staffing problems such as poor staff-inmate communication, inexperienced staff, low staff morale, overcrowding, high inmate turnover, few activities provided and high levels of security.”

3.7 Several of these factors are present at Hakea Prison, thus tending to lend some credence to the Inspection Team’s slight unease at the question of prisoner safety, violence and intimidation. The Department and the prison management are aware of these issues, but more needs to be done to address them.

Discipline

3.8 This leads on naturally to the question of disciplinary charges and loss of privileges. In the three-month period to 8 February 2002, a total of 171 *Prisons Act* offences were dealt with by disciplinary proceedings before either the Prison Superintendent or a Visiting Justice. This is not an excessively high number, given the rapid turnover and throughput of prisoners. Prisoner perceptions seem to be that disciplinary sanctions were imposed more often than this, though it is possible that they had in mind the informal sanction of Loss of Privileges. Worthwhile documentation was not supplied to the Inspectorate on this matter, and the lack of such documentation is the common experience in most prisons in the State. The nature of the custodial regime can only really be assessed fully if such information is available, and the Department and local prison management should be making more effort to aggregate and analyse the available information about Loss of Privilege sanctions.

3.9 The Inspection Team also observed an apparent relationship between a prisoner’s lack of opportunity to participate in a structured day (see paragraph 5.1) and his incurring a formal disciplinary sanction. A sample of 34 recently disciplined prisoners was taken, of which 21 (62%) were either not employed at all or merely employed part time within the Unit in which they resided. This association between idleness and indiscipline is not at all surprising. Boredom and frustration go to the core of the custodial experience.

3.10 The Inspection Team observed disciplinary charges with some care, both those before the Superintendent (section 69 *Prisons Act* charges), and those before Magistrate Paul Heaney (section 70

¹⁸ Powis, B. (2002), ‘Offenders’ Risk of Serious Harm: A Literature Review’, Home Office Research, Development and Statistics Directorate (RDS Occasional Paper 81).

charges). Given the circumstances that had led to incidents reaching the stage of formal proceedings at all, our observation was that each type of proceeding was fairly conducted. We were particularly impressed by the conduct of proceedings before Magistrate Heaney, which were invariably conducted in a polite, considerate and straightforward way. The *Prisons Act* requires that Section 70 proceedings should be conducted by a 'Visiting Justice', and the Magistrate draws upon this lesser (included) status for the purpose of this jurisdiction. The practice of bringing in Magistrates instead of Justices had commenced in 2000, following a report into the matter commissioned by the previous Government at the behest of the Australian Democrats Party in Parliament. The rationale had been widespread prisoner dissatisfaction with being tried by persons whom they considered did not bring an open mind to the matter – i.e., Justices of the Peace rather than Magistrates. The underlying philosophy got back in turn to the provisions of the UK Woolf Report (1991), which had identified a sense of unfairness about disciplinary issues as being one of the catalysts for widespread dissatisfaction with, and riots in, the UK prison system. The Inspector's observations both of the practices at Hakea and also at two other prisons are that, procedurally, the standard of justice has been high and that this has been appreciated by prisoners. However, after one unfortunate incident, where an assault was made upon a Magistrate by a prisoner, the experiment seems virtually to have dried up. This is a great pity, and it will be recommended that the Department re-negotiate the matter with the Chief Stipendiary Magistrate to re-instate this process.¹⁹

- 3.11 An important issue of the custodial experience relates to the danger or reality of fires within the prison. In January 2001, a prisoner had been badly injured in a fire at Hakea Prison, and there have been other fire incidents both before and since that time.

Emergency Procedures and Occupational Health and Safety

- 3.12 The serious fire of January 2001 was, at the insistence of the Inspector, thoroughly investigated by the Internal Investigations Unit of the Department. An important conclusion – absolutely correct in the view of the Inspector – was that the individual staff who were on duty at the time acted with great bravery and lack of concern for their personal safety in rescuing the prisoner who had set the fire and in enabling the unit as a whole to be vacated. However, the investigation turned up some important procedural and practical defects. These included: service defects in the VESDA alarm system; a lack of documentation in recording any damage to the alarm system; inadequate expenditure on maintenance of that system; poor staff training, both generally and in particular in relation to the use of breathing apparatus; and problems with the cell call system. As part of the

¹⁹ Subsequently, the European Court of Human Rights has ruled, a propos the very similar UK arrangements for disciplinary charges to be heard by Superintendents, that their essential nature is criminal and that accordingly they can only lawfully be heard by a qualified judicial officer. Although, of course, that Court's decisions have no direct bearing upon Australian courts, it is likely that the WA Government, mindful of best practice in this regard, will move to enshrine in legislation the principle that all such charges should be dealt with by judicial officers – i.e., magistrates. In other words, not just Visiting Justices but also superintendents will be cut out of this adjudicatory role.

CUSTODY

Inspection, these matters were followed up with the prison management. The majority of them appear to have been addressed. However, the question of capacity to carry out a rescue in a fire situation seems to require further examination.

- 3.13 The officers who entered the prisoner's cell and rescued him were wearing so-called 'escape-set' or 'self-rescue' breathing apparatus. Such apparatus is described in section 9 – Compressed Air Self-Contained Breathing Apparatus – of the Australia/New Zealand Standards relating to Respiratory Protective Devices. This breathing apparatus has a nominal effective life of less than 15 minutes and operates either on the principle of lung-governed demand air supply or constant flow air supply. The particular apparatus supplied by the Department of Justice is used in conjunction with a head covering. Department of Justice Standing Order E4 – Occupational Health and Safety Emergency Life Support Respirators – updated a month after the Hakea fire emphasises that this apparatus is “not to be used for rescue purposes (other persons)”. The officers who did carry out the rescue were in fact, criticised for having breached this Standing Order – even though in doing so they undoubtedly saved the life of the prisoner.
- 3.14 There is no other breathing apparatus, suitable for rescue of other persons, available within Hakea or any other prison in Western Australia. The official position is that rescue is the business of the Fire Brigade – an undertaking difficult enough in ordinary circumstances, let alone after negotiating complex entry protocols into a maximum-security prison. It is the view of the Inspector that prisons within the State should develop a fire rescue capacity. The nature of a closed environment must be to increase the expected level of care that can be provided internally. The UK Prison Service Standards explicitly provide for cell rescues from fire. They state that: “Staff must be trained in what to do in the event of a cell rescue”. Specifically, short duration breathing apparatus suitable for rescue must be available in each prison; a member of staff must be trained as a trainer; a suitable number of staff must be trained in the use of the apparatus, all of them having been subjected to an appropriate medical examination; follow-up training must be given; and adequate records must be kept in conjunction with the local authority Fire Brigade. There does not seem to be any reason in principle why the Western Australian Prison Service should not also aspire to these standards. Indeed, generally the standard of fire safety procedures in the Western Australian Prison Service should be re-examined and updated. Previous experience at Roebourne Prison (with equipment that was not working properly) leads the Inspector to believe that this may well be a deficiency in the present procedures. It will be recommended that the Department commence a comprehensive review of its performance indicators in relation to fire safety, along the lines of HM Prison Service Standards.²⁰
- 3.15 Ironically, the ethos at Hakea Prison is one whereby issues of occupational safety and health have become a primary concern of staff. The Occupational Safety and Health Committee of the Hakea

²⁰ Another potentially serious fire occurred at Eastern Goldfields Regional Prison in July 2002, fortifying the view expressed that this whole policy needs urgently to be addressed.

CUSTODY

branch of the Prison Officers Union has become very forceful in pursuing these issues.²¹ The focus of training seems to be very much on restraints training and related matters, but not on fire training or rescue. A consequence of the emphasis on restraints is that training in other areas of professional life has been neglected for many years – as it has throughout the Prison Service of the Department of Justice. This is but one further example of a point that recurs in all Inspections, that Departmental commitment to training of a well-rounded kind must be re-affirmed and activated.

Drugs Strategy

3.16 A final point on the general custodial environment relates to the drug strategy. This can only be described as excessively casual at Hakea Prison. It seems that a list of prisoners who should undergo random drug testing is sent to the prison every six months, in October and April. The local prison management stated that they did not receive a list for October 2001, so have not carried out any random tests since April 2001 – a full year before our Inspection. The Intelligence Unit of the Department denies that this list was overlooked, and so one is left with a claim and counter-claim situation that cannot be resolved. What can be said with certainty is that, when tests do occur, it is at intervals that are entirely predictable to prisoners. They can ‘prepare themselves’ for them, if they choose. Of course, other drug prevention mechanisms, such as cell searches, are in place. Accordingly, it is not really a surprise to find that the ‘hit rate’ for targeted urine tests over a three-month period was very high at 50 per cent (89 positive returns out of 177 tests). This would naturally follow from a situation where drug detection practices are somewhat loose. These rates, and the practices underlying them, are not acceptable for a maximum-security prison. The particular relevance in the context of this Chapter is that a prison where there is fairly widespread drug use and the expectation that drugs would be available is also one that is less safe for prisoners generally.

PROTECTION PRISONERS

3.17 The whole question of the status and treatment of protection prisoners within the Western Australian prison system is the matter of a pending thematic review. One of the most cogent conclusions of that review will be that the Department of Justice does not have appropriate policies or practices in place for managing predatory prisoners, and consequently finds itself obliged to artificially increase the numbers of protection prisoners. However, for the purposes of this Inspection, protection prisoners must be taken as a ‘given’ and their status and condition measured in that context.

²¹ In 1998 the Union had sought Improvement Notices from Worksafe (WA) in relation to Hakea operations, and these were granted in July 1999. The notes of proceedings available to the Inspector do not suggest that any consideration was given to overall training needs. There really does seem to be something odd about an agency that cannot be apprised of industry issues in a holistic way making orders of this kind. It would be preferable if the responsible Industrial Relations Commissioner, possessing an overview of prison priorities and issues, dealt with such issues.

