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June 2005

OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION
OF CASUARINA PRISON



**Report title: Report of an Announced
Inspection of Casuarina Prison**

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The Inspector's Overview

CASUARINA: TANGIBLE IMPROVEMENT PUT AT RISK BY OVERCROWDING

The Exit Debrief assessment, on 20th August 2004, was that “Casuarina was in reasonable shape ... but in need of some fine-tuning and strategic thought.” The prison was performing somewhat better than at the time of the first inspection in 2001 but “had not made quite the progress that we would have hoped.” However, the fact that its population was back down to its design level, at about 420, opened up the opportunity for management to start implementing its plans to utilise the facility more positively – though continued under-staffing was a hurdle to be overcome. I warned that if the population crept up again, the prison would come under stress and those plans would be undermined.

As I write this Overview, the population stands at 554. There is double-bunking in every Unit, including Self-Care. Also, Casuarina’s population reflects the fact that, across the system, the dramatic increase in the prison population is mostly explained by an increase in Aboriginal prisoners; whereas historically Casuarina’s population was about 25%–30% Aboriginal, at the present time it is in the 35%–40% range.

In these contexts, clear risk assessment protocols are needed to determine which prisoners can safely and equitably share cells. The close proximity of two people with different personal habits in a confined space for prolonged lockdown periods (about 14 hours a day) is a risky situation, where one prisoner can intimidate the other or where violence can occur. In the UK, the murder of one young prisoner by another whilst in a shared cell led to a finding by the European Court of Human Rights that the Prison Service was in breach of European human rights law in that it failed to have in place an adequate risk assessment procedure. In February 2005, as double-bunking began to spread through the overcrowded system, I drew the attention of the Department to this issue and suggested that a cell sharing risk assessment instrument must be developed and implemented. This has not yet been done. Risk assessment is thus dependent on a “common sense” approach by the relevant Unit Manager. As overcrowding seems to be here to stay, at least for the foreseeable future, this matter would seem to require prompt attention.¹

Plans to utilise Casuarina more positively have had to be put on hold. The Superintendent had hoped to convert the use of Unit 1 so as to enable better management of prisoners undergoing close supervision or basic supervision or whose demonstrated disruptive or predatory behaviour necessitated their being handled outside the mainstream prison routine. This would have involved a small capital outlay, but would have had the great advantage of providing these facilities not just for Casuarina’s local needs, but also for the whole State system. However, to be viable it would depend upon single occupation of cells and also upon some cells simply being left vacant if insufficient prisoners fell within the eligible categories. The whole purpose of this approach would be dissipated if vacant beds were simply treated as overflow accommodation. The single cell capacity of Unit 1 is 52; at present 92 prisoners are accommodated there. Inevitably, therefore, the plans for Unit 1 have fallen through.

¹ During a liaison visit by OICS staff members on 20th April 2005, one prisoner asked to be removed from sharing with a man whom he thought was crazy after 24 hours, and another said that he only tolerated sharing with a smoker because in other respects he was a friend. The Department has developed a form, but at this stage it contains no clear criteria for decision-making on the basis of the information obtained.

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At the time of the inspection, even with a normal population it was difficult to achieve a structured day for prisoners. The greatest problem was that the workshops were not fully operational, and this in turn was attributable to staff shortages and unfilled vacancies. So many prisoners were spending their day back in the Units – where further staff shortages meant that there was often not proper access to recreation.

We estimated that the shortfall in the number of uniformed staff needed to run the prison safely and productively was about 30. This Office has been arguing for several years that the Department of Justice approaches the question of human resources from the wrong end. It takes a number – at the time of the inspection 1147 uniformed staff – and tries to fit its overall allocations within that. What it should have been doing is working out its needs, on the basis of its philosophy and the tasks it is expected to carry out, and putting a business case to Government for resources to deliver the required outputs. This is what Police and Education and Health, for example, do – and if they do not always get what they seek at least no one is in doubt about their estimate of what they need.

At last, during 2004–05, something resembling this approach has started to be taken. An overall uniformed staff review has been under way. For Casuarina the outcome has been substantial staff increases – to about 290 uniformed and civilian staff overall. The additional staff cover important functions – Senior Officers for the Health Centre, the Punishment Unit, the administration of court and visits video-links, and more officers available in the Visits area so that visits can occur daily.

Returning to the question of the increasing Aboriginal population, about a quarter (55 at today's count) are from “out of country” – from the East Kimberley, the West Kimberley, the Pilbara, the Goldfields, the Lands. It is notorious and well understood that the stresses of imprisonment for such people are typically exacerbated by this separation from land and culture. The long-term solution to this lies in enabling maximum and medium security prisoners to be held securely and to receive appropriate programs in prisons within their own regions. The present Inquiry by the Hon. Dennis Mahoney and Directed Review by this Office will be exploring these questions. In the meantime, Casuarina is left to do the best it can.

At the time of the inspection, it seemed to us that more could be done – consistent with security and good order – to allow family members, in the extended Aboriginal sense, to mix with each other both in their accommodation units and during recreation periods. One problem was that the Aboriginal Meeting Place was hardly used at all. The physical changes made to Casuarina following the 1998 riot had made access difficult enough, and this had been exacerbated by the introduction of a booking system for recreation, including access to the Meeting Place.

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The Superintendent has subsequently informed this Office that an additional Meeting Place is being opened up. It will be near the Oval, and apparently will accommodate greater numbers and be accessed less formally. In addition, the recreation period has been extended by half an hour. These initiatives are welcome.

The Special Handling Unit (or Multi-Purpose Unit) continues to be a problem. It has previously been twice inspected, on neither occasion coming up to a satisfactory standard. Acknowledging the difficulties of creating a constructive regime within an area that is occupied by such a disparate group of difficult-to-manage prisoners, it is nevertheless disappointing that the regime remains impoverished. In particular, there seemed to be no behavioural targets or exit strategies – in a word, no case management. The then Minister had floated the idea that the whole approach to managing these types of prisoner and the infrastructure within which to accommodate them needed re-examination. This is now being done as part of this Office’s Directed Review.

A general point that the Inspector has made on numerous occasions about the Department’s approach to management of prisons is that authority is not sufficiently devolved to the field. On previous occasions we have urged that Service Delivery Agreements be made with Superintendents whereby they must meet various targets utilising budget allocations and human resources that they have genuinely negotiated rather than having thrust upon them. The concept is that, within broad policy settings, the Superintendent should have increased autonomy – and thus accountability. Such a structure would avoid the absurdity we encountered at Casuarina whereby six unfilled Industrial (Vocational Support) Officer positions had still not been authorised by Head Office for advertisement.

It has not been easy to get the Department to agree to Service Delivery Agreements. However, the response to Recommendation 4 indicates that there is at least some movement in this area. The Perth-centric nature of Department of Justice, whilst historically understandable, is no longer the way to manage the complexities of prison operations.

Finally, I come to the question of the “scorecard” – the extent to which previously accepted recommendations have been implemented on the ground. In three previous inspections – two relating to the Special Handling Unit and one to the prison as a whole – we had made 29 recommendations. Of these only 12 had been implemented to an acceptable degree. In the last year, comprehensive negotiations have taken place between the Inspector and the Department as to how to handle and track future recommendations. There is every expectation that the effectiveness of the Inspector’s office and the value of inspections to the Department will increase markedly.

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OVERCROWDING

In summary: there are stresses at Casuarina and positive management responses. Even so, overcrowding remains a crucial issue for the Department, staff and prisoners. It will be difficult to fulfil the promise that the prison seemed to be showing at the time of the inspection itself until the population has reduced again and stabilised. However, the prison appears to be coping reasonably well at present in this less than ideal state.²

Richard Harding

29th June 2005.

2 As part of this inspection, the Inspector commissioned a security review of Casuarina Prison. This review was made available to the Department of Justice on a confidential basis.

Chapter 1

CONTEXT OF THE INSPECTION

HISTORICAL BACKGROUND

- 1.1 The 1988 riot at Fremantle Prison and the resultant high level investigation and discussion was a catalyst for change within the State's prison system. This ultimately led to the development of a new maximum-security prison (Casuarina Prison) that was intended as a change agent for the whole of the prison service culture.¹ At its inception, Casuarina Prison was proposed to be the State's main male maximum-security prison. In line with this original vision, at the time of the Inspection Casuarina's role and function was to accommodate offenders who had committed violent and/or other serious offences and who had been sentenced to long terms of imprisonment within a high-security custodial setting. The design and concept of the prison was focused on assisting these prisoners to address specific offending behaviours and preparing them for eventual resettlement in the community. Pivotal to this, the prison was to provide a wide range of employment and skilling opportunities in order to 'provide diversified vocational skills training and development leading to increased work opportunity on release'.² The design of the prison was therefore based around the principles of a stable population, interaction with staff, the constructive day concept, full employment for prisoners, and the progression of prisoners to lower grades of security or release to freedom. Prison officers, through active case management, were to take a leading role in engaging prisoners in correctional regimes and, very importantly, all operational procedures, human resource structures and staff training were based around these principles.
- 1.2 In addition, two facilities were built at Casuarina Prison to service the whole of the State. The first, the Special Handling Unit, comprises a facility for managing offenders who are assessed as being extremely violent, predatory or disruptive or constitute a high risk of escape from custody. The second encompasses a medical facility with 20 special beds for prisoners with medical conditions not able to be managed within ordinary prison medical centres. Both were designed as autonomous facilities within the Casuarina Prison site with the intent to progress prisoners into the mainstream population either at Casuarina Prison or elsewhere.
- 1.3 From its inception though, there has been considerable performance drift from these founding principles.³ By 1998, the prisoner population held at Casuarina Prison far exceeded the prison's design capacity, few prisoners were able to engage in correctional programs in any meaningful way, large numbers of prisoners were unemployed or underemployed and the policy of staff supervising prisoners within their living units had become the norm. Interaction with prisoners decreased dramatically and prison staff became deskilled by this practice. The focus and attention of staff, operational procedures and training drifted from case and unit management of prisoners to an emphasis on security and safety of staff. Case management had not been implemented and inadequate remand, receipt and assessment facilities

¹ For a more complete discussion of the background to Casuarina Prison see this Office's earlier report: Report No. 11 *Report of an Announced Inspection of Casuarina Prison - October 2001* (Office of the Inspector of Custodial Services Perth, 2002), pp. 4-5.

