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Report No.



**Report of an Announced Inspection
of Roebourne Regional Prison
April 2002**



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES
WESTERN AUSTRALIA

Cover photo: Roebourne Regional Prison Gatehouse.

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of Roebourne Regional Prison – April 2002**

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The Inspector's Overview

PULLING BACK FROM THE BRINK

Since the early days of the Inspectorate I have found Roebourne Prison to be a problem prison. On my first familiarisation visit, I found Aboriginal prisoners eating their midday meal off the floor in the open courtyard. It emerged that the dining room had been closed, and the more I enquired about the reason the greater the number of different explanations I received. Living conditions were below acceptable standards in many ways – climate, hygiene, recreation and so on. As I continued on my initial visits, it became apparent that other ‘Aboriginal prisons’ – meaning those where the normal population was 75 per cent or greater Aboriginal – were no better.

In the 2000–2001 Annual Report of the Office of the Inspector of Custodial Services, I referred to ‘structural racism’ in Aboriginal prisons, where ‘conditions exist that simply would not be tolerated if non-Aboriginals were the predominant prisoner groups’. This was tied in with inadequate funding levels for regional prisons generally. The Report continued: ‘It is difficult to see how the Department can successfully tackle some of these problems until internal [budgetary] allocations are re-examined. In the case of structural racism, however, a way of doing so must be found at once, regardless of budgetary issues. We are at a stage of Australian history where excuses will no longer do.’

To its credit, the Department of Justice has taken this message to heart. A start has been made. For example, the response to our Unannounced Inspection of Eastern Goldfields Regional Prison, carried out in August 2001, was positive, both in terms of capital expenditure and attempts at regime improvement.

In the same way, some real attempt is being made to address the problems identified in this Inspection and spelled out in the Report. This is apparent when the list of Recommendations and Departmental responses is examined. Many of our recommendations are much more detailed and operational than usual – for the nature of the Prison is that they were many detailed matters going to make up the big picture – and the Department’s responses are thus likewise detailed and operational. It can thus be seen that the commitments that have been made are tangible and quite extensive.

Some of these matters relate to the built environment – for example, improvement to the climate control measures in this stifling prison and reconstruction of the pods so that prisoner access to officers is easier. Others are procedural, such as a reduction in the number of population counts from an oppressive 13 a day to six. Others again are substantive, such as a reorganisation of education programs and greater access to Section 94 activities. However, the prison still feels unnecessarily oppressive in terms of some of its security arrangements.

Staff issues remain somewhat problematic, in ways identified in the Report. The uniformed and civilian staff are generally well-motivated but still feel let down by Head Office rulings and arrangements. However, some stability appears at last to have been brought to the senior management ranks, and this may flow through in time to improved morale across-the-board.

An insuperable problem is the prison's location. When it was built just over 20 years ago, the planning assumption was that a large permanent population would settle in the Roebourne-Wickham area in response to the mining boom. That was thought likely to be the main catchment area. But Karratha, 50 kilometres away, became the main local settlement, and Port Hedland and South Hedland, over 200 kilometres north the largest conurbation. The prisoner population in fact centres around the Port Hedland area as well as the inland Aboriginal areas. Roebourne has turned out to be a very inconvenient location indeed – for prisoners, their families and staff. If we were doing it all again, the Port Hedland area would be the site of the Pilbara prison.

However, we are not doing it all again and so the best must be made of a bad job. In this context, the question has been asked over the last few years whether Roebourne Prison should be closed altogether. The Government's 2002 Functional Review Task Force actually suggested this – and, indeed, the closure of a second regional prison. Its arguments were financial, but the conclusions were naïve.¹ As long as we continue to imprison people, the Pilbara must have a prison. This is for equity reasons, in the sense that its predominant Aboriginal population should be able to serve their sentences somewhere within reach of their own lands and people; for socio-economic reasons, in that the process of pulling resources and services out of regional Western Australia threatens the viability of these areas; and for cost reasons, in that the cost of moving prisoners from their point of arrest to or from either Greenough or Broome and between those two prisons would far exceed the supposed savings in closing down a prison.

We acknowledge that the Department has now recognised that the prison and its services must be improved. There is still a long way to go, however. Accordingly, there will be a follow-up inspection before the end of 2003, i.e., about 18 months after the Inspection to which this Report relates.

Richard Harding
Inspector of Custodial Services

28th March 2003

¹ The Task Force did not seek information or advice from the Executive Director Prisons (DOJ) nor from the Inspector of Custodial Services, so clearly it did not intend to contaminate its decision-making processes by subject-matter knowledge.

Chapter 1

ROEBOURNE PRISON AND THE INSPECTION IN CONTEXT

ROEBOURNE REGIONAL PRISON: HISTORY, GEOGRAPHY AND CATCHMENT

- 1.1 The formal inspection of Roebourne Regional Prison took place in April 2002. This was the ninth prison inspection carried out by the Office of the Inspector of Custodial Services (the Inspectorate) and the third of a regional prison. Roebourne Prison is located seven kilometres north of the townsite of Roebourne, 40 kilometres east of the town of Karratha and 1600 kilometres north of Perth, in the Pilbara region of Western Australia. It is the only correctional facility in the Pilbara region.¹ The prison population originates from locations across the north and interior of the Pilbara as well as from the Kimberley region in northern Western Australia.² The majority of the prisoners are not 'local' in the sense that most do not normally live in the closest towns of Roebourne, Wickham and Karratha. Thus, most of the prisoners have no direct family or personal connection with the area in which the prison is located. Prisoners are predominantly male, under 35 years of age and Aboriginal. The prison is operated by the Department of Justice (the Department) as a medium-security facility, though almost half of the population is rated as minimum-security.
- 1.2 Similar to Broome Prison in the Kimberley region, the modern-day Roebourne Prison has its roots in the harsh colonial history of white settlement of the area. The early European settlers in the North-West established the town site of Roebourne in 1864 to service pastoral, pearling and mining industries that were developing in the region. The first Roebourne gaol had been constructed in the town site by 1886. Aboriginal people from the region served time there if they transgressed the appalling employment conditions and discriminatory legislation that applied to them at that time. From the 1930s, land outside Roebourne town site was used as a Reserve where police placed Aboriginal people from the region to provide a pool of cheap, coerced labour for the growing cattle industry in the area. The experience of many Aboriginal people in the region has been conditioned by the historical process of exploitation, dispossession of lands and the effects of colonial laws that have often been at odds with their traditional customs and indeed with their human rights. At that time Roebourne gaol was exclusively occupied by Aboriginal people. The current Roebourne Prison was constructed in 1984 to meet the correctional needs of the local population that had been growing dramatically since the early 1960s with the expansion of mining in the region. Even today, the prison consistently contains over 80 per cent Aboriginal prisoners.

THE PRISON'S RECENT HISTORY

- 1.3 Roebourne Prison has long had the reputation as a hard prison for prisoners to be held in and staff to work in. The Inspector has been well aware, since his first visit to the prison in September 2000, that the prison's service delivery standards were inadequate; that prisoner conditions were poor, and

¹ Broome Prison is approximately 830 km to the north and Greenough Prison is 1100 km to the south.

² Generally, medium- or maximum-security prisoners from the Kimberley region commence prison sentences at Roebourne and are then moved to Broome Regional Prison to complete their sentences as minimum-security prisoners.

ROEBOURNE PRISON AND THE INSPECTION IN CONTEXT

as a consequence the prison was squarely in the category of a failing prison.³ Note was taken of the overbearing security arrangements in the prison, the squalid conditions of much of the cell accommodation, the poor hygiene standards and conditions in the prison kitchen, the inadequacies of ventilation and cooling systems in several parts of the prison and the shortage of purposeful activity for prisoners in the form of work or educational opportunities.

- 1.4 The prison conditions and the poor standard of service delivery to a predominantly Aboriginal prison population exposed the Department to criticisms, similar to those the Inspector made about Eastern Goldfields Regional Prison.⁴ With the Inspection of the prison due in April 2002, attempts were made at a local level to address some of the prison's more visible problems. In February 2001 a newly appointed Superintendent commenced a program designed to upgrade the prison. Unfortunately, he was given insufficient support and funding, and the refurbishment was slow and limited. The efforts of the Superintendent ceased with his premature departure with ill health in February 2002. The Department then appointed a temporary team of 'trouble-shooting' managers and commenced a brief review of the prison's operational services in the seven weeks that now remained before Inspection by this Office.
- 1.5 In early March 2002 the Department announced the approval for the expenditure of \$1.12 million, to be spent refurbishing areas of the prison most in need of attention, including in part:⁵
- \$243,300 on painting and refurbishing male prison cells;
 - \$113,700 on painting and refurbishing male and female ablution blocks;
 - \$85,000 on upgrading the female prisoner section;
 - \$420,000 upgrading the prison health service facilities.⁶
- 1.6 As a result of the operational review, the Superintendent ordered that the prison's security, care and wellbeing, rehabilitative and reparative services should be overhauled. Measures which had been fully or partially implemented by the time of the Inspection included:
- Several internal security barriers were removed to allow prisoners greater freedom of association and movement about the prison;⁷

³ This term has been used only once by the Inspector, about Eastern Goldfields Regional Prison, to describe a prison that was failing to meet even the most basic standards of correctional practice and procedure. See Office of the Inspector of Custodial Services, *Report of Unannounced Inspection of Eastern Goldfields Regional Prison*, Report 4, August 2001.

⁴ See Inspector's Overview in Office of the Inspector of Custodial Services, *Report of Unannounced Inspection of Eastern Goldfields Regional Prison*, Report 4, August 2001, pages 4 to 9.

⁵ Funds for the upgrade were part of an \$8 million capital funding program for prison refurbishment tabled in September 2000. The Director General gave approval for expenditure of \$1.12 million to commence at Roebourne Prison on 1/3/02.

⁶ The upgrade of the Medical Centre was endorsed to proceed in 2001. The expenditure was postponed to coincide with the prisons refurbishment program announced on 1/3/02.

⁷ Several security regimes were relaxed, including the operation of Local Order No. 9 (Searches – Visitors

- New clothing and bedding was ordered and delivered;
- A Cultural Awareness Program for staff was organised, the first session being conducted during the Inspection week;
- Contact was commenced with local influential Aboriginal people to encourage their attendance at the prison;⁸
- There was an increase in the number of s.94 work locations outside the prison from four to nine, with the number of prisoners leaving the prison increasing from an average of eight per day to 18;⁹ and,
- Unit Management in the prison was initiated, with plans to implement unit meetings between senior officers and prison officers, and prison officers and prisoners.

1.7 Much of this was in the formative stages as the Inspection was taking place; there was a sense and atmosphere of upheaval and change in the prison. Prisoners and prison staff were adjusting to operational regime changes with both sides complaining that prison managers frequently changed the rules. It was evident that extensive painting and cleaning work was being conducted about the prison. While any improvement in conditions for prisoners is welcomed by the Inspector, major questions remain as to why the Department allowed the prison to lapse into such a state of inertia and disrepair in the first place. The management team at the time of the Inspection made many commitments, as did the Department, about their intentions to improve the situation for prisoners and staff at Roebourne Prison. What is clear is that the monies allocated and the promises made provide only the first step in converting Roebourne Prison from what has been a failing prison to one that properly discharges its duty of care to prisoners and its duty of service provision on behalf of the community. This Report seeks to establish the prison's current position in the delivery of services to prisoners and the community; only by providing an accurate and realistic picture of the prison and the way it functions can we hope to assist the Department in making the right choices for the future.

INSPECTION PHILOSOPHY AND METHODOLOGY

1.8 Although all prisons in Western Australia operate within one state-wide system, they nevertheless serve different purposes and hold different types of prisoners in different types of locations. This

(*cont.*) and Prisoners), that was formerly used as authority to strip-search all prisoners who had been working in the community. This was changed so that two prisoners are randomly strip-searched. Other changes included removing some of the many movement barriers in the prison and reducing prisoner population or 'muster' counts from 13 to nine per day.

⁸ This was undertaken to establish an 'Aboriginal Elders Program' at the prison, though prison managers were experiencing difficulties organising the program at Roebourne.

⁹ Section 94 of the Prisons Act 1981 (WA) establishes the framework for authorising prisoners leaving the prison and being at locations in the community, e.g. for work, education or recreational purposes.

potential for complexity has led to the development of a model for inspecting Western Australian prisons that draws on established theory and principles relating to the management of prisons.

Inspection philosophy

1.9 The Inspectorate has adopted, with modifications to reflect Western Australian conditions, the set of 'Principles of Inspecting' and 'The Healthy Prison Test', which are models for prison inspections first developed by the British HM Inspectorate of Prisons. The working principles are as follows:

- Inspections should focus on the treatment of prisoners and the conditions in prisons with the aim of assisting the Department of Justice to improve prisons and prison services;
- Prisoner treatment and prison conditions should not fall below community and legal standards of propriety and humanity;
- Since Aboriginal people are over-represented in Western Australian prisons, this necessitates a special focus on how prison services are delivered to Aboriginal people; and,
- Inspection Reports should highlight and promote good practice, but should also be uncompromising when reporting poor Departmental performance.

1.10 The Healthy Prison Test provides a framework for establishing benchmarks for assessing prison services. In the context of Roebourne Prison this involved inspection staff looking at the following four broad questions to do with the delivery of prison services to a predominantly Aboriginal prison population:

- Does every prisoner at Roebourne Prison feel safe;
- Are all prisoners at Roebourne Prison treated with respect;
- Are all prisoners at Roebourne purposefully occupied and given opportunities to improve themselves;
- Can all prisoners at Roebourne Prison strengthen links with their families and prepare for release?

The Healthy Prison Test recognises that a prison in which staff feel disconnected or demoralised or unsafe is unlikely to be healthy for prisoners, and thus also addresses the broad question of whether the prison environment is healthy also for staff.

1.11 The Inspectorate also utilised the Department Of Justice's 'Request for Proposal' operational philosophy for prison management: the 'Four Cornerstones'. This philosophy rests upon achieving an appropriate balance between four outcomes that are required of imprisonment, namely: Custody, Care and Wellbeing, Rehabilitation and Reparation. What is appropriate will depend upon the profile and correctional objectives of the particular prison. As with the Healthy Prison Test, staff

attitudes and concerns are integral to the balanced achievement of the Four Cornerstones – a notion picked up under the rubric of ‘Resources and Systems’. Also, international human rights law, domestic human rights and equal opportunity legislation, the Report of the Royal Commission into Aboriginal Deaths in Custody (1991) and recommendations made in that Report, are very much at the foreground of guidance for Inspectorate staff.

Inspection methodology

1.12 At Roebourne Prison the inspection process was similar to that of preceding prison inspections.

There were two linked phases. The first, pre-Inspection phase involved drawing together information about the prison from field notes prepared by staff from this Office compiled following several visits to the prison in the 18 months prior to the Inspection and by analysing requested explanatory documentation provided by the Department of Justice on how services are delivered at the prison. This was followed, in March 2002, by a visit to the prison by the Inspectorate’s Research Manager, a liaison officer from this Office and an Aboriginal language facilitator to conduct focus groups with prisoners and to distribute surveys to prison officers. There were four focus groups carried out at the prison and one at the Millstream Work Camp.

1.13 The formal and physical Inspection of Roebourne Prison’s services, facilities and operational standards followed this planning phase. The formal Inspection lasted four and a half days, with an additional day to visit and inspect the Millstream Work Camp. Inspectorate staff visited every part of the prison including prisoner cells, the kitchen and dining room and prisoner work, education and recreation locations. They observed the daily routines in the prison and the style and nature of interactions that occurred between prisoners and staff. Extensive meetings were also held with groups of staff.

1.14 The Inspection Team included a doctor who is an acknowledged expert in the provision of medical services to Aboriginal people, and who provided expert opinion on the range and quality of health services in the prison. A senior environmental health officer with the WA Health Department carried out an inspection of the environmental health and hygiene conditions in the prison on behalf of his Department at the same time.¹⁰ At the conclusion of the Inspection, the Inspector provided an on-site briefing about the findings of the Inspection to Department of Justice staff, senior prison managers and prison staff representatives.

Report terminology

1.15 Men and women prisoners at Roebourne Prison are classified as minimum-, medium- or maximum-security. We use the term minimum/medium/maximum-security prisoner in this regard.

¹⁰ The environmental health officer’s Report is located on this Office’s website at www.custodialinspector.wa.gov.au

The accommodation areas of the prison are occupied by prisoners differentially on the basis of security classification (men) or their gender (women) and are officially described as Unit 1 – Cell Block 1 and 2 (male medium-security section), Unit 1 – Cell Block 3 (male maximum-security section), Unit 2 – Cell Block 4 (women’s section holding all security classifications) and Unit 2 – Cell Block 5 (male minimum-security section). These areas are structurally and operationally quite discrete. In the text we refer to these areas as separate units or sections, and use the terms interchangeably.

THE MAIN THEMES OF THIS REPORT

1.16 The Inspection of Roebourne Prison exposed seven broad themes that reflect the standards, policies and practices in the prison. The seven questions addressed in this Report are as follows:

- Whether security is unduly harsh and overbearing;
- Whether Departmental and prison policies and practices discriminate against minority groups in the prison;
- Whether the majority Aboriginal population is inappropriately managed and catered for;
- Whether prisoner wellbeing has a sufficiently high priority in the prison;
- The extent to which the quality of interaction between prisoners and prison staff is acceptable;
- The state of staff morale in the prison; and
- Whether the prison’s services aimed at preparing prisoners for release are adequate.

1.17 Chapter Two provides a description of the prison’s location in the Pilbara region, one of the hottest and most humid locations in Western Australia. The chapter goes on to describe the prison’s layout and daily routines and gives a detailed profile of the prisoner population at the time of the Inspection. A comparison is provided between the views of prisoners and prison officers on prisoner safety, the interaction between prisoners and prison officers, security practices in the prison, and how well services operate in the prison.

1.18 Chapter Three explores the way Roebourne Prison balances its security and prisoner wellbeing responsibilities. We identify the legislative and policy frameworks that underpin and direct security in prisons; discuss issues that can affect the way prisons balance security and prisoner wellbeing, such as prisoner/officer interaction and the resources available for prisoner welfare and wellbeing. We discuss the different security regimes at Roebourne Prison, including the 7.00 p.m. lock-up and strip-searching of prison visitors, and look at how these impact on prisoner wellbeing.

1.19 Chapter Four focuses on how the prison and the Department fail at very basic levels in their service obligations to develop the wellbeing of the predominantly Aboriginal prisoner population at

Roebourne. Discussion here is focussed on how race and cultural issues affect the standards of services at the prison and how structural racism in the prison affects prisoners. Service gaps are identified in the welfare and treatment of prisoners generally with a particular focus on maximum-security, women, foreign national, very long-term prisoners and young prisoners. We also look at how the Department's staffing policies and practices at Roebourne impact on the quality of services delivered in the prison.

- 1.20 Chapter Five discusses health facilities and services at the prison. The Chapter focuses on important areas of health services that are absent from the prison, such as psychological and other specialist services, and the development of questionable practices, in the form of telepsychiatry, which have been introduced at the prison to alleviate service shortfalls. Analysis is also provided into the extent and treatment of diabetes and hypertension amongst prisoners, the two most common conditions for which regular medications were prescribed.
- 1.21 In Chapter Six attention is centred on basic prison services including prisoner accommodation, dining facilities, and clothing, and how the intensity of heat and the lack of climate control at the prison is detrimental to the provision of these services. This is followed by an assessment of visitor services and facilities, the canteen and recreation and laundry services in the prison. We look at policies, such as the Funeral Application procedures, and at services, such as the Arunta telephone system, that are closely related to the welfare and wellbeing of Aboriginal prisoners.
- 1.22 Chapter Seven describes how the prison prepares prisoner for release. The education, work and offending behaviour programs and the arrangements that are made to assist prisoners to relocate back into the community are assessed. While prison services in this prison are generally disorganised and ad hoc, the Millstream Work Camp stands out as an exception.
- 1.23 Chapter Eight draws attention to the fact that the prison lacks clear purpose and how this is linked to areas of policy and practice in the prison that result in discriminatory outcomes for Aboriginal, women, foreign national and remand prisoners. Issues relevant to staff conditions and morale are also discussed. Suggestions for change and a way ahead for Roebourne Prison are put forward to provide the prison with a guiding framework that assists it to achieve its correctional purposes and maintain the wellbeing of prisoners.

Chapter 2

SETTING THE SCENE

FACTS AND PERSPECTIVES

2.1 This Chapter aims to identify key elements to explain Roebourne Regional Prison's current mode of operations. First, we look at the physical environment and location of the prison; second, we profile the prisoner and staff populations; and, finally, we report on prisoner and prison officer perspectives on the prison.

ISOLATION AND HEAT

2.2 The current prison was originally constructed as a minimum-security prison and was upgraded to a medium-security facility in 1996. The regional prison at Broome in the Kimberley can only accommodate minimum- and short-term maximum-security prisoners; the upgrade of Roebourne Prison made Roebourne capable of accommodating medium-security and some longer-term maximum-security prisoners from both the Pilbara and the Kimberley regions. Hence, there are large numbers of prisoners at Roebourne who come from far afield. Nothing about the prison and its location encourages visits from prisoners' families and friends, especially if they live a long way away. This is detrimental to prisoners, as contact with family through prison visits can provide Aboriginal prisoners, who make up most of the population, with the family support and cultural links with their community that enable them to cope with the prison environment.¹¹

2.3 The prison's broader geographic remoteness even includes relative remoteness from local population centres in the area, thus adding further difficulties to the provision of services to prisoners. The 80-kilometre round trip from Karratha, the nearest town with available housing, acts as a considerable barrier to the local recruitment of contract, part-time and casual staff, particularly in the area of education and offending behaviour programs.

2.4 The Pilbara Region has some of Australia's most consistently hot weather. Average temperatures around Roebourne between September and April are between 37 and 40 degrees Celsius. At times, temperatures reach the mid-40s. In contrast to desert areas, night-time seldom brings cool relief or freshening breezes, with temperatures seldom falling lower than the mid-20s Celsius. Between April and October each year temperatures vary between 27 and 35 degrees Celsius. Winter in the region is quite short, lasting no more than six to eight weeks between July and August when daytime temperatures average between 28 and 30 degrees Celsius. The Department has used Bureau of Meteorology measures of air temperature and humidity to develop a 'Climatic Discomfort Index' as a scientifically researched tool for negotiating subsidies for employees who work in regional areas. In this index Roebourne Prison rates as experiencing 150 annual days of discomfort, compared to ten annual days for the Perth metropolitan area.¹²

¹¹ By contrast, Broome Prison's location in the centre of town and at the centre of the region's transport system, means that many prisoner families from across the Kimberley are able to make visits to the prison.

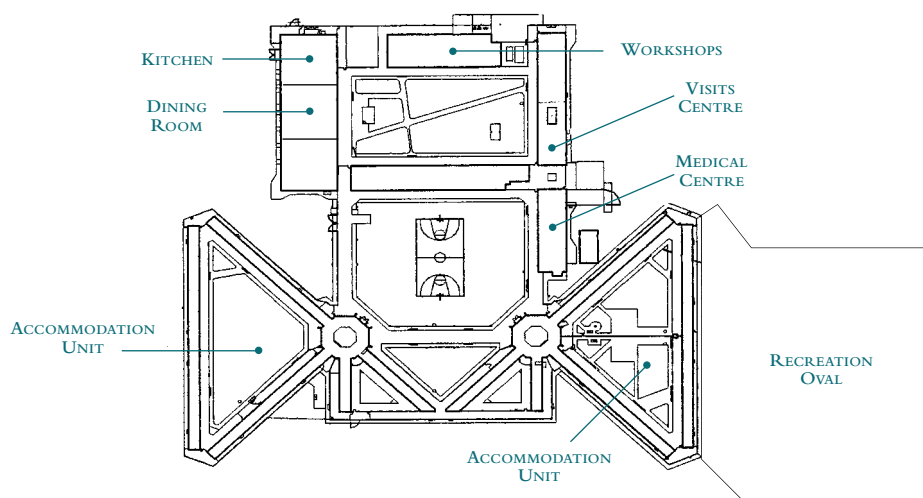
¹² Days of discomfort are calculated through measurements of strain experienced by study participants in indoor locations, when undertaking activities and when wearing light clothing. Details of this study are contained in the Department's Remote Areas Incentive Strategy (undated).

SETTING THE SCENE

PRISON LAYOUT AND FUNCTIONS

2.5 The heavily fortified Roebourne Prison sits in the red dirt and spinifex that surrounds it as far as the eye can see. Its only neighbour is the town cemetery, some 500 metres away. The prison is located on approximately 85 hectares of land, of which prison buildings occupy about 3,800 square metres.¹³ The secure gatehouse was part of the 1996 security upgrade, and, along with the heavily razor-wired perimeter fence, makes for a formidable external presence. The prison's Visitors' Centre is located just outside the gatehouse. People enter the prison via a secure door at the gatehouse. There are no signs to advise visitors of entry procedures. There is a small office at the gatehouse where strip-searches are conducted.

ROEBOURNE REGIONAL PRISON PLAN, April 2002



- 2.6 The prison is divided into three broad areas: prisoner cell accommodation is on the left of the prison entrance; the Medical Centre, prisoner reception facilities, Administration and Education Centre are in the middle; and, the dining room, library, laundry and workshops are in an area to the right-hand side of the prison. There are two distinct areas of prisoner accommodation – Unit One (which contains Cell Blocks One, Two and Three) and Unit Two (which contains Cell Blocks Four and Five). A central control room links the different accommodation blocks in each of the two units, with the cell blocks built out from these in triangular shapes. Unit One contains male medium- and maximum-security prisoners, and Unit Two contains female and minimum-security male prisoners.
- 2.7 Unit One houses male medium-security prisoners in Cell Blocks One and Two in 27 multiple and single occupancy cells. Male maximum-security prisoners are held in Cell Block Three, which has nine cells. Three of these cells are designated 'Special Purpose' cells: one as a 'Medical Observation Cell' and two 'Multi-Purpose Cells'. These cells border the Block's small, concreted yard.

¹³ Approximately one acre of buildings on over 211 acres of land.

SETTING THE SCENE

- 2.8 Unit Two contains women prisoners and minimum-security male prisoners. Women are segregated from male prisoners in Cell Block Four, which was formerly part of the prison's stock of cells used to hold maximum-security prisoners. This cell block has 12 cells: eight single cells, two multi-purpose cells, one medical observation cell and a mother and baby cell, which all border the cell block's small concrete yard area. Minimum-security males are located in Cell Block Five, which has 26 single and multiple occupancy cells arranged around a large grassed yard area. A group of six of these cells, which were formerly used as the prison's women section, are caged off and were unused at the time of the Inspection. Each cell has a toilet and each cellblock has an ablutions block and a day room. An open recreation area in the shape of a quadrangle forms the central area of the prison and is bordered by the units, the prison's Reception and Medical Centres and the Administration block. It is partly grassed and partly hard-surfaced to form a basketball court.
- 2.9 The prison Administration offices and a staff rest area, the staff control pods in the units and the prison visits area are the only buildings in the prison with fully functioning and refrigerated air conditioning. The prison visits area comprises one main room and one non-contact visit room. There are no facilities for visits to take place outdoors, although the grassed area outside the visits room has been used for this purpose in the past.

SNAPSHOT OF THE DAILY ROUTINE

- 2.10 Prisoners are unlocked from 7.30 a.m. and make their way to breakfast through a barrier gate between the accommodation side of the prison and the walkway that leads to the dining room. Prisoners are required to return to their units and prepare for a formal prisoner count or 'muster' and cell inspection which starts at about 8.30 a.m. From 9.00 a.m., prisoners report to locations inside the prison for work, education or offending behaviour programs or to the Visits Centre to be picked up and transported to s.94 work locations in the community.
- 2.11 Much of the work in the prison occupies prisoners for no more than an hour or so, which leaves many of the prisoners inside the prison standing and sitting around the cell blocks or remaining in their cells. There is a formal count in the prison in the middle of the morning. Another population count is conducted in cells at mid-day. Following this, prisoners proceed to the unit control areas to collect packed lunches delivered from the kitchen. There is another formal count inside the prison later in the afternoon at 3.15 p.m.
- 2.12 Prisoners doing work outside the prison leave the prison at about 9.00 a.m. to attend work locations around Roebourne, Wickham and Cossack. The work they do generally involves cleaning and gardening. Prisoners have their lunches at their work locations and return to the prison at about 3.00 p.m.
- 2.13 Recreation officially commences at 3.30 p.m. and the prison's half-sized oval is opened. Prisoners have not long over an hour to participate in sporting or sedentary recreation activities or to shower

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and clean up. From 5.00 p.m. prisoners begin to make their way to the dining room where the evening meal is served from 5.15 p.m.

2.14 Following the evening meal prisoners have an hour or so of free time in which they can participate in card games or watch TV; some prisoners congregate and talk in the open areas inside the units or the area between the units where some prisoners play basketball and others watch from the sidelines. This period of association is curtailed by the commencement of another prisoner count and lock-up at 7.00 p.m.

PRISONER PROFILE

2.15 On 15 April 2002 at the commencement of the Inspection there were 112 prisoners under the control of Roebourne Prison:

- Eight of these prisoners (all male) were resident at the Millstream Work Camp, located some 200 km south-east of Roebourne Prison;
- There were four women in the prison – all sentenced, three medium- and one minimum-security prisoner, three Aboriginal and one non-Aboriginal;
- There were nine male prisoners from Indonesia – two medium- and seven minimum-security;
- Ten prisoners were non-Aboriginal Australians – one maximum-, three medium- and six minimum-security;
- Ninety-three prisoners were Aboriginal;
- Of the total prison population 56, or 50 per cent, were classified as minimum-security, 50 prisoners (45%) were medium-security and six prisoners (5%) were classified as maximum-security prisoners;
- Nine prisoners were between the ages of 18 and 21, 45 between the ages of 22 and 30, 56 between 31 and 50 and two prisoners were over 50;
- Aboriginal prisoners represented 83 per cent of the total prisoner population.