CUSTODY

- 3.18 At the time of the Inspection there were 66 prisoners on protection at Hakea. This constituted about 12 per cent of the total prison population. All these prisoners were housed in Unit 4. That Unit has four wings, each of which can be locked and separated from the remainder of the Unit by means of grilles. This enables sex offenders to be kept separate from other protection prisoners, with the corollary that they often are kept confined for long periods. Generally the Unit has many blind spots; parts of the building are very dirty; air circulation is restricted; cell windows are dirty; and where there is doubling up (in about seventeen cells at the time of the Inspection), the cells are really too cramped for two prisoners to share.
- 3.19 Some important facilities are restricted in comparison to what is available to other prisoners. Library access – to the library that does not possess legal materials²² – is only for about ten minutes once a week. Prisoners have to be escorted there during a short window of opportunity when other prisoners are not moving around. Education on the Unit is limited to two hours per week; visits are only available at 9.00 a.m., which has an effect on accessibility for families; access to the gym is irregular; and, work opportunities are confined to the laundry. Somewhat cynically, local management changed some of these practices in the week or so preceding the Inspection. For example, the oval was opened once a week in the previous two weeks, whereas before that some protection prisoners had not been to the oval for over three years. Similarly, televisions were introduced to the Unit one week prior to the Inspection, and almost simultaneously the Zone Manager issued a circular to staff that protection prisoners were to have a barbeque on the first Friday of each month. Previously, the barbeque facility had not been used for several years. Prisoners spend a great deal of time locked behind the bars on their Units, and the rather uninviting outside yard area in one of the wings is only open for 30–45 minutes a day for prisoners.
- 3.20 The interaction between staff and prisoners is not good. It was notable that uniformed staff cluster in the office or ‘pod’ for the majority of the day. Prisoners complained that they were either ignored or patronised, being the butt of inappropriate humour by the staff. Escorts to and from the Health Centre were insufficiently frequent, exacerbating all the issues relating to medication.
- 3.21 The key question as to whether prisoners felt safe was not easy to resolve. On the one hand, being quarantined from the rest of the prison population was something of a relief to them; on the other hand, some protection prisoners felt vulnerable to other protection prisoners. Generally the ‘hands off’ attitude of the uniformed staff to life within the wings and the Unit as a whole increased the sense of unease. For their part, the staff felt safe because of their confidence in each other, but also some sense of vulnerability because of the lack of leadership and of training. No staff member had ever been alerted to any special issues relating to the management of protection prisoners. There was no anti-bullying strategy on the Unit, and no training in suicide awareness, anger management, or first aid. There was also a lack of understanding of the purpose of the sex offender treatment

²² See paragraph 2.13 in Chapter 2 above.

CUSTODY

program, so that the one that was taking place during the Inspection was not assisted. This manifested itself in the fact that other prisoners were allowed by staff to peer in through the windows of the lecture room, and sometimes to go in to attend to their own needs by getting coffee.

3.22 The review process contemplated by Operational Instruction No. 4 was virtually non-existent. This meant that once the status of protection prisoner had been conferred, it became virtually impossible to return to mainstream.

3.23 In summary, the quality of life for protection prisoners at Hakea is markedly inferior to that of other prisoners. The matter of how best and most effectively to run the Unit needs urgent review.

CONCLUSION

3.24 Generally, the custodial experience for the majority of prisoners at Hakea was tolerable, even though in many ways the prison has the most volatile environment of any in the State. However, there are numerous detailed matters that require attention, as set out in this Chapter.

Chapter 4

CARE AND WELL-BEING

4.1 Care and wellbeing factors tend to be enhanced in situations where there are positive interactions between staff and prisoners and to be prejudiced by poor quality or infrequent interactions. The Department of Justice has decided to re-visit the practice of unit management; this is a method of managing prisoners that stresses good communication thus enabling issues to be dealt with at unit level consistently. Unnecessary escalation of incidents can be forestalled in situations where there is some initial disagreement or confused expectation. A preliminary point that must be made about Hakea Prison is that interaction between staff and prisoners generally falls well short of being effective or dynamic. This was particularly so in Unit 4 (the protection wing), where the Inspection Team repeatedly observed the majority of officers in the office or ‘pod’ rather than out on the wings; but this is also the case, though to a lesser extent, throughout most of the prison. Of course, there are many outstanding exceptions amongst individual officers, but the overall culture is not fully supportive of the notion of unit management.

FOOD, SHELTER AND CLOTHING

4.2 The food at Hakea Prison is not highly regarded. Sixty per cent of surveyed prisoners described it as ‘bad’ or ‘very bad’. Comments included: ‘The food is disgusting’; ‘The food is too fatty – I have Hepatitis C and it isn’t helping my liver’; ‘The food is greasy’; ‘There are nowhere near enough vegetables or protein’; ‘The hygiene of plates and cutlery should be improved’; and so on. The Hakea food is also distributed to and eaten by prisoners at Casuarina Prison, after being regithermically re-heated. The Inspector had previously commissioned a National Heart Foundation assessment of that food. This was made available to the Department of Justice in April 2002. The evaluation highlighted that there were too many high fat meals; that there were inadequate salad or vegetables; that salt, stock and booster used in cooking should be reduced slowly over time by 50 per cent; that there was insufficient variety of vegetables; and that the current deserts and sweets should be replaced by low fat alternatives such as fruit based deserts.



Food is regithermically re-heated. Dietary matters would now seem to require urgent attention.

4.3 In this regard, it should also be emphasised that about 25 per cent of Hakea’s population is Aboriginal and, given the high rates of diabetes in this population and the severe morbidity and mortality associated with uncontrolled diabetes, diets suitable for diabetics should be available and

CARE AND WELL-BEING

encouraged at Hakea Prison. Dietary and many matters such as these have been drawn to the attention to the Department of Justice on previous occasions, and they would now seem to require urgent attention.

- 4.4 With regard to clothing, remand prisoners wear the same prison green uniform as convicted prisoners. There is a strong argument, given their different legal status, that there should be some kind of differentiation. Although Hakea does not have the capacity to cope with the logistical problems that would arise if prisoners wore their own clothes,²³ some kind of differentiation might be desirable. The whole question of the design of prisoner uniforms is one to which the Department has been giving some preliminary thought, as well as the question of what constitutes a sufficient kit for prisoners. Detailed questions about remand prisoners could be considered within that wider perspective.
- 4.5 There are frequent complaints, however, about the quality of the laundry services and supposed losses in the course of laundering. The workers in the laundry are all protection prisoners, and it is possible that some of the complaints brought to our attention in reality manifest resentment of those prisoners and of their work situation. Nevertheless, there does seem to be room for improving the efficiency of the present laundry system, and it would be useful for the prison management to look at this more closely. Such a review would sit neatly with the overall review of prison industries that is currently in progress.²⁴
- 4.6 The quality of the accommodation ranges from the very good (Units 8, 9 and 10) to the sub-standard (Unit 1). The process of amalgamating the two prisons did not really take into account the necessity to refurbish some of the more basic accommodation areas. As units are progressively closed (and it is expected that in due course a second will have to be closed), it should be possible to cut out usage of the worst of them. Moreover, whilst there is spare accommodation, it becomes an easier task to carry out some degree of refurbishment of the areas that will continue to be used.²⁵

HEALTH SERVICES

- 4.7 The Inspector has already written a very detailed letter about technical and procedural issues within the Health Centre to the Department and has received a positive response. Prisoner health services

²³ This is common practice in many prison systems.

²⁴ See Chapter 5, paragraphs 5.6 – 5.7.

²⁵ As at 31 August 2002 the prisoner population was 562, of whom 333 were unsentenced and 229 sentenced. In the documentation supplied in March 2002 for the purposes of this Inspection, the Department had estimated that the population would reduce by this time to 520, of whom 360 would be unsentenced and 160 sentenced. In a sense, therefore, Hakea accommodates 69 (229 minus 160) more sentenced prisoners than planned and 42 more prisoners overall. If Hakea were able to move its prisoners through the MAP and IMP processes more quickly and send those designated onto Acacia Prison, it would mean that the Acacia muster could be maintained at the requisite contract level without, as at present, ‘parking’ minimum-security prisoners there, whilst Hakea itself would be better placed to commence necessary refurbishment of sub-standard areas free from crowding pressures. The point is that Hakea is a key part of a total prison system and must be seen as such rather than as a discrete and self-contained part.

are a matter of enormous importance and cannot be covered in the detail that they deserve in a Report of this kind. In regard to future Inspections, an overview of the main issues will appear in the Inspection Report, and more detailed information on the prison's health services will be available on the website of the Office as an addendum to the Report.



The headline proposition is that the Hakea Prison Health Service is generally well operated.

- 4.8 The headline proposition is that the Hakea Prison health service is generally well operated and has good leadership. This observation may, perhaps, appear to cut across the fact that in July 2001 the health service workers initially joined the prison officers on strike – a move which seems to the Inspector to have been unconscionable. However, at that time, there were structural problems arising out of the fact that the health service workers were employed under a section of the Prison Officers' Award. It is understood that complex negotiations to bring all prisoner health service workers within more appropriate awards, notably the Australian Nursing Federation Award, are very close to fruition, and it is certainly to be hoped that this matter will soon be finalised. The position of health workers within the Prison Officers Award epitomises the dilemma that the Inspector has observed throughout the prison system, namely that custodial issues seem still to predominate over health issues and the prisoner is almost always a prisoner first and a patient very much second. Changing that culture is a major challenge for the Department of Justice; one that is necessary to bring it into line with those States in Australia which have good practice in regard to health services for prisoners, generally because responsibility has been devolved to Health Departments.
- 4.9 Reference has already been made to the fact that health assessments of newly-received prisoners come at the end of the reception process and sometimes cannot be carried out satisfactorily within the time available. As previously mentioned, a partial practice has grown up of putting first night receptions into spare cells within the Crisis Care Unit of the new Health Centre and commencing a health assessment the next day. This seems sensible, though it does distort somewhat the principal use of the Crisis Care Unit itself. In this regard, the Inspection Team was somewhat disappointed at the lack of interaction between staff working in that area and the patients held there. Indeed, on several occasions we observed the grille to have been drawn across, ensuring that there simply could not be any effective communication. Work needs to be done to develop better protocols involving not just

health workers but also uniformed staff in relation to the operation of that Unit.²⁶

4.10 Access to the Health Clinic seemed to be quite a complex matter. A blue request form kept in the Unit control room has to be filled in, and is collected by health services staff during the medication rounds. Requests are then triaged by the nurse, and a decision made as to whether a consultation is necessary. Prisoner questionnaire responses indicated a high degree of dissatisfaction with the health services, and our supposition is that this reflected more the access issues than the quality of service once it has been accessed. Most of the complaints to the Ombudsman in 2001 also indicated that the major



We were disappointed at the lack of interaction between staff in the Crisis Care Unit and the patients held there.

problem was access.²⁷ Fortifying that view was frequent anecdotal evidence – we heard, for example, that waiting periods often were several hours or more, either because of a premature movement to the area or because of difficulties in being permitted to move away again. Overlaying this was the general reluctance of Aboriginal prisoners to present for medical treatment on account of the difficulties of seeking access. Local prison management should examine more closely the processes for accessing the Health Centre, therefore.