² Casuarina Prison Business Plan 2004-2005.

³ Report No. 11, op. cit., pp. 14-18.

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elsewhere meant that, contrary to best practice, between 40 and 75 unsentenced prisoners were held with sentenced prisoners at Casuarina. These declining standards reflected the Department's lack of adequate planning for its increasing total prison population, its lack of realistic performance monitoring and its failure to ensure that its benchmark prison was able to achieve the purpose for which it was established.⁴

- 1.4 On the afternoon and evening of Christmas Day 1998, between 100 and 140 prisoners took direct part in a major disturbance in the grounds of Casuarina Prison. For about two hours prisoners rioted and staff were not in effective control of the prison. By the end of the riot, 21 staff and two prisoners required hospital treatment and a great many more were traumatised by the events. Within five days of this riot the Department acted to set up an inquiry to establish the causes and to find what could be done to prevent further riots.⁵ The resultant report – known as the Smith Report – identified a wide range of causal factors including: intoxication of prisoners; lax security; overcrowding; deterioration in staff prisoner relations; deskilling of staff; lack of Head Office and local management direction; perceived prisoner injustices; poor population–mix planning; low staff numbers; reliance on staff overtime; and lack of facilities and resources for prisoners.⁶ In summary, among the 53 factors identified as contributing to the riot, 22 were resourcing and systems issues, 17 were custody and containment issues, 12 were welfare issues and two were concerned with the rehabilitative efforts of the prison.⁷
- 1.5 In response to this report, the Department implemented a \$1.8 million program to strengthen security and provide staff with a safer working environment. The Department also began work on responding to the recommendations of the Smith Report. In 2001 the Department reported that it had implemented or substantially implemented the majority of the Smith Report's recommendations.

PRIOR INSPECTIONS

- 1.6 Casuarina Prison plays a central role in the Department's custodial management function and as a result this Office has placed considerable emphasis on inspecting the prison or aspects of its operation. This has occurred three times since 2001. Between 2001 and 2002 three reports were published by this Office setting out a total of 42 recommendations in areas where Casuarina Prison had not, among other issues, sufficiently addressed the matters that gave rise to the riot in 1998.⁸ These three reports principally argued that the regimes put in

⁴ Ibid., pp. 4–5.

⁵ *The Report of Inquiry into the Incident at Casuarina Prison on 25th December 1998*, (1999) –“the Smith Report”.

⁶ Each of these, being factors for which Casuarina Prison was originally conceived and designed to avoid.

⁷ Reparation issues were not mentioned as contributing to the riot.

⁸ See Report No. 1, *Report of an Unannounced Inspection of the Induction and Orientation Unit and the Special Handling Unit at Casuarina Prison* (Office of the Inspector of Custodial Services, Perth, 2001); Report No. 8, *Report of a follow-up Inspection of the Special Management Units at Casuarina Prison - October 2001* (Office of the Inspector of Custodial Services, Perth, 2002); Report No. 11, *Report of an Announced Inspection of Casuarina Prison - October 2001* (Office of the Inspector of Custodial Services, Perth, 2002).

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place subsequent to the riot and intended to emphasise security and control, had adversely affected the relationship between prison officers and prisoners. Staff and prisoners were no longer interacting and, rather than contributing to staff safety, prison officers were more fearful and distrustful of prisoners. Poor communication between the Department and the prison and between the Casuarina management and its staff marginalised and isolated staff and as a result this strengthened their resolve to act in custodial rather than correctional ways.⁹

- 1.7 Recommendations made by the Inspectorate for Hakea Prison and Acacia Prison also have a bearing on Casuarina Prison. This Office has made a series of recommendations addressing security at maximum-security facilities, some of which stress the importance of Casuarina's relationship with Hakea Prison.¹⁰ Acacia Prison is also relevant as a comparison prison in that recommendations relating to the appropriate use of dynamic security and enhancing the safety of prisoners and staff mirror issues within Casuarina Prison. In addition, the Request for Proposal document (RFP) for the establishment of the privately managed Acacia Prison, set standards that the Department has publicly stated it intends to apply to its other prisons. The recommendations from this Office's Vulnerable and Predatory Prisoners thematic report and the thrust of its Diminishing Quality of Prison Life thematic report are, in a more general sense, also relevant. Taken together, the substance and the recommendations of these documents establish a performance baseline for Casuarina Prison against which the range of its custodial services is measured in this Inspection.

THE CURRENT SITUATION

- 1.8 Since this Office's last Inspection of Casuarina Prison in October 2001, a number of important developments have occurred. Firstly, from 2001 the State's prison population initially decreased, trending downwards until the beginning of 2004. Since 2004, there have been a series of rapid increases such that the total number of prisoners in this State (3,446 at the time of writing this report)¹¹ is now higher than at any time in the past.
- 1.9 Based on population figures at the time of the Inspection,¹² the Department of Justice's prisons had a male population of 2,892 and a design capacity of 2,836 male beds; resulting in a shortfall of 56 beds.¹³ These aggregated figures, however, mask greater problems with the accommodation of the classification mixes within prisons. For some time now there has been a lack of regional minimum- and medium-security beds and a general oversupply of maximum-security beds across the State. In the first six months of 2004 for example, there were around two and a half times more maximum-security beds than there were maximum-security prisoners and a shortfall of over 120 medium- and minimum-security beds. This shortfall in both medium- and minimum-security regional capacity is being

⁹ Report No. 11, op. cit., pp. 23–24.

¹⁰ In the spheres of Casuarina Prison's population mix, security, role and function and its gatehouse.

¹¹ Weekly Census Statistics 24 February 2005.

¹² Weekly Census Statistics 5 August 2004.

¹³ As at 24 February 2005 this shortfall had increased to 254 male beds.

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predominantly made up by placing prisoners in the metropolitan area and by the overcrowding of Greenough, Roebourne and Broome prisons (Table 1). Another anomaly linked to this is that in the metropolitan area, 141 minimum-security prisoners were being held either at the privately run, medium-security Acacia Prison or the maximum-security Hakea and Casuarina prisons. Because it costs considerably more to keep prisoners in prisons above their security rating, this represents a significant financial burden for the community and is contrary to the Department's principle of holding prisoners at the minimum level of security required to ensure their continued confinement.¹⁴ Further, many of these prisoners were from regional areas, again contrary to another of the Department's principles of keeping prisoners in their local communities.¹⁵

Table 1: Localised overcrowding 28 July 2004

Prison	Design capacity - males	Population - males	% over capacity
Greenough	112	152	36%
Roebourne	112	141	26%
Broome	98	120	22%
EGRP	81	86	6%

- 1.10 At the time that this Report was prepared there were 55 Casuarina prisoners approved for transfer to other prisons. Of this group, 52 were assessed at Hakea Prison and transferred to Casuarina where they were 'parked' pending transfer to other locations. These prisoners were placed into Unit 2, which was reopened recently and is used as the transit unit. All of these prisoners are rated medium- or minimum-security and therefore would not ordinarily be placed at Casuarina Prison if there was sufficient medium- and minimum-security accommodation at other prisons. There is currently a hold on all transfers out of Casuarina Prison to other locations allowing Hakea to transfer directly in an attempt to control numbers at that site. This creates a 'log jam' at Casuarina Prison. The current placement of geriatric prisoners within the infirmary is also impacting on the placement of prisoners from other locations who have legitimate medical or psychiatric need for placement within the infirmary.¹⁶
- 1.11 Almost 25 per cent of Casuarina Prison's population come from regional areas. Table 2 shows that in June 2004 43 medium- and minimum-security prisoners were accommodated from the regions. A further 53 regional maximum-security prisoners were also held at Casuarina Prison.

¹⁴ There are also serious care and wellbeing issues, discussed below in Chapter 6.

¹⁵ Department of Justice, 'Policy Directive No. 13' (undated).

¹⁶ Department of Justice, Briefing Note Ref: 2001-02270.

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Table 2: Location of last known address¹⁷

Region	Minimum-/medium-security	Maximum-security
South west	13	12
South eastern	10	10
Lower Great Southern	4	1
Central	5	10
Upper Great Southern	4	3
Midlands	5	4
Kimberley	1	3
Pilbara	1	10

1.12 This lack of appropriate accommodation and subsequent use of Casuarina Prison as a ‘parking’ prison is particularly worrying in view of Departmental projections that the prisoner population will increase by over 100 prisoners per year for at least the next four years.¹⁸ With the majority of this increase expected to be in minimum-security beds, this has the potential to seriously disrupt the population mix and function of Casuarina Prison and other prisons throughout the State.