2.16 The majority of the prisoners at Roebourne were classified as ‘long-term prisoners’. Sixty-two prisoners were serving parole or non-parole sentences of more than 12 months. Four prisoners were serving life sentences and two prisoners were serving sentences at the ‘Governor’s Pleasure’. One of these prisoners had been in the prison system for 16 years.¹⁴ Thirteen prisoners were serving sentences in excess of five years. Thirty-nine prisoners were serving short-term sentences of 12 months or less. Eight prisoners, or seven per cent of the prisoner population, were serving sentences

¹⁴ The average time spent in prison for the prisoners in this group on their current sentences was 11 years.

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of six months or less – three on finite sentences and five for fine default.¹⁵ Six of the short-term prisoners were on remand – three of them were in the medium-security section and three in the maximum-security section.

2.17 There are significant issues at Roebourne Prison relating to its distance for many prisoners from their home communities and families. Families of prisoners who are on small incomes in communities hundreds of kilometres away are not able to visit the prison frequently, if at all. At the time of the Inspection:

- Twelve, or ten per cent of prisoners at Roebourne were ‘local’ people from the Roebourne, Wickham or Karratha areas;
- Forty-nine, or about 44 per cent of prisoners were from the wider Pilbara Region. Thirty-seven of these prisoners were from the Port Hedland area, some 200 kilometres to the north-east of the prison, and eleven were from Newman, which is 500 kilometres inland to the east of the prison;
- Forty-two or 38 per cent of prisoners were from outside the Pilbara region entirely. Eighteen of these were from the Broome area, which is over 800 kilometres to the north, and a further ten were from communities further north and to the north-east of Broome;
- Eight prisoners originated from regions to the south of Roebourne: three from areas around Carnarvon, which is over 650 kilometres away, and five from areas surrounding the Perth area, at least 1,600 kilometres from the prison.

2.18 There is no other prison in the WA system that detains similar numbers of prisoners who originate from homes so far away. The Department makes no provision for travel assistance for a prisoner’s family or friends to visit the prison. New South Wales Department of Corrective Services operates a system of reimbursement of part or all fuel costs, or train or bus fares to assist prisoner families who are in receipt of Commonwealth payments.¹⁶ One of the recommendations of this Report is that the Department consider introducing a similar travel assistance scheme for families of prisoners in remote prisons such as Roebourne.

STAFF PROFILE

2.19 There were 51 uniformed, five management and three administrative staff employed at Roebourne Prison during the Inspection period. The uniformed staff at the prison included seven senior officers,

¹⁵ The Government’s upcoming amendments to the Sentencing Act to proscribe or exclude sentences of six months or less being imposed would have minimal impact on this prisoner count. The legislation will not be retrospective, fine defaulters will still be imprisoned – the three under six-month finite sentenced prisoners would not be there under the new legislation.

¹⁶ There are further conditions placed on obtaining such assistance; the visitor must be an immediate family member, though Aboriginal extended family structures are recognised. The prisoner must be serving a sentence longer than six months, visitors must be travelling a long distance outside the metropolitan area and assistance can only be applied for one visit in any three month period. Prisoners Rights Handbook, ‘Chapter 6 Visits’, Solange Rosa, Redfern Legal Centre Publishing, 2000, pp. 53-54.

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three first class prison officers, 31 prison officers, seven industrial officers and three work camp prison officers. All but 13 uniformed staff were permanent employees. Three senior officer positions and six first class officer positions were vacant. Positions in the prison such as the maintenance officer, relief officer, gardens' officer and the officer who organises work for prisoners in the community (s.94 officer) were all positions that were vacant or had not been filled at the prison for some time.

PRISONER AND PRISON OFFICER VIEWS ABOUT THE PRISON

2.20 A month prior to the Inspection, Inspectorate staff conducted focus groups and circulated questionnaires that involved more than 50 prisoners answering questions about their experiences of life at Roebourne Prison.¹⁷ Twenty-six, or 54 per cent of rostered uniformed officers completed questionnaires about their work in the prison. The questions in both surveys were related to five main areas of enquiry that related to the concept of a Healthy Prison, namely:

- Do prisoners feel safe in the prison;
- How well do prisoners and prison officers interact;
- How does security in the prison affect the way the prison operates;
- What are the standards of services in the prison;
- How well does the prison prepare prisoners for release?

2.21 Prisoners' and prison officer views on these questions indicated that there were some aspects of the regime where both groups' opinions roughly converged. There were other substantive areas where the two groups differed in their opinions.

CONVERGING VIEWS

Prisoner safety

2.22 Prisoners and prison officers held similar views on the subject of prisoner safety and what made prisoners feel generally safe. Several prisoners commented that they believed bullying and stand-overs between prisoners was minimal because of the strong family and cultural connections that exist between many of them. Staff indicated that prisoners at Roebourne had characteristically placid temperaments; they believed that bullying in the prison was not a problem and that fights between prisoners were rare.

¹⁷ Participants included workers who leave the prison and work in the community (nine), women prisoners (five), medium- and minimum-security males (seven), maximum-security males (two) and prisoners at the Millstream Work Camp (eight). There were also meetings held with members of the prison Peer Support Group (eight) and with Indonesian prisoners (eight).

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Prison security

2.23 Both prisoners and prison officers agreed that the prison environment was over-secure; that security regimes in the prison were excessive and adversely affected the wellbeing of prisoners. Prisoners indicated that the 7.00 p.m. prison lock-up (too early in the stifling heat) and the general nature of the security regimes in the prison made them angry about the way they were treated in the prison. Significant numbers of prison officers said that security in the prison was confused in the way that it dealt harshly with minimum-security prisoners. Several officers said that they believed that the physical security structures in the prison, such as the numerous barrier controls and security regimes, including the strip-search policies for visitors, adversely affected the way they could interact with prisoners.

Preparation for release

2.24 Prisoners had very few positive comments to make about prison services that should prepare prisoners for release. All prisoners said that there was no organised or formal orientation process when they were received into the prison. Very few of the prisoners in focus groups attended the Education Centre, with female and male prisoners saying that there was very little offered at the Centre that appealed to them. In relation to work opportunities, prisoners indicated that most of the jobs in the prison involved short spells of cleaning around the prison and that most jobs outside the prison involved cleaning around local police stations and the court-house. There was a general lack of knowledge among prisoners about offender behaviour programs, although a couple of prisoners who were attending the Cognitive Skills Program said that they liked attending the program. Almost three-quarters of uniformed staff indicated that they believed that rehabilitation and resettlement services in the prison were inadequate and failed to assist prisoners to reintegrate into the community.

Millstream Work Camp

2.25 Both prisoners and staff had positive comments to make about the Millstream Work Camp. Both groups agreed that the camp offered prisoners an opportunity to live in a positive environment where prisoners had the opportunity to develop skills that could assist them after release.

OPPOSING VIEWS

Prisoner and prison officer interaction

2.26 All prisoners who expressed an opinion on the subject said that interaction between them and prison officers was poor. They believed most officers ignored them and kept away from them or were too busy to deal with them if prisoners approached them. Many prisoners said that they found it hard to communicate with officers because, they said, officers communicated in language many

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prisoners with limited English language skills could not understand. All of these types of comments were used as reasons why prisoners said they generally kept away from officers:

When we go ask for things, like we want soap or razors for shave, y'know, some of them they just ignore you until you got to sing out loud, y'know, so they can hear you. First round and second round they wouldn't hear you. They'll ignore you, y'know.

Sometimes we can't understand what they saying when they bring out those high words. We try to tell 'em to talk a bit slower but it makes for a bad start. So lots of us don't bother.

2.27 By contrast, most prison officers stated that they believed that interaction between themselves and prisoners was either very good or good. Some officers indicated that prisoners and staff at Roebourne were in the same position in dealing with poor management of the prison by the Department.

Climatic conditions

2.28 Prisoners said that the heat of their cells was the most uncomfortable aspect of their time in the prison, with many talking about the lack of ventilation in their cells and the efforts they went to in order to cool down. Many prisoners indicated that the early lock-up meant that they spent over 12 hours in hot, poorly ventilated cells. Prison officers who mentioned the climate in the area did so in a positive context as a good reason to work at the prison. It was seen as a factor that contributed to the leisure and lifestyle benefits of living in the Pilbara region.¹⁸

Prison services

2.29 Prisoners generally had critical views about prison services associated with their welfare and wellbeing. Many said that staff from the Aboriginal Visitors Scheme did their best to support prisoners. However, many prisoners were generally negative about the Peer Support Group. This is thought to reflect the fact that the focus groups were conducted soon after the Peer Support Group had been re-formed after a lengthy dormant period. Prisoners said that they were either unaware that the Group existed in the prison or that the Peer Support Group did not represent the major population groupings in the prison. Several traditional Aboriginal men stated that there were no traditional Aboriginal men in the Group, and some women said there were no Aboriginal women in the Group. Despite being aware of Peer Support's existence, many did not know who the Prisoner Support Officer was or which prisoners were in the Group.¹⁹ Most prisoners had little to say about

¹⁸ The Department has allocated \$182,000 for an upgrade of the air-conditioning in the kitchen, dining-room and maximum-security section in 2002/03. However, the worst problem is the conditions in the mainstream accommodation areas: see paragraph 2.4.

¹⁹ A month later, at the time of the Inspection, there was one traditional Aboriginal man and a woman in the Group. Also see paragraph 4.14, which discusses good practice involving the new Prisoner Support Officer and prison managers.

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the prison's health services; those who did said that they were generally happy with their treatment. A comparatively low number of prisoners had used the prison's visits facilities. Those that had used them said they operated well. Several prisoners said that, because of the remoteness of the prison, the poor standard of visitor facilities and the prison's visitor strip-search regime, they discouraged visits from families. Comments about the prison's Arunta telephone system were consistent with complaints made by Aboriginal prisoners across the prison system – it is too expensive to use and families in traditional communities have difficulty using the system.

2.30 Prisoners also gave feedback on their accommodation, prison food, and canteen and recreation services. Prisoners said that the extended amount of time locked up in the heat made it difficult for them to keep cells clean. They also said they had little storage space in cells. They were critical of the variety of food they had access to, and they were particularly upset that they rarely had access to traditional Aboriginal food. Prisoners commented that their access to the canteen was for too short a period, that the canteen stocked a limited range of goods and 'town spends' were not delivered in a timely manner.²⁰ Most male prisoners had positive comments to make about active sport opportunities they had in the prison, though they were concerned about the very limited time they were able to undertake sporting activities. Women prisoners said that they felt the prison failed to address their recreation needs at all. Many prisoners said that the prison had very few passive recreation resources.

2.31 In broad contrast, prison officers generally indicated that services delivered to prisoners were of an appropriate standard. The major qualifier stipulated by many officers was that many of the services in the prison, such as prisoner clothing, bedding and cells, had been very recently improved in the weeks prior to the Inspection. A high proportion of prison officers believed that the services and policies of the prison were effective in managing a predominantly Aboriginal prison population.

Racism

2.32 Prisoners stated that they generally thought racism by prison officers was not a significant issue in the prison. Prisoners said that isolated incidents of direct racism occurred in the prison. On the other hand, almost half of the prison officers who responded in surveys said that they believed uniformed staff sometimes racially abused prisoners. It is never easy to get a reliable picture of direct racism allegations, but clearly it is a matter the Department must continue to take seriously. Cultural awareness training is integral to this process.

SUMMARY

2.33 There are several key points that emerge from the physical setting, environmental conditions and the general outlook of prisoners and staff that warrant focus and which underpin the following chapters

²⁰ The Department states that 'town spends' are delivered within 24 hours of being purchased.

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in this Report. First, Roebourne Prison is so isolated that it impacts significantly on visits; prisoners' families are often from Aboriginal communities hundreds of kilometres away from the prison. This single fact has a great bearing on the general wellbeing of prisoners there. Many prisoners rarely, if ever, get visitors. This affects the whole atmosphere of the prison.

- 2.34 Second, the prison is located in a very hot and humid environment that impacts adversely on prisoner wellbeing. The Department has legal and moral obligations to secure people in humane conditions that comply with appropriate standards. These issues are discussed further in Chapter 6.
- 2.35 Third, the predominant population of Aboriginal males should comprise the guiding reference in developing policy and operational values for the prison. The fact that there are also women, foreign nationals, remand prisoners, long-termers and a group of young prisoners (as well as other groups) imposes additional obligations upon the Department in the delivery of services in the prison. These issues are discussed in Chapter 4.
- 2.36 Fourth, it is clear from the daily routine of the prison that prisoners are locked up for more than 12 hours a day and when they are unlocked there are frequent population counts and restrictions on movement about the prison. All of these are signs of an abiding concern with security matters at the expense of prisoner wellbeing (see Chapter 3).
- 2.37 Finally, it is clear that prisoners and prison officers often have different perceptions about the prison and about how each group is perceived by the other.

Chapter 3

THE CORRECTIONAL FRAMEWORK

BALANCING SECURITY WITH THE WELLBEING OF PRISONERS

3.1 Prison security is concerned with the custody and containment of prisoners. Prisoner care and wellbeing is concerned with the plans, programs and procedures that assist a prisoner to cope with the prison environment and to prepare him or her for release into the community. These two ‘cornerstones’ of security and prisoner care and wellbeing need to function appropriately and in balance for the prison and its population. In this Chapter we look at how the prison manages and maintains its security mandate and what the implications of this are for the welfare of a predominantly Aboriginal prison population, and how the Department balances its obligations to protect the general community while upholding its duty of care to prisoners and preparing them for their return to the community.

UNDERSTANDING PRISON SECURITY: LAW, POLICY AND THEORY

3.2 In previous Reports we have detailed the legal and policy underpinnings of prison security in Western Australia.²¹ The Prisons Act 1981 is the primary reference guiding the Department’s development and delivery of security in prisons. This legislation is given expression by the Department in correctional policy. The Prisons Act focuses primarily on security in prisons (Part V, sections 35–53 of the Act). Prisoner wellbeing is referred to in section 7(1). This section states that the Director General of the Department of Justice is responsible for the management, control and security of all prisons and the welfare of all prisoners. There is an additional brief reference to the welfare of prisoners in section 95, which gives authority to the Department of Justice to provide counselling, education and skilling for future employment. Parliament provides no other direct guidance in the Prisons Act to the Department of Justice as to how the general care and wellbeing of prisoners should be addressed or ensured. The Director General of the Department of Justice gives effect to his powers and duties under the Act in the Director General’s Rules, which are approved by the Minister for Justice. These Rules largely cover areas dealing with prisoner and prison officer conduct.²² The Director General can also issue policy directives that deal with procedural, administrative and some prisoner welfare related issues, such as Policy Directive 9 which outlines the application and eligibility process relating to prisoner attendance at funerals.²³

3.3 At the local prison level, superintendents may, with the approval of the Director General, issue Standing Orders with respect to the management and routines of the prison, such as the Standing Order B1 at Roebourne Prison that stipulates prisoners be locked in their cells at 7.00 p.m. (rather than, say, at 10.00 p.m. as they are at Broome Regional Prison). Superintendents may also make Local Orders in relation to the general operation of the prison. These types of orders do not require the approval of the Director General. One such order is Roebourne Prison’s Local Order 9 that

²¹ See Office of the Inspector of Custodial Services, *Announced Inspection of Broome Regional Prison*, Report No. 6 June 2001, pp. 25–27.

²² For example, classification and placement of prisoners and procedures for prison visits.

²³ Prisoner application to attend funerals is discussed in more detail in paragraph 6.56.

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stipulates that every eighth visitor to the prison must be strip-searched.²⁴ The Inspector was concerned that both of these ‘dynamic’ security interventions are disproportionate in the context of the prison and its location and population, and demonstrably impact adversely on the wellbeing of prisoners. At Roebourne Prison the upholding the current level of security and maintaining prisoner wellbeing were and are in conflict. We return to these issues in paragraph 3.8 below.

3.4 The Department derives its policy goals from the ‘four cornerstones’ model of correctional service delivery. The Department identifies its core responsibilities in delivering prison services as:

- Protecting the community through the custody and containment of prisoners;
- Ensuring the care and wellbeing of prisoners;
- Organising prisoner reparation to the community through work; and,
- Preparing prisoners for release through rehabilitation programs.

3.5 We have documented on several occasions, particularly in regional prisons with high Aboriginal populations such as Broome and Eastern Goldfields, that at the level of practice the importance of the three cornerstones relating to the care and wellbeing of prisoners, reparation in the community and prisoner rehabilitation are outweighed and diminished by the Department’s focus on the custody and containment of prisoners (where prison security is the major feature). This analysis identifies the emphasis of the correctional environment at Roebourne Prison.²⁵

3.6 There are concepts of prison security that describe the principal ways in which prisoners are separated from the community. A prison’s security profile consists of two major themes: the way a prison is constructed to achieve its security purpose, and the way prison officers are deployed to maintain security in the prison and to control prisoner behaviour. There are two broad types of staff deployments in a prison: ‘static’ and ‘dynamic’ security deployments that achieve different security outcomes. Static security generally involves prison officers supervising barrier control posts in order to restrict prisoner movements, as well as serving as observation and control points in strategic areas of the prison. Alternatively, dynamic security describes the daily interactions between prison officers and prisoners. From a prison security perspective these relationships determine the general atmosphere of a prison and the general character of security regimes that predominate in a prison.

²⁴ Since the Inspection, this has been overridden by Operational Instruction 18 – ‘Searches of people, other than those covered in Operational Instruction 17, seeking to enter a prison’. This limits the occasions for strip-searches.

²⁵ The Department states that, in its view, it is ‘erroneous’ to measure Roebourne against Broome or Eastern Goldfields because the latter are minimum-security prisons with a limited capacity to hold prisoners of higher security rating whereas Roebourne is a medium-security institution. An equally valid criterion is that all three are ‘Aboriginal prisons’ in the sense that the population is overwhelmingly Aboriginal, with the consequence that the key questions relate to services for Aboriginal prisoners. This perspective, in the view of the Inspector, deserves higher priority than that of a prison’s security rating. The Department’s own ‘Strategic Plan for Aboriginal Prisoners 2002/05’ should lead the Department to the same view of priorities, as those elements set out in paragraph 3.10, below, would indicate.

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The design of Roebourne Prison seems to encourage emphasis upon static security and this factor, in turn, diminishes relationships between officers and prisoners with the consequence that dynamic security is not fully effective. We have the paradox that static security arrangements become taken for granted because that is the way the prison has always been managed, even though many staff would like the dynamic security ethos to be improved.

- 3.7 The effectiveness of security interventions should not only be judged by how they achieve their purpose in maintaining order but also whether they impose the minimum amount of adverse impact on prisoner wellbeing. To achieve this type of balance, relationships and communications between officers and prisoners need to be in good working order. Good relations enhance the prison's ability to detect stress levels within the prison.

GETTING THE BALANCE RIGHT – PRISON SECURITY AND PRISONER WELLBEING

Fundamental human rights

- 3.8 There is no direct legislative guidance about how prisoners' human rights or welfare needs are addressed or protected, even though there is State and Federal legislation that articulates broad health care and anti-discrimination standards in the community, including prisons.²⁶ We must look to international law for standards of care that are applicable to people who are held in detention. Article 10 of the International Covenant on Civil and Political Rights (ICCPR), to which Australia is a signatory, states that all persons deprived of their liberty have a right to be treated 'with humanity and with respect for the inherent dignity of the human person'.²⁷ While the instrument talks about prisoners' rights in general terms, Article 10 establishes that there are fundamental standards of humane treatment that must apply to conditions of detention.²⁸ If international standards were applied, the wellbeing of prisoners at Roebourne would be under challenge in many areas, such as accommodation, climatic conditions and some hygiene matters.

Prison security regimes should be consistent with a prison's purpose

- 3.9 A prison sentence has a number of purposes; it represents enactment of strong public disapproval of an offence and it is a punishment for the offender. However, the imposition of prison sentences should also serve to help reduce crime and re-offending in the community. There is limited data available concerning re-offending rates for prisoners at Roebourne Prison. However, what we do

26 Other state legislation, such as the Equal Opportunity Act, the Health Act, the Mental Health Act, and Disability Services Act and federal legislation such as the Human Rights and Equal Opportunity Act give expression to community expectations in respect of generalised standards of human rights, anti-discrimination and health care in the community, of which prisoners are a part.

27 The UN's Standard Minimum Rules for the Treatment of Prisoners places similar obligations on states but it is not an instrument binding upon states.

28 Prisoners as Citizens, D. Brown & Meredith Wilkie (eds.), *International Human Rights Law Applicable to Prisoners*, C. Giffard, Federation Press, 2002, p. 190.

know about Aboriginal lifestyles and offending patterns indicate that re-offending in the region is high. To even start to address this in prison there would need to be an environment that is conducive to prisoners' participation in culturally appropriate programs that address alcohol addiction and mental health problems or that improve employability with skills training. The prisoner's experience of prison should be about addressing offending behaviour, seeking rehabilitation and preparing to make a positive life outside prison. These outcomes are consistent with the Government's emerging emphasis on reducing re-offending by ex-prisoners.

Prioritising Aboriginal prisoner wellbeing

3.10 Despite recent reductions in Western Australia's prisoner population, Aboriginal people are still consistently and grossly over-represented in Western Australian prisons. In May 2002, the Department acknowledged its responsibilities to this over-represented population and committed itself to providing services that are culturally appropriate; that meet the needs and expectations of Aboriginal people and that have a preventative rather than punitive intent. The Department released its 'Strategic Plan for Aboriginal Services 2002–2005'.²⁹ The document outlines strategies that are intended to provide guidance to prison managers to 'reduce the negative impact of incarceration on Aboriginal people'. The document implicitly supports the need for balance between prison security and prisoner wellbeing. It stresses that prison managers should:

- Accommodate Aboriginal prisoners within their homelands, where prisoner security ratings allow;
- Maximise Aboriginal prisoners' contact with families and community;
- Recognise the important role the Aboriginal Visitors Scheme plays in the welfare of prisoners and support its work within the prisons;
- Encourage, promote and support representation and recognition of Aboriginal culture in prisons in accordance with community norms, e.g. via the mediums of arts, sculpture and custom etc;
- Develop and sustain Aboriginal Elder/Speakers programs which are tailored to the specific needs of each prison and its community;
- Implement a prisoner grievance procedure that is sensitive to culture and gender needs;
- Facilitate Aboriginal prisoners' access to information and media in their languages;
- Ensure Aboriginal prisoners are equitably represented throughout prison industries and across gratuity levels.

3.11 The fact that the Department provides such guidance is to be welcomed. The reality for prisoners at Roebourne is that this guidance is still very much at the abstract level of policy development; at the time of the Inspection few, if any, of the strategies outlined here were in operation at the prison.

²⁹ Department of Justice, 'Strategic Plan for Aboriginal Services 2002–2005', released May 2002.

Resources available for achieving prisoner wellbeing

- 3.12 Prisons undergo a yearly round of budget allocations from the Department. This process has, in recent years, tended to emphasise reduction in expenditure. In the case of Roebourne Prison, this involved a cut in its on-site operating budget³⁰ for the year 2000–2001. The cut saw its total prison budget decrease from \$5.64 to \$5.5 million for the 2001 to 2002 budget period, down \$140,000 from the previous year.
- 3.13 By far the most costly component of a prison's budget, representing about 80 per cent of operating costs, is the portion paid in salaries and wages. This makes the number, rank and shift placement of staff central to the prison's operation within allocated resources. The twelve-hour shift system at Roebourne allows for a reduction in uniformed staff by almost two-thirds during lock-down hours. This drop in the number of staff is based on cost and an assessment of the security risks that need to be managed at any given time of the day. Clearly, locking prisoners up at 7.00 p.m. rather than, say, at 10.00 p.m. reduces the hours when more staff are needed for managing security at the prison. To this extent the lock-up time is directly linked to the prison's budget allocation. We shall see from following sections that the cost/security paradigm has a direct impact on prisoner wellbeing and inevitably throws any balance between the two cornerstones out of kilter.
- 3.14 The recent capital allocation to the prison by the Department of almost \$1.2 million represents a catch-up on funding and an implicit acknowledgement that conditions for prisoners have deteriorated to a point where urgent funding is required. There is no additional funding for more staff or to address concerns relating to attracting and retaining staff at the prison. Almost three-quarters of the funds are allocated to the urgent refurbishment of prisoner accommodation areas, such as male and female cells, ablutions, dayrooms and the prison's medical centre – all areas directly or indirectly related to improving the fundamental wellbeing of prisoners by improving basic living and health conditions. Significantly more funding will also be needed for the prison to address staffing, programs and services to bring some semblance of parity to Roebourne with other prisons in the system.

Prisoner and prison officer interaction

- 3.15 Good dynamic security includes open and active lines of communication between prisoners and prison officers. In the context of Roebourne Prison, this would involve communication and feedback about how security regimes affect prisoners. Communication leads to confidence-building between both sides, and this helps to reduce the need for more punitive forms of prisoner controls. It was apparent at Roebourne that interaction between prisoners and prison staff was in an impoverished state (see paragraph 2.26). Many prisoners said that communication with prison officers was minimal, and they believed that officers were generally unconcerned about them.

³⁰ Costing formulae within the Department are still imprecise, but for regional prisons as much as 50 per cent additional costs may be incurred as corporate overheads.

Inspection staff noted that prisoners and prison officers generally kept to themselves. Several prison officers said that they believed they had generally good interaction with prisoners, but said that the prison focused on security to such an extent that it interfered with their capacity to interact with prisoners. One officer explained:

This prison is extremely over-security conscious. There is an over-emphasis on security to the detriment of time in dealing with personal prisoner issues compared to the other institutions I have worked in.

3.16 The generally poor standard of interaction in the prison is compounded by physical barriers (the concrete-skirted unit control pods; functioning air-conditioning only in environments frequented by staff) and systemic barriers (the prison's application and request procedures), which are both discussed in detail from paragraph 6.43.

Prisoner security classifications

3.17 As a fundamental principal, prisoners should be kept in custody at the lowest possible level of security necessary to ensure their continuing custody. This requires security regimes in prisons to reflect the designated security purpose of the prison. This becomes a difficult and complex issue in prisons like Roebourne that have populations comprising minimum-, medium- and maximum-security prisoners. Up to 50 per cent of the prison's population is likely to consist of minimum-security prisoners who have been assessed as posing minimal threat to the community. Medium-security prisoners traditionally account for about 45 per cent of the population, with maximum-security prisoners on 'temporary placement' making up the remaining five per cent. At Roebourne, minimum-security prisoners endure the full extent of the physical security arrangements in the prison, as well as many of the security regimes and practices that were developed with medium- and maximum-security prisoners in mind. As one officer described the situation for minimum-security prisoners:

The minimum-security prisoners housed here do not enjoy the freedom of minimum-security prisoners at other institutions – there is no real difference for them from medium-security prisoners apart from the opportunity they have to work outside.³¹

Prison overcrowding and prisoner wellbeing

3.18 Over the past 12 months the Western Australian prison population in public prisons has declined from about 3050 in June 2001 to about 2150 in June 2002 – a drop of approximately 900 prisoners. There are two reasons for this: first, there has been a drop of approximately 250 prisoner into public prisons compared with the previous year; second, there has been the re-direction of about 650 prisoners from the public prison system into the privately operated medium-security prison at Acacia. The significant reduction of prisoners in the public system means that poor prisoner

³¹ Section 94 programs may also involve recreational or educational activities outside the prison.

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conditions in prisons such as those at Roebourne and Eastern Goldfields can no longer be blamed on overcrowding.

3.19 Roebourne Prison was originally designed to house 112 prisoners and this capacity was increased to 147 in the prison's security upgrade in 1996. The prison's population reached a peak of 223 prisoners in December 2000. This period placed immense strain on prisoners, on staff, and consequently on the prison's capacity to provide prison services. By July 2001 the average monthly population had decreased to 175; these numbers steadily declined to a monthly average of 108 prisoners for the month of March 2002. Many of the consequences of overcrowded conditions, endured by prisoners over a sustained period, have now subsided. Nevertheless, it is still the case that the percentage of Aboriginal prisoners both as a proportion of the prison population at Roebourne Prison (80% plus) and across the WA prison system as a whole (30–33%) has remained virtually static during this period of lowering prisoner numbers.

SECURITY AT ROEBOURNE

3.20 Despite its population of predominantly traditional Aboriginal people, Roebourne Prison largely replicates the security philosophy and infrastructure of metropolitan maximum-security prisons. The static security arrangements at the prison are an amalgam of security fixtures from the prison's original construction as a minimum-security institution plus the features added when the prison was upgraded to a medium-security prison in 1996. The prison retains many of the security fixtures of its minimum-security designation: the original minimum-security prison fence which is now the inner perimeter fence (a three-metre-high metal mesh fence topped with barbed wire), the fifty-millimetre wire grilles which cover all walls to the accommodation units, double barrier doors to each accommodation unit, and three caged-off cell areas which were once used to secure medium- and maximum-security prisoners.³² These security arrangements had made Roebourne perhaps the most secure minimum-security prison in its day, particularly when compared with minimum-security prisons such as Broome and Karnet.