4.11 Medication rounds occur three times a day in the units and once in the Health Centre. Self-medication is extremely unusual. Yet in many other prison systems the KOP (keep on person) procedure in relation to non-addictive medications is becoming quite common. It would be ideal, for example, for some cardiac patients. The labour-intensive and time consuming nature of medication rounds at Hakea – and indeed in all other Western Australian prisons – would seem to justify exploring with much more commitment the potential for a KOP system in relation to suitable medications.

²⁶ The Department stated that our own observations related to an officer who did not work in the Unit on a regular basis. It thus characterised this as an ‘incident’ rather than a practice. It recognised that any such practice would be ‘inconsistent with the aims of crisis care.’

²⁷ Eighteen per cent of complaints made in 2001 were sustained.

CARE AND WELL-BEING

- 4.12 At the time of our Inspection the forensic case management team (FCMT) system was being re-organised. This function had been removed from the Director Health Services and re-located under the Director Operation Services and Sentence Management. It will henceforth be known as an aspect of the Prisoner Counselling Service. In other words, it would come within the broad programs area. Staff were uncertain how this would affect either their own positions or the efficacy of the services that had previously been offered. The Inspector will keep under review the question of how these changes ‘bed down’ across the prison system generally.
- 4.13 Other matters notified to the Department relate to the relative inadequacy of mental health services (a chronic problem across the whole prison system), some public health matters, a rather tokenistic approach to health education and the particular problems surrounding the management of elderly prisoners who are expected to die whilst still in custody. Each of these matters is exacerbated in a health services delivery model that is cut off from the mainstream system, and ultimately cannot be solved satisfactorily until there is a much closer partnership between Justice and the Health Department and a transparent commitment to health service delivery that is not compromised by custodial priorities.

VISITS, TELEPHONES, MAIL SERVICE

- 4.14 The Inspection Team was impressed by the adaptable and helpful visits booking staff. Every effort seemed to be made to try to fit in the reasonable requests of visitors. By contrast, some visitors complained to us about the unhelpful and even aggressive attitudes expressed towards them by some gate staff. We have no way of validating these complaints, but note that the Department has identified as a general proposition the need to improve the quality of contacts with the public at the major prison gate houses across the State.²⁸ Generally, some significant problems exist in visiting arrangements. First, as already mentioned, protection prisoners can receive visits only at the early hour of 9.00 a.m. We were informed that the practical effect of this is to reduce accessibility for their visitors, and this information was not contradicted. It really is not acceptable for service to this category of prisoners to be diminished across the board in this way. At the very least, the prison should enable visits to protection prisoners at normal day-time hours at least one day a week. A second matter of concern was the cancellation of the bus that had previously linked the prison with the nearest point for connecting bus routes – the Nicholson Road/Ranford Road intersection. For funding reasons, this service was, at the time of our inspection, being withdrawn. Obviously, this is regrettable, and it was clear to the Inspection Team that the impact was real, not imaginary, in terms of visitor convenience and reduced access. However, with a diminishing budget and the need to prioritise expenditure, the least bad option is probably to reduce a service that relatively few

²⁸ In Chapter 8, we discuss the Department’s proposed ‘Gatehouse Project’, one purpose of which is to try to address issues of this kind.

prisoners' families require.²⁹ A third matter of concern related to the visits area itself. From a security point of view, the tables around which the prisoners and their visitors sit are too narrow. The Inspector certainly does not wish to be a party to making visits a de-personalised affair, but it is in everyone's interests that the physical arrangements are such that security issues and surveillance procedures do not come to the fore in an obtrusive way.

4.15 The Arunta phone system continues to be a source of concern to prisoners, mainly on account of its cost and the supposedly inadequate number of available phones.³⁰ These comments and related ones were made by prisoners responding to survey questionnaires. However, to put the matter into perspective, a surprisingly high figure of 69 per cent of surveyed prisoners at Hakea considered, on balance, that the phone system was satisfactory.

4.16 Comparable comments were made in relation to the mail system. Some prisoners complained that legal or other confidential correspondence is opened; others complained about long delays in distributing mail, and so on. These sorts of complaints are widespread in the prison system, and should not be discounted.³¹ Every effort must be made to ensure that this system works smoothly and fairly. Having said that, once more a high proportion of prisoners (70%) stated that on the whole they were satisfied with the arrangements.

THE GYMNASIUM, THE OVAL AND THE LIBRARIES

4.17 The Inspection Team could observe for itself, and prisoners in their surveys confirmed, that access to both the gymnasium and the oval were on the whole satisfactory. As previously mentioned, the exception to this concerned protection prisoners. Access to the libraries was also adequate – again, except for protection prisoners. However, we were puzzled as to why there continue to be two separate libraries. If the prison is to be managed as an integrated institution, then the library service should also be integrated. It seems wasteful and complicated to have two different locations. The other matter for concern was that there did not appear to be any clear policy or standard as to the

²⁹ The Department has subsequently reported that the bus service had previously been part of a regular TransPerth route. When that operator gave notice that it was intended to cancel it, negotiations were held to try to agree upon subsidy arrangements, but these were unsuccessful. Subsequently, the Department has engaged another bus company to provide a service on a pilot basis between Cannington Bus Interchange and Hakea Prison to coincide with one visit session on Wednesdays, Thursdays, Saturdays and Sundays. This service is now being evaluated as to usage. This move is very much to the credit of the Department. The Inspector hopes that the service can be maintained.

³⁰ The problem with phones is not that they are insufficient in some abstract sense but that there are not enough to satisfy demand at peak times. Matters relating to the Arunta system have repeatedly been commented upon in Inspection Reports, and were the subject of a letter to the Director-General of the Department in February 2002. The Inspector now understands that a new contract has been let which should go some way towards addressing the previous problems.

³¹ The Ombudsman has subsequently (September 2002) commenced an inquiry into “the adequacy of the practices and procedures that currently exist in prisons in relation to the handling of confidential mail between prisoners and those agencies described as exempt under the Prisons Act 1981 or provided with exemption under the Director General's Rules”.

expectation of library facilities. In the UK a standard of ten books per prisoner exists in relation to prisons with a population approximately similar to that of Hakea. Of course, it is necessary to go behind the figure to ascertain what kind of books should be stocked, as well as such matters as the spread of languages that need to be represented in reading material. This is a matter that needs reviewing, not just at Hakea but also across the prison system as a whole. In the particular context of Hakea, a review should be tied in with a review of the holdings of legal materials, as recommended above.

OTHER SERVICES

4.18 The peer support team of prisoners was visible by their special T shirts and their reasonable ability to move around the prison. However, as noted previously, their role did not extend to participation in the reception process, which seemed to be a missed opportunity. Generally, the peer support group saw themselves as trying to broker issues between prison management and officers, on the one side, and prisoners, on the other side; they tried to 'sort out prisoner complaints at source'. When interviewed by the Inspection Team, they identified as issues of concern matters that had become evident from other sources: that the prison still had not become culturally integrated, causing confusion for staff and prisoners; that the removal of the bus service to the prison had been detrimental; that there were considerable difficulties for Aboriginal prisoners, both generally and in applying and being granted approval for funeral attendance; and that peer support prisoners should have some involvement in the reception process in the same way as they do in the orientation process. They also pointed out that the prisoners in the Crisis Care Unit did not have access to peer support prisoners, and this seems to the Inspector to be another example of a missed opportunity. In summary, the peer support system is functioning at Hakea, but its full potential has not so far been developed.

4.19 The Aboriginal Visitors Scheme (AVS) was by its own account, encountering some difficulties. Their *modus operandi* in relation to prisoners who are vulnerable or who have other problems is to inform their own Head Office in writing about the details of the prisoner and what action they have taken to inform the prison liaison or project officer about their concerns. However, it was repeatedly stated to the Inspection Team that the AVS staff had no confidence that the prison actually acted upon their concerns, so that they spent a great deal of time following up directly with prisoners to see whether indeed actions had been taken. The reporting line of AVS personnel is a constant source of concern, and the experience at Hakea certainly suggests that it is time to clarify and strengthen it.

4.20 AVS personnel also commented adversely upon medical services in relation to Aboriginal persons. They stated that many prisoners have said to them that they feel that the nursing staff do not give them appropriate time and attention and that they are sent away from the Medical Centre without being treated properly. Clearly, the ramifications of the death through heart attack of an Aboriginal prisoner in 1999 are still being felt. The At Risk Management System (ARMS) is the primary

assessment tool for all ‘at risk’ behaviours, including self-harm. Once a prisoner is identified as being ‘at risk’, this system monitors the behaviours whilst the concern continues. Prisoners are assessed by the Forensic Case Management Team, in conjunction with the mental health nurse. The Prisoner Risk Assessment Group (PRAG) meets regularly; it includes a representative of FCMT, the mental health nurse, a senior officer, a unit prison officer and the prisoner support officer (who is co-ordinator of the peer support group.) On balance, the Inspection Team considered that the PRAG system is operating well. However, there was little evidence of staff training in relation to identifying and handling at-risk prisoners, and this according to the protocol of ARMS is a responsibility of PRAG. Staff employed in the Crisis Care Unit claim, for example, that they had not received any training relevant to their current positions. This possibly bears upon the point made earlier as to the disengagement of the Crisis Care Unit staff from the patients.

SPECIFIC NEEDS: ABORIGINAL PRISONERS AND NON-ENGLISH SPEAKING BACKGROUND PRISONERS

4.21 The situation with regard to Aboriginal prisoners has been mentioned in relation to the working of the Aboriginal Visitors Scheme and health matters. As mentioned earlier, there was also some evidence of racist insults and remarks within the prison, though it did appear to be a two-way process. Despite this, generally Hakea did not appear to be a prison that was deeply divided on racial lines, nor one in which the structural racism found in some regional prisons was present. On the other hand, it is apparent that the situation for Aboriginal prisoners sent to Hakea from the Goldfields, the Pilbara or the Kimberley is quite difficult because of the separation from their lands and their people. In this regard our observations at Hakea cause us to lend some support to the broad strategy of the Department of Justice in wishing to create suitable accommodation for long-term Aboriginal prisoners in their own local areas. This matter has been discussed more fully in the Reports relating to Eastern Goldfields Regional Prison and Broome Prison.³²

4.22 With regard to Non-English Speaking Background (NESB) prisoners, we noted that a group of Sri Lankans was really cut off from many prison services because of language difficulties. The main concession for these prisoners and for some Indonesian prisoners was the ability to cook their own style of food. The question of NESB prisoners, and foreign nationals generally, is one that merits more attention within the Department of Justice.