1.13 On a more positive note, the mix of prisoner security ratings within Casuarina Prison has also changed (Table 3). In 2001 the population mix at the prison was grossly at odds with the assessment and placement principles expounded by the Department.¹⁹ In 2004, whilst serious issues still remain,²⁰ the population mix has moved closer to what would be expected for Casuarina Prison with more maximum-security, long-term prisoners and fewer unsentenced and medium-security prisoners.

Table 3: Casuarina Prison Demographics

Categories	2001	2004
Long term (>12 months)	54%	79%
Short term or unsentenced prisoners	46%	21%
Violent sex offences	42%	20% SO, 68% VO
Maximum	28%	49%
Medium	63%	41%
Minimum	9%	10%
ATI	31%	36%
Total population	548	403
Design capacity	397	397

¹⁷ Department of Justice, Prisons Division, Prisons Resource Plan 2004–2008 (2004), pp. 10.

¹⁸ Ibid.

¹⁹ Report No. 11, op. cit.; Director General's Rule 13 (3.1).

²⁰ See Chapter 6 below for discussion of these issues.

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Prison officer levels

- 1.14 Based on the staffing levels that prison authorities believe necessary for the proper functioning of a prison, in June 2004 there should have been 1269 prison officers employed throughout the State prison system.²¹ However, it appears that in 2004, the Department provided for only 1164 full-time equivalent positions, while a count of serving prison officers showed that the number employed was only 1083 – a shortfall of 186 officers.²² In recent years the rate of prison officer recruitment has not kept pace with attrition. With the dramatic increase in the prisoner population in 2004 the problem has been further exacerbated placing an increased (and increasing) burden on those prison officers still in service.
- 1.15 This demonstrates a serious shortfall of staff at the State level. For Casuarina, with an average population during the 2003–2004 year of 400 prisoners, around 220 custodial staff would normally be required. At the time of the Inspection the prison was able to fill only 174 of these positions,²³ leaving a shortfall of 46 staff. Worryingly, the majority of this shortfall was not due to retirements or resignations but rather to 37 staff seconded from their custodial roles by the Department itself. Despite Casuarina Prison having the highest security risk profile of any prison, the Department has allowed the number of operational officers at Casuarina to steadily decline over time. By June 2004 Casuarina Prison was the most short-staffed of any prison in the State. This shortfall was not restricted to custodial staff but was reflected across the spectrum of uniformed and non-uniformed staff and services. This makes poor sense and both the overall lack of staff throughout the State and specifically the level at Casuarina Prison should be addressed urgently, as a matter of public safety.

THE SPECIFICS OF THIS INSPECTION

- 1.16 The preceding sections provide some general background to the 2004 Inspection of Casuarina Prison. This Inspection ran on-site from 9 August²⁴ through to 20 August 2004. Typically, prison inspections take one week to complete the on-site phase; however, this period was extended to cater for the specific operational context of Casuarina Prison. During the on-site phase, Inspection Team members ran focus groups with prisoners, held small and large group discussions with staff, conducted individual interviews, called for additional written evidence, made observations and held discussions with senior management within the prison. The Inspection Team met with community agencies servicing the prison and canvassed the option of holding invited community meetings.

21 Based on figures supplied in the Prisons Resource Plan, op. cit., pp. 14. This figure does not include custodial staff employed by the privately run Acacia Prison.

22 In reality the actual number of prison officers available to work on any given day is likely to be considerably lower; therefore this number should be considered the maximum available.

23 Information provided by Casuarina Prison.

24 Members of the Inspection Team also attended the prison on Sunday August 8 to review the visits processes.

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- 1.17 For this Inspection, six agencies provided expert assistance: from Western Australia, the Department of Education and Training provided two officers, as did the Department of Health; the Department of Community Development and the Drug and Alcohol Office both provided an officer and the Ombudsman provided three officers; from interstate, Corrections Victoria provided an expert on security services in maximum-security settings. The Office also negotiated for the Department to conduct a detailed security audit of the prison to gauge compliance with policy directives. Prior to this Inspection the Inspection Team also conducted extensive background research including meetings with the prison management team and the Department. The Inspectorate also sought advice from the Department regarding its progress against the 42 recommendations arising out of the previous Inspections of Casuarina Prison.
- 1.18 As signalled in the 2003–2004 Annual Report, throughout this Report there will be an emphasis on standards and practice, but more importantly there will be a focus on intent. Whilst it is important to know what standards the Department has established for its prisons²⁵ and how prisons are performing against those standards, this Office believes that it is more critical to ask what is the intent behind a standard and if the practice delivers outcomes in line with that intent.
- 1.19 The Department has laid out its custodial management intent in the form of eight guiding principles:
- People are sent to prison as punishment, not for punishment: The punishment associated with imprisonment is the loss of liberty arising from being in custody.
 - Preservation of the health, safety and wellbeing of prisoners, employees and visitors and the minimising of the detrimental effects of imprisonment.
 - Provision of appropriate opportunities to prisoners for skill development and rehabilitation to increase the potential for successful reintegration into the community.
 - Effective service planning, design and delivery will be based on research and evaluation.
 - Respect for gender and cultural differences and commitment to initiating and developing services that meet the identified needs of a diverse workforce and prison population.
 - Acknowledgement of Aboriginal culture and diversity and commitment to ongoing consultation and collaboration with indigenous people in addressing the issues relevant to the criminal justice system, particularly the over-representation of Aboriginals in custody.

²⁵ Taken predominantly from the RFP for Acacia Prison, the *Prisons Act 1984*, the Director General's Rules, the Department's Operation Instructions and Policy Directives and the Prisons Division Business Plan 2004–2008.

CONTEXT OF THE INSPECTION

- Active engagement with the community in consultation and collaboration as the most effective strategy for crime prevention.
- Valuing of every member of staff in their own right for their contribution as a member of the Prisons Division team.

1.20 The extent to which the Department and Casuarina Prison were able to deliver services in line with this intent is the focus of this Report and will be discussed within the Department's cornerstones framework – resources and systems; custody and containment; rehabilitation; reparation; and care and wellbeing.

Chapter 2

RESOURCES AND SYSTEMS

- 2.1 Issues surrounding the resources and systems in place at Casuarina Prison have featured in numerous past Inspections and reviews with this Office making eight recommendations in this area. The Department has therefore been made aware where its human, financial and physical assets have not contributed purposefully to the provision of best practice service delivery standards at Casuarina Prison. Having been made aware of the deficiencies, the questions arise: what ‘effective service planning, design and delivery’²⁶ has been proposed and what has been done to ensure appropriate standards are achieved? This chapter explores these questions by examining the extent to which the resources and systems in place at Casuarina Prison purposefully contribute to the prison fulfilling its role and function. The principles set out in paragraphs 1.1 and 1.19 above provide the framework for this discussion.
- 2.2 This Inspection found that of the resource and systems recommendations made by this Office for Casuarina Prison,²⁷ one had been completed, two had been partially completed and five showed no obvious progress. The one completed recommendation was that the Department audit and report the extent of implementation of the Smith Report recommendations. In exploring this, the Department advised this Office that an external audit was completed by KPMG in September 2003.²⁸ The audit report stated that the Department had implemented 60 per cent of the recommendations and was in the process of implementing a further ten per cent. However, KPMG added two caveats to this finding: that it was made in the context of ‘a lack of a formally documented response and action plan to [the Smith Report]’ and that the ‘analysis of the implementation of the recommendations was based significantly on discussions and documentation provided by management’. In other words, the finding was based not on actual practice but on information provided by the Department. Further, the KPMG audit report did not list the recommendations or provide a specific breakdown of progress on individual recommendations. It is therefore not possible to clearly identify from the report which recommendations had been implemented and to what extent their implementation met their intent. Upon review,²⁹ this Office found that the Department had implemented or partially implemented fewer than half of the recommendations. The wide disparity between the Department’s stated performance and what was observed by this Office during its Inspection indicates that whilst the Department fulfilled the letter of the audit recommendation, it still has a long way to go in realising meaningful change.
- 2.3 In regard to this Office’s 2002 recommendation that the Department ‘[r]e-profile the staff deployments at the prison to purposefully select staff suitable for the refocused role of the prison’ and that this ‘involve a multi-discipline focus with clear articulation of roles, provision for devolved leadership and ongoing arrangements for training and performance management’, the Department has addressed the issue of devolved leadership. This though was a recommendation

²⁶ As per the Department's Guiding Principles.

²⁷ See Appendix 2.

²⁸ Department of Justice, 'Report on the status of recommendations arising from the OAG and Smith Reports' (September 2003).

²⁹ Based on discussions with prisoners, staff and administration, observation of practice and the review of records at this Inspection.

of broad scope, intended to bring about a cultural and skill mix change within the staff of the prison for which the Department has addressed only a small component.