3.21 The security upgrade provided an extra exterior fence in the form of a three-metre-high mesh fence, topped by three coils of 'man barrier tape' or razor wire. There is an unsealed road between the inner and outer fences that allows vehicle access to prison staff to all parts of the exterior fencing. Security camera and movement detection systems and a new prison gatehouse suited for a maximum-security environment and built to a 'Bunbury standard' were added. In addition to the strengthened exterior perimeter environment the entire courtyard adjoining the cellblock in Unit One, which contains medium and maximum prisoners, is covered with steel and wire meshing or 'sky bars'. These sky bars also cover the women's section in Cell Block 4 in Unit Two. In addition, all prisoner accommodation yards are encased in 50 mm mesh grilles which surround all external areas

³² There are four caged-off cells in Cell Block 1, three caged off cells in the maximum-security section (Cell Block 3) and six caged-off cells in Cell Block 5, the minimum-security section of the prison.

and were erected as an interim measure to prevent escape in the period between the prison's designation as a medium-security prison and the completion of the construction of the new perimeter fence. These static elements of the prison's security profile represent the physical framework for orders and regimes within the prison where the purpose is to monitor, contain and control all prisoners. By any standards this is a highly secure environment.³³

3.22 Similar to the situation Inspection staff found at Eastern Goldfields Regional Prison, the prison at Roebourne relies heavily on restricting prisoner movement by using barrier controls around the prison. Just prior to the Inspection the prison relaxed the use of barrier gates controlling the movement of minimum- and medium-security prisoners from their unit. However, gate controls still exist in secure areas inside the prison, e.g. between the units and the education, dining and workshop side of the prison.



Sky bars over Unit One. The construction of a fortified perimeter fence made the sky bars superfluous to security needs.

3.23 The new local management reduced the number of prisoner daily population counts from 13 to nine, which is consistent with other medium-security prisons (but still excessive in a prison with such a significant proportion of minimum-security prisoners). While some of these counts are in fact no more than actual head counts while prisoners are asleep in their cells, several of the counts do involve prisoners navigating barrier gates around the prison to attend at muster points located outside unit accommodation. Prisoners told us that late arrival at count locations results in their being locked up an hour earlier than the usual 7.00 p.m.

THE IMPACT OF 'SECURITY' ON PRISONERS: THE 7.00 P.M. LOCK-UP

3.24 The Pilbara region has some of Australia's most consistently hot weather. The most potent experience for Inspection staff as they walked about prisoner accommodation areas was the intensity of heat and the stifling humidity inside prisoner cells. Details about how the temperatures affect life in the prison, prison services and accommodation in particular are outlined from paragraph 6.3 in Chapter 6. In the current section, we outline the security provision that ensures prisoners are locked in hot and poorly ventilated cells for more than half their time in prison, and which severely limits their ability to communicate and freely associate with other prisoners and to enjoy recreational activities.

3.25 Standing Order B1, which outlines Roebourne Prison's daily routine, directs that all prisoners be locked in their cells at 7.00 p.m. Prisoners remain in their cells for at least 12 hours until release the

³³ Two prisoners escaped in December 2000, having breached their cell windows and got under the perimeter fence. The Department responded by welding three pieces of 75 mm-wide flat steel bar onto all the cell, dayroom and ablution windows in the medium- and maximum-security yards.

following morning from 7.30 a.m. For three days of the week the lock-up period extends past 13 hours; on some Fridays prisoners are not unlocked until 8.30 a.m. to allow uniformed staff to conduct meetings;³⁴ and on weekends prisoners are unlocked from 8.00 a.m. Prisoners are locked in cells that have retained the heat of the day to become stuffy, hot and uncomfortable. Prisoners across the prison consistently complained that the heat affected their sleep. As one prisoner explained:

The lock-up is just too early. By the time you get locked up, the cells are hot already and it takes another three to four hours before the cells get cooler again. It's difficult to sleep properly like this.

- 3.26 The early lock-up regime represents the most pervasive prisoner control regime at Roebourne. The measure impacts on all prisoners in the most fundamental areas of their daily lives. It is sufficiently important for the point to be made here that the physical discomfort of prisoners in spending extended hours in hot, humid and airless closed cells and the attendant consequences of this regime are the clearest demonstration of an imbalance between security needs and the wellbeing of prisoners at Roebourne Prison. Prisoners in focus groups told us that many of them struggle to maintain personal hygiene because they must regularly re-use sweat-soiled bedding and clothing. The over-reliance on barrier gates and the 7.00 p.m. lock-up very much limit the time prisoners can freely associate with each other, as well as the time they can spend participating in recreational activities.
- 3.27 By comparison, Broome Regional Prison is the only other prison in the State with comparable temperatures to Roebourne. That prison holds predominantly minimum-security prisoners but also contains a maximum-security section – its lock-up time for all prisoners is 10.00 p.m.³⁵ There are no comparative prisons in the south of the State that have a similar percentage of minimum-security prisoners (consistently upwards of 55%) that lock prisoners up at 7.00 p.m.

STRIP-SEARCHING PRISONER VISITORS

- 3.28 Inspectorate staff were told that in mid-2001 prison intelligence indicated that a local Caucasian organised crime group had plans to smuggle 'hard' drugs into the prison. It was assumed that this would be via prisoner visitors to the general prison population. In September 2001 the-then Superintendent introduced Local Order 9, which required that every eighth visitor to the prison be searched. This Order supplemented the general provision that exists in Standing Order A3 that gives operational effect to section 49 of the Prisons Act, which gives power to a prison Superintendent (through his delegate) to search a person entering a prison. Knowledge of the Order spread quickly among prisoners and on to their families.

³⁴ We understand that regular staff meetings were held on Friday mornings in the weeks prior to the Inspection, though this is not the standard practice at Roebourne Prison.

³⁵ Women prisoners at Broome are confined to their yard from 7.00 p.m.

3.29 There were three major consequences that flowed from the introduction of Local Order 9, namely:

- That proportionately, the number of prison visitors dropped significantly following the introduction of the Order;
- That there were proportionately fewer strip-searches conducted following the introduction of the Order;
- That no drugs were found on prison visitors who were searched as a consequence of the Order.³⁶

3.30 Prison officers and prisoners advised Inspection staff that visitors to the prison declined rapidly as a consequence of the introduction of the regime. Some prisoners said that they had actively discouraged visitors from coming to the prison because there was a likelihood they would be strip-searched. As one prisoner said:

Why would we want family to come here with all the strip-searches going on? Coming in here and again if they go to the toilets. I told my lot not to come down to see me.

3.31 Prison-supplied data showed that in the three-month period before the introduction of the Order in late September 2001 there were 551 individual visitors to the prison. In the six-month period following the introduction of the Order there were 335 individual visitors entering the prison. These figures translate into an average figure of 184 visitors per month before the Order was introduced and an average of 56 visitors per month following the introduction of the Order. In analysing these figures we acknowledge the fact that prisoner counts had reduced quite significantly at Roebourne over the relevant period and the period of time following the introduction of the Order is a the hotter time of year. These factors may have also influenced visitor patterns.³⁷ However, taking this into account it is still evident that there has been a significant drop in the number of visitors to the prison.

3.32 The introduction of the Order would seem to fly in the face of common wisdom that suggests that Aboriginal prisoners in the region do not have a history or pattern of being involved in the supply or use of hard illegal drugs in prisons. This is certainly the case with respect to Roebourne Prison. More importantly, the impact of the Order on the wellbeing of prisoners does not appear to have been considered, at least until the commencement of the Inspection when we were advised that the Order had been rescinded, though prisoners had not been made aware of this.³⁸

³⁶ The Department states that one female visitor was searched and found with amphetamines in her possession in September 2001. The documentation is confused and it seems likely that the particular case occurred before the Local Order was promulgated. In any case, one such case seems rather slim pickings for such a radical change of practice. For the record, the Department has now moved to a state-wide position that discourages strip-searches of visitors except in very unusual circumstances.

³⁷ In its response the Department considered that the drop in population and the fact that there were fewer local prisoners in the prison during the latter period explained this trend. In the Inspector's view, these explanations fall well short of explaining such a dramatic shift.

³⁸ See also footnote 24.

Strip-searching visitors accessing toilets

- 3.33 For the same sorts of reasons, the use of toilet facilities for visitors is controversial at the prison. Once they have reached the visits area visitors and children of visitors must return outside to the visits processing area if they wish to use toilet facilities. If they do this they are subject to being searched again, and this happens regularly. It is difficult to understand why there are no toilet facilities available to visitors inside the visits area. Prison officers say the policy is in place to ensure contraband is not being taken into the prison – but if visitors could go to toilets inside the prison then they would not have the opportunity to retrieve contraband from outside.
- 3.34 The importance of prisoner visitors to general prisoner wellbeing cannot be underestimated. There is no doubt that prisoners benefit from contact with family and friends. Particularly in the context of a prison that contains a predominantly traditional Aboriginal population, prisoners are able to re-establish links with family, culture and community. This in itself can do much to fill gaps in what the prison is able to do in preparing prisoners for release. The remoteness of Roebourne Prison means that prisoners receive, compared to other prisons in the State, proportionately fewer visitors.³⁹ We have seen at other prisons with high Aboriginal populations, such as Broome, that families will visit frequently and in large numbers when easy access to a prison is available and the environment is conducive to family contact.

THE REGIME FOR MAXIMUM-SECURITY PRISONERS

- 3.35 The maximum-security section of the prison, which is located in Unit One, typically holds short-stay remand prisoners who are awaiting appearances before the local Petty Sessions Court or the District Court, when it sits in the region.⁴⁰ During the Inspection week there were between six and eight prisoners occupying single cells in the ten-cell section.⁴¹ The Inspection Team found many similarities in the security regimes, prisoner conditions and quality of service delivered that were found to exist in the security sections at Broome and Eastern Goldfields Regional prisons. Consistent with the findings in these two other regional prisons, the experience for remand prisoners at Roebourne is one where poor prisoner conditions, excessive confinement and minimal access to prisoner services are the norm. The section has an atmosphere of abandonment and alienation; prisoners appear sullen and are far less communicative than prisoners outside the section. The conditions and lack of interest in prisoner wellbeing in Roebourne's security section exhibit the hallmarks of a punishment regime.

³⁹ We discuss how prison visits operate in at Roebourne from paragraph 6.28.

⁴⁰ See paragraph 4.28 for more information on conditions for remand prisoners at Roebourne.

⁴¹ Six are single-occupancy cells, one is a 'Prisoner Transit Cell' capable of holding ten prisoners, two are 'Multi-Purpose Cells' and there is one 'Medical Observation Cell'. Prisoner accommodation is discussed in more detail from paragraph 6.2.

Short-term placements

3.36 Whilst most prisoners are held in the section for short periods, a significant number of prisoners are held there for extended periods of time. Between April 2001 and April 2002, records show that there had been 423 prisoners accommodated in the section. The majority of these prisoners (360 or 85%) had spent no more than two days in the section. However, 39 prisoners during this time had spent more than three weeks in the section and 24 prisoners more than one month in the section. Several prisoners actually spent more than three months in the section. These statistics are important for two reasons. Firstly, they negate what is a fundamentally erroneous contention that prisoners and the community should tolerate poor conditions because very few people endure them for short periods. Second, they draw attention to a phenomenon we have found in several prisons – that is, of a class of prisoner who can become almost invisible in correctional environments that are geared to focusing on managing sentenced prisoners.

Physical environment

3.37 Access is gained to the maximum-security section via two barrier gates. Prisoner cells lead off on walkways at angles to the left and right. The cells form the triangular shape of the section yard by being connected by a concrete wall that has barred window openings that are covered in steel meshing. The roofing of the yard walkways drops forward to join steel girders covered with heavy gauge meshing to form a barred roof over the section. The yard consists of a concreted floor area that absorbs and retains heat. The section has a cramped, claustrophobic and bleak feel to it.

3.38 The section's physical environment is made harsher by its relatively open exposure to the sun and hot airflows, as it is not designed to catch any prevailing breeze. The design of the section also makes it difficult for prisoners to avoid being out of the direct sun. No protection is provided, such as shade cloth extended over the yard. Temperatures inside the cells in the section regularly exceeded 35 degrees Celsius throughout the day during the Inspection week and in the months preceding it. All cells in the section have ceiling vents that are meant to expel evaporative air-conditioning, but none of these was working.⁴² None of the prisoners in the section had their own fans.⁴³ To keep out of the direct sun prisoners spend their time watching television in the barren dayroom or lying on their beds in their cells.

Isolation and neglect

3.39 Prisoner contact with people from outside the section is very limited. Prisoners told us, and Inspection staff directly observed, that there was nothing in the way of routine visits by support staff

⁴² The air-conditioning units are old, dilapidated and had not been serviced for some years. The steel casing was rusted through in many cases, enabling the escape of such cold air as they were capable of generating.

⁴³ One medium-security Caucasian prisoner was, by his own request, in the maximum-security section because he wanted his own cell. He left the section each day to work in the prison.

in the prison. Prisoners said that they had to request attendance by the Prisoner Support Officer, AVS staff or from Peer Support prisoners.⁴⁴ In order to speak to officers they must attract their attention through the sealed entrance door to the section. In an emergency they can use call buttons. Inspection staff also noted that officers rarely entered the section and only really did so when they were required to conduct prisoner counts. Inspection staff observed, on several occasions, breakfasts and lunches left on a tray in the area between the entrance barriers and prisoners reaching through the barrier gate to pick up food.⁴⁵

Section conditions and daily routine

- 3.40 Cells in the section had been painted very recently and they were clean. There were no storage facilities in cells; prisoners placed their belongings, normally consisting of a laundry bag and joggers, on a small table. Several prisoner cells and the day room were often in darkness as prisoners covered up windows to minimise hot air entering living spaces. The day room contained a fridge, a freezer, and a kettle with tea/coffee making facilities available. There was a small book-shelf in the room which contained about 40 books, which looked very old; prisoners said that they were rarely used.
- 3.41 Prisoner access to any form of physical or passive recreational activity is severely limited. The section has a basketball hoop located on one of the support poles of the 'sky bar' roof of the section. A boxing bag is located against the back wall. These facilities are rarely used due to the extreme temperatures in the section and the lack of available sporting equipment (prisoners must purchase boxing gloves from the canteen to use the boxing bag and most of them do not have the financial resources to do so). Just before lock-up at 7.00 p.m. prisoners return to their cells. There is little to occupy them in the hours between lock-up and when they can sleep, with none of the remand prisoners having television sets.
- 3.42 Maximum-security prisoners are 'employed' as cleaners of the section, including their own cells and the unit yard.⁴⁶ There are no opportunities for prisoners to participate in meaningful work or educational activities either inside the section or outside in the prison mainstream. Posters had recently been put on notice boards about the section advising prisoners that education staff would visit the facility weekly. Prisoners advised Inspection staff that they were not aware of any visits by education staff. The only conclusion that could be drawn is that this must have been a very recent initiative.

⁴⁴ The Department commented that 'prison support staff regularly visit the security section of the prison.' This seems like a classic example of management mistakenly believing that the policies that they have promulgated translate into actual practice on the ground.

⁴⁵ The Department claimed that there is invariably a direct delivery or hand-over of meals. Again, our own direct observations are to be preferred.

⁴⁶ They are paid gratuities for this work.

Chapter 4

DIFFERENT NEEDS AND GOOD CORRECTIONAL PRACTICE

4.1 This Chapter focuses on the ways in which Roebourne Prison manages prisoners' care and wellbeing. Against the benchmark of the 'healthy prison' test, we analyse how the prison treats particular groups in the prison, from the majority Aboriginal prisoner population to smaller groups of prisoners who have specific needs, such as women, remand, long-term and young prisoners. We look at the relationships between the Department and its staff, and how this impacts on relationships between prison staff and prisoners, and prisoner wellbeing.

ROEBOURNE AND THE HEALTHY PRISON MODEL

4.2 The Healthy Prison model represents a framework for identifying positive aspects of imprisonment, without suggesting that prisons, even those that are well run, are 'healthy' places for people to spend time. The model identifies key factors that generate a correctional environment that supports prisoners to prepare for release and reduces the likelihood of their re-offending. As we have discussed in Chapter 3, prisons in Western Australia have an obligation to achieve these correctional purposes by balancing security regimes designed to protect the community with the wellbeing of prisoners. The way prison staff conduct their work in the prison by interacting and communicating with prisoners is a key factor in prisoner wellbeing.

4.3 The Healthy Prison test utilises the concept of respect for prisoners as a way of analysing how prisoner welfare and wellbeing needs are met. This model focuses on interactions between prisoners, prison staff, prison managers and Head Office to understand how prisoners are affected by the way a prison operates.⁴⁷ We use it in conjunction with the Department's own Four Cornerstones and relevant international instruments. This has been explained more fully in paragraphs 1.9–1.11.

Respect for prisoners

4.4 One of the key responsibilities for prison managers and prison officers is to demonstrate good practice to prisoners in how people relate to each other. We have catalogued in paragraphs 2.26, 3.15 and 6.43 that interactions between prisoners and staff at Roebourne leave much to be desired and that there are systemic barriers to good communication in the prison. For example, the majority of prison staff demonstrated little if any sympathy for prisoners living in hothouse conditions that they themselves would not have tolerated. From the prisoners' perspective, the breakdown in communication with staff results in a paucity of knowledge about prison services, protocols and strategies for having their needs addressed. Limited information from other prisoners must fill the gaps.

⁴⁷ This emphasis on respect is consistent with the Department's enunciated core values, which identify respect in the prison context as involving 'productive and supportive relationships with colleagues, prisoners and others by respecting their needs and opinions', *Department of Justice Prison Services Business Plan 2000–2005*.

Prisoners as individuals

4.5 The key to demonstrating respect for prisoners involves recognising and understanding their individual needs. In order to do this there needs to be an informed appreciation of the diverse nature of the prison population. At a broader level, prisoners are categorised into groupings dictated by race/ethnicity and gender: 'Aboriginal', 'non-Aboriginal', 'women' and 'foreign national'. Beyond this, prisoners are classified by security rating (maximum, medium, minimum), conviction status (remand or sentenced), or regime status (protection, vulnerable, etc.). These classifications are useful to the prison in establishing general information about the prison population; however, what the labels mean in terms of a prisoner's needs and vulnerabilities is often unclear or not pursued.

Respect for staff

4.6 The model of a Healthy Prison is a framework for correctional practice that focuses on strategies that adequately prepare prisoners for reintegration into the community. The Prison Service relies on the Department's human resources to achieve these goals. The way that staff are managed and supported feeds straight back into the way services are delivered to prisoners. For a prison to be healthy for prisoners it needs to be healthy for staff.

4.7 A Healthy Prison for staff is one in which:

- Staff feel safe, in relation to their personal safety and working conditions;
- Staff are treated with respect as individuals;
- Staff are informed and consulted within their sphere of work;
- They have high expectations made of them and are trained accordingly; and,
- They are well led.

We discuss staff issues in detail from paragraph 4.44 below.

ABORIGINAL PRISONERS

4.8 The extreme over-representation of Aboriginal people in prisons in Western Australia remains the most significant issue facing the prison system. There is cause for some optimism in the Department's latest, unpublished, statistics that indicate that between March 2001 and March 2002 there was a 16 per cent decrease in the number of Aboriginal prisoners in the Western Australian prisoner population. However, the over-representation of Aboriginal people persists. In Western Australia in 2000–2001, according to recent statistics published by the Department, there were 2,880 or 41 per cent Aboriginal adults received at WA prisons, compared with a total of 7,077 of all prisoners received in the same period. The proportion of Aboriginal offenders received on remand was 51 per cent of all remand prisoners and the proportion of Aboriginal offenders received as sentenced prisoners was

45 per cent. Aboriginal men are 22 times more likely to be in prison than non-Aboriginal men and Aboriginal women are over 40 times more likely to be in prison than non-Aboriginal women. For a variety of reasons Aboriginal offenders are less likely to be granted bail prior to trial than non-Aboriginal offenders and they are less likely to receive non-custodial sentences.⁴⁸

- 4.9 At Roebourne Prison, which is situated in a region with a high Aboriginal population, 85 per cent of the prisoners were Aboriginal at the time of the Inspection (Aboriginal prisoners comprised 95 per cent of the male population). Yet Aboriginal prisoners do not belong to one homogeneous group. The fact that Aboriginal people make up the largest single prisoner grouping hides complex and often significant differences between prisoners there.

Aboriginal diversity

- 4.10 Aboriginal male and female prisoners come to Roebourne Prison from different communities across the vast distances of the Pilbara and the Kimberley regions. Many Aboriginal people can speak or understand several languages because families regularly interact and intermarry between different language groups. This means that many Aboriginal prisoners at Roebourne are multilingual. Even so, English may be the second, third or otherwise least spoken language in their community. Many prisoners are fluent in a 'Creole' version of the English language that intersperses English with that of their own languages.⁴⁹
- 4.11 It is important to understand that many Aboriginal people from the region manage and mediate their social relations with other Aboriginal people according to kinship rules that signify formal and appropriate relationships between people: where responsibilities and intimacy lie, and who should be avoided.⁵⁰ When the cultural and social framework that prisoners belong to are bound by such relationships, especially where some contacts between skin groups are regulated (i.e., contact between men and women), it impacts on how prison services are received and accepted by Aboriginal people. This can make what would appear to be straightforward opportunities to participate in work, education and programs a far more complex set of decisions for many Aboriginal prisoners. The way Aboriginal prisoners deal with some of these issues can be misinterpreted as recalcitrance or lack of interest in taking up opportunities that might be on offer. One area, and possibly the only area, where the prison recognises cultural preference and relationship rules is in the area of cell

⁴⁸ Department of Justice 'Strategic Plan for Aboriginal Services 2002–2005', May 2002.

⁴⁹ Apart from differences that may exist associated with their homelands, there are two significant differences between groups of Aboriginal people. One is the Aboriginal language group or groups that individuals may belong to, and the other is the extent to which the impact of the white dominant culture has had on the group lifestyles of Aboriginal people. The small numbers of Aboriginal prisoners that come from the Roebourne area identify themselves in relation to their Injibandi, Ngaluma or Banjima language groups. Prisoners from Port Hedland, through Marble Bar to the Great Sandy Desert identify themselves with, for example Nyangumarta, Warnman, Manyjilyjarra and Yulparija language groups. Prisoners from the Kimberley region, that has upwards of twenty-five languages, identify principally with five different languages, including the Karajarri, Mangala, Juwaliny, Wamajarri and Kukatja.

⁵⁰ There are four principal 'skin groups' in the Pilbara region. Different languages name the skin groups slightly differently, but everyone knows where they belong in a structure that transcends a particular language.

accommodation. The prison routinely allows prisoners to choose cell-mates. Choices usually correspond to language, family and skin group connections. However, the general misunderstandings or ignorance as to the nature of Aboriginal social relationships is the major area of dissatisfaction for Aboriginal prisoners. We address this issue, particularly in relation to attendance at family funerals, from paragraph 6.57 in Chapter 6.

Language and interpreter resources

4.12 The prison provides no materials in local Aboriginal languages that describe processes, procedures or services in the prison. There are no prison orientation materials in Aboriginal languages or information that provides some help to prisoners to navigate prison regimes. Prisoners receive much of their information about how the prison operates from other prisoners who speak the same and similar languages.

4.13 Other written or oral resources relevant to Aboriginal prisoners with limited or no English are virtually non-existent and amount to a few Aboriginal-focused books in the prison library. The Department should conduct research into the language and resource needs of Aboriginal prisoners, particularly in regional prisons. Several community organisations exist in the Pilbara and the Kimberley that could provide the Department with opportunities to develop language and translation resources. This sort of initiative would also enhance the prison's contact with local communities and would be the logical next step to building on some of the elements of good practice, outlined below, that are now taking shape in the prison.

Seeds of good practice

4.14 There are elements of good practice developing in the management of Aboriginal prisoners at Roebourne. In December 2001 the prison engaged the services of a Prisoner Support Officer whose task it has been to re-develop the lapsed peer support services within the prison. A Peer Support Group (PSG) has been established in the prison, and the first steps were taking place to train PSG prisoners to provide support to fellow prisoners. Also, the prison had commenced, during the week of the Inspection, a staff cross-cultural awareness training course presented by a local Aboriginal training organisation, Ngurra Wangkamagayi. Another innovation, which was still in the development stages at the time of the Inspection, was an information booklet, produced collaboratively between the Assistant Superintendent Prisoner Management and the Prisoner Support Officer, intended to be used by uniformed officers to assist Aboriginal prisoners make funeral attendance applications. These recent initiatives are to be commended; however, there is a long way to go before the prison is providing services that are designed specifically for the prison population at Roebourne and are in accordance with the Department's *Strategic Plan for Aboriginal Services*.⁵¹ Aboriginal males represent the

⁵¹ This document is discussed in paragraph 3.10 of this Report in relation to the strategies identified by the Department to reduce the impacts of imprisonment on Aboriginal people and from paragraph 6.42 in respect of appropriately developed grievance procedures for Aboriginal prisoners.

major group within Roebourne Prison. Their needs as a group are not well met; however, there are several other marginalised groups in the prison whose needs should be differentiated and appropriately addressed.

THE REGIME FOR WOMEN PRISONERS

4.15 The most common explanation that is given for the poor conditions and ad hoc services that prevail for women in regional prisons is that, unlike their metropolitan counterparts, regional prisons must serve a multiplicity of purposes to cater to the correctional needs of a particular region of the state. For women prisoners at Roebourne, Broome, Eastern Goldfields and Greenough prisons, the requirement that prisoners should be kept, as much as individual security ratings allow, in their home regions represents, in effect, a trade-off by prisoners of conditions and services that are available to women prisoners in Perth.

4.16 At the time of the Inspection there were six women in the section, five Aboriginal and one non-Aboriginal. Inspection staff were disappointed to discover that the standard of correctional environment for women fell well short of what was expected of the prison.

Conditions for women

4.17 The women's section is situated in Cell Block 4 in Unit Two in what was the old maximum-security section of the prison prior to the 1996 security upgrade. Women prisoners of all security classifications are held there. The front and rear of women's cells have shuttered windows that allow some ventilation. However, there are no ceiling fans in these cells, as there are in all other standard (male) cells. The women must rely on desktop fans as the evaporative air-cooling system which is meant to cool down and ventilate the cells has not been working in the section for some months. The concrete yard in the section leads out onto a grassed recreation area that is partially covered with shade cloth. Women prisoners told Inspection staff that they did not use the area because, they said, it had nothing to offer and provided little privacy from male prisoners in the adjacent unit.

4.18 The section had been an area where security regimes were relaxed as a result of the security review conducted shortly before the Inspection. The original regime had all women confined to the yard, with medium- and minimum-security prisoners able to leave by signalling to prison staff in the unit control pod from the yard barrier door. The new security regime allows for the barrier door to remain unlocked. Women are free to leave the section as long as there are no maximum-security women in the section. If there are, the process reverts to the old regime.

Access to prison services

4.19 Women's access to education and work opportunities both inside and outside the prison is limited; they do not have access to external TAFE classes and they have limited course options within the

prison. Unless women can attend the same courses as men, they are unlikely to have sufficient numbers to make a separate class viable. They are restricted to undertaking cleaning or sometimes gardening duties about the prison. Women at Roebourne must travel the 1,600 km to Bandyup Prison in Perth to undertake offender behaviour programs, and they do not participate in the Cognitive Skills Program that is available to men at the prison. The determining factor in each of these areas of lost opportunity is because they are women.

FOREIGN NATIONAL PRISONERS

4.20 Neither the Prisons Act, the Director General's Rules, nor the Departmental policy directives provide alternative standards for the delivery of prison services to foreign nationals. This means that the same correctional outcomes are sought, in terms of rehabilitation and preparation for release, as for all prisoners. The service standards appropriate to the general prison population also apply to foreign nationals.

4.21 In order to make assessments about how the prison prepares foreign nationals for release, it is important that there should be some deeper understanding of the types of people that exist behind the 'foreign national' label. For our purposes, there are two broad categories of foreign nationals in Western Australian prisons. The first category is made up of foreign nationals who have been accused or convicted of committing offences whilst inside Australia, usually while they are visiting, on holiday or working in this country.⁵² The second broad category is made up of foreign nationals who have been accused or convicted of offences that are related to immigration or so-called border protection issues. This group includes (a) foreign nationals accused or convicted of offences relating to the transportation of refugee claimants to Australia, (b) foreign nationals who are refugee claimants who were originally detained at Commonwealth Detention Centres who have been accused or convicted of offences inside Detention Centres, and (c) foreign nationals accused of fishing in Australian territorial waters.⁵³

4.22 Roebourne, in a similar way to Broome Prison, has frequently held not-insignificant numbers of foreign nationals from this second category because of its relative proximity to the Port Hedland and Curtin Detention Centres and to fishing grounds off the North-West coast of the State. The nine male Indonesian foreign nationals who were at Roebourne Prison during the Inspection were

⁵² This category formerly included foreign nationals who have completed sentences but remain in prison because repatriation arrangements do not exist with the prisoner's home country. For example, there were several Vietnamese prisoners that the Inspectorate is aware of in the prison system who had remained in prison some years past their release dates because there is, at present, no repatriation agreement between Australia and Vietnam. However, in February 2002 the Attorney-General (Hon. Jim McGinty) notified the Commonwealth Minister for Immigration that no further Commonwealth detainees of this category will be held in WA prisons.

⁵³ The overwhelming majority of prisoners from all three of these categories have been charged with or sentenced as a result of being convicted of committing Commonwealth offences. The Federal Government does not reimburse the State of Western Australia for prison services delivered as a consequence of the Commonwealth's jurisdiction.

sentenced prisoners serving periods of imprisonment of between two and four years in duration for offences relating to border protection issues.

4.23 The significant point about prisoners from this second category is their potential vulnerability within the prison system. Indonesian fishing boat crew are generally young men from very poor communities who have had little formal education. Most have had no experience in dealing with 'white' culture or authority and cannot understand or speak English. Foreign nationals who originate from Commonwealth Detention Centres are commonly dealing with anxiety associated with leaving their homelands and families, stresses associated with their passage to Australia and in some instances trauma associated with their previous experiences.

4.24 Foreign nationals delivered to prisons in these types of circumstances should be identified and supported for their eventual release from prison in ways that recognise their language and cultural identities. This can best be achieved by (a) providing language and interpreter resources that assist foreign nationals to make sense of and function in prison, and (b) access to telephone services that allow foreign nationals to keep periodic contact with their families overseas. Both of these measures support foreign nationals to maintain connection with their cultures and traditions and help to reduce the likelihood of prolonged disorientation within the prison system.