COMPLAINTS AND GRIEVANCES

4.23 The Department has been progressively introducing a semi-formal internal grievance system in its prisons. The objective has been to try to get as many issues settled informally and at the unit level as possible – the rationale being that the longer a complaint festers, the worse it gets and the sooner it

³² This matter is discussed in the ‘Report of an Announced Inspection of Broome Regional Prison: June 2001’, pages 7 – 8 and 69 – 70.

CARE AND WELL-BEING

is resolved, the better it is for all parties concerned. In other words, an internal grievance system is predicated upon a reasonably healthy element of unit management – and as we have seen this is not one of the strongest features of Hakea. Possibly this is why Hakea has not been one of the pioneer or pilot sites for this system. Indeed, the Department advised the Inspector that attempts to introduce the scheme at Hakea had been deferred because of low levels of staff cooperation.³³

4.24 Otherwise, the normal modes of complaint are available, the most well-known of which is to the Ombudsman and, more recently, to the Office of Health Review regarding the quality and appropriateness of medical treatment. During 2001 there were 122 complaints to the Ombudsman, but records were not available in relation to the Office of Health Review. About 25 per cent of Ombudsman complaints were upheld, substantially or partially; the remainder were not substantiated. During the Inspection it became evident that very little formal material, such as noticeboard signs or pamphlets, was available to indicate to prisoners how they could make complaints. It is not possible to assess whether complaints produce changed procedures; there does not appear to be any formal monitoring of complaints; and there seems to be a deficiency of record keeping in relation to prisoners' perceptions of what may be going wrong. Recent developments to the functioning of the Prison Visitors Scheme, administered on behalf of the Attorney General by the Office of the Inspector of Custodial Services, have certainly improved this process, linking individual prison complaints back to general policy and systemic issues.

PRO-SOCIAL ENVIRONMENT

4.25 In summary, the observations as to care and wellbeing issues were mixed. On the one hand, there were some clear deficiencies as identified above; on the other hand, survey figures and conversations and anecdotes suggest that by and large the prisoners and the staff get on tolerably well. The atmosphere is paradoxical in that the staff are unhappy as employees – a matter which will be expanded in more detail later. They are also excessively concerned with occupational safety and health issues, by which primarily is meant training and other matters relevant to controlling and restraining prisoners. One would expect this to be reflected in levels of tension, but it is not. Indeed, at the time of the Inspection, the prison seemed reasonably relaxed. Perhaps expectations are fairly low on both sides, but whatever the explanation it is fair to say that the prison was functioning adequately in addressing care and wellbeing issues. There is room for a considerable amount of improvement, however.

³³ The Department has subsequently advised that the Prisoner Grievance Process was formally commenced at Hakea on 12 April 2002.

Chapter 5

REPARATION – EMPLOYMENT OPPORTUNITIES AND THE STRUCTURED DAY

- 5.1 The Department of Justice is committed to the notion that able-bodied prisoners should put something back into the general community by way of the work that they perform whilst serving their sentences.³⁴ This may be work carried out within the prison itself or within the community, pursuant to programs under section 94 of the Prisons Act. It may have a commercial value or simply a utilitarian value for the running of the prison system. It may, preferably, be linked to vocational skilling of value following release or, inevitably in some circumstances, be very much an end in itself. Educational programs may be thought to constitute work for these purposes, but preferably should be done conjointly with work of a more clearly reparative nature. Integral to these arrangements is the notion that prisoners should have a structured day, and that the development of predictable work habits is a good thing in itself. All these matters are found in the New Operational Philosophy of the Department, as set out in the Department's 'RFP Standards Framework' developed for the purposes of contracting out a prison to the private sector.³⁵
- 5.2 In this context, the Inspection team carried out two 'spot checks' as to prisoners' locations. On the Wednesday morning of the Inspection at 11.00 a.m., 326 prisoners out of a total of 602 were in their Units, whilst a further 26 were in education and 222 in the industries area. The following day, at about 10.00 a.m., 230 prisoners were in their units and only 88 in the industries area. The Department in its official submission to the Inspector stated that only 96 prisoners were unemployed. That figure is not reconcilable with either of our 'spot checks'. The reality seems to be that there is a considerable amount of disguised unemployment, which may be explicable in terms of the Department counting as employed a prisoner who carries out any activity whatsoever for however short a period during the day. Whatever interpretation is put upon these figures, there simply was not enough useful and structured activity at Hakea Prison during the time of our Inspection.
- 5.3 The caveat that should be made, however, is that the unemployment rate in the remand Units (8, 9 and 10) and the Orientation Unit were considerably higher than in the Units where sentenced prisoners were housed. Of course, the rule remains that remand prisoners cannot be compelled to accept work. However, the Department's own philosophy³⁶ is that "work opportunities should be provided for remand prisoners, albeit that such work would be on a voluntary basis". In the view of the Inspection Team, it was doubtful whether adequate opportunities exist and, in any case, the ethos at this time does not appear to be such as positively to encourage participation in work and a structured day.
- 5.4 This situation appears to arise out of the process of amalgamating two prisons that previously had different purposes. The Canning Vale Prison had avowedly been an industries prison, with good

³⁴ Prisons Regulation 43(1).

³⁵ This broadly reflects also international best practice, as found in 'Making Standards Work: An International Handbook of Best Correctional Practice'. This emphasises the importance of making a prisoner's working day similar to a working day in the outside world. This is important for rehabilitation and re-settlement purposes.

³⁶ Found in the RFP Standards Framework document at paragraph 2.2.3.1.

REPARATION – EMPLOYMENT OPPORTUNITIES AND THE STRUCTURED DAY

workshops and some real commitment towards productive work. The C.W. Campbell Remand Centre had not, because of the rule that remand prisoners cannot be compelled to work. With amalgamation, the work opportunities have not increased. Moreover, in some tangible ways they seem to have diminished.

- 5.5 The latter point reflects three factors that have started to come together. First, it was apparent both from our own observations and from the testimony of officers that core industries' workers were tending to be transferred from Hakea to Acacia, thus reducing somewhat the viability of some workshops.³⁷ Second, we were informed that to cover uniformed custodial staff shortages from time to time, in a context where Hakea Prison has industrially been the most difficult in the WA prison system, industrial officers were quite frequently pulled out of their workshops to perform standard custodial duties. Obviously, whenever this happened the viability of the workshop as a workplace was undermined. Thirdly, the whole question of the proper role of industries at Hakea was under active review at the time of the Inspection, and the consequential uncertainties could perhaps have eroded to some extent the productivity and the work opportunities.
- 5.6 This review can properly be seen as a positive response by the Department to the broader implications of the amalgamation and the re-profiling of Hakea Prison. In the past there has very much been an ethos of each prison within the system carrying out whatever industrial activities it was able to fit within its facilities. For example, Casuarina Prison had 16 different kinds of activity whilst Hakea had 11 – ten of which duplicated the Casuarina activities. On the one hand, it is necessary and desirable for each major prison to offer a wide range of activities so as to maximise the opportunity for reparation and a structured day; on the other hand, from the business efficiency point of view (which increasingly has to play a part in Governmental and Department of Justice planning) some of this overlapping activity could not be cost effective. The Department's provisional views, as reported at the time of the Inspection, would involve the following changes: the consolidation of all food preparation matters (kitchen, bakery and vegetable preparation) at Hakea Prison, thus involving the closure of the Casuarina bakery and vegetable preparation activities; the closure at Hakea of the metal shop, the cabinet shop, the paint shop and the upholstery shop on account of their low productivity, poor commercial performance and need for major machinery upgrades if they are to become efficient; and, a corollary increase in the latter activities at Casuarina Prison. Theoretically, these changes would not involve job losses, either for staff (though there would be some re-deployment) or for prisoners. In more detail, there would still be 32 industrial instructors at Hakea Prison and jobs for 332 prisoners.³⁸
- 5.7 This kind of realignment seems sensible, and it is not appropriate for the Inspector to challenge the details. Clearly, a fresh strategy is required, and it is laudable that what seems to be a consultative

³⁷ This is axiomatic that some workshops depend for their productivity and efficacy upon a prominent, and sometimes even a quasi-supervisory, role that skilled prisoners play in that area.

³⁸ This estimate still contains quite a few jobs that seem to be 'make-work' or notional employment, in particular unit cleaning.

REPARATION – EMPLOYMENT OPPORTUNITIES AND THE STRUCTURED DAY

attempt is being made within the Department to achieve this. However, in the interim it does appear that there are real issues as to the ability of Hakea Prison to achieve a structured day for prisoners and to provide a sufficient number of real work opportunities. The Department's on-going review must rigorously address these issues. Yet prisoners who were working in the traditional workshops – such as paint and metal – were generally complimentary about their work experience and the attitudes and leadership of the industrial officers. To a lesser extent, the other work opportunities were regarded reasonably positively by the majority of participants, fortifying our view and that of the Department itself that this is an extremely important part of the total prison experience.

- 5.8 In the meantime, it must be said that the morale of Hakea's industrial officers is very low. The Inspection Team held a meeting with this group and found that they were very intense, emotional and anxious to be heard. Not only do they consider that they have no ear in local management, but they believe that the prison officers union does not represent their interests. They were concerned about the lack of training, the failure to retain core industries workers and the matters identified above. They questioned whether the prison administration understands the purpose and value of industry and of the skilling that can accompany it. These matters must be turned around.
- 5.9 In summary, it must be said that as at the time of the Inspection Hakea Prison fell markedly short of what we would expect in terms of reparation, work opportunities and the structured day. However, it is also fair to say that the Department demonstrated that it was aware of these issues, and appears to be making genuine efforts to address them. Progress in this regard is crucial and will be kept under continuing review by way of liaison visits and, if necessary, a short follow-up Inspection. The matter is too important to be allowed to drift.