2.4 In respect of the remaining recommendations arising from the 2001 Inspection, this Inspection failed to find sufficient progress in:

- *The purposeful determination of the population mix appropriate to the prisons.* Some progress has been made to purposefully determine the population in the prison with Casuarina Prison no longer receiving prisoners ex-court. Progress has also been made in the reduction of remand prisoners and the implementation of a cap on single bed occupancy levels. This though has occurred in an ad hoc fashion and neither the Department nor the prison has made a commitment to ensuring an appropriate population mix. Therefore the progress in response to this recommendation is considered less than acceptable.
- *Introduce a Certified Normal Accommodation standard that expresses the Department's capacity to balance all its correctional management obligations and minimises the extent to which double bunking is relied upon across the Prison Service. Establishment of a population level for Casuarina Prison consistent with this operational principle.* As no accommodation standard or population level consistent with this operational principle has been put into place at Casuarina Prison, the Department's progress has been less than acceptable.
- *Adapting the service requirement framework developed for Acacia Prison as a Service Level Agreement for Casuarina Prison. Qualitative performance measures linked to the four key outcomes of imprisonment articulated in the Prison Service operational philosophy should be established as a part of this framework.* In custodial settings, a service level agreement is constituted by a number of key characteristics,³⁰ namely: the intent to free the prison to determine what it considers to be the best manner in which to deliver services to its population; a clear statement of the responsibilities of each party to each other, to the community and to prisoners; clearly articulated service requirements; clear consequences for a failure to attain the performance level agreed; the identification of the process of monitoring service delivery; and the parameters (particularly prisoner population numbers) under which the agreement is binding.

Public sector prisons are required to develop and publish an annual business plan, also referred to as a Performance Agreement. In the past two years these business plans have become much more complex documents and now contain information on the vision of the prison, background information, an environmental scan and an identification of the issues and trends that are likely to impact on the prison. These business plans also contain performance targets for each of the Department's four performance measures (previously identified as the Department's Four Cornerstones). Whilst this is a step in the right direction for public prisons in Western Australia, the Casuarina Prison business plan is still in many ways a very basic document and does not fulfil the characteristics of a service level agreement.

³⁰ See for instance the Acacia Prison Service Level Agreement and similar agreements used in the UK.

In its business plan Casuarina Prison is not free to determine the manner of its service delivery. The Department makes no commitment to the prison, to prisoners or to the community beyond dictating the funding level. The service delivery requirements indicated are very broad quantitative indicators of performance and are in many cases not prison specific, being dictated to the prison by the Department's broader Prisons Division Business Plan 2003–2007. Further, monitoring processes are not identified, performance parameters are not laid out and no consequences for failure to attain service delivery targets are set.

Whilst the Department has made some progress in respect to this recommendation, the progress to date has been insufficient to deliver the outcome (eg, qualitative performance measures) to which the Department committed itself. It has therefore demonstrated less than acceptable progress:

- *Development of a local prison management organisational structure to reflect the delivery of services scoped by the Service Level Agreement.* As no service level agreement has been put into place at Casuarina Prison, the Department's progress has been less than acceptable.
- *Establish an integrated and continuous operational compliance management system within the Prison Service.* As no operational compliance management system has been put into place at Casuarina Prison, the Department's progress has been less than acceptable.
- *Audit and report the extent to which the major operational initiatives in the budget submissions for the last five years have been implemented.* Information was sought from the Department in this respect; however, the Department was not able to supply evidence in support of progress against this recommendation. It has therefore demonstrated less than acceptable progress.

2.5 Each of these recommendations was agreed to by the Department and reflected aspects of service delivery where the prison had not been delivering to 'statutory and Department requirements and best practice service delivery standards'.³¹ Given the importance of Casuarina Prison within the Western Australian prison system the evident lack of progress is disappointing. An examination of the reasons underlying this lack of progress yields a number of deficiencies influencing Casuarina Prison.

THE SUPERINTENDENT

2.6 The *Prisons Act 1984* ("the Act") states that the Department of Justice's 'chief executive officer shall designate a superintendent for each prison and an officer so designated as a superintendent of a prison shall have the charge and superintendence of the prison for which he is designated and shall be responsible to the chief executive officer for the good government, good order, and security of that prison'. The Act further provides that '[t]he superintendent of a prison may issue such orders to officers and to prisoners as are necessary for the good government, good order, and security of the prison of which he is superintendent'. The Act clearly envisages the superintendent as the responsible agent for the prison.

³¹ Department of Justice, 'Annual Report 2003–2004' (2004).

- 2.7 The Department's Job Description Form (JDF) for superintendents clarifies this further by stating that a superintendent is responsible to provide 'leadership and direction to enable [Casuarina Prison] to meet all statutory and Department requirements and best practice service delivery standards' and to 'ensure the resources including human, financial and physical assets are available and effectively employed to meet the needs of the prison'. For Casuarina Prison, the JDF also makes specific reference to the superintendent's control over the SHU, infirmary, rehabilitative efforts, reparation and, in particular, education and training and programs. The Casuarina Prison superintendent is therefore responsible for all aspects of the prison, for identifying the needs and opportunities to achieve best practice and for requesting the resources to achieve this. It then falls to the Department to fund these requests³² and to monitor the performance of the prison to ensure it meets its obligations.
- 2.8 This Office notes that since the end of 1999 and until the start of 2004, Casuarina has had a substantive superintendent in place for only seven of 36 months, with eight persons rotating through the position on 13 occasions.³³ At the same time, multiple staff have flowed through the various senior management positions.³⁴ This level of instability has understandably had a negative effect on the management of the prison and has been long standing, evident as it was at the time of the 2001 Inspection. Then as now, this lack of a substantive superintendent present in the prison was due to the Department seconding superintendents to fill head office vacancies. The Department has not addressed this issue and this instability has continued unabated.
- 2.9 Although the various superintendents have attempted to progress the prison, they have not been allowed sufficient tenure to achieve anything of consequence. It is the opinion of this Office that in a situation of such instability the responsibility for progressing the prison must move from the person temporarily filling the superintendent position to the Department. It is the Department as standard-setter, monitor and enabler that should take direct responsibility for the current state of the prison and the lack of progress demonstrated throughout this Report.
- 2.10 At the time of the Inspection Casuarina Prison again had a new superintendent, who, this Office has been advised, is permanent. The ongoing instability in management has been a long-standing concern for staff, and the appointment of a permanent superintendent has been welcomed. Whilst the new superintendent had only held the position for a short period prior to the Inspection, improvements had already been noted. Under the current administration the Superintendent or member of the senior management team had been in the main accommodation units far more frequently.³⁵ This increased interaction with custodial staff and prisoners represents a dramatic improvement for this prison and sets a trend that will hopefully be continued. The Superintendent has also established numerous delegations and working groups to address identified deficiencies and it appears that, at this

³² Alternatively, to provide cogent reasoning for electing not to fund.

³³ Information provided by Casuarina Prison.

³⁴ At the time of the Inspection the prison was actively moving to substantively fill these positions, which it accomplished by December 2004.

³⁵ Unit occurrence books for units 1-3, and 5-7 for May, June and July 2004.

systems level, progress is being made. Of course, continued progress will be dependent on the Department allowing the Superintendent time to see changes through.

OVERALL FUNDING

- 2.11 For many years the Department has employed a complicated, inefficient and opaque process for the funding of prisons. This process has undermined delivery of services and unnecessarily increased the cost within the prison sector. For the financial year 2004–2005 based on an assumed average daily population of 350 prisoners, Casuarina Prison had been allocated \$15.243 million including 191 full-time equivalent custodial positions.³⁶ At the time of the Inspection the prison was operating with a daily average population of 400 prisoners and as shown earlier in this Report, the Department expects the pressure on beds at Casuarina Prison to increase rather than decrease over time.³⁷ Based on these 400 prisoners, this would have resulted in a budget shortfall for Casuarina Prison in excess of \$2.2 million³⁸ and would require an additional 29 staff.³⁹ Subsequent to the Inspection the Department informed this Office that, following negotiations with Treasury as a result of the increased prison population, another \$3.132 million has been allocated to Casuarina Prison.
- 2.12 Funding based purely on forecasts of prisoner population has repeatedly been shown to result in budget overruns and prisons having to request more resources as populations increase. This makes it extremely difficult for local management to strategically plan for service provision, as resources rarely match actual populations and, therefore, service demand. This problem was acknowledged by the Department in its response to this Report, stating that ‘recent, unprecedented growth in the prisoner population has caused increases in operational requirements to outstrip available funding. Whilst this is not abnormal, the recent acute and sustained rate of population growth has exacerbated this effect’.⁴⁰
- 2.13 Budget shortfalls at Casuarina Prison have resulted in significant staff shortages⁴¹ which has necessitated on a daily basis, the extensive use of overtime. This has placed an unacceptable long-term burden on Casuarina Prison staff and cannot continue indefinitely. Both the underestimation of population numbers in the calculation of funding and the chronic shortage of staff increase staffing costs. Notably, while staff costs for prison officers have increased in line with increasing prisoner numbers, non-custodial activities and support staff costs have not proportionately increased. Each year, Casuarina Prison’s expenditure, driven by custodial staff overtime, has exceeded its allocated budget but this overrun appears to be being minimised to the detriment of service delivery and standards.

36 Casuarina Prison Business Plan 2004–2005.

37 Indeed, at the time of the publication of this Report, Casuarina Prison's daily average population for the 2004–2005 year was in excess of 410.

38 Based on information provided by Casuarina Prison at the time of the Inspection.

39 Includes prison officers, industrial officers and other staff.

40 Department of Justice, Response to the Draft Report of the Announced Inspection of Casuarina Prison, response to recommendation 2, 26 April, 2005.