Language and interpreter resources

4.25 Prisoners need to settle down and adjust to an alien environment where the ability to communicate becomes a critical factor in determining the quality of daily life. Being able to understand and to be understood is one of the most basic of human needs. Add to this the importance that being able to speak and read one's own language plays in maintaining links with culture, custom and tradition and we can see that language and interpreter services and language resources are essential to any custodial environment that is serious about prisoner wellbeing.

4.26 None of the Indonesian prisoners was able to speak or understand English when they first entered the prison. Consistent with the experience of many foreign nationals in WA prisons, the only reliable language assistance they have received has been during their court proceedings. Once they are transferred to Roebourne any such assistance is ad hoc at best. There are no materials available in the prison that translates how any of the processes, procedures or services operate (from prison orientation material, information on how to make applications or requests in the prison). Their only source of information came from prisoners who had been in the prison for longer periods and from several Aboriginal prisoners who had provided ongoing support and guidance about what was going on in the prison and help with understanding English. Shortly before the Inspection the prison contracted a tutor to assist Indonesian prisoners to learn English, which had very limited success (see paragraph 7.13).

4.27 To address these issues action needs to be taken at a local prison level, at a Departmental level, as well as at a Commonwealth Government level. At the prison level staff need information and training,

just as they do with regard to Aboriginal prisoners. The role of Head Office should be to coordinate the production and distribution of prison information in different languages and develop language resources for distribution to prisons across the state. The Department should seek funding arrangements with the Commonwealth Government in order to develop these resources, though it is recognised that the Commonwealth has been notoriously resistant to such approaches in the past.

REMAND PRISONERS

4.28 During the Inspection the number of remand prisoners in the prison fluctuated between six and eight.⁵⁴ Several of these prisoners were classified as maximum-security prisoners and kept in the maximum-security section, and others were classified as medium-security prisoners and kept in Unit One. Their time in the prison can be as short as a few days when, for example, their bail conditions need to be organised, or their stay can extend to several weeks and even months while awaiting court appearances.

4.29 In an over-secure prison environment focused on dealing with sentenced prisoners, such as Roebourne, several questions arise concerning how remand prisoners are treated and how their individual needs are addressed. First, and by taking guidance from the basic human rights principle that no person be detained for any period longer than is absolutely necessary, we wanted to see how the prison assisted those prisoners who had been granted bail to organise their release. Second, and acknowledging that remand prisoners will be involved in immediate and ongoing court proceedings, we were interested to see what opportunities prisoners had to access legal advice, legal information and legal resources. Third, and in consideration of remand prisoner status as non-convicted prisoners, we wanted to see what active steps the prison takes to reduce the negative impacts of prison on these prisoners.

Releasing prisoners to bail

4.30 A prisoner's status, and therefore needs, are established upon each reception into the prison. Remand prisoners' immediate needs will principally depend upon one of three factors. If the court has refused bail or no application has been made, a prisoner's needs are principally to do with having access to legal services and information (see paragraph 4.34 below).

4.31 The needs of those prisoners for whom bail has been set, conditioned on surety or the confirmation of accommodation status, require assistance to meet set conditions. There are two significant points at issue here. First, the information supplied to the court upon which bail was granted should provide most if not all of the information necessary to organise the remand prisoners release from custody – bail has been granted based on this information. Second, in granting bail the court has made a judgement that the accused is of a risk commensurate with the conditions that are imposed on the

⁵⁴ This number can fluctuate significantly. During a liaison visit to the prison in March 2002 by Inspection staff there were 18 remand prisoners.

granting of bail. So bail granted on small surety amounts, of say, between \$500 and \$2000 is a clear indication that the court has made an assessment that the remand prisoner is of minimal risk to the community.

4.32 There were at least four prisoners who were in this category of remand prisoner who had small surety amounts payable in the prison during the Inspection period. One of the prisoners, who was subject to the requirement of a \$500 surety, had been in the prison for more than two months. He was unable to organise a third person to promise to pay the \$500 surety payment and he was also impeded from being released because he could not arrange bail hostel accommodation in the area. His imprisonment had more to do with his inability to arrange funds and find hostel accommodation than anything to do with the risk he may have posed to the community. Evidently, given his circumstances, efforts that were being made by the AVS and the prisoner Support Officer to assist his release had not been successful.

4.33 There were no materials provided to remand prisoners, either at prisoner orientation or through posters or pamphlets about the prison, informing them how to arrange their bail release or indicating who to contact in the prison if they required assistance. In addition, responsibility for assisting such prisoners was unclear. The prison's Records Officer was responsible for alerting the ASPM of a prisoner's remand status, but this was not backed up with an integrated system for supporting prisoners to arrange their bail release as is the case, for example, at Hakea Prison. The prison should re-examine its systems so that even greater managerial emphasis is placed on assisting remand prisoners to arrange their release.

Access to legal information, representation and resources

4.34 Consistent with principles relating to access to justice, it is important that all prisoners, and particularly remand prisoners, should have access to legal advice, information and resources. Access to legal services and resources is critical for remand prisoners facing charges, sentenced prisoner facing new or ongoing legal proceedings and prisoners wishing to appeal sentences. At Roebourne Prison a Court Officer from the local Aboriginal Legal Service based in Roebourne is the principal link for prisoners to access legal information, advice and representation.

4.35 However, this link is under some strain for two reasons. First, there is no formal system of notification advising the ALS when there are new arrivals at the prison. The ALS relies on a prisoner's family members to advise them of a prisoner's arrival, and this may not happen for some days following an arrival. The development of a simple protocol between the prison and the ALS could easily remedy what is a lack of coordination that can result in prisoners not having access to linkages to legal services as soon as practicable.⁵⁵ Second, the prison recently curtailed prisoner access to the ALS officer by relocating him from inside the accommodation units, where he was easily

⁵⁵ In the case of police custody a protocol exists between ALS and the local police with the result that the ALS is informed whenever an Aboriginal person is taken into custody in the area.

accessible to prisoners, to the prison visits area adjacent to the prisons administration building. This location change has affected the ALS officer's visibility in the prison and, according to the ALS Court Officer, has meant that fewer prisoners access ALS services.⁵⁶

- 4.36 The only meaningful concession that remand prisoners enjoy at Roebourne Prison is a more generous visits regime, which allows remand prisoners visits between 1.00 p.m. and 3.00 p.m. each day of the week. In every other sense they exist as either maximum- or medium-security prisoners. This is irrespective of their risk to the community. It is not normal practice for appropriately assessed remand prisoners to participate in s.94 work or education opportunities outside the prison, even though a Departmental Policy Directive allows for minimum-security remand prisoners to be assessed for suitability for a s.94 placement outside the prison.⁵⁷

'LIFERS' AND GOVERNOR'S PLEASURE PRISONERS

Reducing the negative impacts of extended periods in prison

- 4.37 Departmental data show that in June 2002 there were 164 Lifers and 36 Governor's Pleasure prisoners in the WA prison system dispersed across the State. Roebourne Prison had six prisoners serving very long-term sentences: four prisoners were serving life sentences and two prisoners were serving sentences at the Governor's Pleasure. The prison's purpose is to hold short-term prisoners and, accordingly, services and regimes in the prison have been provided with short-term prisoners in mind.
- 4.38 The longest serving 'Lifer' at Roebourne has been in the prison system for 16 years. Lifers and Governor's Pleasure prisoners face a specific range of issues that affect their general wellbeing: the most fundamental of these is handling the emotional and psychological effects of sustained incarceration. Long-term prisoners go through periods of doubt and confusion about their aspirations, goals, or direction and how they are to usefully occupy their time in custody. As the years go by, they can experience difficulties in maintaining contact with family and friends. They represent a potentially vulnerable group of prisoners.
- 4.39 The Department focuses on these prisoners when they are first sentenced, to ensure that they are appropriately placed in the prison system, and then again in the three-year period prior to their eventual release to prepare them for re-entry into the community. However, in the intervening years these prisoners as a category receive little attention, even though one might consider that their potential vulnerability would result in the monitoring of their basic welfare needs. This could include, for example, a yearly psychiatric test to assess a prisoner's mental wellbeing, and the development of the case management system to encourage closer interaction or mentoring between appropriately trained prison officers and very long-term prisoners. Creating stronger monitoring or

⁵⁶ The Department has indicated its disagreement with this interpretation.

⁵⁷ See Policy Directive Number One, Section 10.2.2.

assessment links between very long-term prisoners and key support workers in the prison such as the AVS and the Prisoner Support Officer could also assist in minimising the likelihood of such prisoners becoming isolated.

- 4.40 None of these types of arrangements exists at Roebourne Prison. The need for these safeguards are particularly relevant in a place that has no Prison Counselling Service staff (formerly called the Forensic Case Management Team) or a qualified mental health nurse to monitor and assess how vulnerable prisoners are coping with the prison experience.

YOUNG PRISONERS

Over-representation and vulnerability

- 4.41 There were 225 young people between the ages of 18 and 21 in the Western Australian prison system on 30 June 2002, of whom 99 or 44 per cent were Aboriginal. The crisis in the over-representation of Aboriginal people in the WA prison system is most evident from the transfer rate of young people from juvenile detention to adult prison. In 2000–2001 there were 71 (61%) Aboriginal juvenile receptions to prisons out of a total of 116. Eight prisoners in the 18–21 age-group were at Roebourne Prison during the Inspection week. Government and Departmental policies focusing on reducing the over-representation of Aboriginal people in prisons do not address the specific needs of young people in the regions.
- 4.42 The incidence and nature of bullying and sexual assault involving young prisoners in Western Australia prisons has not been the subject of Departmental research. However, anecdotal reports identify young prisoners as being vulnerable to suffering these types of incidents. At Roebourne Prison young people enter an over-secure and overtly masculine environment. There was no evidence that the specific needs of young prisoners had been identified as an issue.
- 4.43 In its efforts to reduce the chronic over-representation of Aboriginal people in prisons, the Department should consider young Aboriginal people as a distinct grouping that deserves particular attention. This should include an assessment of the correctional and service needs of young prisoners and especially young people in regional prisons.

MAKING ROEBOURNE A HEALTHY PRISON FOR STAFF

- 4.44 The principles of a healthy prison provide a useful guiding framework in assessing whether Roebourne Prison provides a good working environment for prison officers where the prison's correctional purposes are supported by good leadership.
- 4.45 In attempting to describe the complexity of relationships between officers at Roebourne and Head Office, we listened to uniformed staff and prison managers and we studied the Department's human resource policies in respect of prison officers working in regional prisons. In this way we were able

to piece together why the relationship between uniformed staff at Roebourne and Head Office was at such a low ebb. Fundamentally, uniformed staff described Head Office as out of touch in understanding the difficulties they encountered in operating a prison in the Pilbara region. They believe that their treatment by Head Office demonstrated a lack of respect for them and the work they do.

4.46 The Inspector is of the view that the standard of leadership and support given to Roebourne Prison by the Department's Head Office has brought the prison to the brink of dysfunction. This section looks at why staff feel alienated and generally undervalued by the Department, and at some of the effects that this has had on the prison's operations. We then look at some of the ways forward that are open to the Department to improve their relationships with staff in the prison. This process should provide the Department with a framework for improving conditions and the general wellbeing of prisoners at Roebourne.

Lack of respect

4.47 Respect in this sense is referred to in a cumulative sense to describe the range of comments expressed by staff. Uniformed officers identified several specific issues that they said contributed to their anxiety about the way the prison was being managed from Head Office, namely:

- Several years of local management changes leading to regular rule and regime changes and lack of direction in the prison's operation;⁵⁸
- Cost-cutting imposed by Head Office without consultation, leading to drifting priorities in the prison and requiring officers to implement the withdrawal of prison services;
- Poor communication with uniformed staff regarding issues affecting their job security and the future direction of the prison;
- A lack of understanding and empathy by the Department in relation to the financial and social costs staff incur by working at the prison.⁵⁹

4.48 Residents in the Pilbara pay between ten and 30 per cent more than people in Perth for general consumer items, making the region one of the most expensive places to live in the State.⁶⁰ Prison officers are paid a district allowance and their accommodation costs are subsidised for a large

⁵⁸ Between January 2000 and April 2002 there were six changes in Superintendent at the prison, five changes in Operations manager, two changes in Business Manager and four changes in Security Manager.

⁵⁹ Staff feel discriminated against because, they believe their colleagues in metropolitan prisons do not have to make sacrifices or incur the extra costs that they do; that other public servants that work in the region have benefited from improvements in conditions and allowances for working in the region, e.g. Police and Education Department employees.

⁶⁰ This is due to the costs of supplying goods and services in such a remote area, combined with the spending capabilities of high-paid sections of the local community that work in the mineral exploration and mining industries.

DIFFERENT NEEDS AND GOOD CORRECTIONAL PRACTICE

proportion of staff.⁶¹ Nevertheless, the purchasing power of their wages is considered to be less than their counterparts in Perth.

4.49 Some of these issues have been the subject of ongoing consultation between uniformed staff and the Department. However, many staff believe that this process has further demonstrated the Department's disingenuousness in responding to and addressing their needs. The whole of the Department consultation process commenced early in 2001. By the time of the Inspection in April 2002 the process had reached a stage where a document titled the 'Remote Areas Incentive Strategy' had been released which identified broad areas of negotiation between staff from the regions and the Department. The Strategy outlines a number of positive recommendations, including the consideration of various forms of regional allowances. Staff believe that, to date, the Department has not demonstrated much inclination to further negotiations on these matters. It is evident that the culture that has developed between staff at the prison and the Department is defensive on both sides; uniformed staff believe senior managers do not respect them, and the Department appears to maintain an indifference to the damaging affects that low staff morale has on the wellbeing of prisoners.

4.50 The colloquial feedback among officers at Roebourne Prison was that too many of them had been reluctantly recruited to work at the prison and that they were looking for the first opportunity to escape. There are ranges of indicators showing that morale among staff is low in the prison, namely:

- The prison has a very high staff turnover rate;⁶²
- Staff sick leave application rates are above average for the Prison Service;⁶³
- The prison has a high Staff Transfer Request List ratio;⁶⁴
- That there are more inexperienced staff compared to other prisons.⁶⁵

4.51 For all that, and despite earlier comments about poor staff-prisoner interactions, it should be said that the staff have a loyalty to their colleagues, and by extension to their jobs, which far exceeds what one

⁶¹ The Department advises that the district allowance amounts to \$2,704 for officers without dependants and officers with dependants get \$5,208 per year. They also advise that 85 per cent of staff at Roebourne prison live in GEHA accommodation, principally in Wickham. The houses are privately owned accommodation leased by GEHA. The average rent for a GEHA home is \$150 per fortnight.

⁶² Department statistics indicate that between March 2001 and March 2002 16 uniformed staff left the Prison Service. This equates to 26 per cent of staff from the prison for that period compared to an average of nine per cent for prisons across the system.

⁶³ Statistics indicate that between March 2001 and March 2002 there was a total of 665 sick days taken by prison officers at Roebourne, amounting to an average of 10.9 sick days taken by each officer at the prison for that period.

⁶⁴ Roebourne, at 30 per cent, is second only to Eastern Goldfields Regional Prison (EGRP), in the number of staff requests for transfer to other prisons in the system. It is also second again to EGPR as the least requested by prison officers wishing to transfer prisons. Information contained in 'Remote Area Incentive Strategy' Department of Justice (undated).

⁶⁵ According to the same source for note 47 above, the prison has the highest incidence of officers leaving the prison service within the first two years of service among regional prisons in the state.

might predict on the basis of their expressed disenchantment. It is a workforce that, properly led and respectfully valued, could still turn around the depressive ethos of the prison. At other prisons, we have observed the gap between the still-identifiable commitment of staff and the apparent indifference of their employers. At Roebourne the gap was the widest we have observed.

4.52 Prisoners experience the consequences of low staff morale in direct and indirect ways. In simple terms, uniformed staff energy that should be going into providing services, particularly in respect of the care and wellbeing of prisoners, is dissipated by staff perceptions of themselves as a poorly treated group of people. Uniformed staff, in an environment that has lacked adequate resources, guidance and supervision, have learned to be somewhat self-protective and insular rather than outreaching and involved in the lives of the people who are in their care.

4.53 The Department also has traditionally had difficulty in recruiting staff to work at the prison, based on its remoteness and what prison officers across the state believe about the way officers have been treated there. It is critical that staff should be provided with the support and leadership that sustains a positive prison culture that embraces the declared aims and purposes of the prison and the Prison Service. So acute has this issue become that a discrete HR Task Force is probably required, taking relations at Roebourne off the normal Departmental HR line.

SUMMARY

4.54 In this Chapter we have investigated how the prison manages the care and wellbeing of prisoners at Roebourne. The prison's failure to address some of the very basic needs of many prisoners, and the poor standard of interaction between prisoners and prison officers are indicative of a prison environment that has little respect for the prisoners it holds. At the time of this inspection, Roebourne Prison failed the Healthy Prison test insofar as it relates to the care and wellbeing of prisoners.

Chapter 5

PRISONER HEALTH SERVICES

5.1 The Department's stated objectives in relation to the Prisoner Health Service is to provide prisoners with equivalent access, quality and range of health services as the general public receives under the national health policy approach. This is particularly in relation to the four key areas of that approach, namely: equity of access, standards of access and care, patient outcomes and the cost-effective use of health resources. These, therefore, are appropriate benchmarks against which to measure the performance of the health service at Roebourne Prison. This section of the Inspection Report will be presented against these four key issues, with emphasis on the background of the Roebourne Prison population and its geographical location.

EQUITY AND ACCESS

Access to the health service – the process

5.2 Health services at Roebourne share a number of similarities, both positive and negative, with health services at other prisons. A common cause of concern relates to how prisoners actually get to see health professionals. In Roebourne, custodial staff in the accommodation areas use a book to record the prisoner's name and his or her reason for seeking a consultation with clinic staff. The book is kept in the control pod and is accessed by nursing staff twice a day. The requests are then triaged by health staff to prioritise access and treatment.

5.3 There are a number of problems with this mode of accessing health services. The most concerning is the lack of confidentiality which results from the requirement for prisoners to divulge the reason for their request. Prisoner focus groups reported that this requirement, even for routine visits to the clinic, removed any sense of privacy they may have felt entitled to concerning their medical care. It was reported that some officers even discourage some prisoners from pursuing their request on the grounds that the health problem, in the view of the officer, is not sufficiently serious. Officers who do this are effectively pre-empting the triage process that should only be performed by health professionals. Placement of the book in the unit control pod – a location which in itself, as identified in paragraph 6.43 below, presents a formidable barrier to communication with prisoners – acts as a further disincentive for prisoners to access health services. Prisoners in focus groups prior to the Inspection also said that the appointment system was unreliable, and that this resulted in many prisoners not bothering to make appointments at all.

5.4 In the general community it is the norm for people to be able to make an appointment to see a general practitioner within, at most, a few days, and to be seen at an emergency department within a matter of hours for acute conditions, even if they are not particularly serious. While some prisoners are able to make good use of the system within Roebourne Prison and obtain appropriate medical care in line with the above standard of access, people who are concerned about confidentiality, who do not feel they have a good relationship with the prison officers in charge of their unit, or who are not as assertive and articulate in English, appear to be accessing care less often than might be desirable for their general health and wellbeing.

PRISONER HEALTH SERVICES

- 5.5 This is an issue for the prison system overall. It is particularly an issue for Aboriginal people, especially when they are from remote parts of the State, as these groups are well recognised as being less likely to access health services than other members of the Australian community, whether in prison or not. Since the overwhelming majority of the prisoners in Roebourne are Aboriginal people from remote areas, it is especially important to guard against unnecessary barriers to accessing health services. Such barriers to access are of even greater importance given the poor health of many of the prisoners at Roebourne.
- 5.6 Prison officers should neither be in a position to make decisions about access to health care, nor appear to be in that position, except for emergencies. Requests to attend the clinic should be easy to make and generally require no special explanation. A reasonable target for the Roebourne Prison clinic would be a system where prisoners could normally attend the nurse within 24 hours, or a doctor within a week on request, without providing any specific reason to custodial staff.⁶⁶
- 5.7 Should abuse of this suggested system become a problem, then this could be reviewed for particular prisoners. This recommendation is applicable to the entire prison system, but is more acute in regional prisons with predominantly remote-area Aboriginal populations, who are less likely to access health care and who are more likely to need health care.

Access to health care – physical facilities

- 5.8 The physical layout of Roebourne health clinic is problematic from a number of perspectives. The entrance to the health clinic is shared with the prisoner reception area. One officer is expected to be responsible for calling prisoners to the clinic, processing new prisoner arrivals through reception and orientation procedures and, when necessary, dealing with prisoners returning from the Millstream Work Camp. At times this station is extremely busy, and the needs of the health clinic are subordinated because of reception duties. This causes disruption to prisoner medical appointments at the clinic and contributes to a chaotic atmosphere surrounding the prison's health care services. Arrangements to ensure that access to health services in the prison are separate from the other functions of the current reception area need to be made urgently, in consultation with health care staff.
- 5.9 Apart from the collision of functions, the physical structure and layout of the clinic are also major problems in the provision of care. The clinic is too small, which limits its function and has a major impact on privacy for patients. Additional space for health services is available in a demountable building behind the clinic; however, this space is under-utilised. The current utilisation of buildings is very poor and the working environment is far below any reasonable standard. Over recent years prison managers have not addressed the structural needs of the clinic and hence must take responsibility for the resultant diminished quality of service.

⁶⁶ In December 2002 the practice of requiring prisoners to state the reason for seeking an appointment with the nurse or doctor was abandoned. Officers still control entries to the request book but now leave the 'complaint' (reason for request) column blank.

PRISONER HEALTH SERVICES

Access to specialist and allied health services

Allied health services

- 5.10 Arrangements have been made with various community services to provide limited allied and specialist health services for prisoners. Appointments for podiatry services are made through the Pilbara Division of General Practice, and physiotherapy and x-rays are dealt with at Nickol Bay Hospital in Karratha. These services are provided free of charge by the Department of Health. As required and at charge to the Department, radiology services can be accessed at Pilbara Radiology (Karratha) and Wickham District Hospital, whilst CT Scan facilities at Port Hedland Regional Hospital can also be accessed on a fee-for-service basis. In passing, it seems surprising that one core human service Department – Health – should be charging another for such services.
- 5.11 Dental services are provided by the Karratha Dental Clinic, usually on a needs basis. There is no formal agreement to secure regular services. Prisoners are not referred to the dentist for routine oral health checks. The current arrangement usually only caters for responses to acute dental problems. The Department's policy states that: 'An offender serving an effective sentence in excess of eighteen months may be provided with routine dental treatment of a type available to the general public from the Department of Health (i.e. extractions, fillings, dentures, root canal treatments) free of any charge to the offender'.
- 5.12 This policy excludes many of the prisoner population at Roebourne as a significant proportion of prisoners are serving sentences shorter than this period. The dental care policy is thus inadequate and excludes oral health as part of a patient's comprehensive health assessment.
- 5.13 The Pilbara Public Health Unit attends to any public health issues that arise at the prison and any follow-up of prisoners on release from prison. Individual staff of the Roebourne Prison Health Services appear to have well-developed networks and links with community service providers. All transport to outside appointments is provided by the private contractor responsible for escorts and transport of prisoners, Australian Integrated Management Service (AIMS). There were some concerns by health staff that specialist appointments sometimes had to be cancelled due to a shortage of AIMS vehicles and staff.

Mental Health Services

- 5.14 Availability and access to Mental Health Services are a particular problem at Roebourne Prison. There are no Prison Counselling Services (PCS), formerly the Forensic Case Management Team (FCMT), at Roebourne. In addition, at the time of the Inspection none of the nurses at Roebourne held qualifications in mental health. This deficiency compromises the process for defining and managing prisoners 'at risk'. It is of concern that prisoners are placed on the At Risk Management System (ARMS) and monitored by the Prisoner Risk Assessment Group (PRAG) without the input of a professional with specific knowledge of mental health issues.

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- 5.15 The absence of a PCS staff member for a prison population where there is a significant rate of mental illness is unacceptable and represents a serious gap in services. The health statistics, according to the data available at the time of the Inspection, revealed that 12 per cent of prisoners had a history of mental illness and 36 per cent of prisoners in Roebourne had a recorded history of self-harm.
- 5.16 As is the case at Broome Regional Prison, the prison has relied on the goodwill and resources of the North West Mental Health Service Team (NWMHST) to respond to the needs of prisoners, with one-off referrals to deal with crisis situations. They are not used for prisoner assessments, ongoing counselling or management of prisoners already identified as having a mental health condition. The NWMHST has acknowledged that the service it provides to the prison is inadequate, and wrote to the then Departmental Director of Health Services in April 2001 and again in June 2002 to propose a combined approach using pooled resources to meet the needs in the area. Unfortunately, no replies had been received at the time this Report was being completed in November 2002.
- 5.17 The NWMHST provides psychiatric care for the Pilbara and Kimberley regions and, since the vast majority of prisoners at Roebourne Prison are from these regions, has a responsibility for the ongoing care of most Roebourne prisoners with mental health problems when they leave prison. Staff at Roebourne Prison report that they have generally had good service from the NWMHST.
- 5.18 Instead of linking in with other professionals in the region and being part of community-based health care services, the Department has embarked upon a plan that arguably challenges the notion of equivalency with community expectations in the delivery of health care services to prisoners. Prisoners at Roebourne should receive six-weekly visits by the Departmental psychiatrist from Perth, in conjunction with interim 'telepsychiatry' (video link conferences) to carry out clinical updates with individual prisoners. It was also reported to the Inspection Team that there are plans to undertake 'urgent' assessments of prisoners considered 'at risk' using the telepsychiatry service.
- 5.19 Telepsychiatry is the assessment of patients via video conferencing where face-to-face psychiatric assessment is not possible. Telepsychiatry does not provide the same standard of care as face-to-face consultation, and may be a particular problem for prisoners from Aboriginal and other non-mainstream cultures such as are found at Roebourne Prison. Clinical consultations using telepsychiatry are only a substitute for face-to-face consultation that is likely to be most useful when used as an adjunct to ongoing care provided by a team that knows, or gets to know, the patient over time. Telepsychiatry should only be used to supplement care by local practitioners where face-to-face consultations are not possible. Generally, face-to-face consultations, if available, will better meet the standard of care the Department aspires to. The Department of Health initiated the establishment of a State-wide telepsychiatry network in 1995. There have been no evaluations completed on the appropriateness and effectiveness of telepsychiatry in Aboriginal communities.
- 5.20 The NWMHST employs psychiatrists based in Broome, who provide a regular visiting service to the West Pilbara that can and has in the past included Roebourne Prison. The service works with local

health service providers including those providing services at Roebourne Prison. Clearly, as with general practitioner services, it makes sense to use local providers where possible for reasons of both efficiency and continuity of care. We understand that emergency consultations are available on a fee-for-service basis. However, given that the State Government is already providing mental health services to the North-West in general and to Roebourne in particular, it would appear that a more comprehensive arrangement should be made with this agency.

- 5.21 Overall, the current arrangements for mental health care at Roebourne Prison are not acceptable. The Department urgently needs to employ at least some nursing staff with mental health experience and to make arrangements with the NWMHST to improve the assessment and ongoing care of people at risk of self-harm and people with significant mental illness. At the same time, effort should be put into recruiting permanent nursing staff who have a suitable mix of expertise.

STANDARD OF CARE

Staffing

- 5.22 The health clinic provides a 12-hour nursing service from Monday to Friday and an eight-hour service on each weekend day. Four registered nurses are employed to cover these hours. Unfortunately, the nurses are all employed on three-monthly contracts or are agency nurses who are employed casually at considerable additional cost to the Department. Nurses at Roebourne clinic have no guarantee of a permanent position, job stability or accumulation of employee entitlements. All the nurses interviewed were committed to working in a custodial setting and enjoyed being in Roebourne but felt that in failing to offer permanency the Department was not valuing them or providing suitable working conditions. Lack of permanency also inhibits nurses' input into improving the delivery of health services and other aspects of prison operations that could improve the health care of prisoners.⁶⁷
- 5.23 A local private general practitioner from Wickham is engaged to provide one session for four hours a week at the prison. On the rare occasions when a doctor is required after hours the prison is part of the region's three doctor-on-call roster (consisting of the doctor contracted to provide prison services plus the two doctors employed by the Roebourne Aboriginal Health Service – Mawarnkarra Health Service). Doctors informed Inspection staff that they were occasionally called by prison staff after hours and that this generally involved a telephone consultation. The current medical officer has been attending the prison since August 2001 and has previous experience in Aboriginal health.

⁶⁷ Since the Inspection, the employment conditions of nurses throughout the WA prison system have been clarified, following a two-week strike in November 2002. The problems of casual and contract employment have now been largely resolved. The staffing situation at Roebourne has still not been finally settled but is expected to fall into line with State-wide practice.

Quality of care

- 5.24 The medical officer saw a total of 157 patients in a recent three-month period, an average of about 11 patients per session. Thirty-five per cent of these consultations involved reviewing new admissions, which is mandatory; hence only about 100 consultations were associated with reviewing prisoners' health problems, both acute and chronic. Of the remaining consultations 30 per cent were for minor illnesses and sports injuries, 20 per cent were for review of medication and test results, six per cent were seen for referrals to a specialist or for x-rays, and only seven per cent were for general medical reviews. Two visits were for psychiatric reviews and only one for an annual medical review. We were unable to ascertain how many different prisoners were represented in these numbers. This appears to reflect a low level of service provision – only just over a hundred consultations in three months. This represents less than one consultation per prisoner over three months for a population where there is a high level of morbidity due to chronic disease as demonstrated by 70 prisoners being listed as having an ongoing medical condition. Only 11 prisoners were listed for a general medical review when 19 prisoners were listed as diabetic alone.
- 5.25 The medical officer identified a couple of areas where he perceived shortfalls in services. With a significant proportion of prisoners at Roebourne being incarcerated for short periods, it is difficult to medically assess prisoners before they are released. In practice, this means that prisoners are often released before all test results are received. The lack of information sharing and discharge planning means that results may not be followed up in the community, and the medical file is transferred back to central medical records at Hakea. The lack of appropriate alcohol and drug withdrawal strategies was also identified as an issue, as was the lack of appropriate local protocols and procedures in a number of areas. The medical officer also identified a need for health promotion programs and education for prisoners.
- 5.26 From the prisoners' point of view, there were no significant complaints about the current staff of the health service, once prisoners were able to access them. Generally the quality of care provided, from the prisoners' perspective, was acceptable. This is only one aspect of ensuring that prisoners receive a standard of care equivalent to that in the community, but it is an important aspect. Other issues involve continuity of care, confidentiality and informed consent to medical interventions and whether the care provided is in accordance with best practice.