Chapter 6

REHABILITATION

OFFENDER PROGRAMS

- 6.1 The former Canning Vale Prison had been quite active in the delivery of offender programs. These had covered the whole range of Department of Justice programs – Violent Offenders’ Treatment, Sex Offenders’ Treatment and some substance abuse programs. The re-profiling of Hakea Prison and the opening of Acacia Prison, with its express remit of delivering offender programs, inevitably has changed the role of Hakea Prison. What the Inspection Team has observed was, in fact, the run-down period of program delivery within the Hakea setting. This was not an inspiring sight. In recording it for the purposes of completeness, the Inspector recognises that the real test of the Department’s performance will in future lie in its ability to achieve two outcomes: first, full activity in terms of the Department’s RFP Standards Document; and second the upgrading and improvement of its offender programs on an individual needs basis (IMPs) in all its other public sector prisons.
- 6.2 The Violent Offender Treatment Program was being held in Unit 9. This is one of the better accommodation units, and it contains a dedicated group room suitable for course instruction and participation. The program was being run by a member of the programs staff of the Department, in conjunction with a seconded custodial officer. This is a model which we regard as positive – the role enhancement for the custodial officer is precisely the kind of human resources management that should be more widespread within the Department, and the multi-disciplinary approach is again the right way to go.
- 6.3 For all that, there seem to be no real support from the custodial staff working in the Unit for the program and the participants. Staff seemed to have little understanding of the involvement and support required, if participants are to complete programs successfully. There was very little interaction at the most basic level, with the repetitive pattern here as elsewhere of unit staff being cooped up in the ‘pod’. Moreover, there was insufficient support for program participants – mostly prisoners posted back from minimum-security prisons such as Karnet – in protecting them from predatory or inappropriate behaviour by other prisoners. This was a live issue because the unit also contained remand prisoners who, typically, had very little property at this stage of their incarceration, whilst the program participants typically had accumulated a considerable amount of property. The program participants told the Inspection Team that they were constantly being stood over and having to stand up for their rights, and that this undermined what should have been a supportive atmosphere for coping with and participating in the program.
- 6.4 The other side of the coin was a low level of commitment by some prisoners to the program. It appeared that there was insufficient accountability for their attendance and behaviour, a factor that the committed participants found corrosive. Again, it is highly probable that this would only have been tolerated in a program which was known to be the last on offer at that prison and which was accordingly being delivered in an unfavourable ethos.

REHABILITATION

- 6.5 The Inspection Team also observed what has become a very common theme – namely, that the programs were typically being made available to prisoners at a very late moment in their sentences, sometimes after their earliest eligibility date for parole had already passed. The Department of Justice always denies to this Office that there is a ‘waiting list’ for programs, but the Inspector reiterates his observation that quite often programs were not delivered at an appropriate time. This is a general point that transcends observations about the manner in which programs were being delivered at Hakea, and should be addressed yet again by the Department of Justice.
- 6.6 Comparable observations can be made about the Sex Offenders’ Treatment Program that was being conducted in Unit 4 – the Protection Unit. The actual location was ‘B’ Wing, which is a normal wing with the prisoners’ dining area being used as the program presentation room. This created numerous problems for uniformed staff, facilitators, participants and other prisoners remaining in the wing during the program period. Those other prisoners were, in theory, denied access to the dining area and were expected to remain reasonably quiet for the period the program was in process. But, in reality, this did not always happen, and in any case there was incessant movement in and out of the Wing with the frequent opening and closing (clanging) of the grille door and interruptions from custodial staff who were carrying out normal unit duties such as doing a muster.
- 6.7 Generally, the room was unsuitable even without the interruptions. It is very hot and stuffy, there is no privacy, the wing phone is directly outside the door and prisoners tend to talk loudly there whilst gazing in through the window. It is a stressful environment for participating in a program that tests so fundamentally the participants’ self-esteem.
- 6.8 Prisoners and facilitators asserted that custodial staff were generally uncooperative and had a very negative opinion of the program. There were numerous adverse comments on the content of the program also, with some Aboriginal participants claiming that they had little understanding of the syllabus and concepts and that these did not relate to their cultural beliefs and lifestyles. These observations are relevant to the programs generally, not simply to their delivery within the context of Hakea Prison.
- 6.9 In summary, these core offender programs were being conducted in a quite unsatisfactory way, did not appear to be supported sufficiently by management, consequently were being undermined on the wings. The decision to deliver these programs in other venues henceforth was inevitable, but it was unfortunate that the last such programs were being delivered in an atmosphere of demoralisation³⁹ that always poses a danger of spreading into program delivery generally.

EDUCATION SERVICES

- 6.10 The Inspection Team was informed that there were 206 prisoners involved at some level in

³⁹ This was also the case at Riverbank Prison in February 2001 when the prison was being inspected: see ‘Report of an Announced Inspection of Riverbank Prison’ – Report No 2: pages 5 – 6 and paragraph 6.24.

REHABILITATION

education at the time of our Inspection. This figure was not readily reconcilable with our own spot checks.⁴⁰ This can be explained by the Department's practice of supplying the Inspectorate with enrolment figures rather than attendance or completion figures. Many prisoners in full-time work elsewhere in the prison enrol for a course or unit in the education centre. The nature of these courses and attendance is such that the numbers of students in classes at a given time is much lower than aggregated enrolment statistics suggest. There is a suspicion too that the counting rules in fact double-count some people – for example, those who are both cleaners in the units and participate in some education activity may well be counted as participants in each of these areas. It would be helpful if the Department would develop and utilise a measure of participation in education and employment whereby one could ascertain accurately and quickly the true levels of prisoner activity. Our observations of the numbers of prisoners in the units at any given time clearly indicate that the official counts are somewhat misleading.

- 6.11 It was evident that educational activities were also being re-focused, as the prison changed direction. Increased efforts are under way to link educational activities to skilling and vocational activities – an important part of the rehabilitative aspect of imprisonment. Remand prisoners are now being interviewed by education staff on their arrival at the prison and, depending on the anticipated length of their stay, are streamed into vocational training activities commensurate with their own needs and experience. These activities range from short-term courses such as occupational health and safety (10 hours) or forklift driving (3–5 days) to long-term courses such as hospitality, cleaning or horticultural traineeships (6 months). Also, the education staff are attempting to develop a strategic plan to manage the transition from Hakea's being a place for long-term prisoners to its evolving role for short-term prisoners. Programs will focus on providing basic employment preparatory training to all remandees likely to receive a custodial sentence. After being identified, a prisoner will be enrolled in the workplace foundation units – occupational health and safety, workplace communication, and information technology. Following completion of these units, the hope is that he will progress to a defined range of generic short term courses which may lead to employment within the prison to which he is then, after conviction, sent or to continuing education or to employment opportunities upon release.
- 6.12 What has been described was in the course of development at the time of the Inspection. If the reality lives up to the model, and the courses are sufficiently flexible to meet the needs of individuals and particular groups of prisoners, this would seem to be a positive approach.

OTHER MATTERS

- 6.13 One great concern for all prisoners, particularly Aboriginal prisoners, was the cessation of the art program. There seemed to be some confusion whether this should be thought of as education or as part of the available recreation – was it an aspect of rehabilitation or an aspect of care and wellbeing?

⁴⁰ See Chapter 5, paragraph 5.2.

REHABILITATION

The answer surely must be that it is an aspect of each of these things; effective and constructive recreation assists possible rehabilitation, and rehabilitation programs make the time left over for recreation more meaningful. Responsibility for the art program seems to have fallen into funding gaps. Its termination was a matter of great prisoner stress. It should be restored immediately and written permanently into the programs available at Hakea.

- 6.14 The question of family contacts has been dealt with in other parts of this Report. We simply reiterate at this stage concern about the problems of protection prisoners, Aboriginal prisoners from rural and remote areas, and those prisoners whose families have transportation difficulties.
- 6.15 With regard to reintegration issues, these are not relevant in a direct sense, inasmuch as Hakea is no longer a releasing prison (except in relation to those remand prisoners who are found not guilty, or, having been found guilty, are not sentenced to a term of imprisonment). However, it is a reintegration prison in the sense of its ability to prepare prisoners for the next stage of their sentences. In that regard the reception, orientation and assessment programs have been discussed elsewhere.
- 6.16 In summary, rehabilitation is no longer a primary purpose of the prison. However, no institution can afford to ignore completely the rehabilitative potential of whatever programs and activities it is providing. Moreover, it should be noted that long term remand prisoners – and these days some remands are as long as two years – are actually more in need of a supportive environment than short-term prisoners passing through Hakea for assessment. The situation of long-term remand prisoners requires more consideration by the Department of Justice.

Chapter 7

RESOURCES AND SYSTEMS

ZONE MANAGEMENT

- 7.1 The Department recognised that, in attempting to amalgamate two prisons that previously had different objectives and service standards, the conventional management structure found in other prisons would be difficult to implement effectively. Accordingly, a flat structure was created with seven senior managers reporting to the Superintendent. These are: the Business Manager, the Security Manager, the Assessment Manager, and four Zone Managers. The zones that have been created are a mixture of the geographic and the functional. The Manager Zone 1 is in charge of Units 1 and 4, the health centre, the crisis care unit and the at-risk management system; the Manager Zone 2 is in charge of Units 2, 3 and 5, visiting arrangements, education programs, Outcare, and operations; the Manager Zone 3 is in charge of Units 6 and 7, orientation, reception, movements and the co-ordination of bail arrangements; and the Manager Zone 4 is in charge of Units 8, 9 and 10, training, recreation, peer support and the chaplaincy services.
- 7.2 These Zone Management arrangements were not, at the time of the Inspection, working effectively. The survey of staff suggested overwhelmingly that it led to inconsistent decision-making, lack of communication, and a relative downgrading of the role of senior officers in managing prisoners. Demonstrably, there had not yet occurred an integration of regimes; for example, at the most basic level, part of the prison has a muster check six times a day, whilst other parts had one four times a day. The officers as a group had no belief in the Zone Management system. Ideally, with hindsight, the prison would have adhered to a functional management system, with one person responsible for all residential and prisoner management issues, another for prisoner services and regimes, and a third for security. However, given that it is as disruptive to unscramble unsatisfactory arrangements as it is to persist with them, the prison should move to appoint a person to be known as the ‘Integration Manager’, to work directly to the Superintendent. That person’s one and only responsibility should be to iron out the inconsistencies, clarify the roles of senior officers, bring the prison-wide regime into unison and generally commence the task of reviving the battered morale that was so evident amongst uniformed officers.

Uniformed Staff Morale

- 7.3 Our preliminary surveys found that 84 per cent of uniformed staff thought their relationships with management were either mediocre or poor rather than satisfactory, good or very good. This is a very worrying figure, lower than we have found in any other prison to date.⁴¹ The meetings that we held with officers and senior officers (separately) during the course of the Inspection highlighted how very poor morale is. We were told the following:

- that no training, other than restraints and security training, is available;

⁴¹ It is no coincidence that Hakea has been at the forefront of industrial issues that have arisen across the prison system since July 2001.