41 With secondments, this Office calculated Casuarina Prison to be 56 staff short of its full complement.

- 2.14 Over the years, the various superintendents of Casuarina Prison have made additional submissions for funding for what they considered to be activities required for the good governance, good order, and security of the prison and to progress the various recommendations made by this Office. These have been submitted to the Department with minimal success with the prison required to conduct all its activities within its predetermined budget. Over the same period, the Department has pursued its own security based agenda, funding internal and perimeter security upgrades and a new Gatehouse Project for over \$2 million.⁴² This is an unsustainable funding process that focuses resources into the custody and containment cornerstone and has led to deteriorated service delivery and standards in other areas. This is not to say that these investments were unnecessary, rather the funding model is not properly balanced for the remaining cornerstones and does not adequately reflect the Department's custodial management intent.

STAFF DEPLOYMENT

- 2.15 In 2002 this Office made it clear that Casuarina Prison staff had experienced significant aftermath effects from the riot. This included staff present during the riot and those traumatised following the riot. This Office expected the Department to identify affected staff and target them with training and psychological assistance to aid in their recovery. It is not sufficient to say that staff support officers or training or psychological services are available should staff seek them out. Many staff may go for long periods unaware of the impact that trauma is having on their day-to-day functioning and many may be too embarrassed or ashamed to come forward. Some may even fear repercussions should they self-identify as experiencing problems. Nor is it sufficient to say that staff do not report feeling insecure or unsafe or even indeed that staff actually feel safe. Staff may feel safe, secure and comfortable, particularly with the current security focus of the prison that stresses rules and consequences over intent and welfare, but this is neither a balanced service nor a sustainable long-term situation.⁴³
- 2.16 Post-riot recovery planning for this prison has been inadequate. The Department, having regard to its guiding principles, should have introduced a human resource plan to identify vulnerable staff, to manage them and to deal with the prison issues underlying their problems. Because the Department has not had a cogent and comprehensive plan for the progression of this prison, serious and long-standing skill gaps are evident in the competencies of officers at Casuarina Prison. These diminished competencies were first identified in the Smith Report and later reported in 2002 by this Office.⁴⁴ The Department's response to this should have entailed the provision of training and resources to all staff to target the systemic impacts of the riot and return the prison to its underpinning conceptual framework and role and function.

⁴² Information taken from the Department's Annual Reports for the years 2002–2003, 2003–2004 and 2004–2005.

⁴³ The current prison management have recognised that staff are resistant to change and attribute this to the aftermath of the riot.

⁴⁴ These are predominantly in the welfare related and prisoner relation areas.

Reviews of staff training lists, survey responses, interviews and focus groups indicated that the non-security based training that has been undertaken has come off a very low base and has been presented in an isolated fashion. This training has failed to engage staff or progress them away from their long-standing security focus.

- 2.17 What is needed is a complete rethink of Casuarina Prison's human resource issues. Based on sound custodial management principles, an increase in security should be a balanced by an increased focus on the welfare of prisoners. The gaps in staff training and skilling, the numbers of traumatised staff, the low staff numbers and the high security/high risk population all point to the need for high level leadership to ensure this balance. Unfortunately for Casuarina Prison, rank and file officers report poor communication with, and a lack of stability in, the management ranks. They described their senior officer group as overloaded with work, focused on security issues and generally reactive to operational demand pressures. The senior officers themselves complained of a lack of training and support and expressed their concerns about the safety of staff.
- 2.18 Resource and systems issues are pivotal to the ability of Casuarina Prison to deliver outcomes reflecting the Department's guiding principles. Despite being made aware of deficiencies in the resources and systems available to Casuarina Prison, the Department has not addressed these with the level of rigour necessary to produce the 'best practice' custodial management it espouses. As a result, its custodial management does not reflect its guiding principles and is overly focused on the custody and containment cornerstone.

Chapter 3

CUSTODY AND CONTAINMENT

PURPOSE AND PLACE OF CONTAINMENT IN A MAXIMUM-SECURITY SETTING

- 3.1 This chapter discusses the various components of custody and containment at Casuarina Prison and the extent to which they deliver an outcome consistent with the Department's guiding principles. Casuarina Prison is the State's primary metropolitan prison for male, sentenced, maximum-security prisoners. As a sub-group within its maximum population it also holds those prisoners deemed to be most at risk of escape and those deemed to be of most risk to the community. As such, the custody and containment of its populations is of very high importance. This is reflected in the number of past recommendations this Office has made in regard to security issues at Casuarina (28) and the large number of operational reviews of the prison that the Department and others have instigated since its inception.
- 3.2 For this Inspection, security was again a focus. The Inspectorate retained the services of an experienced security expert from Corrections Victoria and in addition, arranged through the Department for the Superintendent Operations to conduct a full security audit prior to the Inspection.⁴⁵ In addition, the Superintendent conducted an internal assessment of security issues.
- 3.3 Whilst the substance of the security recommendations made by this Office is covered in this chapter, comments on individual recommendations have been kept to a minimum with summary information on the Department's and the prison's performance attached in Appendix 2. Whilst this chapter does not deal with the specifics of particular security issues, the Department and Casuarina Prison should develop a local action plan to implement the recommendations made in its own report and those identified by this Office's expert advisor.

THE COMPONENTS OF CUSTODY AND CONTAINMENT

Chain of command

- 3.4 Having a clear chain of command is essential to the good governance of a prison. Whilst the *Prisons Act* and the superintendent's JDF clearly stipulate that the superintendent is responsible for their prison, the last Inspection noted that the superintendent was not in charge of the armed patrol or the gatehouse staff (see paragraph 3.33). This so-called 'split command' arrangement, put in place by the Department, was considered less than optimal. This matter has now been fully discharged, and in keeping with the responsibilities of superintendent, the Casuarina Prison Superintendent is now in full command of the entire prison.

Outer Perimeter

- 3.5 In a maximum-security facility a secure perimeter contributes significantly to public confidence in prison safety and enables the prison to minimise the impact of internal security measures on the day-to-day functioning of the prison. At the time that the prison opened the Department stated that the perimeter system in place at Casuarina Prison was the most secure

⁴⁵ Conducted over eight days between 10 May and 21 May 2004.

in the Southern Hemisphere. Since then a number of upgrades have been completed including a recent upgrade of the electronic defence system. During the Inspection the Department's and this Office's audits suggested maintenance and a number of improvements⁴⁶ but certainly overall the outer perimeter was found to be appropriately secure. Nonetheless, the Department should address the issues raised as a matter of urgency as any failure in the outer perimeter would pose serious risk to the community.

Internal security control

- 3.6 The external perimeter acts as a barrier to unsanctioned entry or exit from the prison. The stronger this external barrier is, the less need there is for internal controls. Of course, to ensure the safety of staff and prisoners some degree of internal control of prisoners is also necessary. The extent to which internal controls are employed varies from prison to prison. One component central to this variability is the degree to which dynamic security options are applied. Dynamic security, as opposed to static security (barriers and fixed staff posts), refers to the interaction between staff and prisoners that increase security and safety within a prison. Dynamic security increases and improves intelligence gathering, and enables improved and earlier identification and management of prisoner issues. Where dynamic security is working, controls on movement and activity are less intense (or at least less obvious), staff and prisoners feel safer, they have a more positive perspective of each other and a better custodial relationship.⁴⁷ Functioning dynamic security delivers outcomes clearly in line with the Department's guiding principles. For Casuarina Prison, functioning dynamic security would enable a workable balance to be struck between the four cornerstones. Indeed, Casuarina Prison was originally designed around concepts of dynamic security and it is fundamental to the layout of the prison, to many of its local and standing orders, and to its focus on constructive activity.
- 3.7 In the maximum-security facilities of Hakea, Albany and Bandyup prisons, each with a strong external perimeter, internal controls are minimal. Staff and prisoner safety is more reliant on constructive activity, an emphasis on dynamic security and the separation of groups likely to conflict, rather than tight controls on movement or activity. Based on observations made over time and during the Inspection, since the riot internal safety has become heavily dependent on tight controls on the number of prisoners moving around the prison; on control over the timing of prisoner movements; on containment fencing around the accommodation units; on static barriers and electronic gates; and through roving patrols to monitor movements, crowd gatherings and to vet the permission of prisoners to be outside their designated areas. Many of the local and standing orders of the prison have been modified or replaced to reflect this movement away from dynamic security and staff training and deployment heavily emphasises the security focus.

⁴⁶ For security reasons, the specific content of these reports is not referred to in this Report.

⁴⁷ For example, the Operational Review of Acacia Prison (July 2004) commented that: 'staff culture and commitment is a major strength of the prison'; that the prison was relaxed with little evidence of tension between staff and prisoners; and that 'staff and prisoners interactions exhibit appropriate pro-social examples which form an important part of the prison's philosophy' (Executive Summary, p. i).