Confidentiality

Medical records

- 5.27 Medical records and the telepsychiatry facilities are located in a demountable building next to the Medical Centre. Medical records are kept in a filing cabinet, which we observed was not locked when checked by Inspection staff on several occasions during the Inspection. The clinic manager told us that prison officers do not have access to prisoner medical records; however, various prison officers

were able to let Inspection staff into this area using a standard set of keys carried by all prison officers at the prison. It was clear that prison officers could in theory access the medical records room at any time – a point that is made without any implication that they have actually done so.⁶⁸

5.28 Apart from potential problems with confidentiality of patient information, an additional significant problem was discovered during the Inspection. In the current layout of the clinic, the medical records are housed separately from where most of the work of the clinic occurs. To deal with this problem there is a system where people who have chronic conditions such as diabetes or hypertension also have additional observation recording charts kept by the nurse in the clinic. The reason given to Inspection staff for this practice was that there was no room for the records in the clinic and that if staff had to obtain the records from their current location each time they saw a prisoner this would add substantially to their workload (they would have to unlock and lock three doors both on the way in and on the way out). This reasoning is understandable, and further reinforces the need for restructuring the health service facilities at the prison. However, whatever the reason, the unsafe and unacceptable practice of keeping two sets of records for some prisoners needs to be changed and the secure storage of prisoners' medical files needs to be urgently addressed.⁶⁹

Informed consent

5.29 Getting informed consent from patients before conducting tests and performing procedures is an essential part of medical care in any setting and a requirement for both doctors and nurses when practising their professions. Prison Health Services have a similar onus on them to obtain informed consent from prisoners before performing tests and procedures. The pathology form the Prison Health Service used to authorise screening for infectious diseases at the time of survey, suggests a data collection system rather than an unambiguous patient-centred approach to informed consent.⁷⁰ The pathology request forms had been authorised en masse by the former Director of Prison Health Services. This enables prison-based nursing staff to carry out a series of blanket tests on prisoners without the prisoner being assessed as needing the tests by the doctor attached to the prison. The results of these tests are returned to the authorising doctor, i.e. the Director of Prison Health Services. Part of the standard practice for blood testing, which also maintains the integrity of the process of informed consent, is for the authorising doctor to provide medical counselling and education support to his or her patients, something the Director of Prison Health cannot do for all prisoners. Investigations should be authorised by the doctor who is contracted to provide medical care to that prisoner. The issue is particularly pertinent if prisoner patients are having tests performed they have neither properly consented to, nor understood the implications of.

⁶⁸ The Department's response is so completely contradictory to our own observations that one can only conclude that key arrangements must have been changed since the time of our inspection.

⁶⁹ The Department states that this practice 'has never been endorsed nor carried out' at the prison. As with the previous matter, our own direct observations, duly noted at the time, are irreconcilable with this assertion.

⁷⁰ There is a requirement under legislation for positive results of all notifiable diseases to be sent to a central data collection system at the Department of Health. However, this is the end of the process and patients would have given their informed consent for testing.

- 5.30 Infectious disease screening at Roebourne is almost 100 per cent complete. While this may be good from a public health perspective, such a compliance rate from a population that lacks English language expertise and is largely uneducated in a Western sense, also suggests that fully informed consent may not always have been obtained. Even though prisoners did not complain to us about *being* tested, many did not know *why* they were being tested – which suggests the process of providing information on which informed consent could be given may be deficient. Systems for ensuring fully informed consent from prisoners must be more clearly stated and documented.
- 5.31 A clear policy directive needs to be developed so that health staff are guided on what informed consent means and when it should be obtained. This policy should include a section on obtaining informed consent from Aboriginal prisoners in general, and from Aboriginal prisoners from remote areas in particular, to reflect cultural differences.

Continuity of care

- 5.32 Continuity of care is important between prisons and the community. Identifying physical and mental health problems on reception is the first step in assessing the prisoner's health care needs. It is at this point that past and recent medical information should be obtained to fully assess the prisoner's health status so as to ensure that the prisoner receives appropriate health care in prison. On discharge, information to ensure continuity of care should be communicated, with the patient's consent, to his or her general practitioner or other community agency involved in the prisoner's care. Health summaries should also be produced if a prisoner is transferred to another prison. The Department lacks a medical discharge policy and protocol to ensure that these essential communications for this population occur. We interviewed the doctors from Mawarnkarra Health Service – the Roebourne Aboriginal Health Service – to assess the extent of communication between the prison and services in the community. One doctor commented that there was little interaction between the two services in relation to exchanging client health information. This lack of information from other health services was apparent in prisoner medical files. This is not just restricted to external services; we also found that this was the case for the exchange of internal information where a deficit of up-to-date health summaries was noted when prisoners were transferred between prisons.⁷¹
- 5.33 Concerns were expressed about the Department's plans for the psychiatrist based at Head Office to carry out six-weekly reviews at the prison instead of using the local service – the North-West Mental Health Service Team. It was considered that such an arrangement would upset the relationship between the community and the prison as well as limiting continuity of care for local prisoners. This concern was expressed by both Roebourne Prison Health Service staff, staff of North-West Mental Health Service Team who provide ongoing care for most of the prisoners

⁷¹ The Department comments that discharge health summaries are now done on every prisoner and faxed to the relevant remote community upon his or her discharge. If they are complicated, there is also a telephone discussion. This is good practice but did not represent the situation at the time of our Inspection.

with psychiatric problems post-release from prison, and other health service providers (see paragraph 5.18).

Care and management of health conditions

5.34 During the Inspection a sample of prisoners' medical records was reviewed and all medication charts were reviewed. In addition, selected prisoners were interviewed about their health and their experiences of the health services. The selected prisoners interviewed more formally included prisoners who had reported problems and prisoners selected on the basis of their medical records where it appeared there may have been a problem. There were other opportunities during the Inspection for prisoners to raise in confidence concerns about the provision of health services.

5.35 There is a very high level of morbidity amongst prisoners at Roebourne, including large numbers of chronic conditions. Seventy of the prisoners were listed as having a defined medical problem and 15 of these were over 40 years of age. Thirty-two prisoners were recorded as having a history of self-harm or a psychiatric history or both and 19 prisoners were recorded as having diabetes. Other common conditions being treated included hypertension, raised cholesterol, arthritis and heart disease.

Investigations and medication

5.36 The medications being used at Roebourne at the time of the Inspection were entirely appropriate, although whether there was under-utilisation of some medication for chronic conditions could not be determined with any certainty during the time available. Most prisoners who were on medication were on the correct drugs based on the most recent evidence-based reviews. It was also pleasing to find that the use of analgesics and tranquillisers was at very low levels, with only one person prescribed a benzodiazepine (for an appropriate indication) and only two being on a regular analgesic (again for appropriate indications). The most common conditions for which regular medication was prescribed were diabetes and hypertension, ten prisoners being on medication for each (several were on both). Most people on anti-hypertensive medication were on an Angiotensin Converting Enzyme inhibitor (ACE, which protects kidneys from damage and delays renal failure and hence should be used for people at high risk of renal disease—a major problem for Aboriginal people. Six people were on medication for psychiatric conditions (mainly modern antipsychotic medication); five were on medication for high cholesterol.

5.37 Given that diabetes and associated conditions (including heart disease, hypertension and high cholesterol) constitute a major health problem for Aboriginal prisoners at Roebourne, a more detailed investigation of this condition was carried out. Of the 19 people listed as diabetic:

- Eleven prisoners had had their Hb^{A1C} monitored in the previous six months and a further four in the six months before that;⁷²

⁷² Hb^{A1C} is a measure of how well controlled a person's diabetes has been over the previous three to four months.

- Four prisoners did not have a readily accessible Hb^{A1C} recording;
- Of the 15 prisoners with measures available, eight were excellently controlled and a further three had reasonable control, while four were poorly controlled;⁷³
- Blood pressure control in those with documented hypertension was excellent;
- The use of low dose aspirin (to prevent blood clotting) and cholesterol lowering medication followed standard recommendations;
- Monitoring of renal function appeared to be reasonable, although not all prisoners at risk had been fully assessed for microalbuminuria.⁷⁴

5.38 Obtaining good control of diabetes involves a combination of medical and lifestyle interventions. Given the routine and the assistance with adherence to medication and diet that should reasonably be available in prison, it should be easier to encourage good control in prison than in the wider community. The above results in terms of control are almost certainly better than they would have been for the same people in the community.

Diabetic program

5.39 The diabetic program at Roebourne Regional Prison is a joint initiative between the Pilbara Division of General Practice, Mawarnkarra Health Service and the West Pilbara Health Service funded by the Department of Health. The program had been operating for six months at the time of the Inspection, providing a service to the prison once a week. An accredited diabetes nurse educator delivers the program, which involves screening, education and individual counselling. Health staff provide a list of prisoners who are suspected of having diabetes (from a urinalysis or blood sugar reading) or who are already known to have diabetes for the diabetic educator to screen and manage.

5.40 In the six-month period from 24 September 2001 to 29 April 2002, 31 sessions (four hours) were held at the prison. These sessions involved 12 individual patients; one was seen 11 times over six months and the remainder one to three times each.

5.41 As outlined above, the medical management of prisoners with diabetes at the prison is now reasonably good and meets community standards; this achievement is reported to be in large part due to the diabetes program.

5.42 As this program is also available in the local community and operates from community health services and Mawarnkarra Health Service, there is a greater chance for continuity of care from the prison to the community as these are services that Aboriginal people in the area would use for health care. On a prisoner's discharge from prison, the diabetic educator will ensure that a summary of current diabetes

⁷³ This included one person who had not had his control measured in almost a year.

⁷⁴ The standard practice is for an annual assessment of the albumin/creatinine ratio or ACR in their urine for Aboriginal people with diabetes.

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treatment and management is sent to the health service that the prisoner uses. If the prisoner is from Newman or surrounding areas, the relevant organisation is contacted by phone as well.

5.43 There is little scope for group education or health promotion activities. There have only been two occasions where this has happened with a group of Aboriginal women.

5.44 This project is a pilot program that was expected to finish in August 2002. At this stage there is no commitment of ongoing funding so the future of the program is unknown. If this program is not continued it is possible that prisoners will not receive that same level of care for diabetes.

Nutrition and special diets

5.45 Access to special diets at Roebourne Prison is limited, and a number of unusual and unacceptable restrictions on a healthy diet were observed. First, tea is provided already pre-mixed with sugar, and inmates have to be on a list of diabetics to have tea without sugar. Diabetics are provided with unsweetened tea and artificial sweetener. Second, a short time before the Inspection the prison had started providing cordial for prisoners to drink, without providing a sugar-free alternative.

5.46 The rationale behind the provision of tea to the units with pre-mixed sugar was explained as being designed to prevent prisoners having access to sugar, which they might use to brew alcohol illegally. The consequence is virtually enforcing an unhealthy alternative and encouraging people who may not normally have additional sugar to get used to having tea this way. Many of the non-diabetic prisoners will become diabetic when older (up to 50% of Aboriginal people over 50 years of age are diabetic in the areas these prisoners come from) and encouraging extra intake of sugar in such a setting is clearly unacceptable. At other prisons, such as Albany Regional Prison, prisoners have free access to tea and sugar, as separate commodities in their day rooms.

5.47 Prisons should avoid at all costs encouraging unhealthy habits and should always make healthier alternative at least as easy to obtain as the less healthy alternatives. If cordial must be provided, cordial suitable for diabetics should be available as easily as the non-diabetic alternative.

Health promotion

5.48 Apart from the diabetes program described briefly above, there is little access to health education and prevention programs, and activities that promote awareness of healthy lifestyles.⁷⁵ As well as receiving reasonable health care, prisoners should be provided with information to maintain and improve their mental and physical health. This knowledge will enable prisoners to make informed decisions about their health.

⁷⁵ The Department referred in its comments to a raft of education and awareness programs that it claims is made available to all persons entering and re-entering prisons. This claim belies our on-the-ground experience, not just at this prison but also at some others.

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PATIENT OUTCOMES

5.49 It was evident from reviewing the medical files that on entering prison the health status of prisoners was generally poor and that their health status had improved in prison.

SUMMARY

5.50 The health services staff at Roebourne are providing a reasonable service, considering the inappropriate facilities and difficulties of working within a custodial setting. However, a number of significant structural changes are needed to provide fully acceptable levels of care that meet community standards. The primary focus of the Department is on security, which in some respects overrides the health needs of prisoners. If the Department is fully committed to improving the health status of prisoners and providing better access to health services, major changes to the current health service delivery model will need to be considered; for example, provision of improved mental health services, confidential and culturally appropriate means of accessing the health service, secure storage of prisoners' medical records, and access to special diets. Some of the changes required will have minimal or no cost implications, and require rather a change in attitudes and priorities of the authorities to Prison Health Services.

Chapter 6

DELIVERY OF PRISON SERVICES

6.1 In this Chapter we evaluate prisoner accommodation, food, clothing, visits, canteen, family support services and the application and grievance procedures in the prison. We also look at how the prison delivers services that specifically relate to the care and wellbeing of Aboriginal prisoners, such as the Aboriginal Visitors Scheme, the prison telephone (Arunta) system and the application process for prisoner attendance at funerals.

ACCOMMODATION

6.2 All of the cell accommodation at Roebourne is of very basic construction. Until very recently, all cells had unpainted block wall surfaces and vinyl floor tiles. Almost half of the cells had been painted by the commencement of the Inspection as a result of the Department's refurbishment allocation. There are single, two, four and six-bed cells at the prison that all have one toilet and one wash-basin. Toilets in larger cells are partially screened off. There were three significant issues that arise in relation to the general condition and amenity of prisoner cell accommodation at Roebourne Prison; (i) the prison's response to hygiene concerns that arise because of the hot and humid conditions that exist in the prison; (ii) the cleaning standards in the prison; and (iii) prisoners' personal property rules that govern what they can bring into the prison.



Prisoner cells were being refurbished during the inspection after many years of neglect.

Health and hygiene

6.3 Minimum- and medium-security single cells for males have one ceiling fan, and multi-occupancy cells have two. All unsealed cells have window ventilation that are entry points for hot air to enter cells during the day. These windows also provide some relief to prisoners as cooler air enters in the early hours of the morning. Prisoners have developed a range of strategies to obtain relief from the heat to assist them to sleep. In many cells prisoners place their mattresses on the floor in front of barred window vents (beds are bolted down), to take advantage of cooler airflows during the night. Some prisoners soak clothing and towels with water and drape themselves with them as they lie in bed, while others regularly splash themselves with water during the night to cool down. Inspections staff observed that many prisoners kept lights off in cells in late afternoons and early evening to try and lessen the atmosphere of heat. For those prisoners who have short working hours inside the prison and who do not participate in education, daily life consists of extended periods in cells trying to avoid the direct sunlight. The hours through the day are broken up by prisoner attendance at prisoner counts, to get food at meal times or to participate in the hour of access to the prison's oval near the end of the day. Prisoners retrieve large bottles of iced water from fridges in the cell-block dayrooms to maintain supplies of fresh cool water during the night. Steps are apparently in hand to place water fountains in each cellblock to improve prisoners' daytime access to this most basic of necessities.

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- 6.4 There are no ceiling fans in the cells in the maximum-security and women's sections, nor in multi-purpose cells, the prisoner transit cell or the mother and child cell.⁷⁶ These cells were constructed to be ventilated by the combined effect of air flows through front and rear windows and evaporative air-cooling systems in the cells. However, few of the air-cooling systems actually worked. In the case of maximum-security prisoners, this means that they sit around and try and sleep at night in stiflingly hot, humid and unventilated cells. None of the prisoners in this section had personal fans.⁷⁷ Some of the women prisoners had recently been issued with personal fans, but not the men in the maximum-security section. Women prisoners said that they had asked prison officers many times for personal fans for each cell:

We had no fans, no nothing. We complained and complained and they went out and bought us three new fans, but we gonna get another girl and what is she going to do?

- 6.5 The poor climate control in cells has serious implications for the health and the hygiene of prisoners, and hygiene in the prison generally. This situation is unacceptable.
- 6.6 Prisoner also complained to Inspection staff about the smell of sewerage around the prison and how it could make many of them feel nauseous at different times of the day, especially at mealtimes. The Department of Health Inspector concluded that the odours existed for two reasons: poor ventilation in prisoner cells that fails to disperse toilet odours, and inappropriate maintenance of the prison's sewerage treatment system in accordance with public health laws.⁷⁸ In his Assessment Report he proposes that the Department install mechanical ventilation systems in cell toilets to remove odours at source. He also recommends that the Department conduct an assessment of the ventilation of cells, as well as the prison's sewerage system.

Cleaning standards

- 6.7 Prisoners are responsible for cleaning their cells and common areas, and prison officers are responsible for checking that cleaning is conducted to an acceptable standard. The Department is responsible for ensuring that prison buildings are structurally and hygienically sound and suitable for the purpose of accommodating prisoners. In this regard, it has an obligation to ensure that prisoner accommodation is properly maintained and that appropriate supervision is provided to ensure it is kept clean.
- 6.8 There are four key reasons why the Health Inspector and Inspection staff reached the conclusion that cleaning standards in the prison are poor. First, Inspection staff saw that prisoners do not have ready access to appropriate cleaning materials and equipment in order to properly clean their cells and surrounding areas. Prisoners generally do not have access to the unit store for cleaning utensils and

⁷⁶ The prison's medical observation cells have refrigerated air-conditioning.

⁷⁷ See paragraph 3.35 for more detailed information about conditions in the maximum-security section.

⁷⁸ The Health Inspector discovered that the prison's sewerage evaporation ponds located at the rear of the prison had not been treated and cleaned at appropriate intervals.

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cleaning agents, resulting for instance in many prisoners using toilet scouring powder and water to clean cell floors. Second, the Department's failure to properly maintain cell floor coverings and wall surfaces makes it difficult for prisoners to keep cells clean. Many cells have uneven floors that collect dust and dirt because the tiled surfaces in them have eroded over time. Breezblock walls coated in grime had never been painted before. Third, the supervision of cleaning in the prison evidently fails to provide adequate monitoring and to encourage improvements in cleaning standards. This is despite daily accommodation checks by officers and management staff. Finally, Roebourne Prison has neither a formal cleaning regime in place outlined in Standing or Local Orders nor a dedicated cleaning officer. In other prisons such a position is normally held by an industrial officer who, as part of their duties, coordinates cleaning in the prison and regularly monitors cleaning standards.

Prisoner property rules

6.9 Most of the prisoners at Roebourne are received with very little personal property and even fewer have TVs or electrical equipment. There are few outward signs of family, community or hobby-interests on show in the form of photographs, drawings, paintings and keepsakes – features that are so apparent at other prisons. Aboriginal prisoners typically do not accumulate a lot of personal property. However, this is to some extent a consequence of barriers prisoners face in trying to make their cells less bleak. The remoteness of the prison and the distances involved in getting there discourage prison visits and work against visitors transporting items, such as personal fans, radios or television sets for prisoners. In addition the lack of opportunities for prisoners to make artefacts, especially since art courses in the prison have been discontinued, contributes to the general atmosphere of sterility in most cells in the prison.

6.10 Television provides one of the major sources of relaxation for prisoners. Few prisoners have TV sets at Roebourne and there are no communal TV areas in any of the cellblocks or special-purpose cells, except for the one placed in the dayroom in the maximum-security section.⁷⁹ The few prisoners that do have their own television sets perch them on narrow shelves that are provided in each cell. These shelves are supplemented in some cells with communal lockers, none of which had shelving or could be locked. In most cases prisoners' possessions and clothing were contained in laundry bags that were left on beds or the storage shelf or at the bottom of lockers.

Existing rule

6.11 Roebourne Prison operates a six-week property rule that restricts the time period in which prisoners can have personal items, such as fans, radios and televisions, brought into the prison. Prisoners must get permission from the Superintendent to bring in these types of items after the six-week period has expired. If permission is denied, they must purchase these items at commercial rates

⁷⁹ The set is in their dayroom. None have them in their cells so they do not have access to TV following lock up at 7.00 p.m.

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through the ‘town spends’ system. We were advised that the rule existed as an informal ‘Superintendent’s Instruction’ intended to prevent prohibited substances being smuggled into the prison and as a prisoner safety measure to limit the amount of second-hand electrical equipment in the prison. No evidence was provided to support the suggestion that prohibited substances were indeed being brought into the prison in this way (or that it was more or less likely to happen after six weeks), and there were no incidents recorded to suggest that property brought into the prison had presented security issues for the prison or safety issues for prisoners. This rule in its current form is an unnecessarily restrictive security regime that serves no purpose other than to prevent prisoners from attempting to improve their amenity and quality of life in the prison.

New rule

6.12 The Department is about to make life even more difficult for prisoners at Roebourne who want to bring their own property into the prison. New uniform property rules to be introduced across the State, and designed to limit the volume of property stored in prisons, will impose a blanket 14-day period within which prisoners must bring property into a prison, if at all.⁸⁰ In the new rules prison superintendents, at their discretion, can allow prisoners to bring property in after 14 days. There are several reasons why these new rules and the new system-wide property policies are generally unfair and will have a disproportionately adverse impact on prisoners at Roebourne:

- The assumptions that underpin the new prisoner property policies are based on problems that exist in metropolitan prisons but which do not exist at Roebourne Prison. There are no problems at Roebourne involving the storage of prisoner property, so little of it comes into the prison;
- Prisoners at Roebourne do not enjoy the level of amenities that prisoners do at other prisons. There are no communal television areas in the prison except for maximum-security prisoners, whilst prisoners want personal fans because ventilation in the prison is poor or non-existent in places;
- The new policies were developed without taking into account the needs of Aboriginal prisoners at Roebourne, a remote prison where prisoners have very limited opportunities to get family to bring in property;
- The enforcement of both policies involves prisoners, who generally have very limited resources, purchasing television sets through the prisons ‘town spends’ system, which results in property entering the prison in any case;
- Prisoners wishing to bring property in after 14 days will be required to use the prison’s written application procedures to obtain approval from the Superintendent. This will mean they must

⁸⁰ The new 14-day period has been described as a ‘prisoner welfare concession’ at a Prisoner Property Management Project information session.

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deal with the access, language and communication barriers that this entails.⁸¹

- 6.13 Why a prison with the challenges Roebourne faces in terms of prisoner wellbeing would be included in such a catch-all policy that has been designed to deal with problems in other areas of the prison system is difficult to fathom. The new policy forces prisoners with very limited resources to purchase basic amenities within a very short space of time. This effectively denies them access to these amenities that are otherwise freely available in other prisons.
- 6.14 The Department has not sufficiently considered the effects of the existing property rule on Roebourne prisoners, let alone the discriminatory effects of the new policy rule. The Department should examine the operation of the existing property rules to ensure they fairly meet prisoner capabilities to arrange for their personal items to be brought into the prison. It should impose a moratorium on the introduction of the new policy at the prison until a rigorous assessment has been conducted to test its impact on the wellbeing of prisoners at Roebourne.

SPECIAL-PURPOSE CELLS

- 6.15 Roebourne Prison has eight cells that are designated accommodation cells for ‘special purposes’; namely, two medical observation cells, four multi-purpose cells, one prisoner transit cell and one mother and baby cell. In this section we identify the poor conditions of these cells and question their suitability as places for prisoners who are unwell, vulnerable or at risk.

Medical observation cells

- 6.16 These cells are used in two types of circumstances. New arrivals who are assessed as being ‘at risk’ are placed in these cells for observation, until they can be seen and assessed by medical staff. The cells are also used to monitor prisoners considered to be at high risk of self-harm or where there are more general concerns about a prisoner’s welfare. Prison officers decide if prisoners are held in these type of cells, based on their judgement of the prisoner’s circumstances, behaviour, medical condition and information that is known about the prisoner’s history of self-harm. Both of the cells have an infra-red camera which allows prison officers in the unit office pod and the front gate to monitor prisoners placed in them. One of the cells is located in the prison’s maximum-security section and the other is in the women’s section. The cells contain a cement bed base and a foam mattress, a water fountain, a toilet, a hand wash-basin. They are sealed, and designed to be ventilated and cooled by (the almost defunct) evaporative air-conditioning. They have no natural ventilation and no ceiling fans. Both cells were clean, having been recently painted.

⁸¹ Application and request procedures are discussed in detail in paragraph 6.40.

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Multi-purpose cells

6.17 The prison has four multi-purpose cells split between the two accommodation units. These cells are used, as the name implies, for a range of purposes including: discipline, punishment, observation, segregation, and as an overflow location to allow prisoners sharing the same cell to have a cooling-off or time-out period if there is tension between prisoners.

6.18 The use of these cells at Roebourne Prison came under scrutiny at the Inquest into the death of a man in January 2000. The Coroner found that the man took his own life. He found that the man had an extensive history of self-harm and that it was known to staff whose duty it was to supervise him that he suffered from chronic paranoid schizophrenia. Within a short period of his confinement the man had activated the cell call alarm on three separate occasions. Officers in the unit control pod made no physical checks on the man in response to the alarm calls. On the third activation of the cell alarm officers enquired, via the alarm system intercom, as to what the prisoner wanted. There was no response from the man in the cell. One of the officers then activated a 'time out' button, which effectively suppressed the cell call alarm sounding in the unit control pod for one hour. The Coroner found that the 'time out' function of the cell call alarm system had been altered from its normal 20 minutes duration to a one-hour duration period. The Coroner found that after attempting to raise the alarm, the man had placed his T-shirt around a grill in the cell and hanged himself. The Coroner made adverse findings against prison officers about the way they had conducted their duties in respect of responding to the alarm calls and in relation to the way they had recorded what had happened following the man's death. The Coroner expressed concern about the decision-making processes that had led to the man being placed in the multi-purpose cell,⁸² particularly in relation to the finding of fact that the officers had been aware of the man's vulnerable psychiatric condition prior to his confinement.

6.19 Following a Management Review into the circumstances of the death of the man, the Department made a submission to the Coroner's Court. In its submission, dated July 2001, it put forward several system-wide strategies it had implemented to improve safety for prisoners placed in confinement cells,⁸³ the most significant being:

- That an Interim Management Plan be developed whenever a prisoner is placed in a MPC which contains a full explanation of the reasons for the placement, who was consulted and outlining when the prisoner's placement will be reviewed;
- That the cell call alarm system at all prisons had been modified to ensure that the suppression of

⁸² Page 38 of the Coroner's findings: Case 24/01. See also Office of the Inspector of Custodial Services, 'Report of a Follow-up Inspection of the Special Management Units at Casuarina Prison, October 2001', Report No. 8 June 2001, page 15, footnote 10, where this issue is further discussed. It is clear that the designation of a cell as 'multi-purpose' tends to create operational confusion, so that different personnel can have in their own minds different explanations for the same event of placing someone in such a cell.

⁸³ See Director General's Rules No. 1 (Management of Prisoners in Confinement).

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the alarm cannot exceed ten minutes, and a commitment that training would be conducted among all uniformed staff about operating the system correctly;

- That Director General's Rules, Policy Directives and Operational Instructions in respect of the use of cell call alarms has been translated into Standing Orders for each prison in the State.

6.20 The Department has reported to this Office that it has implemented the commitments it made in the Management Review Report submitted to the Coroner. This includes the provision of training in the use of the cell call system.⁸⁴

Prisoner transit cell

6.21 The prison's transit cell is located adjacent to the maximum-security section. It is used to house up to ten prisoners for short periods. No prisoners were placed in this cell during the Inspection period. This cell would normally hold prisoners who had been received at the prison in transit to another prison.⁸⁵ The cell was dark, dingy and gloomy, and had very basic facilities including five double bunk beds, one wash-basin, one toilet, a water fountain and a cell alarm. The evaporative cooling and air-ventilation system in the cell was not working. There was no TV set. As a result of the prison's 7.00 p.m. lock-up, these prisoners do not, after that time, have access to any of the limited resources that are available, such as the television set in the section dayroom. The conditions for prisoners in this cell are particularly harsh considering that prisoners placed there have often endured long and uncomfortable road trips in prisoner transport.⁸⁶

Mother and baby cell

6.22 The prison has one cell designated as a mother and baby cell, and prisoners arriving at the prison are advised in the reception video that the cell is available.⁸⁷ It is located at the rear of the women's section. The cell should always be maintained in a condition for it to be suitable to accommodate, at short notice, a female prisoner with a young child. Inspection staff found the cell to be dark, dingy and gloomy. The cell contained a double bunk bed and a wash-basin, but there were no other provisions for the care of a baby and no effort had been made to create an environment that would be conducive to the wellbeing of a child. No information was available to indicate the last occasion the cell had been used for a mother and child. The prison has no Local Order guiding officers how the cell should be managed in the event of its being occupied. The accommodation is plainly

⁸⁴ The Department has still to fulfil its commitment to produce and distribute training materials in the form of an interactive computer training package, which would include training materials for the cell call alarm system. As at January 2003, tenders had been called but a contract not yet let.

⁸⁵ This is usually prisoners who are in transit to Broome and Greenough prisons and prisoners who are required to leave the prison on early escorts the following day, e.g. to attend court.