RESOURCES AND SYSTEMS

- that the promotion system is distorted so as to advantage some groups over others;
- that Zone Management produces inconsistencies that undermine the authority of officers in relation to prisoners;
- that the prison is not successfully integrated and that staff are unaware of the routines of the different parts of the prison;
- that there is a narrowing of the role of the prison officer, consequential de-skilling and an absence of job enrichment;
- that leadership was non-existent;
- that the staff appraisal system is inoperative;
- that new uniforms are often delayed in delivery;
- that there is a total lack of consultation about changes within the prison;
- that managers talk down to officers;
- that immense amounts of time are wasted in servicing the needs of the new computerised TOMS systems and, more generally, that they are weighed down by technology;
- that the leave roster has been changed without full consultation;
- that violence amongst the prisoners towards officers has increased; and,
- that management is obsessively driven by budgetary considerations rather than work conditions or prisoner services.

7.4 This catalogue of complaints was virtually unanimously reported in the two meetings that we had with substantial numbers of staff. Poor morale has been encountered in other prisons in the State, but there has been nothing to compare with what we heard at Hakea.

7.5 It is perhaps not surprising in this context, therefore, that the occupational safety and health team within the officer group seems to have taken over effective leadership of the workers. The official union leadership seems to have become sidelined. We were apprised with minutes of meetings and letters of concern and protest going back to September 1998. A submission specifically to the Inspector from the occupational safety and health team claimed that the above matters were having a deleterious impact on sick leave. "As a result, staff who at one time would have said 'I don't feel well, but I will go to work because I don't feel that bad', are now having no second thoughts about taking the day off work", the submission stated. Bearing this out, sick leave figures were very high. The knock-on effects of this attitude have led inexorably to the poisonous industrial relations plaguing the prison.

RESOURCES AND SYSTEMS

- 7.6 From the point of view of prisoner services, Hakea was notable for the very poor quality of the staff/prisoner interaction. In the course of six days on site, it became normal and commonplace for us to see clusters of officers in the control room or 'pod' of each unit; as previously mentioned, part of the explanation for this was the requirement to enter data into the TOMS system. It should be emphasised that officers and senior officers who came into the job a decade or more ago simply do not have the training or skills to work computer systems quickly and efficiently. It is a complete waste of their skills to turn them into low-grade data entry clerks, which is what has happened to date. The employment of a skilled keyboard person in each wing, even on a part-time basis, would enable officers to be out in the wings, doing the jobs they are paid to do.⁴²
- 7.7 The morale issues have been exacerbated by other work arrangements, most notably that of the twelve-hour shift. It is appreciated by the Inspector that this is an industrial right and that, short of a fundamental amendment to the award structure, it cannot be changed. Nevertheless, it is important to put its effects on the record. Our observation was that, even more at Hakea than in other prisons where we had commented upon this arrangement, officers almost regard themselves as part-time workers. The roster arrangements – which basically mean that an officer is present at his workplace no more than ten days out of every twenty one, and, allowing for holidays and other leave entitlements, no more than 150 days in the year⁴³ – lead to a situation where officers hardly 'own' a piece of work at all. There is no real sense of 'This is my job and I need to manage it so as to make it enjoyable/rewarding/productive'. In this context, some senior officers saw themselves as frustrated managers – how can one manage anything with so little contact with the workplace? – whilst others simply saw themselves as officers who happened to be better paid than their more junior colleagues. It might be added that the position of First Class Prison Officer is anomalous, and that this was particularly apparent at Hakea. That rank is simply a pay point, with no apparent additional responsibility and certainly no enhanced training or skill.
- 7.8 In the case of a small group of officers and senior officers, the level of demoralisation and even bitterness has gone so far as to suggest that they are probably no longer re-claimable as part of a productive and positive workforce. They have been badly damaged by their experience in the Department and they have contributed to their own damage. Their experience at Hakea has become a vicious circle. Having said that, we found, as we so often find, that despite everything a sense of wanting to do a decent job in a way that is respected by management and by the Department remains intact in a large number of the officer staff. It is an urgent challenge for the Department to

⁴² The Department comments that the TOMS system is intended to be the information engine that drives prisoner management, so that it is essential that all uniformed staff become fully conversant with it and competent in its use. To employ a keyboard person would only defer attainment of the required expertise. That is true up to a point, but the fact remains that lack of keyboard skills produce a situation where an excessive amount of time has to be spent upon such tasks, to the detriment of unit management and correctional interactivity.

⁴³ One officer estimated that, taking advantage of every conceivable entitlement or privilege, he could take home a full year's pay for 120 days spent in the actual workplace.

RESOURCES AND SYSTEMS

re-capture and re-vitalise that spirit amongst that majority segment of the workforce. Hakea is at the stage where, probably, some kind of taskforce is necessary, proceeding upon widely consultative lines. There has been far too much 'top down' management within the Department of Justice to this point. It simply will not work any more at Hakea; that was abundantly clear.

THE MORALE OF OTHER STAFF GROUPS

Industrial Officers

7.9 Reference was made earlier to pending changes in the industries area of the prison. Consequently, a deep degree of uncertainty pervaded the industrial officers – a factor that is always destructive of morale. As previously mentioned, in discussions we found the staff very intense, emotional and anxious to be heard by a third party. The industrial officers were not only alienated from management but also from the union (and more particularly the local branch of the union), which they perceived as being indifferent to their interests, as opposed to those of uniformed custodial officers. They had numerous concerns including: the lack of training, the failure of the prison to retain core industry workers as Acacia was being filled, the failure to replace industrial staff when they are absent on leave, the placement of industrial officers in units to replace absent custodial officers, and the delays in workshop activities caused by difficulties in moving prisoners to and from these areas because of the unavailability of discipline officers to escort them.

7.10 The other side of the coin was that we observed industrial officers – who are employed for an eight-hour day, five days a week – closing their workshops so as to be able to leave the prison half an hour or so before their shift had been completed. Translated into the impact on the full working day for prisoners, this sort of practice takes at least two and a half hours a week out of training and working time. In summary, industry officers, whilst not as overtly dysfunctional as some of the custodial officers, were in a state of near crisis.

Programs Staff

7.11 We met with the professional and ancillary groups, which included education, forensic case management and programs staff. By and large, these personnel were concerned about the luke-warm support they believed they received within the prison and limited nature of their inclusion in mainstream activities. Many of them felt that prison officers on the whole do not understand the work they do and have no interest in finding out. Our own observations of the Sex Offender Treatment Program and the Violent Offender Treatment Program in progress would tend to support their perception.

7.12 In an effort to bring programs and related matters more into the mainstream of prison activity, the Department had just announced that programs staff would be based in prisons, rather than fanned out from their Head Office Directorate, as and when required. These staff were apprehensive as to

RESOURCES AND SYSTEMS

how this change would work out; they believed that it had been done with inadequate consultation or discussion. A particular concern was expressed by FCMT members as to their new role working not to the health service, but to the programs side of prison activities.

7.13 None of these issues has clear and obvious solutions. They will have to be worked out on the ground, though Hakea is not the most promising terrain upon which to do so, given its very poor morale overall.

Clerical and Administrative Staff

7.14 This group of workers was the most optimistic and positive within this prison. They generally had strong loyalty to their individual line managers as well as to the prison's senior management and administration. They represent a very strong and committed resource for the prison, and it was evident that senior management valued and appreciated this fact. However, like other personnel groups in the prison, they lacked opportunities for training and development and also felt that they could be consulted more and make better inputs into management decisions, if they were given the opportunity.

SUMMARY

7.15 If Hakea is to achieve its full potential as a remand, reception and assessment prison, the question of its human resources policies and practices must be fundamentally revised. The Zone Management system has not worked well, but could, as has been suggested, be pulled into line by the appointment of a unification or integration officer at a suitable level, working to the Superintendent. As this process occurs, so would the role of senior officers begin to clarify.

7.16 Unfortunately, there are some at Hakea who are incapable now of responding to a changed environment, however positive it became. They will continue to undermine change and improvement. The manifold concerns of staff at all levels need to be addressed, and the mechanisms to do so will not be found in the Department's standard human resources portfolio. A specialised and short-term taskforce would be required. The obsessive concern of some staff groups with the occupational safety and health side of their activities is symptomatic of a profound loss of confidence in management as well as in standard negotiating procedures channelled through the union, but the way back requires a far more holistic approach than simply dealing with those short-term matters. The use of prison officers as low grade and unskilled data entry clerks is a misuse of public funds; this sort of task should be done by people who are suitably trained whilst prison officers should perform the duties of prison officers out in the units. The sight of all or most of the officers huddling in the 'pods' is dispiriting, and an adverse impact on prisoner services inexorably follows from this practice.

RESOURCES AND SYSTEMS

- 7.17 Overarching everything is the twelve-hour shift. Hailed originally as an industrial relations breakthrough, it can now be seen with hindsight to have been a management and a correctional disaster. The Department must commence the process of negotiating its way out of these arrangements, even if in the short term the cash or bottom line costs increase. The real point is value for money – and this can only be achieved in a context where officers are in frequent enough contact with their workplace and their clientele (prisoners) to feel ownership of their work.
- 7.18 Hakea's management systems, worker attitudes and service standards have gone seriously awry. These matters must be addressed urgently.

Chapter 8

SECURITY

- 8.1 Two escapes occurred in the year 2000, on 28 August and 21 September respectively. Each of these incidents resulted in an internal review of systems issues. Numerous detailed changes were recommended and have for the most part been implemented. The details of these are confidential and should not be published.
- 8.2 However, there are some broader strategic matters relating to security that can appropriately be explored in an inspection report. They relate to the following matters:
- Should Hakea be thought of as a maximum security or a medium/maximum security prison?
 - What follows from the determination of this question, in particular in relation to perimeter security arrangements?
 - Is control and command of the prison site fully integrated – in particular, are the control room and the gatehouse arrangements appropriate?
 - Are searching protocols appropriate?
 - Generally, do standard internal security processes such as emergency musters and fire procedures work properly?

THE SECURITY RATING OF THE PRISON

- 8.3 It was suggested earlier that the amalgamation process had left behind it some ambiguity as to the true nature of the prison in terms of security rating. Prisoners posing high escape risks are readily identifiable by the Department's intelligence system, and there seems no compelling reason why these – whether on remand or having been sentenced – should not be accommodated at Casuarina Prison.⁴⁴ If this category of prisoner were taken out of the Hakea profile, then it would appropriately be thought of as a medium/maximum security prison, rather than simply as a maximum security one. To categorise it in this way would free up the process of thinking about the appropriate mechanisms for maintaining security.