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- 3.8 This tight control on movement and the restrictions placed on the congregation of certain groups evident during the Inspection alienates the prisoner population. It has not flowed from any theoretical shift in the concept of the prison or of imprisonment in general and plans to progress the prison away from a control and static security focus were absent at the time of the Inspection. The shift in focus of internal security from dynamic to static has seriously impacted on other aspects of security. This shift has served to increase rather than decrease tension among prisoners and particularly among Aboriginal prisoners (as this Office was informed on many occasions by prisoners).
- 3.9 This shift is also causing confusion among staff. Individually and during the focus groups, staff reported feeling confused about standards they see as moving between those devised with dynamic security in mind and those focusing on static measures. Staff also felt confused by their prison's management and the Department which continue to push dynamic measures whilst manifestly increasing the static security focus.
- 3.10 The lack of purposefulness in the current controls can be seen in the fact that large numbers of prisoners still congregate under limited supervision during recreation periods and in the industries area. In addition, the fencing in place around the accommodation units is unlikely to hinder prisoners should a disturbance occur. Similarly, during a disturbance, the electronic gates are unlikely to prove effective barriers given their current mode of operation.
- 3.11 More importantly though, static barriers and the control of prisoner movement and association within a prison is only a very small component of the security picture and can only have a minimal impact on staff and prisoner safety. Other important aspects were also lacking; staff comments reflected their reliance on static barriers and the Recovery Team for maintaining their security. Their interaction with prisoners had decreased even further, case management had floundered and there were numerous barriers in place to disrupt the constructive day. The accommodation of prisoners within units and across the prison was overly segregated (see paragraphs 6.49-6.51, below) and had diverted staff and security measures to the tight control of micro populations. As a consequence, staff felt unsafe. They are less able to gauge the temperature of the prison or the risk presented by individual prisoners and they have less access to intelligence gathering opportunities. Staff reported that the tension felt by them was further exacerbated by their lack of faith in the deterrent impact of charges arising from staff assaults.
- 3.12 The intent of this tight control is to minimise the number of prisoners congregating; based, as we were informed by staff and management, on the premise that the lack of such control contributed to the formation and intensity of the 1998 riot. Whilst this may have been appropriate in the immediate aftermath of the riot and whilst the prison recovered from the impact of this traumatic event, the current emphasis is ineffective and no longer purposeful. The over-reliance on movement control has been to the detriment of more effective safety measures and is out of step with the best practice exemplars identified within the Acacia Prison RFP⁴⁸ and practised in other maximum-security facilities in this State. It is self defeating and the Department should decide which course it wishes to take: either abandon

⁴⁸ Report No. 19, *Report of an Announced Inspection of Acacia Prison - March 2003* (Inspector of Custodial Services, Perth, 2003) P. 15.

the vestige of dynamic security at Casuarina (in contradiction to the established best practice principles it has advocated throughout the prison system) or purposefully move the prison out of its reliance on static security measures to one more reflective of best practice.

Contraband control

- 3.13 An important aspect of custody and containment is the control of contraband.⁴⁹ The primary method of contraband control in a prison is to stop it at the point of entry. The first layer of control is the outer perimeter which, as discussed earlier, is secure and unlikely of itself to result in contraband entering the prison. But every perimeter has a gate and for Casuarina Prison this is its gatehouse and sally port systems.
- 3.14 The Department's Gatehouse Project was designed specifically to reduce the risk of contraband entering the prison.⁵⁰ Trialled at Casuarina Prison and Hakea Prison, the Gatehouse Project was designed to improve the security of prison gatehouses whilst fostering a positive image with the public. During the Inspection the gatehouse staff at Casuarina Prison indeed presented a positive image of the prison to visitors and others entering the prison. Visitors reported that the staff were courteous, helpful and knowledgeable within their role. Although no formal evaluation has been undertaken, it would appear that the development of a dedicated gatehouse staff complement has been successful in raising the image of the Department to prison visitors.
- 3.15 Nonetheless, a number of potential flaws were evident in the control of contraband entering the prison. Many of these were identified by the gatehouse staff and the prison management have taken steps to address them. Whilst this Report does not intend to identify the potential security flaws in detail, the following general descriptions are provided:
- Technological barriers are inadequate and unlikely to identify all sources of contraband.
 - Physical structures hinder observation of persons and vehicles entering the prison.
 - There is a lack of clear direction for gatehouse staff on procedures for the searching of staff and visitors.
 - There is a lack of ongoing training and performance monitoring for gatehouse staff.
 - The search area for the canine section in the gatehouse was inadequate and subsequent search processes to find secreted drugs were less than satisfactory.
- 3.16 As previously stated, these are being addressed by the Superintendent, but as the gatehouse pilot has been extended to prisons throughout the State this also presents a challenge to the Department to address these issues on a wider scale.

⁴⁹ For the purposes of this Report, predominantly drugs and tools (including weapons).

⁵⁰ Department of Justice, 'Annual Report 2002-2003' (2003), pp. 76-78.

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- 3.17 Not all contraband is accessed by prisoners via the front gate. Traffic in licit drugs (such as diverted medication), alcohol (prison brews) and the manufacture of tools and weapons also occur in prison. Casuarina Prison has in place a number of distribution controls aimed at identifying and removing contraband from within prison.
- 3.18 The Department applies a number of standards relating to contraband control. One such standard (Policy Directive 26) states that 15 per cent of all prison cells should be searched on a weekly basis and that clear procedures apply in the event that contraband is identified. Whilst Casuarina Prison does conduct area and cell searches (some of these in conjunction with the Special Services Branch), prison records show that an average of only three per cent of cells were searched in the required period. Further, records show that there is no regular audit on the number of cell or area searches conducted. An examination of the Local Orders and search procedures show that there is a lack of a search matrix or guidance on the quality of searching required. Based on interviews with staff, the level of rigour to be applied to these searches appears to be left to officers to determine themselves. There is no standard seizure register for contraband and while the prison has some procedures in relation to the management of contraband found during searches, there is insufficient accountability attached to these important safety procedures.
- 3.19 Practices are not in line with the standards set by the Department and are delivering a service performance far below that intended. This is inadequate for a maximum-security prison holding the most dangerous prisoners within the State and should be addressed as a matter of priority.⁵¹
- 3.20 A specific form of contraband of great concern within prisons is weapons. Prison workplaces provide a source of ready-made weapons (knives, screwdrivers, hacksaw blades) and also the opportunity for their manufacture. As a result, they are often the focus of control measures. At Casuarina Prison, the Inspection Team noted that there is no central register of tools to enable effective checking of tools reported missing or lost. There are no Standing Orders to direct staff as to the process or the frequency of prisoner searches, outside of directing that a limited number of prisoners are to be searched at the end of the work day.
- 3.21 The lack of Standing Orders is significant in light of the Inspection Team's observation of prisoners entering and exiting worksites throughout the day with little control.⁵² Should weapons be manufactured, or should prisoners leave a worksite prior to the end of the work day, the search processes in place capable of confidently detecting weapons are very limited. The process is ad hoc and patchy. It is overly focused on ready-made weapons and likely to detect the loss of tools only at the end of work days - hours after they might have been removed and used.

⁵¹ The prison has made considerable progress in this area since the Inspection and has informed this Office that it has now complied with Policy Directive 26.

⁵² Mostly the recording of prisoner movement and their stated destination.

- 3.22 The control of illicit drugs and diversion of medication is another key concern in custodial management. The primary mechanism for determining the use of illicit and diverted drugs among prisoners is through urine analysis. Here the Department stipulates for each prison a required percentage of their population to be tested periodically, with lists generated centrally by Head Office. In addition, prisons conduct targeted urine analysis of prisoners they suspect of illegal drug use.
- 3.23 Casuarina Prison has been conducting its required urine tests and additional targeted testing. The prison provided this Office with charge sheets for the period 22 July 2003–26 July 2004 showing 134 drug related incidents.⁵³ Drug detection rates were higher for targeted samples, with prison records showing that at least 38 per cent of prisoners randomly sampled had positive test results.⁵⁴ An analysis of the drugs detected in these tests indicates not only drugs entering the prison from outside, but also the trafficking in prescribed drugs within the prison.
- 3.24 This is a very worrying level of drug use in any prison, let alone in a maximum-security facility. Staff echoed these concerns, and prison officers reported having little faith in the charge system which they felt was very protracted and did not offer sufficient disincentive to prisoner drug use.

Sanctions

- 3.25 Prisons need clear, incremental sanctions for inappropriate or unsanctioned behaviour. Because it is a maximum-security facility offering accommodation of last resort for a range of prisoners with serious management issues, Casuarina Prison needs to pay close attention to the effectiveness and appropriateness of the sanctions it applies. Complaints about the lack of deterrents were widespread among staff and covered the range of behaviour and punishments. Staff felt that the Department was undermining their efforts to maintain control in the prison and that the impact of charges was either too lenient or too punitive to warrant use in particular circumstances. Partly in response to this, the prison management has introduced loss of privilege (LOP) sanctions for minor infringements of prison rules or good order. LOPs form part of the official and regulated disciplinary process for prisons and relate only to certain privileges. They have a more immediate effect on prisoners but do not impact on the prisoner's security ratings or duration of sentence.
- 3.26 Between 1 January 2004 and 30 June 2004 records show that 130 prisoners were subject to LOP decisions, with most of these prisoners receiving multiple losses. Worryingly, prisoners' surveys indicate that many were unaware of the reasons they had received a LOP, were unclear of the extent to which their privileges were curtailed and were uncertain of the duration of the LOP or the behaviour change required. This indicates a serious problem at Casuarina. Either prisoners are correct in their view of LOPs and as such, the Superintendent needs to

⁵³ The majority of these charges resulted from positive urinalysis results or the refusal to provide a sample. Based on a sample of reports from Casuarina, 83 per cent of these charges resulted in successful prosecution.