⁸⁶ See Office of the Inspector of Custodial Services, *Report of an Announced Inspection of Adult Prisoner Transport Services*, Report No. 3, November 2001.

⁸⁷ Images are shown of female prisoners with small children, but the footage was clearly not taken at Roebourne Prison.

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unacceptable for the designated purpose. The Department needs to ensure that the accommodation is maintained to a standard suitable for accommodating a prisoner with a small child. When this is achieved it should be encouraging the use of this cell, including for the purpose of overnight child visits.

PRISONER FOOD AND CLOTHING

Variety of food

6.23 In theory, a variety of food is provided to prisoners in accordance with meal menus that operate on a six-week cycle. However, prisoners consistently reported that the food served rarely corresponded to prison menus and that there was little variety in the food provided.⁸⁸ One prisoner put it this way:

We have been having the same sort of meals for the ten months, ever since I've been here. Like every Friday the same thing. Fish, peas and chips. They could sometimes put salad with the fish.

6.24 Several prisoners, particularly those in the maximum-security section, said that fruit was rarely available and that lunch in the prison too often consisted of a pasty or meat pie.

Prison dining and food preparation facilities

6.25 Prisoners eat breakfast⁸⁹ and dinner together in the prison's dining room, and unlike other mixed gender prisons, women prisoners must eat at separate tables from the men. Lunch is delivered in trolleys to accommodation units for distribution to prisoners. The dining room is not used for lunch as temperatures there rise unbearably during the day. The Health Department Inspector confirmed that the cooling and ventilation system in the dining room did not work to a standard appropriate to a place where food is served and eaten. While this could be used as a reason to curtail the use of the dining room, a more appropriate response is that the air-conditioning needs to be fixed properly or replaced.

6.26 The Health Department Inspector also inspected the kitchen. He found hygiene to be of a 'reasonable' standard. However, he did highlight several areas of concern, namely:

- Cleaning standards need to be improved in the kitchen;
- The humid environment in the kitchen warranted the provision of a changing room, and changes of clothes should be made available for prisoners working in the kitchen;
- Up to date records of food deliveries or food temperatures were not satisfactorily kept; and

⁸⁸ See paragraph 6.67 in respect of Aboriginal prisoner access to traditional food.

⁸⁹ Since the Inspection, the routine has reverted to eating breakfast in the day rooms. This practice is causing numerous problems, to do with hygiene, convenience, food quality and timing.

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- Prisoners were not being trained in accordance with the Food Safe program in respect of food preparation or kitchen cleaning.

Prisoner clothing and laundry services

6.27 Prisoners are issued with three sets of clothing upon arrival at the prison. Prisoners told Inspection staff that many prisoners found it difficult to rotate usage of their clothing because of the hot and humid conditions in the prison. A significant number of prisoners wash their prison clothing in the ablution blocks with bath soap and leave their clothes out to dry on the concrete floors and grassed areas about the unit. One group of prisoners said that they did not use the laundry services because, they said, it took too long (up to a week) to get clothing returned. Inspection staff had noted the generally shabby condition of prison clothing on liaison visits some months prior to the Inspection. The issuing of new clothing to male prisoners two weeks prior to the Inspection had significantly improved this situation.



Prisoners dry their clothing on the concrete flooring.

VISITS

6.28 Visiting times at the prison are between 1.00 p.m. and 3.00 p.m. on Saturday and Sundays for sentenced prisoners and between 1.00 p.m. and 3.00 p.m. every day of the week for remand prisoners. Roebourne Prison has relatively few visitors, which in part is due to its remoteness as well as to the impact of the prison's security policies, which are discussed in detail from paragraph 3.20 in Chapter 3.

Inspection staff observed one of the visits periods at the prison. There were four visitors. Two arrived from Roebourne transported by Sister Kathleen from the Daughters of Charity of St Vincent De Paul. This has been a service provided by the Daughters of Charity and the Roebourne Christian

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Church for several years. The other two visitors had travelled by car from the Goldfields, and were staying in TAFE student accommodation Karratha.⁹⁰

- 6.29 Visitor amenities have recently been improved with the introduction of tea, coffee and water facilities and a selection of children's toys provided in the visiting area. Despite these welcome improvements, the area is sterile and unwelcoming, especially for children. There is no artwork or pictures to make it a more appealing place for family visits. This could be done for minimal cost by using prisoner art skills and labour. Inspection staff were advised that the grassed area outside the visits room could be used as a place for prisoners and families to meet:

A lot of people come a long way with kids. Some come from places like Onslow, Jigalong and Nullagine. It would be good if it was a bit more open. Like, sometimes it's a nice day and you can't keep your kid in one space. We need to have a place where they could play round but they don't let you out there on the grassed area.

- 6.30 Allowing prisoners to meet in this way, which is consistent with how similarly classified prisoners meet family members in several prisons across the state, would allow them to enjoy more pleasant surroundings. There do not appear to be any significant security-related reasons why prisoners should not be able to meet with their families in this way.

CANTEEN AND TOWN SPENDS

- 6.31 Prison canteen services give prisoners the opportunity to purchase items, such as soft drinks, confectionery, toiletries and hobby materials. 'Town spends' items are usually goods of a more individual nature that are not generally stocked in the prison, such as footwear or particular brands of toiletries, as well as radios and televisions. Prisoners complete spends slips on a Thursday, leaving them in a box for the Canteen Officer. They can go and pick up the items they ordered from 10.00 a.m. on Friday morning. They can also order 'town spends' items and these are made available for prisoner to collect on a fortnightly basis.

Limited access

- 6.32 Inspection staff were of the view that canteen services at the prison were delivered inflexibly and in a way that failed reasonable prisoner expectations. Prisoners expressed frustration at what they see as the limited, once-weekly opportunity to access canteen services, particularly when they know that prisoners at Broome and Eastern Goldfields Prisons have two opportunities per week to access such services. Prisoners said that the limited access to the canteen made it difficult for them to purchase sufficient quantities of items to last a full week. They also said that were discouraged from making larger purchases to last them for longer periods because of the poor storage facilities in their cells.⁹¹

⁹⁰ Apparently, this is one of the very few sources of reasonably priced accommodation in Karratha.

⁹¹ Prisoners at several other prisons in the state enjoy far more flexible access to canteen services. For example, at Wooroloo Prison Farm prisoners are allowed an 'emergency' spend should they run out of items they need during the week.

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Limited choice

6.33 Prisoners also voiced concern at what they see as a generally poor range of items available for purchase in the canteen. For example, several Aboriginal and Indonesian prisoners said that they were unhappy with the two choices of shampoo available to them, saying that it made their hair dry and brittle. Requests for alternative brands had been ignored. Indonesian prisoners wanted to be able to purchase particular types of 'wet noodles', which are easily available in the local community. Prison management prohibits the purchase of foodstuffs as 'town spends', so prisoners cannot obtain their food of preference. The prison's Canteen Officer said he would not change the variety of noodles supplied, because it was an Australian brand and the other was not. The attitudes of staff and prison managers at Roebourne to legitimate prisoner requests for products they want is all the more difficult to understand, given the flexibility and responsiveness of Canteen services in other prisons in the State, such as Albany Regional Prison.⁹²

RELIGIOUS SERVICES

6.34 Church services are provided at the prison in the visits area every second Sunday, and alternate between the Roebourne Christian Church and the Daughters of Charity of St Vincent De Paul. Both institutions have had close involvement with the prison over the years to provide services and pastoral care to prisoners.

RECREATION

6.35 The prison provides access to several types of active and passive recreational activities. The most popular activities occur in prisoners' official recreation times between 3.30 p.m. and 5.00 p.m. In this time prisoners use the half oval pitch located on the north-west side of the prison to play or observe football. Basketball is another popular activity played at this time and after dinner.⁹³ Prisoners said



Prisoner recreation.

⁹² For example, there are six choices of brands of shampoo and four choices of brand of wet noodle.

⁹³ Several prisoners raised concerns about the lighting on the basketball court. Apparently, as evenings draw in the lights on the court are too weak for play to continue.

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that they generally worked with the Recreation Officer to organise their team activities.

- 6.36 Each accommodation wing in the prison contains some form of recreation equipment, be it an exercise bike, a rower, a pull-up bar or a stepper. Stretch and exercise bars are also located next to the basketball courts. Prisoners do not fully utilise this equipment, and they told us that this is principally because of the heat and the limited time they have prior to lock-up. Passive recreation in the prison consists generally of card playing, weekly bingo nights or watching television.

PRISONER AND FAMILY SUPPORT SERVICES

- 6.37 At the time of the Inspection, prisoner support services were being revitalised. The prison had appointed a new Prisoner Support Officer in December 2001. The person in this position appeared to be working from scratch to introduce prisoner support arrangements. She had been able to set up a functioning office and establish a broadly representative Peer Support Group of prisoners who were meeting regularly. Her day-to-day duties involved advising prisoners about prison rules and policies, liaising between prisoners and prison managers in relation to applications and requests, and making contact with prisoner families about prisoner welfare issues.

- 6.38 The Peer Support Group was currently involved in training to provide assistance to prisoners to complete prison application forms. In the week of the Inspection the group was working on an orientation booklet for newly arrived prisoners. This latest effort by the Department to encourage the development of peer support in the prison was operating successfully.

- 6.39 The AVS and the Prisoner Support Officer provide communication links between prisoners and families. However, there are no prison or community-based support services specifically for prisoner families experiencing problems with money, accommodation or maintaining relationships, as there are at prisons in the metropolitan region. While this situation can easily be explained as a consequence of the remoteness of the prison and the cost impediments associated with delivering services in 'the bush', it is yet another example of how prisoners at Roebourne are disadvantaged.

PRISONER APPLICATION AND GRIEVANCE PROCEDURES

Theory and policy

- 6.40 Processes for prisoners to make applications and to register grievances should be accessible and transparent. An environment should exist where prisoners can expect their requests and complaints to be dealt with promptly, fairly and with respect. Prisoners at Roebourne must complete written application or request forms for a variety of purposes, including applications to attend family funerals, receive visits from children, obtain an interview with the Superintendent or the ASPM, or to seek use of the prison's video link-up equipment.

6.41 Prisoners should be encouraged to raise grievances at an early stage, either by means of internal prison procedures or through external agencies, if they feel that this is the option that best suits their needs and circumstances. In theory prisoners at Roebourne have several formal and informal avenues to raise grievances and complaints about prison services or concerning their treatment. They can make oral or written complaints to officers in the units or they can make written complaints to the Superintendent.⁹⁴ They can confidentially raise grievances with the Director General of the Department of Justice or with outside agencies through the privileged correspondence or 'yellow envelope' system.⁹⁵ Inspectorate staff were advised that prisoners can, using their Arunta telephone account, make a toll free call to the Ombudsman's Office and, if necessary, commence a complaint over the phone. However, there is a degree of confusion among prison managers, Head Office staff and staff at the Ombudsman's Office as to whether this number is automatically placed on a prisoner's Arunta account, whether the phone call is free to prisoners and whether prisoners are actually advised that they have this facility at all. Another option for prisoners would be to use the Department's 'Prisoner Grievance Procedure', which was introduced to Roebourne and much of the prison system from 2000. This new system was developed jointly by the Department and the Ombudsman's Office.⁹⁶

6.42 The Department's Strategic Plan for Aboriginal Services sets the standard for grievance procedures in prisons with Aboriginal prisoners. It stresses that, in order for grievance procedures to be used by Aboriginal prisoners, they should be:

... sensitive to culture and gender issues with an ethos based on the removing of a barrier rather than the provision of a privilege. Recognition needs to be given that the filling in of a form may signal the start of a process but that for Aboriginal people there may be other means of proceeding through that process. For example, oral interaction is how Aboriginal people often do business.

This aspirational standard is not reflected in the available procedures at Roebourne Prison.

Systemic barriers

6.43 In addition, the reality is that prisoners must overcome barriers to use these systems. These include:

- A prison culture of poor interaction between prisoners and prison officers. Prisoners can only obtain application, grievance forms and yellow envelopes from officers in the unit control pods.

⁹⁴ Rule Number 5, Director General Rules, outlines the procedures to be followed in relation to oral or written complaints to prison officers or the Superintendent.

⁹⁵ Through this system prisoners can make confidential written communication with the Minister of Justice, the CEO of the Department of Justice; the State Ombudsman, the Commonwealth Ombudsman the Federal Human Rights Commission, the State Equal Opportunities Commission, the Commonwealth Attorney General, the Western Australian Anti Corruption Commission, the Director of the Office of Health Review and the Office of the Inspector of Custodial Services.

⁹⁶ Eleven officers received two days of training to operate and administer the new grievance procedures in mid-2001.

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Communication with officers must be conducted through small glass hatches across the metre-wide concrete skirting surrounding unit control pods;

- Language-based hurdles for many Aboriginal and foreign national prisoners, which neither the application forms nor the grievance systems address in any meaningful way;
- Prison grievance systems are complainant-driven, which means that prisoners must further their complaints by themselves. There is no independent source of help or advocacy to advise prisoners;
- No information about the written application procedures or grievance systems is posted or openly available anywhere around the prison;⁹⁷ and
- Prison officers and prison managers are themselves unsure of the operational status of particular grievance systems, principally because there are so many systems to use.⁹⁸

6.44 Despite these very basic shortcomings, there are a number of developments occurring in the prison that should improve the possibility that prisoners will get more help completing application forms and accessing grievance procedures. The development of the Peer Support Group in the prison will provide prisoners with some support and advice. Also, the prison now has two Independent Prison Visitors whose role is, among other things, to advise prisoners of available prison services and to be available to communicate on behalf of prisoners with the Superintendent. They can also, if requested, record prisoners' grievances for onward direction to outside agencies.⁹⁹ However, neither of these developments wholly compensates for the fundamental flaws of the prison's application and grievance systems. Both systems are overly bureaucratic. For all practical purposes they are inaccessible to the majority of prisoners at Roebourne.

FOCUSING ON THE WELLBEING OF ABORIGINAL PRISONERS

The Aboriginal Visitors Scheme

6.45 Two staff members from the Aboriginal Visitors Scheme (AVS) attend at the prison three days a week – on Mondays, Wednesdays and Fridays. They occupy an office opposite the accommodation units, allowing prisoners easy access to the staff for appointments as well as on a casual basis. The AVS staff enjoy a general level of respect among prisoners we spoke to, and it was clear that prisoners had confidence in the way AVS staff handled their issues with prison officers and prison management alike. AVS staff spend much of their time advising prisoners about prison services, assisting them to

⁹⁷ Neither the Department's Prisoner Grievance Procedure nor the Privileged Communication Envelopes were promoted at all and there were no Privileged Communication Envelopes openly available to prisoners.

⁹⁸ Indicative of this point is the fact that prison managers were confused about arrangements that allow prisoners to make telephone contact with the Ombudsman's Office. Also, not one grievance had been recorded using this process.

⁹⁹ The Independent Prison Visitors Scheme (formerly The Official Prison Visitors Scheme) is administered by this Office. Independent Prison Visitors report to the Minister of Justice.

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complete application and request form, and making contact with prisoner's families on behalf of prison staff and prisoners, e.g. in respect of funeral attendance applications or to relay messages to families about the welfare of a particular prisoner.

- 6.46 There are good relationships between AVS staff and uniformed prison officers, evidenced by a generally good level of co-operation. However, some distrust between AVS staff and senior managers provided cause for concern. An AVS staff member had been formally questioned by the Superintendent about a local funeral she had attended in her capacity as a community member and as a private person. At the funeral she had raised concerns with AIMS prisoner transport staff about the manner in which a prisoner was restrained at the funeral. She interpreted the Superintendent's questioning as a warning that the woman's employment status with the Department was connected to what she said and did as member of her own community.
- 6.47 There were also concerns about the dual role performed by the AVS staff at the prison. Both visitors were also employed as tutors in the prison's Education Centre. A prison manager expressed concern that the AVS staff might conduct AVS work while they were tutoring. This represents a misunderstanding of both welfare and education in the Roebourne Prison context. The prison is fortunate to have these employees, especially in such a difficult location, and needs to trust that they know how to perform their roles and provide benefit to prisoners. If conflict of interest is a concern the issues can be resolved with the development of clear guidelines about how each role is to operate.
- 6.48 Both incidents highlight the inherent vulnerability of the Aboriginal Visitors Scheme to support and advocate for Aboriginal prisoners. The AVS is a valuable resource that, while its staff are obliged to share information with prison managers about prisoners, needs to have an independent status that allows its staff to maintain integrity and credibility with prisoners, their community and prison staff.

Prison telephone system (Arunta)

- 6.49 We have documented in paragraphs 2.3 and 2.15 in Chapter 2 the remoteness of Roebourne Prison and the fact that only about ten per cent of the prison population comprises 'local' people from the Roebourne, Wickham or Karratha areas. A high proportion of prisoners at Roebourne are from remote Aboriginal communities in the wider Pilbara and Kimberley regions. This means that the families of prisoners are less likely to visit the prison, placing an even greater importance on telephone communication.

Service costs are prohibitive

- 6.50 Aboriginal prisoners at Roebourne Prison share the experiences of the Arunta telephone system with Aboriginal prisoners at Broome Prison.¹⁰⁰ One prisoner articulated the essential problems that most prisoners have with the system this way:

¹⁰⁰ See Office of the Inspector of Custodial Services 2001, *Report of an Announced Inspection of Broome Regional Prison June 2001*, Report No. 6, paragraph 5.44.

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*I'd rather not make phone calls. We don't get STD rates and the messages put them off you know.¹⁰¹
Many times kids pick up the phone to answer it. They hang up straight away as soon as they hear the recorded message.*

6.51 Prisoners said that they could not afford to use the prison's telephone system. They said that the level of prison pay received by most prisoners made using the system prohibitive, especially as calls on the Arunta system are charged at higher rates than are available to the rest of the community. Prisoners are also unhappy at being required to pay, so they believe, for the time that the prison plays a recorded message to those answering prisoner calls.

Barriers to prisoner welfare calls

6.52 Inspection staff were concerned about two specific areas of policy that appeared to further exacerbate the difficulties prisoners face in making telephone contact with their families. Inspection staff were advised, by a number of sources, that prisoners must make written application to the Superintendent to make telephone contact with families as a 'welfare call' or officer-initiated' call, paid for by the prison if they have insufficient funds in their gratuities accounts.¹⁰² Prisoners more often than not require assistance from the PSO, the AVS staff or officers to complete the application forms for these calls. Quite evidently, such matters should be dealt with more informally at Unit level, in accordance with general Departmental policy.

Withdrawing prisoner telephone contact with family as a disciplinary measure

6.53 Another area of concern relates to the type of 'loss of privileges' regimes at Roebourne Prison that can result in prisoners being denied access to telephone contact with family.¹⁰³ In the six-month period prior to the Inspection, between 28 August 2001 and 28 February 2002, of the 51 instances recorded where prisoners lost privileges for prison misdemeanours, 19 cases resulted in the removal of telephone call privileges for periods of several weeks. These orders resulted in one prisoner losing telephone calls in the weeks running up to and over the 2001 Christmas period. We were advised that these types of orders are sometimes made following incidents of misuse of the Arunta system, and are intended to discourage prisoners bullying other prisoners to use their accounts. In one case, for example, the prisoner was discovered using another prisoner's Arunta account pin number to make calls. This is also called 'call-pooling' whereby prisoners share their phone calls if they come from the same community or if one prisoner has run out of money on his/her Arunta account. Such sharing, communal behaviour is to be expected from prisoners who live by these standards.

¹⁰¹ The recorded message indicates that a call is being made by Prisoner X at Prison Y, and enquires whether the person called is willing to accept the call.

¹⁰² Such calls can in fact be authorised by the unit officer, and this is normally the case at other prisons. There was some suggestion that this sensible discretion had been devolved upwards at some time at Roebourne, with the consequence that officers were not entirely sure at that time where they stood in this regard.

¹⁰³ Access to the telephone system by prisoners should not, as a matter of principle, be a privilege but we will address this fundamental issue in follow-up reports.

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Punishing prisoners in such circumstances is gratuitous and inappropriate, especially given the barriers that already exist for prisoners keeping in touch with their families. In October 1999 the Department issued a 'Superintendents' Circular' stating that prisoner access to telephone calls is an important factor in maintaining prisoner wellbeing by providing links with family and community. It stipulated that removing a prisoner's access to the telephone as a form of punishment should be avoided.¹⁰⁴ A welcome postscript to this incident is that data show that in the six-month period during and following the Inspection, up to 28 August 2002, out of 43 incidents where discipline orders were made against prisoners only two of these orders involved the removal of telephone calls. That is a great improvement.

- 6.54 The Department must recognise that at Roebourne Prison there is a legitimate argument that the cost and difficulties associated with prisoners using the Arunta telephone system actually impede Aboriginal prisoners there from maintaining family contact. The Department should investigate whether 'call pooling' can in some way be accommodated, and it should re-visit the appropriateness of punishments that operate to deny prisoner contact with their families and home communities. The Department has negotiated a contract with another service provider, who will shortly begin a process of replacing the Arunta system with another service system. In the event of the introduction of this new system, this Office will be keen to assess whether the basic cost and usability concerns of Aboriginal prisoners and prisoners in general, have been addressed.

Community radio

- 6.55 Radio plays a very significant role in allowing people from remote communities to maintain contact, and this includes prisoners and their families. Prisoners at Broome Regional Prison have access to Radio Goolari, an Aboriginal radio station which broadcasts from Broome. The station provides a unique form of contact between prisoners and families by broadcasting a weekly program where prisoners and families can place requests. The program acts as a grapevine, providing general news for prisoners about what is happening in their communities. This program and the station generally were very popular with prisoners. There are several other Aboriginal community-controlled radio stations in Western Australia; in Perth, in Carnarvon and in Kununurra. However, we understand that there are no Aboriginal community-controlled radio stations in the Pilbara region, though local community groups have been working for some years to establish such an enterprise in the area.¹⁰⁵ In the short term the Department could, at minimal cost, install relay equipment at the prison that would allow prisoners to receive radio signals from Broome and Carnarvon Aboriginal radio stations. It could also provide support to community groups working to develop community infrastructure in the region.

¹⁰⁴ Circular to Superintendents No. 117 – Loss of Privileges, October 1999.

¹⁰⁵ The Roebourne Telecentre Management Committee, chaired by Mr. Marshall Smith, has been working for two years to establish Aboriginal Community Radio in the Pilbara region.

ATTENDANCE AT FUNERALS

6.56 Many Aboriginal prisoners believe that the Department's funeral attendance application system operates in a way that unfairly prevents them from attending funerals. It is a very difficult task to test whether policies, practices or systems impact unfairly on a particular group of people. This is especially the case in this instance, where the Department has minimal organisational information or data on the subject. Despite this, we can identify the fundamental importance that attendance at funerals has for Aboriginal prisoners, describe funeral attendance policies and application processes, and explain why many Aboriginal prisoners have difficulty complying with the Department's funeral attendance policy.

The significance of relationships and attending funerals

6.57 At every Inspection conducted by this Office, Aboriginal prisoners have expressed concern about the Department's policies in relation to prisoners attending funerals. They consistently say that they submit funeral attendance applications hoping, against experience, that the basis of their application (their family or kinship relationship to the deceased) will be recognised and approved. Prisoners believe that the Department's Head Office declines the vast majority of applications submitted by Aboriginal prisoners, though in fact it is not possible to say whether this is so on account of the absence of reliable data.¹⁰⁶ They interpret this as a lack of recognition of and respect for the significance many Aboriginal people place on extended family relationships and for the customary ways in which Aboriginal people pay their respects to the deceased.

The application process

6.58 A prisoner will normally be informed of the death of a relative or of a person who is important to them by staff after the prison has been informed by family, or the prisoner may find out from other prisoners. If the prisoner wants to attend the funeral he or she must complete a Funeral Application Form, which is obtained from officers in the unit control pod.¹⁰⁷ It is common for prisoners to work together or variously with AVS staff, the Prisoner Support Officer or prison officers to complete the application form. The prisoner then returns the application form to the unit control pod, where an officer enters the information onto the prison services computer system (TOMS). To finalise the application, officers regularly consult with the prisoner, the AVS staff or the Prisoner Support Officer, and in some circumstances with the prisoners' families. Once the form has been completed, officers must assess the application against Departmental guidelines, which are outlined and discussed below, and then formulate recommendations about whether the application should be approved or declined.¹⁰⁸ The application and the recommendation are forwarded to the Department's Coordinator

¹⁰⁶ See paragraph 6.64 for discussion on the Department's data collection in relation to funeral applications.

¹⁰⁷ Prisoners are also given a Funeral Information Form which provides written advice about completing the application form and about the guidelines the Department uses to approve funeral attendances.

¹⁰⁸ During the Inspection the prison's Operations Manager and Prisoner Support Officer were finalising a (cont.)

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of Prison Absences for a final decision to be made.¹⁰⁹ Unless the Coordinator requires further information from the prisoner or prison, the documentation is prepared for formal approval of the application to be sanctioned by the Director General, the Minister for Justice or the Governor.¹¹⁰

Decision-making guidelines

6.59 Prison officers must make recommendations about whether a funeral application should be approved or declined in accordance with guidelines in the Department's Policy Directive 9 (Permit for Absence). Officers must consider if there is:

- Any cost or management issues that may be relevant to the application;¹¹¹ or
- A blood or direct relationship between the prisoner and the deceased exists, e.g. mother, father, sister, brother, etc; or
- There is a marriage or defacto relationship between the prisoner and the deceased;¹¹² or
- There is an emotional, psychological or cultural significance attached to the relationship between the prisoner and the deceased.¹¹³

It is this last eligibility condition that is the principle source of contention for many Aboriginal prisoners.

The role of Head Office

6.60 It was suggested to us that funeral attendance applications are forwarded to Head Office so that the prison's recommendation to approve or decline can be 'rubber stamped' and to allow for appropriate

document, the 'Funeral Applications: Staff Resource Manual' for staff to assist prisoners to complete funeral applications.

¹⁰⁹ This position is also responsible for coordinating the approval of work, education or recreation locations, which prisoners can attend outside prisons, pursuant to s.94 of the Prisons Act. See paragraph 7.14 and 7.21 for discussion of education and work s.94 activities at Roebourne Prison.

¹¹⁰ The sanctioning authority depends on the applicant's security classification.

¹¹¹ 'Cost issues' arise, for example, in circumstances where a prisoner may want to attend a funeral that is a long distance away from the prison, and 'management issues' may arise in circumstances where, for example, several prisoners who are classified as maximum-security want to go to the same funeral – this scenario might be considered too risky if approved.

¹¹² The Department will need to look at this condition so that it consistent with recent amendments to the Equal Opportunity Act which establishes the principle that same sex partnerships receive equal legal recognition to traditionally recognised types of relationships.

¹¹³ The Guidelines identify that significance attached to a relationship should include relationships where there has been (a) an extensive history of contact between the prisoner and the deceased of a significant nature, or (b) a demonstrated commitment by either the prisoner or the deceased to their shared relationship, or (c) where either the prisoner or the deceased have significant community standing necessitating an obligation for attendance of the prisoner at the funeral, or (d) where there will be significant negative consequences resulting either to the prisoner, his family or community because of non-attendance of the prisoner at the funeral, or (e) where the relationship (between prisoner and deceased) has been that of foster child, foster parent or substitute caregiver.

authorisations, as discussed in paragraph 6.58, to be arranged. In fact, applications undergo further scrutiny by the Department's Coordinator of Prison Absences. Checks are made to see if the applicant has made previous applications and whether there are any issues, such as a large number of prisoners applying to attend the same funeral, which might need to be considered in approving the application. We were told that further enquiries are often made with prisoners and officers to confirm or clarify information on the application forms.

6.61 The Coordinator of Absences told us that the most common reason for applications to be declined were those, in particular, where the significance of a relationship between a prisoner and the deceased were 'unclear and often identified by prisoners in terms of 'step-family, cousin, aunt and uncle relationships'. The significance placed by Aboriginal prisoners on these types of relationships are commonly judged not to meet the 'significant relationship' condition set out in the Funeral Attendance Guidelines in Policy Directive 9.

How the process works in practice

6.62 Prisoners at Roebourne said that they were generally satisfied with the way their applications were handled by prison officers and staff at the prison. AVS staff and the Prisoner Support Officer confirmed this, saying that prison officers and managers at the prison were generally good at working with them and prisoners to prepare applications (and this is consistent with what Aboriginal prisoners say in several other prisons). Prisoners said that officers tell them if an application is going to be recommended, when it is completed at the prison. They believe that most applications leave the prison with recommendations that a prisoner should be given approval to attend a funeral – though we were unable to determine from documentary evidence whether that was in fact the case.

6.63 Aboriginal prisoners argue that the guidelines for approval in relation to 'significant relationships' do not recognise the types of relationships that are important to many Aboriginal people, which include kinship, language and skin group relationships. Their point is that Aboriginal prisoners are prevented from benefiting from a policy that is intended to provide the necessary authority to allow prisoners to attend the funeral of people who are very important in their lives. They say that it in fact operates in a way that unfairly excludes most applicants.

Departmental accountability

6.64 Department staff advised that it does not collate or have records or system-wide data that can show:

- How many funeral applications are submitted to the Department;
- What proportion of applications are made by Aboriginal prisoners;
- What proportion of applications are approved or declined;
- What the typical reasons are for an application to be declined;

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- What proportion of applications that leave the prison is recommended for approval; and
- What proportion of prison-recommended applications is approved by the Department?