PERIMETER ISSUES

- 8.4 In particular, as mentioned previously, the notion of completing a wall around the whole site could be finessed. The oval area attached to the formal remand centre could possibly be made more secure at a relatively modest cost by a second razor wire fence. Apparently, the objection to this has been that this would make it difficult, if not impossible, to maintain the armed motor vehicle patrols around the total perimeter. It could be thought, however, that if the prisoner profile were re-configured as suggested, this last resort approach to security could be modified in some way. That is a

⁴⁴ Before the amalgamation of the two prisons, it had long been the normal practice to hold high risk prisoners, including remandees, at Casuarina.

SECURITY

matter ultimately for the Department itself to determine, taking into account important public safety factors, and it is simply raised here for consideration rather than as a recommendation.

INTEGRATED CONTROL AND COMMAND

- 8.5 There did appear to be some anomalies in the security arrangements at the time of the Inspection. A guiding principle – identified earlier in the Casuarina Prison Inspection Report⁴⁵ – should be to avoid divided command across a single location. Ultimately, it is the superintendent who should have the responsibility and bear the accountability for the total security arrangements at the institution. If that person manages only some elements of the security, then the accountability chain is weakened. At Hakea we were surprised to find that the control room was not directly under the line command of the Superintendent; personnel apparently work within the Training and Security Services Branch (TSSB) of the Department of Justice. Similarly, the armed motor vehicle patrol personnel guarding the perimeter work to the TSSB line of command. As at Casuarina, the ‘rules of engagement’ were somewhat unclear, with the consequence that a critical incident could be mishandled. These matters need urgent attention.⁴⁶
- 8.6 The Department’s ‘Gatehouse Project’ has been in the course of development since early 2001, and its implications became a source of concern during the Inspection. It was not entirely clear whether the gatehouse staff would under the new arrangements work to the Superintendent or, as with the Control Room personnel and the motor vehicle patrols, to the TSSB. Subsequently, senior Departmental managers verbally confirmed that the gatehouse staff would be responsible to the Superintendent and would return to normal duties within the prison after a two-year tour as gatehouse officers.⁴⁷ The aim is that these staff will be independent of other staff whilst working in the Gatehouse so that, for example, they would be less inhibited about doing random searches of their colleagues and yet, at the same time, better trained for dealing with members of the public. If the Project works in this way, it could well be beneficial to the running of Hakea Prison and the other prisons where this approach is adopted. However, in other jurisdictions staff of this kind tend to become a self-perpetuating elite group, and when this process occurs it also tends to fragment the unity of the command structure.

⁴⁵ ‘Report of an Announced Inspection of Casuarina Prison’: Office of the Inspector of Custodial Services, Report No. 11, November 2002.

⁴⁶ The Department stated: “The Superintendent is in command of the site and the involvement of internal groups provides the prison with contingencies in the event of a critical incident. An emergency situation may require the Emergency Support Group (ESG) to be on standby until deployed by the Superintendent. The OIC of the ESG then takes control of the incident area and the Superintendent remains in charge and responsible for all other matters and other areas in relation to the Prison.”

⁴⁷ The Department stated: “Authority for action taken in this area is designated by the Superintendent.” However, some confusion had crept in, as it earlier seemed to be suggested that initial recruitment would be from the TSSB.

SECURITY

SEARCH AND SURVEILLANCE

8.7 Random and targeted searches of staff have, unfortunately, become a necessary tool in the effort to keep illicit drugs out of prisons. There has understandably been a certain cultural reluctance for staff to impose this burden and indignity upon their colleagues. If the Gatehouse Project facilitates this task and makes it more 'neutral', that would be beneficial. Within the prison itself, an area of searching that we found was not adequately carried out related to the industries area. The workshops were, from this point of view, in a very poor state. The issue of tools was chaotic, with very poor record keeping; thus if a tool went missing, it would not be possible to identify which prisoner last had it. The prison urgently needs to establish a strategy for accounting for materials, searching prisoners as they leave the workshops and auditing compliance with the system that is put into place.

OTHER SECURITY PROCESSES

8.8 We were disappointed that the prison was not able successfully to complete an emergency muster that we had requested. The first two counts suggested that there were more prisoners in the prison than there should be, but it was not apparent how or where the double counting had occurred. An emergency muster should be a standard exercise that can be flawlessly carried out in a prison of this kind.⁴⁸ The current procedures need to be reviewed, though not in such a way as to restrict unnecessarily the ordinary flow of activity within the prison itself.

8.9 We did not specifically test the fire drill system, though the recent history of fire problems in Hakea – referred to earlier – is such that it would seem necessary to ensure that staff are fully conversant with these procedures.

SUMMARY

8.10 There were some anomalies about security strategies and processes at Hakea Prison. Security should be matter-of-fact, routine and straightforward, impinging as little as is feasible upon ordinary prison life, yet clearly achieving the purpose of protecting public safety and the safety of the staff and prisoners within the prison. Hakea was at the time of the Inspection somewhat uneven in its performance, and procedures would certainly benefit from re-tuning. More fundamentally, however, the Department should address the question of whether the overall security strategy is congruent with the kind of prisoner profile that is appropriate for Hakea Prison.

⁴⁸ The Department commented that "Hakea prison conducts emergency muster exercises regularly and in most circumstances they are verified within 15 minutes." This comment was later supplemented as follows: "Two senior Head Office staff have ... tested the emergency muster process and are satisfied with the conduct of the exercise and the adequacy of the procedures. However, implementation of these procedures has at times been problematic." These comments could be thought implicitly to suggest that the Department is satisfied with current procedures and thus believes that the confusion we encountered was not indicative of system weakness. However, in view of the extremely difficult industrial relations at the prison, the possibility cannot be entirely discounted that staff apathy or even antagonism has sometimes undermined the procedure.

Chapter 9

RECOMMENDATIONS

These recommendations are formulated in such a way that their strategic import is fully spelled out in the accompanying text identified in relation to each of them.

1. The Department should review and refine reception processes both generally and taking account of the following matters:
 - their suitability for Aboriginal prisoners;
 - the possible participation of peer support members;
 - the layout of the health assessment interview room;
 - the fact that health assessments sometimes cannot be completed in a timely manner; and,
 - the criteria according to which prisoners may be sent to the Crisis Care Unit for first night accommodation. (Paragraphs 2.4, 2.5, 2.6 and 4.9)
2. The Department should review the library facilities at Hakea generally and with particular reference to the following matters:
 - the improvement of the holdings of legal materials;
 - facilitation of access for protection prisoners;
 - the development and implementation of an appropriate standard of holdings for libraries throughout the prison system, but particularly at Hakea; and,
 - the unification of the location of the two current library areas. (Paragraphs 2.13–2.15, and 4.18)
3. The Individual Management Plan system should now be evaluated from the point of view of resources, processes and outcomes. (Paragraphs 2.22–2.24)
4. Pending possible amendment of the *Prisons Act* as to the hearing of all disciplinary charges, the Department should re-commence negotiations with the Chief Stipendiary Magistrate with a view to the resumption of the practice at the major prisons of the State, including Hakea, whereby Stipendiary Magistrates adjudicate offences charged under Section 70 of the *Prisons Act*. (Paragraphs 3.8–3.10)
5. The Department should undertake a comprehensive review of performance indicators in relation to fire safety at Hakea and throughout the State prison system, such review to address the question of how best to develop a fire rescue capacity within prisons. (Paragraphs 3.11–3.15)
6. Random urine testing protocols need to be clarified and improved at Hakea Prison. (Paragraph 3.16)
7. The Department should review all aspects of the management and processes applicable to protection prisoners in Unit 4, in the light of the factors discussed in the Report. (Paragraphs 3.17–3.24)

RECOMMENDATIONS

8. The Department should review dietary issues, with particular reference to the findings of the National Heart Foundation assessment commissioned by this Office and taking account also of the needs and health profiles of Aboriginal prisoners. (Paragraphs 4.2–4.3)
9. As space becomes available, Unit 1 should be refurbished or, alternatively, permanently closed. (Paragraph 4.6)
10. The Department should consider the recommendations in the Inspector’s detailed Report relating to health services and in particular should:
 - seek to improve staff/patient interaction within the Crisis Care Unit;
 - make processes for obtaining access to the health centre and services more patient-friendly;
 - explore the feasibility of a ‘keep on person’ medication system for some prisoners and medications; and,
 - take better account of the special health needs of Aboriginal prisoners. (Paragraphs 4.10, 4.11 and 4.20)
11. The layout of the visits area needs to be reviewed. (Paragraph 4.14)
12. If and when the internal grievance system is introduced into Hakea, its utilisation and effectiveness should be monitored from the outset. (Paragraph 4.24)
13. The Department should develop a measure of ‘effective full time worker/student’ in relation to employment and education activities, so as to facilitate accurate measurement of participation. (Paragraphs 5.2 and 6.10)
14. The Department should continue the overall review of Industries which it has commenced, and, in doing so, preferably move to a situation where industrial officers are not rostered to cover absences of custodial officers in the Wings. (Paragraphs 5.5–5.7)
15. The recreational art program should be restored. (Paragraph 6.13)
16. An Integration Manager should be appointed with a view to bedding down the Zone Management system and bringing about a situation where the managerial remnants of there having previously been two prisons are addressed and resolved. This should be seen as a project position with a life of no more than two years. (Paragraph 7.2)
17. The Department should urgently appoint a human resources taskforce to address the issues identified in the Report, including:
 - the possible employment of keyboard personnel in each wing to carry out data entry tasks relating to TOMS;

RECOMMENDATIONS

- the review of the point and purpose of having a rank of First Class Prison Officer, and identifying alternatives; and
 - identification of ways forward which may enable the twelve hour shift arrangements prevailing at Hakea to be changed, and generally to commence the process of restoring morale to the workforce. (Paragraphs 7.3-7.8)
18. The Department should consider the points regarding security issues identified in Chapter 8 and implement them as appropriate.