⁵⁴ This rate could be considerably higher as the Department does not collect information on prisoners refusing to offer a sample.

address staff training and the process of LOPs, or prisoners are confusing LOPs with informal sanctions. If the latter is true, this indicates a highly improper and widespread application of informal sanctions which should be addressed rigorously. Informal sanctions are those applied by prison staff outside of the formal disciplinary process and may impact on prisoners' rights as well as privileges.⁵⁵ Regardless, whilst LOP is a necessary component of prison discipline, the lack of staff trust in more rigorous procedures and the extent to which LOPs and informal sanctions are applied at Casuarina Prison indicates an area the Superintendent should address.

Intelligence gathering

- 3.27 Intelligence gathering is also important to a functioning custodial management strategy and the appropriate management of prisoners. The prison system gathers a range of intelligence information about prisoners, prison facilities, visitors, staff and so on. This information is gathered locally at prisons and centrally by the Information Analysis Service (IAS), with the intent to purposefully contribute to the safety and containment of prisoners. Casuarina Prison has two staff members who have the responsibility of gathering intelligence information from staff and prisoners and entering that information. These staff reported that they had not received regular training in this function.
- 3.28 Similarly, only around half of the prison staff reported feeling competent in intelligence gathering. This perceived lack of competency is further compounded by observations made during the Inspection that the quality of the reports does not appear to be audited and staff are not receiving regular feedback at either the local or central level on the data entered. The lack of training, inadequate supervision and feedback and the staff's low level of confidence in their intelligence gathering competency may account for the apparent degrading of the quality of intelligence reports and to 40 per cent of all information received being up to a week old. Further, the Department's security audit found that there had been a notable decline in the number of intelligence reports entered, from an average of 70 to 24 per month from Casuarina Prison over a 12 month period. In comparison, Hakea Prison (also maximum-security) records an average of around 80 intelligence reports per month.⁵⁶ Process issues also impeded quality information gathering, with the requirement of hard copy intelligence reports restricting the flow of reports, in particular reports in relation to staff activities.
- 3.29 At a higher level, there is a lack of trust between prison based staff and the IAS. Staff reported that they received little to no feedback on information supplied to the IAS and that the processes for accessing information held by the IAS were poor. It was not clear, during the Inspection, if this breakdown in information provision and access was due to inaction on behalf of the IAS or a lack of communication from the prison management to staff. The recent change of responsibility for the operational management of the IAS away from the Special Services Branch to a more specifically dedicated service may address this issue, but staff at all levels must actively promote a better working relationship and true partnership with prison based operational staff.

55 Informal sanctions include not responding to prisoner requests or unnecessarily delaying response, the selective application of procedures and bullying of prisoners.

56 Information provided by Hakea Prison for the months July to December 2004.

The Special Handling Unit

- 3.30 The Special Handling Unit (SHU) is a specialist Casuarina Prison facility for managing offenders who are extremely violent, predatory or disruptive, or who constitute a high risk of escape from custody. Its intent is to remove from mainstream prisoner populations those prisoners likely to pose an unacceptable risk, to deal with these prisoners and their issues, then move them, where possible, into the mainstream population either at Casuarina Prison or elsewhere. The SHU is very important to the Department's overall custodial management strategy and to the custody and containment of prisoners at Casuarina Prison.
- 3.31 On the positive side, the Inspection Team found that the SHU was staffed with a stable and experienced team of officers who appeared to work very well together. Regular unit meetings were held where prisoners and staff openly discussed prisoners' ongoing placement and other issues. Access to recreation inside and outside the unit, whilst tightly controlled, was occurring. Some limited case management was evident and in general there appeared to be a level of respect among prisoners and staff. Additional security procedures were in place and cell searches occurred regularly. Record-keeping had improved and there had been some clarification of the role and purpose of cells in the SHU and adjacent multi-purpose unit.
- 3.32 On the other hand, based on comments from staff and prisoners and on the observations of the Inspection Team, a wide range of other issues showed little or no improvement since the last Inspection. Whilst staff and prisoner relations were respectful and some form of case management was evident, prison officers had adopted a 'hands off' approach to prisoners. This meant that prisoners were left unsupervised for much of the time and received little in the way of input from officers on a daily basis. Employment opportunities were almost non-existent, offender programs had not been run in the SHU for some time⁵⁷ and a wide range of service staff (including programs staff, Prisoner Counselling Service staff and chaplains) reported considerable difficulty accessing prisoners in the SHU with reports of some staff actively obstructing their legitimate access. Staff had been posted to the SHU for periods considerably longer than is the norm in other jurisdictions and there was no rotation policy to allow staff respite from the increased tension of working in a specialist management unit. Whilst staff in the unit appeared competent, there was no specialised training given prior to their entry, nor training whilst in their post on important issues such as case management, cultural awareness or mental health issues.
- 3.33 On issues of security, prisoners informed the Inspection Team that they were poorly tracked once in the SHU. Contrary to best practice models, cell rotations were infrequent and there was no annual security review. In particular, both the Department's and this Office's audits showed that the current visits arrangements within the SHU should be reviewed and upgraded. An assessment of the prisoners in the SHU showed that only a small number constituted an 'unacceptable risk' to security or good order⁵⁸ and, consistent with what was described in this Office's previous reports, poor control was exercised over the justification for entry and there existed a lack of clear re-entry protocols or behaviour targets.

57 Two prisoners began one-on-one counselling shortly after the Inspection.

58 Many had mental health or non-organic brain disorder issues.

3.34 This Inspection was the third conducted by this Office of the SHU. Two previous inspections indicated that the SHU was not operating as intended. That is, the prisoners in the SHU did not match an 'unacceptable risk' profile, there was little in the way of programs or activities to progress prisoners, and exit criteria to determine when a prisoner was able to re-enter mainstream were poorly defined. Despite some small improvement, the conclusions from this Inspection do not differ markedly from these with still no comprehensive strategies in place to achieve an integrated approach to this unit or its place within the prison or the overall prison system.⁵⁹

Emergency management

3.35 A critical component of custody and containment is the ability of a prison to respond to and manage emergencies. It is also true that the successful and comprehensive management of emergencies is very important for staff morale and for their feelings of safety. There is also the need to satisfy the public that Casuarina Prison is able to adequately manage emergencies. This is crucial for Casuarina Prison where previous reports have been very critical of the prison's management of incidents, in particular the riot of 1998.

3.36 A number of local instructions for the management of emergency situations in the prison were viewed and appeared to be well thought through but lacking in application. The prison was not able to provide evidence that it conducted regular practice exercises and the prison's emergency procedures have not been reviewed by other emergency services. There was a lack of proper interaction with the Department's Emergency Support Group in emergency scenario planning. There was no local emergency management training regime and deficits were identified in the information provided to new staff during their induction and orientation. It is obvious that the prison has made recent attempts to improve its preparedness for emergencies; nevertheless, considerable work needed to be done before the prison would be capable of reliably responding to a range of emergencies.

3.37 Case example - fire (identified deficiencies).

- The Prison has not held Emergency Response Exercises to prepare for a major fire.
- The Prison does not liaise on a regular basis with the local fire service.
- Regular training for staff in deploying fire fighting equipment does not occur.
- The Prison does not have a set of Fire Orders.
- The local fire service has not recently reviewed the prison's emergency fire procedures.
- The prison has not run tabletop and practical exercises with the fire service.
- The prison does not have a memorandum of understanding with the local fire service.⁶⁰
- The prison does not have a staging area for the emergency response agencies' vehicles to be parked in the event of an emergency.
- There were insufficient breathing apparatus sets available to staff.

⁵⁹ See Appendix 2 for a recommendation by recommendation assessment.

⁶⁰ The Department has informed this Office that as of 16 July 2004 it had entered into a memorandum of understanding with FESA and the WA Police Service regarding emergency management. Letter from Terry Simpson, Executive Director, Prisons Division (30 September 2005).

Chapter 4

REPARATION

- 4.1 In the prison setting, reparation refers to the contribution prisoners make to the community through work and other activities.⁶¹ It is a cornerstone of the Department's custodial management strategy. Typically, reparation encompasses the work-related activities within the prison designed to offset the costs of prisoners' custodial management but also include those prisoner activities designed to specifically assist communities or agencies and so contribute to the 'general good of the community'.⁶² The Department has set standards for reparation that include the percentage of prisoners employed, the profit generated from prisoner work, the amount of community engagement, the average number of hours prisoners are employed and the link to vocational education and training.
- 4.2 These standards imply two aspects of reparation not immediately evident from the Department's definition of reparation - constructive activity for prisoners and training and skill acquisition towards 'increasing the potential for successful reintegration into the community'.⁶³ For Casuarina Prison these two aspects, as well as the more obvious cost offset and community engagement aspects, are central to the functioning and purpose of the prison. Indeed, the prison was established to have full employment, and to have a strong emphasis on meaningful and constructive activity as a means for rehabilitation and to promote successful reintegration into the community.⁶⁴
- 4.3 Having said that, staff at Casuarina Prison explained that this multiplicity of function for reparation has been very confusing, particularly for the Vocational and Support Officers (VSOs).⁶⁵ VSOs are central to prisoner reparation, it is they who are required to oversee prisoner workers, manage worksites, maintain production and facilitate vocational education and training. VSOs are acutely aware that reparation has a number of potential functions. At Casuarina Prison they are uncertain where the balance between these functions lies. During the Inspection, staff reported that it appeared to them, that at different times and in different circumstances, the emphasis at Casuarina Prison has been on one or another of these functions. With little evident change to their training or resourcing to prepare them, or to match reparative activities to intent. This has serious implications for both staff and prisoners, as the drive for production (and therefore the offset of costs) frequently competes with training and skills acquisition. Further, if the primary purpose of prisoner work is constructive activity or community engagement then the associated cost savings are less important. Understanding the purpose of prisoner work in this way might well require a greater allocation of resources.