6.65 This is an unacceptable situation and contrary to the Department's obligations to accurately report how it manages prison services. The only statistics we were able to obtain from Roebourne Prison indicated that in the three-month period prior to the Inspection¹¹⁴ 15 funeral applications had been made by prisoners, six were approved and nine were denied approval. It is not clear how many of these applications were recommended for approval at the prison and were subsequently denied approval after reaching Head Office.¹¹⁵

6.66 The Department's funeral attendance policy is out of step with Aboriginal notions of family. This area of prison policy is the single most important issue for most Aboriginal prisoners. They believe it does not work fairly for them. The fact that the Department has no data to speak of in relation to substantiating how it handles funeral applications means that it is unable to properly defend itself against complaints of bias or discrimination. The Department needs to establish a comprehensive record-keeping capability in this very important and sensitive area of service delivery. Above all, the Department needs to revisit and re-write its funeral attendance policy so that it addresses the specific needs and expectations of Aboriginal people. In doing so the Department might consider the Department of Corrective Services in Queensland policy – 'Funeral Attendances by Indigenous Prisoners' – for a more inclusive recognition of Aboriginal family relationships.¹¹⁶

TRADITIONAL FOOD

6.67 Aboriginal prisoners across the State, as well as at Roebourne Prison, have emphatically said that traditional food provides them with an important link with their customs and home communities. As such, access to traditional food for Aboriginal prisoners is connected to culture and custom and not merely related to taste or preference. Access to traditional food has implications for the wellbeing of Aboriginal prisoners. Prisoners ask, with good reason, why their access to traditional food is so limited:

We want to eat kangaroo and damper, we love our bush food but we only get it once in NAIDOC week. The people keep telling the superintendent; they tell him and tell him. They don't bother now. Just goes in one ear and out the other.

¹¹⁴ Between 1 December 2001 and 28 February 2002.

¹¹⁵ In theory an application not approved at the local prison level can be given approval at Head Office level, and anecdotally we believe that this sometimes occurs. The suspicion is that the other pattern – denial of a locally recommended application – is more common.

¹¹⁶ The Queensland policy gives guidance and examples to operational staff about kinship relationships within Aboriginal cultures. See Queensland Government, Department of Corrective Service Procedure – Offender Management, 'Funeral Attendances by Indigenous Prisoners', July 2001.

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6.68 Several reasons are readily provided to defend the position that traditional food should not be provided in prisons. These include: the alleged high cost of supplying traditional food, suggestions that the requirement that Aboriginal people prepare the traditional food would be difficult to coordinate, as well as suggestions that there would be difficulties in ensuring equitable distribution of traditional food among prisoners.¹¹⁷ However, the Department's commitment to responding to the cultural needs of prisoners means that it should give this issue a greater degree of attention than it has received to date. Aboriginal prisoners have traditional food on a regular basis at Wooroloo Prison Farm. At that prison, the accumulated mythology surrounding the difficulties and costs that prohibit so many other prisons from providing Aboriginal prisoners with access to traditional food on a regular basis have been swept away and overcome. There is absolutely no reason why the same sort of arrangements cannot be made at Roebourne Prison.

¹¹⁷ Similar excuses were made by prison management in the course of our inspection of Broome Prison; see , Office of the Inspector of Custodial Services, *Report of an Announced Inspection of Broome Prison*, March 2002, paras. 4.29-30 and 5.46.

Chapter 7

PREPARING PRISONERS FOR RELEASE

- 7.1 The successful resettlement of prisoners is the intended outcome of a process that begins with a prisoner's first entry into the prison and should end with providing prisoners with effective support for community reintegration. In this Chapter we discuss how Roebourne Prison addresses this continuum of release preparation. We look at the prison's reception and orientation procedures; the available education, work and offending behaviour program opportunities; and we examine how the prison uses management systems and principles to coordinate prisoners' access to these services and to plan for eventual release.

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Reception and orientation services

- 7.2 Reception and orientation processes at Roebourne Prison at the time of the Inspection were evidently in the early stages of development. Indeed, the Superintendent advised us there were no formal orientation procedures operating in the prison when he had arrived there in February 2002. On the day Inspection staff observed proceedings, there were five new arrivals at the prison – three men and two women. All alighted from an AIMS prisoner transport vehicle following an 800-kilometre, nine-hour journey from Broome Regional Prison.¹¹⁸ Prisoners generally come from either the local courts in Karratha, Broome Prison in the north, or other prisons to the south. They move from the vehicle into the prison's reception area adjacent to the Medical Centre. Male prisoners were placed in a wire mesh secure area, while female prisoners sat in the reception area office. One prison officer was responsible for organising prisoner reception and orientation procedures, as well as attending to prisoners who had appointments with nursing staff. A female prisoner, who was a member of the prison Peer Support Group, was there to assist the officer to distribute prison clothing. She moved between prisoners and answered their questions about the prison.
- 7.3 Prisoners were taken through reception procedures over the following couple of hours. They spent time answering questions from the officer, who entered the information into the prison's TOMS database; they had showers and changed into prisoner clothing; and they were seen by the prison's nursing staff. The prisoners were shown two orientation videos while they waited for different reception procedures. The whole process was completed when they were issued with another two sets of prison clothing and bed linen and were led away to accommodation units.¹¹⁹ Reception procedures establish the commencement of the prison's authority and obligations to a prisoner. The process confirms the prisoner's identity, education and program needs and potential risks that might

¹¹⁸ The prisoner transport vehicle had recently been fitted with a new air conditioning system that, according to prisoners and AIMS, provided adequate ventilation into different chambers in the vehicle. However, other concerns about prisoner transport were evident. Toilet facilities were primitive and provide no privacy for prisoners. Prisoners had been given two frozen cooked meat pies each for the journey. Prisoners had been seated on the metal bench seating. See Inspector of Custodial Services 2001, *Report of an Announced Inspection of Adult Prisoner Transport Services* – Report No. 3.

¹¹⁹ See paragraph 6.27 in relation to hygiene concerns about prisoner clothing.

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be associated with their placement. These processes were carried out professionally and in accordance with Departmental policy.

Information about the prison

7.4 There were significant gaps in the orientation process. The first of the two orientation videos depicted prison life through images taken at what appeared to be Hakea and Casuarina prisons. It informed prisoners about generic prison services, such as health services and the role of the Aboriginal Visitors Scheme. The second video provided general information about how things work at Roebourne Prison. Unfortunately, the video did not provide basic information about how the prison's gratuities system works, how prisoners use the applications and grievance systems, or even how basic services operate in the prison, such as the prison canteen. Moreover, the large amount of information presented in the videos is not reinforced later with information sessions or written materials that prisoners can use to improve their knowledge about the prison and the way it operates.

Making contact with family

7.5 Prisoners are not routinely provided with the opportunity to contact family at or soon after arrival at the prison. Inspection staff observed that prisoners are not asked if they want to make a telephone call to family during the reception and orientation process. Prisoner access to the Arunta telephone system is not activated for some days after their arrival. This lack of good practice, which is common in several prisons, means that many prisoners wait for three days or more until they can contact family. Prisoners are generally disorientated and anxious when they arrive at prisons. The opportunity to communicate with family as soon as possible should help adjustment to the new surroundings. The Department states that, dependent on the time of arrival, all new prisoners are asked on the day of their arrival if they wish to notify anyone of their circumstances, either personally or through an officer. However, this falls short of a structured process for ensuring that all prisoners are able to make contact with family soon after their arrival at the prison.

EDUCATION SERVICES

7.6 Roebourne is one of the most difficult prisons in which to provide education services. Unlike other regional prisons, such as Broome, where there are also low levels of English literacy, Roebourne does not have a reasonably sized adjacent community that can supply qualified staff. Its remoteness makes it an unattractive employment proposition, especially for part-time or casually employed staff, who receive no extra economic inducements to travel to the prison from Karratha, the nearest town centre of note.¹²⁰

¹²⁰ Transport to the prison involves an 80 km round trip.

7.7 Attempting to assess education services at the prison was difficult. The Department had closed the existing Education Centre some weeks before the Inspection to relocate its facilities and services to a nearby building. Much of the centre's equipment, such as computers and television equipment, had been packed up for removal to the new premises. Education programs that had been operating were wound back in preparation for the move. The work of part-time and contract staff was gradually reduced in anticipation of new working patterns being developed for the larger premises. Then, a matter of days before the Inspection, the Department ordered that the existing centre be re-opened and services be resumed from the same location until further notice. This involved staff restarting courses and unpacking teaching resources and materials.

Enrolments and participation statistics

7.8 The prison produced records that indicated that in 2001 education staff at the prison organised Senior First Aid and Occupational Health and Safety (OHS) courses, and Landcare traineeships. More than 20 prisoners successfully completed first aid courses that were delivered by outside providers. The OHS course has recently been superseded by an internally delivered OHS course provided by Industrial staff in the prison's workshops. They also coordinated several prisoners from the Millstream Work Camp through modules in the Landcare Certificate 1 course. The first aid and OHS courses were popular with prisoners; they told us that they valued the courses, and saw them as a way of developing skills that were useful in their communities.

7.9 Under normal circumstances, the Education Centre is staffed by a Senior Education Officer, a full-time tutor, two part-time tutors and casual tutors, who are employed to run specific programs. The Department provided information that indicated there were 122 'education/vocational' training units available to prisoners at Roebourne Prison, and that there were 36 students enrolled in courses.¹²¹ Our own enquiries at the prison in the week of the Inspection established that there were in fact six full-time students and 15 part-time students enrolled in courses at the prison. All of these prisoners were enrolled in a small group of units that included 'Introduction to General Education,' the 'Certificate of General Education' (CGEA), 'Information Technology'¹²² and the 'Preparation for Employment' course. All of these units are accredited by ASETS, the Department's own registered training organisation.

7.10 Inspection staff were unable to resolve discrepancies between enrolment numbers provided by the Department, different enrolment numbers provided by the prison itself, and what was visible during the Inspection. This may have been due to the confusion caused by the closing and re-opening of education services in the prison, but it also highlights a concern the Inspectorate has had with course enrolment rates which the Department provides versus course completion rates which give a much more realistic picture of what is happening in education in a prison. At Roebourne Prison education

¹²¹ Information supplied by the Manager of Education and Vocational Training Unit.

¹²² The prison was replacing its stock of computers during the Inspection.

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course completion rates are very low.

- 7.11 This is in part due to the fact that some of the most useful and popular courses that are on offer – such as ‘Art Fundamentals’, ‘Driver Training’, and ‘English as a Second Language’ – are either not available to prisoners or have been designed and presented in such a way that prisoners cannot enrol. The Department advised Inspection staff that the prison provided art classes. This was a short course arranged with a local artist arranged just prior to the Inspection. Prison education staff said that art classes had been cancelled by Head Office some months prior to the Inspection. At that time there were apparently no plans to fund ongoing art classes in the prison.¹²³
- 7.12 The recently redesigned ‘Driver Training Program’ is an example of a valuable education tool that has historically been used to encourage prisoners into education in prisons. The course is effectively inaccessible to many prisoners. In 2002, of the 24 prisoners who were referred for driver training only seven were eligible to participate. This was so because prisoners are required to be eligible to hold a driving licence to participate in the program. Often prisoners at Roebourne are ineligible to hold driving licences because of outstanding fines. Department of Transport-imposed costs¹²⁴ and the levels of English and computer proficiency that are required to participate in the program compound this situation.
- 7.13 Indonesian prisoners said that they found the ‘English as a Second Language’ course of little practical value. We were told that the person contracted to deliver the course was not qualified or trained to teach English as a second language. The recruiting difficulties that the prison faces should not mean that prisoners receive substandard courses.

Opportunities for TAFE study

- 7.14 In the latter part of 2001 the prison arranged for several prisoners to attend the local TAFE College. A group of prisoners began attending the College between 9.00 a.m. and 2.30 p.m. Monday to Friday to complete modules in a Certificate of General Education for Adults course. These prisoners successfully completed their modules without any incident or adverse reports being made about how they behaved at the College premises.¹²⁵ A new group of eight prisoners commenced courses at the College in mid-February 2002. As prisoners were preparing to leave for the College in early March 2002 they were told they would no longer be attending.
- 7.15 The prisoners apparently were withdrawn so abruptly because the College had not been designated a location where prisoners can undertake activities outside of the prison, in accordance with section 94 of the Prisons Act. Location approvals come from Perth, and we were told by prison management that the approval process occurs only twice a year and the next round of location approvals were

¹²³ The department has stated that classes will be resumed on 10th February 2003, when TAFE re-commences after the summer break.

¹²⁴ Prisoners require a birth extract costing \$28 and a Department of Transport permit costing \$49.70.

¹²⁵ One prisoner subsequently returned a positive urine test, however.

some time off. Such a cumbersome process is at odds with the ideal of allowing prisons more flexibility to organise education or work-related programs for minimum-security prisoners outside prisons. For these reasons, consideration should be given to delegation of the power to approve section 94 educational, work and recreational locations, with safeguards, from the Minister of Justice through the CEO of the Department to local prison superintendents.

PRISON EMPLOYMENT OPPORTUNITIES

7.16 Soon after its arrival in February 2002, the new management team set about addressing the low numbers of prisoners involved in work at the prison. Historically, Roebourne has had high unemployment rates, often as great as 40 per cent. However, within a short period of the new manager's arrival all prisoners had been allocated some type of work. This was achieved by increasing the number of unit cleaners and involving prisoners in cell renovation work. Prison managers also dramatically increased the number of prisoners at work in the community, from an average of eight to 18, by arranging new work locations. This was a positive move that the Inspector welcomes. The challenge now is to sustain the employment rate and ensure that the work opportunities are meaningful. It would not be sufficient merely to increase the number of menial tasks that are available. The objective must be to increase the availability of work that involves skill development for prisoners. The distribution of employment opportunities at the prison must also be equitable (see paragraph 7.20 below).

Work inside the prison

7.17 In addition to unit cleaning and cell painting, prisoners are involved in gardening, kitchen duties, laundry and prison workshops. A senior prison officer in Unit Two allocates work. Most unit cleaners receive Level 4 gratuity payments of \$18.34 per week. Cleaners generally spend little more than an hour each day at their jobs, returning to their cells for the rest of the day.¹²⁶ A much smaller group of prisoners is distributed throughout the prison to clean various prison office spaces, such as the administration building. These prisoners are paid at Level 2 and Level 3 (\$35.42 and \$27.72 respectively). All other jobs in the prison generally fall into this latter level of gratuity payments. A small group of prisoners inside the prison, about five, are paid Level 1 gratuity (\$46.20) for work in the kitchen, doing cell refurbishment or for working in the prison workshops.¹²⁷

Prisoner skilling opportunities

7.18 There are two workshops in the prison. Industrial officers supervise both of them. The cabinet workshop had five prisoners working there: four Indonesians and one Aboriginal prisoner. The

¹²⁶ Prisoners who do not work, and there were none in this category during the week of the Inspection, normally receive gratuity Level 5 or \$14.63 per week. There were ten prisoners in this category when Inspection staff conducted a liaison visit to the prison in the month prior to the Inspection.

¹²⁷ Prisoners at Millstream Work Camp receive Level 1 gratuity payments.

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officer there supervised the Indonesians to do furniture assembly and screen printing work. The Aboriginal prisoner, who was unsupervised, travelled about the prison changing light globes. The officer was also responsible for conducting minor maintenance work around the prison. The Life Skills Workshop had three prisoners working there. Two Indonesian prisoners were repairing tool racks and one Caucasian prisoner was making shelves. The officer in this workshop also worked as a skills instructor in the prison. He was involved in training prisoners in welding, OHS, and the use of small machinery.

7.19 Several prisoners told Inspection staff that they believed that access to work in the prison workshops was distributed unfairly, to the detriment of Aboriginal prisoners. One prisoner put it this way:

They tell you to get a job, I want a job welding or painting. You go to the workshop and ask for a job and they say we haven't got any. Everybody goes up and ask 'em, gets reject you know and then another bloke gets a job straight out. We not all slow learners you know. We know how to do them things. It's just the way they think.

7.20 One of the industrial officers in the workshops said that a genuine effort was made to ensure that there was a fair balance between Aboriginal and non-Aboriginal prisoners chosen to work in the workshops. However, inspection staff were advised that demands placed on instructors to fulfil multiple tasks around the prison, such as general maintenance work, meant that they had insufficient time to supervise Aboriginal prisoners, who, it was said, required greater supervision because of their generally poor language and literacy levels. On the face of it, the prison's method of allocating skilled work opportunities produces a discriminatory outcome for Aboriginal prisoners. This is a classic example of what, on other occasions, the Inspector has described as 'structural racism' in some WA prisons – an inequitable outcome without necessarily an underlying racist attitude.

Work outside the prison

7.21 During the Inspection week, 18 prisoners left the prison each day to attend work locations around Roebourne, Wickham and Cossack. Prisoners must notify unit officers of their interest in working outside the prison. The prisoner is then assessed by officers against a checklist of questions about his behaviour patterns and his discipline history. At many prisons, an industrial officer has responsibility for locating and vetting work opportunities. Roebourne Prison had not had an officer employed in this position for some time. The prison's Operations Manager performs this function.

Work locations and work regimes

7.22 Most of the locations involve work for five days of the week between 9.00 a.m. and 3.00 p.m. Prisoners have their lunch at the work locations. All prisoners who work outside the prison are normally paid Level 3 gratuity. Prisoners said that officers advised them of the duties on their first day of work, and prisoners already there filled them in on what was generally expected of them.

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- 7.23 Four prisoners were placed at Roebourne Police Station and two at Wickham Police Station. They were unsupervised at both locations and had the basic task of sweeping pathways and driveways. Private contractors are responsible for cleaning inside the stations and for the upkeep of surrounding garden areas. It was evident that prisoners were underemployed at these two locations, and it was difficult to determine the purpose of their work and its reparative value to the community.
- 7.24 Five prisoners were located at the Roebourne race track to work on a project that had been organised by the prison with the local Roebourne Shire Council in the weeks prior to the Inspection. Prisoners were supervised in work that involved land clearing and building renovation work. Prisoners commented that they wanted to be involved in the project which, when completed, should provide a useful asset to the local community.
- 7.25 Inspection staff visited two prisoners at the Yaandina Family Centre in Roebourne that provides care and accommodation to elderly people in the Roebourne district. Both men had commenced working there in the week prior to the Inspection. They were unsupervised, and responsible for sweeping pathways and maintaining the gardens around the facility. The Centre withdrew this work location during the Inspection week. The Prison Operations Manager advised Inspection staff that the Management Committee of the Centre were divided on whether prisoners should be allowed to work there. This incident was indicative of the hurdles the prison management encounters in trying to set up section 94 work arrangements – a fact that the Inspector acknowledges whilst remaining of the view that better opportunities can nevertheless be created.
- 7.26 Another two prisoners were working at the Cossack townsite, which is a local attraction of historical interest and receives a steady stream of tourists through the week. Prisoners are generally unsupervised, and involved in general clean up work at the site such as emptying bins, tidying pathways and verges, and doing minor maintenance work. The men said that they enjoyed working at the site.
- 7.27 Only two of the work locations outside the prison, the Roebourne race track and the Cossack townsite, could be said to have utility to the community or to prisoners. None of the other locations provides work that has any real reparative value to the community or that assists prisoners to develop meaningful skills. The only motivating factor prisoners have to work at some of these locations, particularly the police stations, is that they get out of the prison.
- 7.28 The prison needs to focus on developing sustainable work projects if it is to make any significant inroads into providing meaningful work for prisoners. A local community Elder, Pastor David Smith from the Roebourne Christian Church, indicated to Inspection staff that there is significant scope for work projects to be conducted in the Roebourne townsite area. The prison needs to take a much more proactive role in consulting with the community to identify work opportunities. This should be assisted by the prison's recent decision to employ an industrial officer to coordinate appropriate work for prisoners in the community. The prison has an excellent template upon which to plan for

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the future, in the form of the partnership that exists between the Department of Justice and the Department of Conservation and Land Management (CALM). This partnership has created the commendable work opportunities that exist at the Millstream Work Camp (see paragraph 7.50 for discussion).

PRISONER OFFENDER BEHAVIOUR PROGRAMS

7.29 Roebourne Prison delivers specific offending behaviour programs when there are sufficient numbers to make courses viable.¹²⁸ At the time of the Inspection a Cognitive Skills Program – Reasoning and Rehabilitation – was being delivered at the prison.

Cognitive Skills Program

7.30 The purpose of the Cognitive Skills Program is to facilitate changes in prisoner behaviour by establishing thinking patterns that promote pro-social behaviour. Prison officers, called coaches, deliver the program; they have previously received a two-week training course in Perth. The program consists of eight modules, including: self-control, inter-personal problem solving skills and critical reasoning. These modules are completed over 38 hours of tuition, conducted in two-hour sessions. Prisoners normally complete the program in just over three months. To be eligible to participate in a program, prisoners must be serving sentences that exceed the time it takes to complete the course, their behaviour and discipline profile should be in good order, and they should have reasonably good reading and writing skills.¹²⁹ To complement what prisoners learn, prison officers should attend a one and a half week 'Interpersonal Skills Training Course'. This course is meant to assist in the development of a supportive environment in the prison, where officers learn how to respond to prisoners who are undergoing or have completed the program.

7.31 Prisoners involved in the program told Inspection staff during a class that they enjoyed it and had benefited from the experience. Prisoner officers who deliver the program said that they believed prisoners benefited from the program. Having acknowledged the potential of the program, questions do arise about the legitimacy of delivering it in its current form at Roebourne Prison. The program has not been assessed for its suitability for use with Aboriginal prisoners specifically, let alone adapted for use with Aboriginal people from the Pilbara and Kimberley regions. However, the Department is aware of this hiatus, and told us that a prime objective of the Roebourne program was to enable identification of what modifications would be required to make it suitable for Aboriginal prisoners of that background. No arrangements have yet been made to make the course available to women

¹²⁸ In 2001 the prison delivered six different types of treatment programs that included one Indigenous Men Managing Anger & Substance Use Program (IMMASU) that involved twelve participants and a Northern Aboriginal Substance Use Resource Unit Program (NASURU) that had eight participants.

¹²⁹ The basic philosophy behind the program is outlined in *Programming in Cognitive Skills: The Reasoning and Rehabilitation Program*, Robinson R., Porporino, F.J., Ottawa, Canada, 1998. A summary of literature on this subject can be located in *Cognitive Behavioural Approaches: An Introduction to Theory and Research*, J. McGuire (University of Liverpool) ed. M.J. Furniss, Liverpool, July 2000.

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prisoners. Moreover, no prison officers at Roebourne have attended the one and a half week long Interpersonal Skills Training Course so, by the standards set by the Department itself, the appropriate environment for delivering the program does not currently exist at the prison.

MANAGING PRISONERS THROUGH THE PRISON SYSTEM AND BACK INTO THE COMMUNITY

7.32 Unit and Case Management represent the Department's basic prisoner management tools. At Roebourne Prison both systems are in the very early stages of implementation.

Unit Management

7.33 The Department describes Unit Management as a method of managing prisoners by maintaining consistency in management, by appropriate delegation of authority and by improved communication between prisoners and staff at all levels in a prison. We have highlighted, in paragraph 4.47, the frequent management changes at Roebourne Prison in recent years. In relation to improving communication in the prison, the Department advocates that unit meetings be held between prisoners and unit prison officers, and between prison officers and prison managers. The Department argues that this provides the opportunity for two-way communication and therefore allows the opportunity for issues to be dealt with more quickly at a local level. The theory is that that this will lead to fewer prisoner grievances. Departmental records for the three-month period between early December 2001 and late February 2002 show that there were no Unit Management meetings held in the prison between these dates.¹³⁰

Case Management

7.34 Case Management is the term to describe the system the Department uses to coordinate rehabilitative and community reintegration services for prisoners who are serving sentences of six months or more. The key element of case management is the relationship between the particular prisoner and the officer responsible for encouraging him to meet the requirements of an Individual Management Plan (IMP) that outlines the prisoner's pathway to and requirements for release.¹³¹ Prisoners must undergo security rating, health, offending behaviour program and educational assessments, so that the IMP provides them with guidance as to how they can progress through the prison system. The IMP also alerts prison managers to the prisoner's rehabilitation needs and what the prison may need to organise to assist the prisoner to integrate back into the community.¹³²

¹³⁰ Prison managers said that meetings had been held between officers and prison managers on a three-weekly basis, but they were unable to provide any minutes from these meetings.

¹³¹ See Director General's Rules Number 14 for detailed explanation of the purposes and principles of Case Management and how it is given effect.

¹³² The IMP is a computer-generated document that outlines the management of the prisoner's security rating, placement at the prison, program needs, health needs, educational/vocational requirements, employment requirements and eligibility dates for home leave/work release and parole.

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Roebourne Prison receives prisoners from other prisons that have IMPs in place, and it has an obligation to initiate an IMP on a newly arriving prisoner who is eligible.

7.35 Roebourne Prison managers explained that of the 115 prisoners in the prison in the week of the Inspection, 37 had IMPs that had been initiated at other prisons. Fourteen prisoners were ineligible for case management because eight of them were serving sentences of six months or less and the other six were remand prisoners. This means that the majority of eligible prisoners at Roebourne (64) were not case-managed. The prison acknowledged that it was not able to properly conduct case management on prisoners who had already been assessed, and that it could not commence case management through the development of IMPs on new prisoners. This was because none of the staff at the prison had been trained in case management or IMP theory or practice. Another significant reason is that the prison does not have access to readily available mental health or offending behaviour program personnel to conduct assessments that are necessary for case management and IMPs to be initiated and appropriately monitored.

Release Planning

7.36 Prisoners being released from the prison will generally belong to one of two groups. The first group consists of prisoners who are under some sort of restriction or community-based supervision order. These are prisoners who have been released on parole or other form of early release order. The second category is prisoners who have no supervisory element attached to their release into the community. The Department's Community Justice Services Division has principal responsibility for organising community support links for prisoners who are subject to community-based supervision. However, prisons are also responsible for assisting both categories of prisoners to access services in the community. This is normally in relation to transport from the prison to home communities, securing existing or finding new accommodation, and income support issues, most notably involving Centrelink.

7.37 Prisoners' immediate needs in relation to transport back to communities are met by the prison. In relation to prisoners who require income support, Centrelink had recently commenced weekly visits to the prison to interview soon-to-be-released prisoners in regard to income support applications. Centrelink staff said that this initiative had dramatically shortened the period of time, sometimes by a matter of weeks, that released prisoners had to wait to receive income support. They admitted that difficulties existed for prisoners who are released on weekends. These prisoners were not able to access Centrelink funds until the following Monday. Prisoners in these circumstances must access their private cash, if they have any, or be issued with a gratuity payment until they can access their funds.

7.38 A Homeswest representative advised Inspection staff that there are no short-term (refuge) accommodation options for prisoners in the Karratha or Roebourne areas.¹³³ At a broader level the

¹³³ Both Karratha and Roebourne have refuges for women but these are for women escaping domestic violence.

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agency advised that it has 700 houses in the Pilbara region, that 100 per cent of people on the housing waiting list are Aboriginal, and that the average waiting time for housing is approximately three years. The acute shortage of private rental properties and traditionally high rents in the region mean that few Aboriginal people rent private accommodation. It is apparent that HomesWest has great difficulty dealing with the housing needs of Aboriginal people in the Pilbara region generally, let alone the needs of prisoners.

MILLSTREAM WORK CAMP

7.39 The Millstream Work Camp represents the peak of the hierarchical system, as it exists, at Roebourne Prison. Prisoners at the camp enjoy a level of accommodation, food, personal freedom, responsibility and work opportunities that make it a place some prisoners are eager to experience.

Background and location

7.40 The Millstream Work Camp came into existence in February 2000 as the result of a joint initiative between the Department of Justice and the Department of Conservation and Land Management (CALM). The camp is designed to accommodate eight prisoners and one prison officer. On the day that Inspection staff visited the camp, it had a full complement of prisoners. Prisoners are involved in work projects, discussed below in paragraph 7.50, which are managed in accordance with a Memorandum of Understanding between the Department and CALM.¹³⁴ At an operational level work camp officers work with CALM officers to identify and manage work projects. CALM owns the accommodation at the camp, and the camp itself is located next to buildings occupied by CALM personnel who work in the area. The camp is situated 200 miles south of Roebourne Prison in the Millstream-Chichester National Park, on land owned by the Ngarlooma and Injibandi people. The National Park receives in excess of 200,000 visitors each year, so prisoners are often very visible at popular tourist sites in the area.

Selecting prisoners for the camp

7.41 In order to be considered for placement at the work camp, prisoners must have a good work record inside and outside the prison, be cleared by medical staff, have no prison charges pending and have given a clean urine sample to indicate that they are not using drugs.

Relationships between prison officers and prisoners

7.42 Three prison officers work at the camp. They work eight-day stretches followed by 13 days off. In terms of the skills and qualities of these officers, it was clear that they conducted their duties in a way that had earned the respect of prisoners. Prison officers and prisoners get on very well at Millstream.

¹³⁴ The MOU stipulates that the Department of Justice be billed for costs associated with the use of the CALM accommodation units, electrical power and diesel fuel for transporting prisoners to work locations.

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Prisoners said that the officers talked to them all the time. They work alongside each other at work locations, regularly share cooking duties and eat together. They noted that officers had shown an interest in learning Aboriginal languages. Prisoners had respect for the officers who worked at the camp. As one of the prisoners said:

Officers talk much more with us here. They come sit down, have a yarn with us. If we need something we go and see (officer's name).

7.43 It was apparent from speaking to officers that they valued what they were doing with the prisoners at the camp. It was evident, in the way they spoke about the achievements of the camp in completing work projects, that they had respect for the prisoners they supervised.

Accommodation

7.44 The work camp site consists of three demountable living units. The two units that accommodate prisoners contain two bedrooms, with two prisoners sharing each. The middle section of each accommodation unit contains communal facilities. One unit contains kitchen equipment and the other a television lounge area. The area between the two units, which is covered with shade cloth, contains a pool table, a darts board and a dining table and chairs. Prisoners' accommodation at the camp was clean, well kept and appeared reasonably comfortable. All bedrooms in the units have refrigerated air-conditioning. The third accommodation unit, which is located about 20 metres from the prisoner's accommodation, comprises the officers' quarters and store rooms.