Appendix 1

THE INSPECTION TEAM

Professor Richard Harding	Inspector of Custodial Services
Robert Stacey	Director of Operations
Peter Upton Davis	Senior Inspections Officer
Jocelyn Jones	Senior Research Officer (Special Projects)
Andy Fitzgerald	Inspections Officer
Natalie Gibson	Inspections Officer
Marie Chatwin	Inspections Officer
Joseph Wallam	Seconded, Department of Indigenous Affairs
Walter McGowan	Expert Inspections Officer
Keith Carter	Consultant Inspections Officer
Dr Peter Barnett	Health Department of WA
Dave Peckitt	Environmental Health Inspector, Health Department of WA
Steven Nowak	Social Work Placement
Anne Stevenson	Executive Assistant
Observers	
Russell Ford	Office of the Correctional Services Commissioner, Victoria
Lindsay Le Compte	Inspector General of Corrective Services, NSW
Steve Griffin	Office of the Inspector General of Custodial Services, NSW

Appendix 2

DEPARTMENT OF JUSTICE INTERIM ACTION PLAN FOR SPECIFIC
RECOMMENDATIONS OF INSPECTOR OF CUSTODIAL SERVICES' REPORT
OF AN ANNOUNCED INSPECTION OF HAKEA PRISON 10–15 MARCH 2002

Inspector of Custodial Services' Recommendation	Department of Justice Response
<p>1 The Department should review and refine reception processes both generally and taking account of the following matters:</p> <ul style="list-style-type: none"> • their suitability for Aboriginal prisoners; • the possible participation of peer support members; • the layout of the health assessment interview room; • the fact that health assessments sometimes cannot be completed in a timely manner; and, • the criteria according to which prisoners may be sent to the Crisis Care Unit for first night accommodation. (Paragraphs 2.4, 2.5, 2.6 and 4.9). 	<p>Agreed. Recent developments include:</p> <ul style="list-style-type: none"> • where possible an Aboriginal prisoner works in reception; • peer support prisoners have access to reception and their role in the reception process will be further developed; • changes to the layout of the health assessment interview room are currently under consideration; • the CCU is utilised where possible for late arrivals. Those considered at risk continue to be moved to CCU regardless of their arrival time. The current nursing arrangements provide for a nurse to be employed by a shift 3.00–9.00pm on weekdays, specifically to process the new admissions. This arrangement allows for most new admissions to be processed on the day of their arrival. However there are late exceptions when relatively large numbers arrive late. The records for arrival times are being analysed and inform any future variations of service provision.
<p>2 The Department should review the library facilities at Hakea generally and with particular reference to the following matters:</p> <ul style="list-style-type: none"> • the improvement of the holdings of legal materials; • facilitation of access for protection prisoners; • the development and implementation of an appropriate standard of holdings for libraries throughout the prison system, but particularly at Hakea; and, • the unification of the location of the two current library areas. (Paragraphs 2.13–2.15, and 4.18). 	<p>Implementation of the recommendations of the Sadlier Report is complete and improvements are continuing to be made. Legal Aid Western Australia is assisting in further review of the adequacy of materials to ensure all prisoners have access to required legal resources whilst in custody.⁴⁹</p>
<p>3 The Individual Management Plan system should now be evaluated from the point of view of resources, processes and outcomes. (Paragraphs 2.22–2.24).</p>	<p>As previously agreed, this system will be evaluated.</p>
<p>4 Pending possible amendment of the <i>Prisons Act</i> as to the hearing of all disciplinary charges, the Department should re-commence negotiations with the chief Stipendiary Magistrate with a view to the resumption of the practice at the major prisons of the State, including Hakea, whereby Stipendiary magistrates adjudicate offences charged under Section 70 of the <i>Prisons Act</i>. (Paragraphs 3.8–3.10).</p>	<p>Agreed. Since your Inspection of Hakea Prison the weekly hearing of charges by Magistrates has recommended pending possible amendments to the <i>Prisons Act</i>. In addition the Department of Justice is liaising with the Chief Stipendiary magistrate as to future legislative options for the adjudication of prison offences.</p>

⁴⁹ The Department has subsequently clarified that the further review is intended to encompass each of the matters specifically mentioned in the Recommendation.

DEPARTMENT OF JUSTICE INTERIM ACTION PLAN FOR SPECIFIC
RECOMMENDATIONS OF INSPECTOR OF CUSTODIAL SERVICES' REPORT
OF AN ANNOUNCED INSPECTION OF HAKEA PRISON 10–15 MARCH 2002

Inspector of Custodial Services' Recommendation	Department of Justice Response
5 The Department should undertake a comprehensive review of performance indicators in relation to fire safety at Hakea and throughout the State prison system, such review to address the question of how best to develop a fire rescue capacity within prisons. (Paragraphs 3.11–3.15).	Agreed.
6 Random urine testing protocols need to be clarified and improved at Hakea Prison. (Paragraph 3.16).	Agreed.
7 The Department should review all aspects of the management and processes applicable to protection prisoners in Unit 4, in the light of the factors discussed in the Report. (Paragraphs 3.17–3.24).	Agreed. This issue will be covered comprehensively by the current state-wide review of protection prisoners. Hakea Prison has undertaken specific changes to enable protection prisoners to have improved access to recreation and other services.
8 The Department should review dietary issues, with particular reference to the findings of the National Heart Foundation assessment commissioned by this Office and taking account also of the needs and health profiles of Aboriginal prisoners. (Paragraphs 4.2–4.3).	These will be considered in conjunction with the dietary review undertaken in partnership with the Department of Health. A complete report of this review and recommendations will be made available to your Office upon completion.
9 As space becomes available, Unit 1 should be refurbished or, alternatively, permanently closed. (Paragraph 4.6).	Agreed. Unit 1 is in need of refurbishment.
10 The Department should consider the recommendations in the Inspector's detailed Report relating to health services and in particular should: <ul style="list-style-type: none"> • seek to improve staff/patient interaction within the Crisis Care Unit; • make processes for obtaining access to the health centre and services more patient-friendly; • explore the feasibility of a 'keep on person' medication system for some prisoners and medications; and, • take better account of the special health needs of Aboriginal prisoners. (Paragraphs 4.10, 4.11 and 4.21). 	Agreed. Recent monitoring by management indicates a high level of interaction between staff and prisoners in the CCU, and adequate prisoner access to the health centre. Processes throughout the prison are the subject of review as the two sites continue to be integrated, and further improvements will be implemented as necessary. <ul style="list-style-type: none"> • the issue of 'keep on person' medications is being examined and selectively piloted within the prison system; • the development of an Aboriginal Health Strategy is a priority for the Department's Health Services.
11 The layout of the visits area needs to be reviewed. (Paragraph 4.15).	The visits area has been reviewed and re-configured. ⁵⁰

⁵⁰ The Department has clarified that it agrees with this recommendation. More effective surveillance has already been achieved through modifying the layout of visits tables. The question of the width of tables has not been addressed and is not regarded as having a high priority in view of the success of the other change.

DEPARTMENT OF JUSTICE INTERIM ACTION PLAN FOR SPECIFIC
RECOMMENDATIONS OF INSPECTOR OF CUSTODIAL SERVICES' REPORT
OF AN ANNOUNCED INSPECTION OF HAKEA PRISON 10–15 MARCH 2002

Inspector of Custodial Services' Recommendation	Department of Justice Response
12 If and when the internal grievance system is introduced into Hakea, its utilisation and effectiveness should be monitored from the outset. (Paragraph 4.25).	The Prisoner Grievance process was formally commenced at Hakea Prison on 10 April 2002. Prior to this there were approximately 200 uniformed staff trained in the process. Education sessions were also conducted with prisoners and others such as Outcare, peer support, medical staff and management. The process has been supported in an on-going manner by follow up visits, training and technical assistance. As with all prisons the process is monitored and reported monthly, feedback is given to prison superintendents on a regular basis.
13 The Department should develop a measure of 'effective full time worker/student' in relation to employment and education activities, so as to facilitate accurate measurement of participation. (Paragraphs 5.2 and 6.10).	Agreed
14 The Department should continue the overall review of Industries which it has commenced, and, in doing so, preferably move to a situation where industrial officers are not rostered to cover absences of custodial officers in the Wings. (Paragraphs 5.5–5.7).	The review of Industries will continue and the issue of industrial officers is being examined.
15 The recreational art program should be restored. (Paragraph 6.13).	The Recreational Art program has been running on a project by project basis and has been ongoing since 2000. During the restructuring of the arts program, as part of the amalgamation process, recreational art was introduced to replace accredited training. There was a short period when art was unavailable as this transition took place. Since April 2002 a tutor has been continuously running the program for a period of 3 hours per week and during the school break it has been increased to 5 hours per week.
16 An Integration Manager should be appointed with a view to bedding down the Zone Management system and bringing about a situation where the managerial remnants of there having previously been two prisons are addressed and resolved. This should be seen as a project position with a life of no more than two years. (Paragraph 7.2).	Two officers have been taken off line to further align the daily routines and functions of the prison. A more comprehensive change strategy is being developed. ⁵¹

⁵¹ The Department has clarified that it accepts the strategic import of this Recommendation. The comprehensive change strategy that will be developed for Hakea Prison as part of the Public Prisons HR Strategy will include "appropriate resourcing at a senior level."

DEPARTMENT OF JUSTICE INTERIM ACTION PLAN FOR SPECIFIC
RECOMMENDATIONS OF INSPECTOR OF CUSTODIAL SERVICES' REPORT
OF AN ANNOUNCED INSPECTION OF HAKEA PRISON 10–15 MARCH 2002

Inspector of Custodial Services' Recommendation	Department of Justice Response
<p>17 The Department should urgently appoint a human resources taskforce to address the issues identified in the Report, including:</p> <ul style="list-style-type: none"> • the possible employment of keyboard personnel in each wing to carry out data entry tasks relating to TOMS; • the review of the point and purpose of having a rank of First Class Prison Officer, and identifying alternatives; • identification of ways forward which may enable the twelve hour shift arrangements prevailing at Hakea to be changed, and generally to commence the process of restoring morale to the workforce; and 	<p>The Public Prisons HR Strategy Plan will provide a system-wide strategic approach to many of the staffing issues raised in the Report. It includes a project to review the roles and responsibilities of occupations and positions within prisons to ensure that the needs of prisoners in relation to the key areas of corrections are achieved. These reviews will include productivity issues, the necessity and function of all occupational groups and subsets of these groups and the appropriateness of work practices.</p> <p>In addition, specific human resource strategies will be implemented in Hakea Prison in the context of the planned change management process.</p>
<p>18 The Department should consider the points regarding security issues identified in Chapter 8 and implement them as appropriate.</p>	<p>Agreed.⁵²</p>

⁵² The agreement is to consider the points in good faith, rather than necessarily to adopt them. This is acceptable inasmuch as the Inspector accepts that these matters are ultimately always ones for the Department to decide. The Department's comments with regard to emergency musters, perimeter security and critical incidents are included at appropriate points in the text and footnotes of Chapter 8. The matter of tool security was acknowledged and is being addressed both as an issue in itself and as an aspect of the ongoing review of prison industries.



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