Accommodation units at Millstream Work Camp.

Food and canteen

7.45 Prisoners are supplied each week with a wide variety of fresh foods and they regularly have the opportunity to prepare and eat traditional foods. This is often in the form of kangaroo, supplied by CALM officers, or fish, and bush tucker found by prisoners on their days off. One prisoner told us:

We like it much better here. We go out bush. Have bush tucker. Sometimes we get the kangaroo, cook it in the ashes up there. Cook the goanna in the fire.

PREPARING PRISONERS FOR RELEASE

7.46 Prisoners complete canteen spend slips that are then faxed to the prison. The ordered items are brought out to the camp at the officer changeover. Prisoners said they were happy with the process and how it worked.

Contact with family

7.47 Prisoners are able to make contact with family members via three free telephone calls each week, using the camp's satellite telephone. Any extra calls cost a maximum of \$4. This was the first occasion Inspection staff had encountered a group of Aboriginal prisoners who were content with a prison phone system. Prisoners are not allowed visits at the camp. They must return to Roebourne Prison and remain there following their visit until they can return to the camp the following week.

Health

7.48 Prisoners who require specialist appointments must be returned to the prison. Unfortunately, this is also the case for prisoners who require diabetes checks, which involves little more than a measurement of blood sugar levels and a routine blood test. It would be sensible to provide the camp with a glucometer and to teach prisoners, as are many people in the community, to monitor their own blood sugar levels. The work camp could also try to make arrangements with community health services, that make regular trips to remote areas in the region, to monitor prisoners' health in the camp.

Education and offending behaviour programs

7.49 During the Inspection there were no educational or offending behaviour programs operating from the work camp. However, an eight-month long Landcare traineeship program had been completed in December 2001 and another was being arranged for the start of 2003.¹³⁵ Prisoners do use the library at the prison on the days when they return there as a group. Prisoners said that they would like to have access to magazines and books (particularly language books and dictionaries). While prisoners did not volunteer that they would benefit from literacy or other education classes, they were interested when the topic was raised. Like other prisoners, they were keen to be involved in some form of education as part of their working day. They were most interested in literacy in their own languages. They said that language books and dictionaries would help them to develop their skills and assist them to teach their languages to officers at the camp who had shown an interest.

Work at the camp

7.50 Prisoners are taken out to work in the prison transit vehicle. They leave the camp for work at about 8.00 a.m. and return at about 3.00 p.m., depending on how hot the weather is. Prisoner attendance at particular project locations depends on weather conditions and the urgency/importance of the

¹³⁵ The Department explained that the likely throughput of prisoners was such that there would be insufficient long-termers to constitute an eight-month TAFE class in 2002.

PREPARING PRISONERS FOR RELEASE

particular project. At the time of the Inspection, prisoners were involved in several projects, including:

- Providing ongoing maintenance work at the Millstream Visitors Centre, including fence construction and maintenance of gravel pathways;
- Repairing land and water facilities at Chindawarra Pool area, which has significance for the local Injibandi people. Prisoners cull non-indigenous plants introduced to the area;¹³⁶
- Restoring the nearby camel track by defining the trail, constructing path markers, and preparing surfaces in order to minimise land erosion;
- Assisting with the development of picnic and camping tourist facilities at Python Pool, Crossing Pool and Deep Reach Pool. This has involved prisoners constructing toilets, picnic tables and BBQ facilities at these locations.



Prisoners are involved in repairing the local environment.

7.51 Inspection staff visited several work sites with prisoners. It was clear that the work was well organised and supervised. We were advised by the officer at the camp that all prisoners receive basic Occupational Health and Safety training at work sites or when new pieces of machinery were used.

7.52 The Department supplied data that indicate that the Millstream Work Camp was responsible for completing \$130,000 worth of work in 2001. Negotiations are currently underway with CALM to update the Memorandum of Understanding between the two agencies. The Department is seeking to ensure that the value of work completed by prisoners is better reflected in the costs it must pay CALM to operate at the location.

SUMMARY

7.53 The Millstream Work Camp represents an excellent example of the Department working in partnership with another agency to achieve outcomes that both develop community assets and improve the rehabilitation prospects for prisoners. Prisoners at Millstream enjoy being there; they have a clear and purposeful lifestyle and they are treated with respect. They appreciate the variety of work they do, and they have proximity to country that means something to them. Their sense of achievement was clearly on display to Inspection staff. The operation of the camp reflects the professionalism of the prison officers working there. It is a model re-entry project.

¹³⁶ Including cotton, date palms, water lilies and Indian water fern to encourage the growth of native river gums, paper barks and cajuputs.

Chapter 8

GETTING THE BASICS RIGHT

REAPPRAISAL AND CHANGE

- 8.1 Roebourne Prison is remote in terms of its locality, its place in the consciousness of the local and wider community, and also, until recently, in terms of the Department's priorities. The Department has previously focussed on 'non-Aboriginal' prisons, largely in the metropolitan area, at the expense of regional 'Aboriginal' prisons such as Roebourne Prison. The Department's injection of substantial catch-up funds into the prison prior to this Office's Inspection would appear to be a partial acknowledgement of this neglect, and is to be welcomed.
- 8.2 However, the Department needs to develop an immediate and ongoing strategy for long-term and sustainable change at Roebourne Prison to ensure that structural racism becomes a thing of the past, and respectful, rehabilitative-orientated treatment of prisoners becomes the standard. Good leadership at the local level is crucial and needs to reflect appropriate sensitivity to and knowledge of different cultural and gender-based needs.
- 8.3 The first step should be to fully consider and articulate the purpose of Roebourne Prison. Whilst it is effectively the medium-security prison for the Pilbara/Kimberley regions – a role that enables Broome Regional Prison to remain predominantly minimum-security – it nevertheless has a role in accommodating and rehabilitating short-sentence and end-of-sentence, mostly Aboriginal, prisoners. With the Millstream Work Camp program, it has done so extremely well. But most of the prison-based activities fall far short of the Millstream achievement. At present the prison's correctional strategies are not compatible with the correctional needs of the predominantly traditional Aboriginal population the prison holds.
- 8.4 In particular, excessive security and poor living conditions for prisoners, which have provided much of the focus for this Report, are a matter of great concern. Security regimes should be compatible and consistent with the assessed risks of the prisoners who are held at Roebourne, up to 50 per cent of whom are classified as minimum-security. The security regimes we encountered at Roebourne have a better fit with metropolitan prisons, where purposes, conditions and populations are different. The metropolitan maximum/medium-security philosophy should not be the template for the development of security in medium-security prisons in regional Western Australia.
- 8.5 Security regimes and infrastructure at Roebourne Prison have been developed and implemented in such a way that they impact unreasonably on the wellbeing of prisoners. The cages, or 'sky bars', the 7.00 p.m. lock-up, the strip-searching regimes for visitors, and the conditions and regimes that prisoners endure, represent examples of a security culture at Roebourne that is overbearing, generally inappropriate, and arguably racist in the sense that it far exceeds what would be regarded as acceptable in a southern medium-security prison, such as Bunbury.

IMPROVING PRISONER LIVING CONDITIONS

- 8.6 The recent injection of funds to upgrade and paint cells and ablution blocks in the prison is the first

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step in what should be a comprehensive strategy to improve the living conditions for prisoners, including the removal of sky bars and barriers that have already been identified as superfluous to the security needs of the prison. The second major area that needs to be urgently addressed is climate control in the prison which, in the context of the early lock-up, is ineffectual in most cells with ceiling fans, and almost non-existent in the case of sealed cells where air-cooling systems do not work. The prison must also embark on a process leading to significant improvements in cleaning and hygiene, in both accommodation and dining areas.

- 8.7 Structural and cultural changes are needed to improve interaction between prisoners and prison officers. This should include, but also go beyond, cultural awareness programs for prison officers. The physical barriers between the groups, as well as the over-use of written application systems to access prison services need to be reviewed. Aboriginal people are still under-employed at Roebourne Prison, and there appears to be ad hoc or minimal consultation with the communities prisoners come from. Policy from Head Office in the form of the Strategic Plan for Aboriginal Services bears no resemblance to the way Aboriginal prisoners are managed at Roebourne. Positive interaction between officers and prisoners should begin to occur when the Department addresses the issues we have identified in this Report; when prisoners can see and experience humane treatment and officers are properly resourced, encouraged and supported to provide prison services that are in accordance with clearly defined correctional purposes.

ADDRESSING PRISONER NEEDS AND IMPROVING ACCESS TO SERVICES

- 8.8 Prisoner welfare needs are neglected at Roebourne Prison, and this is primarily because of a failure to understand the varied needs of the population. The prisoner support services that do exist, such as the AVS and Peer Support Group, are fragile in such an environment. The lack of Prison Counselling Services and of medical staff with expertise in mental health issues compromises the prison's ability to identify and properly monitor 'at risk' prisoners. This situation is unacceptable.
- 8.9 There is little, if any, recognition of the diversity of prisoners at Roebourne and the impact that this can have on the operation and viability of prison services. There is no acknowledgement of the fact that a significant majority of prisoners (Aboriginal and foreign national) face barriers in accessing services because they have limited or non-existent English language and English writing skills. The absence of any language resources or information to assist these prisoners represents a significant gap in the prison's ability to deliver services. The fact that the Department places minimal emphasis, evidenced by the absence of policy, on Aboriginal and overseas language resources is untenable and should be addressed in a developmental, consultative way.
- 8.10 Women prisoners at Roebourne exist in an environment where their needs and expectations are even more impoverished than those of the marginalised Aboriginal male prisoners at the prison. The women's inadequately ventilated cells and their lack of access and opportunity to participate in education and prisoner offending behaviour programs are matters that require urgent attention. The

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Department's recent efforts to re-focus attention on the provision of services to women prisoners must extend to regional prisons, particularly Roebourne, Broome and Greenough.

- 8.11 The lack of effective systems in place to assist remand prisoners to organise bail and seek legal advice and information reflects an untenable gap in addressing the rights of accused persons in line with well established international and domestic law. This, added to the lack of attention to the needs of very long-term and young prisoners, exposes a lack of insight into the prison's population, and the duty of care responsibilities of the prison.

REVIEWING DEPARTMENTAL POLICY AND PRACTICE

- 8.12 Several of the policies in operation at the prison, such as the applications and grievance procedures, application to attend funeral procedures and prisoner property policies, fail to accommodate the needs and expectations of the Aboriginal prisoner population. The impact of the outcomes and prisoners' experiences of these systems discriminates against Aboriginal prisoners – structural racism.
- 8.13 At a more local level, the Department needs to look at prison policies and ask why, generally, non-Aboriginal prisoners are recruited for work in the prison's workshops, and Aboriginal prisoners by and large are not. Prisoner education at Roebourne needs an extensive overhaul to address barriers prisoners encounter accessing its education services.

VALUING STAFF

- 8.14 It is a truism that the wellbeing of prisoners cannot be successfully addressed if staff feel directionless and demoralised. The Department should put effort into formulating and articulating the purpose of Roebourne Prison and the part that staff play in achieving its purpose. This should go hand-in-hand with relevant training that goes beyond its current focus on security-related topics such as 'restraints' and 'use of force' training to include training that will enhance relationships between prison officers and prisoners, such as cross-cultural and communication training. Officers should also receive system support from Head Office that reflects the rehabilitative and preparation for release purposes of the prison. These system supports should include renewed impetus into developing strategies, such as the 'Remote Areas Incentive Strategy' to encourage and support prison officers to work in remote areas.
- 8.15 We found at Roebourne, as we often observe elsewhere, that the staff have a commitment to their jobs that is disproportionately greater than the Department appears to have to the staff. But their frustration, their sense that they are not being treated with respect means that their effectiveness is less than their commitment. Thus the quality of prisoner services is eroded – a point that brings us full circle to the reason why Roebourne Prison is currently one of the most problematical prisons in the WA system.

RECOMMENDATIONS

These recommendations should be read in conjunction with the supporting text, as identified below.

1. It is recommended that a comprehensive plan containing clear time lines be developed for Roebourne Prison to address the issues identified in this Report. These time lines should take account of the fact that a follow-up inspection will be carried out before the end of 2003.
2. It is recommended that particular attention be given to issues that impact specifically upon Aboriginal prisoners, including the following:
 - Funeral attendance applications (paragraphs 6.57–6.66);
 - Availability of traditional food (paragraph 6.67);
 - Dietary issues relevant to health status (paragraphs 5.45–5.47);
 - Improved communication by way of enhanced language resources and modified applications procedures (paragraphs 2.26, 3.10, 4.8, 4.10 and 4.12–4.13);
 - The development of a business case and a framework for subsidising travel costs for visitors from remote regions (paragraphs 2.17–2.18);
 - Equitable access to work and skilling opportunities (paragraphs 7.16–7.20);
 - The application of Departmental and local property policies (paragraphs 6.9–6.14);
 - Access to Aboriginal Legal Service personnel (paragraphs 4.34–4.36);
 - Clarification and improvement of the role of the Prisoner Support Officer (paragraphs 6.37–6.39); and
 - Such other matters indicative of inequitable treatment as have been identified by this Report (paragraphs 2.32 and 6.40–6.56) or of which the Department is otherwise aware.
3. It is recommended that the Department also address the underlying deficiencies for women prisoners including: the quality of accommodation and access to education, employment, recreation, section 94 activities and treatment programs (paragraphs 4.15–4.19).
4. It is recommended that attention also be given to the regimes and conditions applicable to the following categories of prisoners:
 - Foreign nationals (paragraphs 4.20–4.24);
 - Remand prisoners (paragraphs 4.28–4.29);
 - Young prisoners (paragraphs 4.41–4.43); and
 - Lifers, Governor's Pleasure and long-term prisoners (paragraphs 4.37–4.40).

RECOMMENDATIONS

5. It is recommended that security arrangements at the prison take better account of the fact that a substantial proportion of the population is minimum-security with regard to such matters as lock-up times (paragraphs 3.24–3.27) and various static security measures such as the skirting around unit control pods, the caging of some cell areas, the widespread use of overhead grilles and the positioning of some movement control barriers (paragraphs 6.43, 3.20, 3.21 and 3.23).
6. It is recommended that the Department should clarify its policies in relation to the usage of the special-purposes cells at the prison (paragraphs 6.15–6.19).
7. It is recommended that the Department conduct a comprehensive review of ventilation and air-cooling needs and systems for the prison (paragraphs 2.28, 6.3–6.6 and 8.6).
8. It is recommended that health and medical services at the prison be reviewed, with particular attention to the following matters:
 - Mental health services generally and the appropriateness of ‘telepsychiatry’ in particular (paragraphs 5.14–5.21);
 - Prisoner access to health services (paragraphs 5.2–5.7);
 - The location and lay-out of the health clinic (paragraphs 5.8–5.9);
 - The present procedures for record management (paragraphs 5.27–5.28); and,
 - Issues relating to informed consent by prisoners (paragraphs 5.29–5.31).
9. It is recommended that the Department should encourage visits by such measures as reviewing its strip-search policies (paragraphs 3.28–3.34) and improving facilities for visitors and accompanying family members, particularly children (paragraph 6.29).
10. The activities of the Education Unit should be reviewed and a clear set of objectives identified (paragraphs 7.6–7.15).
11. The Cognitive Skills Program for prisoners should be continued in a format that has been appropriately modified to take account of Aboriginal cultural issues (paragraphs 7.30–7.32).
12. In the light of the success of the Millstream Work Camp and the general importance of good interactions between prisoners and the community, section 94 activities should be further developed (paragraphs 7.21–7.28).
13. It is recommended that the Department arrange for the implications and impact of its recently concluded external review of its Human Resources policies to be assessed and implemented, with particular reference to:
 - The training needs of officers working in a predominantly Aboriginal prison;
 - The very low representation of Aboriginal staff at the prison; and,
 - The need for a Remote Area Incentive Strategy (paragraphs 4.44–4.52 and 8.14).

Appendix 1

THE INSPECTION TEAM

Professor Richard Harding	Inspector of Custodial Services
Robert Stacey	Director of Operations
Lynn Atkinson	Manager Research and Publications
Jocelyn Jones	Senior Research Officer (Special Projects)
Andy Fitzgerald	Inspections Officer
Marie Chatwin	Inspections Officer, on secondment from the Department of Justice
Joseph Wallam	On secondment from the Department of Indigenous Affairs
Margaret Beattie	On placement from ATSIC

Appendix 2

RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE RECOMMENDATIONS OF THE REPORT

Inspector of Custodial Services' Recommendation	Department of Justice Response
<p>1 It is recommended that a comprehensive plan containing clear time lines be developed for Roebourne Prison to address the issues identified in this Report. These time lines should take account of the fact that a follow-up inspection will be carried out before the end of 2003.</p>	<p>Roebourne Regional Prison has on ongoing plan to address the issues identified in this Report. The plan is continually updated as progress is made.</p>
<p>2 It is recommended that particular attention be given to issues that impact specifically upon Aboriginal prisoners, including the following:</p> <ul style="list-style-type: none"> • Funeral attendance applications (paragraphs 6.57–6.66); • Availability of traditional food (paragraph 6.67); • Dietary issues relevant to health status (paragraphs 5.45–5.47); • Improved communication by way of enhanced language resources and modified applications procedures (paragraphs 2.26, 3.10, 4.8, 4.10 and 4.12–4.13); • The development of a business case and a framework for subsidising travel costs for visitors from remote regions (paragraphs 2.17–2.18); • Equitable access to work and skilling opportunities (paragraphs 7.16–7.20); 	<p>The funeral application process is currently under review. A number of recommendations will be made following consultation with the ATSIC State Policy Office.</p> <p>Kangaroo meat is provided at least once a week in the form of stews and casseroles, sometimes twice a week as per the prison cyclic menu. The form in which kangaroo meat is made available will continue to vary to meets the needs of the prisoners. Further, kangaroo tails and dampers are supplied for NAIDOC and Family Days and other special occasions. Additional traditional food has been ordered and will be provided for meetings and barbecues commencing April 2003.</p> <p>A dietary review has been completed with recommendations to be implemented statewide in partnership with the Health Department.</p> <p>The Department of Justice utilises various ways to deal with the communications issue, such as, prisoner-prisoner, PSO/Peer Support-prisoner, AVS-prisoner, Wangka-Maya link-up service, local/regional Elders through program participation, and staff cross-cultural training. Additionally, Roebourne Prison is planning to support an Aboriginal languages program within the education section of the prison, which will develop language materials for use within this prison.</p> <p>Roebourne Regional Prison in conjunction with the Department of Community Development in Karratha have commenced discussions regarding the use of local resources and will develop a funding model to enable more visitors to attend at the prison on a regular basis. The Department of Justice will further examine this as a statewide issue.</p> <p>The internal process for gaining employment is under review and Roebourne Regional Prison now has a Senior Education Officer (SEO) undertaking formal assessment of prisoners' requirements.</p>

RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE
RECOMMENDATIONS OF THE REPORT

Inspector of Custodial Services' Recommendation	Department of Justice Response
<ul style="list-style-type: none"> • The application of Departmental and local property policies (paragraphs 6.9–6.14); • Access to Aboriginal Legal Service personnel (paragraphs 4.34–4.36); • Clarification and improvement of the role of the Prisoner Support Officer (paragraphs 6.37–6.39); and • Such other matters indicative of inequitable treatment as have been identified by this Report (paragraphs 2.32 and 6.40–6.56) or of which the Department is otherwise aware. 	<p>The Department of Justice has introduced a revised property policy across the State. At Roebourne Prison the Superintendent has instructed that a local order be prepared to reflect regional requirements.</p> <p>Prisoners' access to the Aboriginal Legal Service (ALS) is via the Prisoner Support Officer (PSO) office. During the Inspectorate's visit, restrictions were in place due to an upgrade of the prison that was occurring at the time.</p> <p>This permanent appointment has been made. The Prisoner Support Officer has been actively committed to working closely with the Aboriginal community to improve re-entry prospects for prisoners and has been encouraging community participation, especially families within the prison.</p> <p>Cross-cultural training appropriate to the region has been an important focus for Roebourne Regional Prison. The Operations Manager will continue to work closely with the Prisoner Support Officer and Aboriginal Visitors to encourage the use of the grievance system.</p>
<p>3 It is recommended that the Department also address the underlying deficiencies for women prisoners including: the quality of accommodation and access to education, employment, recreation, section 94 activities and treatment programs (paragraphs 4.15–4.19).</p>	<p>All women's cells are about to have refrigerated air-conditioning installed. There is a shade cloth screen between the female and male units – which affords a measure of privacy. Some static barriers within the female section have also been removed.</p> <p>The employment of a Senior Education Officer has allowed for the creation of a women's area within the education centre, and a range of options for women prisoners is offered. Women have participated in bobcat and welding courses, and continue to be offered employment where practicable. Women's needs will be taken into account as part of the prison's employment review.</p> <p>Women are offered the same recreational facilities as males.</p> <p>There are a number of employment places for women endorsed as part of the s.94 program.</p> <p>A Programs Officer position has been created and advertised to assist with the delivery of programs to both male and female prisoners. A contract appointment has been made pending a suitable applicant being appointed. The contract staff member has now been trained in assessment and will be more responsive to program requirements of these prisoners, including females.</p>

RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE
RECOMMENDATIONS OF THE REPORT

Inspector of Custodial Services' Recommendation	Department of Justice Response
<p>4 It is recommended that attention also be given to the regimes and conditions applicable to the following categories of prisoners:</p> <ul style="list-style-type: none"> • Foreign nationals (paragraphs 4.20–4.24); • Remand prisoners (paragraphs 4.28–4.29); • Young prisoners (paragraphs 4.41–4.43); and • Lifers, Governor's Pleasure and long-term prisoners (paragraphs 4.37–4.40). 	<p>Consulate staff, telephone interpreter services and immigration detention centre contacts are utilised. Roebourne Regional Prison currently has only two foreign national prisoners – both of whom have an excellent understanding of English. Often prisoner-prisoner assistance is possible, and the Prisoner Support Officer at Broome Regional Prison was utilised as a resource for Indonesians.</p> <p>Roebourne Prison staff pursue every avenue to assist prisoners' release to bail – with administration paying particular attention to this issue. Roebourne Prison is about to institute a process which alerts ALS to all new remands.</p> <p>Part of Roebourne Prison's reception process ensures that a TOMS alert identifies young prisoners. The Operations Manager uses this alert to ensure referral to the psychologist, Prisoner Support Officer and the Aboriginal Visitors Scheme (AVS).</p> <p>Roebourne Prison's role and function includes managing medium-term prisoners. Some indeterminate-term prisoners are at Roebourne Prison because they wish to be near to their families and communities. Access to, and interaction with, the PSO, AVS and Health Services is available, with additional support now offered by the Prison Counselling Service. During the last few months three such prisoners have been released to parole, two achieved minimum-security – with one working successfully on s.94. Two have been significant members of the Peer Support Team (one of whom was an Elder – which was positively utilised to assist staff).</p>
<p>5 It is recommended that security arrangements at the prison take better account of the fact that a substantial proportion of the population is minimum-security with regard to such matters as lock-up times (paragraphs 3.24–3.27) and various static security measures such as the skirting around unit control pods, the caging of some cell areas, the widespread use of overhead grilles and the positioning of some movement control barriers (paragraphs 6.43, 3.20, 3.21 and 3.23).</p>	<p>Agree in principle, however, measures must also take into account the large number of medium-security prisoners and the fact that the prison as a whole is rated medium. The following changes have been made since the time of your inspection:</p> <ul style="list-style-type: none"> • Stable-type doors in the unit control pod entries have been installed. • A number of security mesh barriers have been removed in Wing 2, Wing 3 and Wing 5. • The removal of the male medium-security grille and reconfiguring of some barriers is under consideration.

RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE
RECOMMENDATIONS OF THE REPORT

Inspector of Custodial Services' Recommendation	Department of Justice Response
	<ul style="list-style-type: none"> Population counts have been further reduced to six from 13 as at the time of the inspection.
<p>6 It is recommended that the Department should clarify its policies in relation to the usage of the special-purposes cells at the prison (paragraphs 6.15–6.19).</p>	<p>Agree. Procedures at the prison were reviewed following the death in question and continue to strictly monitor the use of the multi-purpose cell.</p>
<p>7 It is recommended that the Department conduct a comprehensive review of ventilation and air-cooling needs and systems for the prison (paragraphs 2.28, 6.3–6.6 and 8.6).</p>	<p>Refrigerated air-conditioning is to be installed into the maximum male/female cell accommodation replacing existing obsolete evaporative air-conditioning plant.</p> <p>When constructed the medium and minimum cell accommodation met building code design guidelines in regard to air flow and natural ventilation as appropriate to the region.</p>
<p>8 It is recommended that health and medical services at the prison be reviewed, with particular attention to the following matters:</p> <ul style="list-style-type: none"> Mental health services generally and the appropriateness of 'telepsychiatry' in particular (paragraphs 5.14–5.21); Prisoner access to health services (paragraphs 5.2–5.7); The location and lay-out of the health clinic (paragraphs 5.8–5.9); The present procedures for record management (paragraphs 5.27–5.28); and, Issues relating to informed consent by prisoners (paragraphs 5.29–5.31). 	<p>A review of telepsychiatry has been recently completed. Its use is to be minimised to cover only 'very urgent' cases. New methodology for these consultations is to be trialed commencing mid-March which addresses the cultural inappropriateness of the process. Discussions with the North West Mental Health service are underway and an 'in principle' agreement reached for them to take over the delivery of forensic psychiatry at Roebourne Prison in the future. The current under-resourcing of the North West Mental Health Service is a major hurdle to be overcome.</p> <p>A new process of accessing Health Services which is cognisant of cultural and (il)literate issues has been developed. It will be trialed at Roebourne Prison commencing March '03. Introduction of the WAVE appointment system will also occur to improve access to Health Services.</p> <p>The medical records are secured in locked cabinets in a locked room to which only Health Services staff have access. They have never been accessible to non health staff.</p> <p>Staff have made a concerted effort gaining informed consent as well as the provision of pre- and post-test counselling for health and screening procedures especially with Indigenous and illiterate prisoners.</p>

RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE
RECOMMENDATIONS OF THE REPORT

Inspector of Custodial Services' Recommendation	Department of Justice Response
<p>9 It is recommended that the Department should encourage visits by such measures as reviewing its strip-search policies (paragraphs 3.28–3.34) and improving facilities for visitors and accompanying family members, particularly children (paragraph 6.29).</p>	<p>Random strip-searching of visitors no longer occurs in line with recent Departmental policy changes across the state. In addition to reviewing the possibility of providing access to an outdoor area for visitors, facilities for visitors will be reviewed.</p>
<p>10 The activities of the Education Unit should be reviewed and a clear set of objectives identified (paragraphs 7.6–7.15).</p>	<p>The amalgamation of the Karratha and Roebourne TAFE Colleges has provided a greater pool of qualified staff on which to draw and the prison has worked with the College to encourage and facilitate the shared employment of part-time tutors.</p> <p>A new educational staffing complement is now established (a qualified Senior Education Officer) with greater TAFE College support and oversighting/monitoring involvement. A review of the program has occurred, and will be assessed/amended after the June regional Senior Education Officers' Forum. This inaugural Forum will involve SEOs from Eastern Goldfields, Greenough, Broome and Roebourne Prisons and will be held this year in Roebourne. The focus will be on making the education program more appropriate to regional prisoner needs. Given the population profile of these sites, there will be a heavy emphasis on the needs of Indigenous prisoner students. The expertise and support of Aboriginal Policy and Services will be sought for this Forum.</p>
<p>11 The Cognitive Skills Program for prisoners should be continued in a format that has been appropriately modified to take account of Aboriginal cultural issues (paragraphs 7.30–7.32).</p>	<p>Prior to the preparation of this report, an Indigenous Senior Programs Officer worked closely with the Roebourne coaches to assist them to appropriately contextualise the program for Indigenous prisoners. She also conducted stakeholder workshops and cultural awareness training for the staff. Assistance was also provided to establish an Indigenous reference group to provide advice and support for the delivery of this program. While to date no Cognitive Skills Program has been evaluated in WA prisons, information is now being collected using the OPEC (Edith Cowan and Offender Program) database which will enable recidivism studies to be conducted over time.</p>

RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE
RECOMMENDATIONS OF THE REPORT

Inspector of Custodial Services' Recommendation	Department of Justice Response
<p>12 In the light of the apparent success of the Millstream Work Camp and the general importance of good interactions between prisoners and the community, section 94 activities should be further developed (paragraphs 7.21–7.28).</p>	<p>Funds to upgrade the Millstream effluent system have been identified, which will eventually allow for a further four prisoners to be accommodated at the workcamp. There are also 13 prisoners out at the local communities and a plan to utilise a further six prisoners at the racecourse. Additional placements are pending. The prison's s.94 programs are now linked to TAFE (Certificate 1 in Rural Skills). Particular attention is being devoted to programs for female prisoners.</p>
<p>13 It is recommended that the Department arrange for the implications and impact of its recently concluded external review of its Human Resources policies to be assessed and implemented, with particular reference to:</p> <ul style="list-style-type: none"> • The training needs of officers working in a predominantly Aboriginal prison; • The very low representation of Aboriginal staff at the prison; and, • The need for a Remote Area Incentive Strategy (paragraphs 4.44–4.52 and 8.14). 	<p>Agreed.</p> <p>Cross-cultural awareness training is a priority for staff, especially for those working in prisons with predominantly Aboriginal prisoners</p> <p>Future staff recruitment will be aimed at addressing the imbalance of Aboriginal staffing levels.</p> <p>Following the 2001 Statewide gathering of information about the workforce desires of remote areas employment incentives the Department has continued to develop an appropriate model. Through the new Home Loan Subsidy Scheme, the Department subsidises the repayment of employees' home loans rather than subsidising rent, thereby giving the employee greater access to home ownership and the subsequent possession of an asset. The Department of Justice will continue to pursue avenues to provide incentives for employees in remote areas.</p>



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