61 Department of Justice, 'WA Prison System: Role and Function Profile' (May 2003), p. 3.

62 Department of Justice, Wooroloo Prison South Project Request for Proposal (November 1998), p. 46.

63 Ibid., [2.1.3].

64 Reflecting one of the Department's guiding principles.

65 Until recently, VSOs were referred to as Industrial Officers.

REPARATION

- 4.4 When this Office sought clarification from the Department on these matters, the Department stated that '[t]o achieve a workplace that operates at community standards the elements are not separable and must be pursued with equal weight'.⁶⁶ Such a position from the Department may appear reasonable but it fails to take into account the reality of employment within prisons, and the varying demands and utility of work. If true, then this Office has failed to see evidence of it in any of the prisons it has inspected and the Department has been lax in its monitoring of reparation.
- 4.5 On the basis of discussions with management and observations of prison activity during the Inspection, it appears that the focus of reparation at Casuarina Prison is primarily the offset of costs. There is, to a lesser extent, some focus on the provision of constructive activity, but training and skills acquisition with community engagement is almost non-existent. This prioritisation appeared to hold as a general rule across worksites, though constructive activity sometimes ranked ahead of reparation for activities such as unit cleaning or grounds maintenance. Regardless, it was manifestly evident that the VSOs were uncertain of the intent of reparation in their worksites and lacked direction from their local management in this area.

PERFORMANCE ISSUES

- 4.6 For reparation activities individual prisons establish the degree to which they offset their costs based on how they view their individual circumstances and capabilities. There is also considerable variability in how cost offsets are calculated.⁶⁷ For Casuarina Prison, the 2003–2004 Business Plan identified its reparation target as \$420,000 (around 3% of budget), to be generated wholly from internal prison activities.⁶⁸ This is not the full value of the cost offset to the prison through prisoner work, as it includes only activities where there is a definable product, purchased by an agency or individual outside of Casuarina Prison. As such, it does not include the cost savings gained through using prisoners as cleaners, gardeners, cooks, librarians, receptionists and such like. Other costs and revenue streams may be included but Casuarina Prison's accounting system was not sufficiently complex to delineate these.
- 4.7 How this \$420,000 was to be earned was not transparent in the Business Plan or in our discussions with staff. Whilst there is a general business plan for the industries area, individual worksites were not identified nor required to contribute to planning. VSOs managing worksites lack information on the level of productivity or profit anticipated from their worksite and have little input into the decision-making process. A number of the VSOs commented that whilst prison management were taking steps to include individual worksites in the industries business plan, this was an unfamiliar task for them as VSOs.

⁶⁶ Department of Justice, email correspondence (2 November 2004).

⁶⁷ Report No. 5, *Report on an Announced Inspection of Karnet Prison Farm - April/May 2001* (Office of the Inspector of Custodial Services, Perth, 2001), p. 56.

⁶⁸ Casuarina Prison, despite having prisoners potentially eligible for Section 94 activity, does not currently run any out-of-prison reparation projects.

REPARATION

- 4.8 For the 2003–2004 financial year, Casuarina Prison was not able to meet the reparation target it had set for itself. Reparation was reported as being 12 per cent (\$50,000) under target resulting in a matching cost overrun for the prison’s budget. The prison attributes this shortfall to difficulties in holding onto key prisoner workers,⁶⁹ the closure of the bakery for renovations and a shortage of nine VSOs (four long-term absentees and five vacancies). Some of these vacancies had been in place for an extended period with the prison management reporting considerable delays in the Department filling these positions.⁷⁰
- 4.9 This begs the question of the level of constructive activity arising from prisoner employment within the prison. Through 2003–2004 the Department’s PPMS⁷¹ shows that of its eligible prisoners at Casuarina Prison, an average of 70 per cent were in some way employed each week.
- 4.10 These figures are based on data collected through the PPMS system, which this Office has found does not accurately reflect work participation rates in prisons. In Casuarina Prison’s case, based on an actual count of prisoners in employment over the period of the Inspection, 186 prisoners were employed in industry and gardens areas, with a further 35 employed as unit cleaners. This produces a work participation percentage of only 55 per cent, considerably different from the 70 per cent claimed by the Department.
- 4.11 Further inaccuracies in the data reported through the PPMS were evident in the number of hours of prisoner work reported by the Department. For Casuarina Prison, the Department reported an average of 6.04 hours employment per day per prisoner during 2003–2004. When our Office attempted to verify this using PPMS figures, the average hours worked by prisoners who were actually employed at Casuarina Prison would have been around seven hours per day.⁷² These figures (as recognised by the Department in respect of other prisons)⁷³ are physically impossible. This is because at Casuarina Prison, prisoners are available to work for only a maximum of six hours during week days and few prisoners work seven days a week. In addition, around 15 per cent of Casuarina Prison’s workforce are unit cleaners⁷⁴ who work for only short periods each day and the prison experiences frequent and prolonged closure of worksites. Confirming these inaccuracies, a survey of prisoners showed that of eligible prisoners, only 58 per cent worked more than 20 hours in a normal week, with the average being between three and four hours per day.⁷⁵ Whilst these inaccuracies may appear technical, the Department relies on these figures for its planning and regularly uses them to demonstrate its commitment to prisoner employment and constructive activity. The issues raised here and in the paragraph above raise serious reliability and validity questions which the Department should address.

69 Key workers are prisoners with qualifications or extensive experience in the industry area who act as leading hand for the VSOs.

70 Since the Inspection the Department has ceded this human resource responsibility to the prison and these positions have now been substantially filled.

71 Prisons Division Monthly Performance Report (June 2004).

72 Excludes prisoners not eligible for employment or otherwise in full-time education.

73 Acacia Prison for example.

74 Based on a count of prisoner workplaces at the time of the Inspection.

75 Some prisoners work more than five days a week.

REPARATION

- 4.12 With regard to the remaining standards applicable for reparation, this Report has already pointed to problems with the coordination and planning of employment but it is also the case that employment at Casuarina Prison is not particularly purposeful. None of the IMPs reviewed by this Office showed consideration of work-based skill development and the mix of employment opportunities in the prison did not appear to particularly reflect planning for employment of prisoners post-release.

THE PRIORITY OF REPARATION

- 4.13 Within the prison the overall funding contributions made by reparation appear quite small and, according to a wide range of staff, prisoner reparative activities are considered non-essential within the prison. As evidence of this, VSOs pointed to the lack of coordination in respect of prisoner work and other prison activities such as programs, education, recreation and medication parades and the low priority given to work within this list. Whilst staff recognised the need for prisoners to participate in all of these activities, the VSOs felt that many of the clashes in activity were avoidable and unnecessarily impacted on prisoners' functioning⁷⁶ or availability to work. Further, VSOs reported receiving little in the way of ongoing training or professional development and there is no mechanism for workplace instructors to access industry placements to up-skill their trade knowledge.
- 4.14 Adding to this view of the low priority given to reparation, VSOs reported not being replaced when ill or on leave with workshops therefore frequently closed. The failure to replace VSOs in these circumstances impacts on the reparative ability of the prison through reduced output and through the need to continue to pay prisoners gratuities when not working. Closures also have major implications for custodial staff in the accommodation units. There, due to unemployment, underemployment and temporary closure of worksites, large numbers of prisoners congregate with little to occupy their time. For example, at the time of the Inspection, with all available worksites active, 199 prisoners were present in the units with some units having up to 30 prisoners each.⁷⁷ Staff relayed that this regularly increased to 40 and 50 prisoners when workshops closed and that increased prisoner numbers were not accompanied by a proportionate increase in staff.
- 4.15 Further, there are poor to non-existent linkages between the VSOs and outside industry. As a result the Department is - contrary to good practice guidelines for Registered Training Organisations published by the Australian Quality Training Framework - unable to demonstrate that the training provided in its industries is compatible with that required by industry.

⁷⁶ The timing of the medication parade during the morning work shift was a particular concern as VSOs were largely unaware of the medication provided and its likely impact on prisoners' occupational health and safety issues.

⁷⁷ Prisoner population count.

REPARATION

- 4.16 It was noted that at the time of the Inspection the prison was not conducting any activities that could be construed as engaging with the community or contributing to the general good of the community. Avenues exist for Casuarina Prison to increase this aspect of its reparative activities through increasing the activities of agencies and members of the local community within the prison or increasing the production of resources for the community.
- 4.17 Whilst some of the responsibility for the undersupply of reparative activity, its limited rehabilitative function and confusion over its purpose lies with Casuarina Prison's management, a great deal of the responsibility also lies with the Department itself. The Department should, in line with its guiding principles, be setting standards for reparation that clearly articulate the cost saving, rehabilitative, community engagement and constructive aspects of the activity. Further it should be ensuring that a prison to which it has assigned an employment based rehabilitative role and function, has the necessary employment activities to fulfil this role. As a result of the Department's and the prison's failure in this area, less than acceptable progress has been made against the recommendation to 'improve the organisational arrangements for prison industries and the regimes at the prison to make full use of each prisoner's period of imprisonment'.⁷⁸

⁷⁸ Report No. 11, op.cit., recommendation 18.

Chapter 5

REHABILITATION

- 5.1 Rehabilitation refers to interventions aimed at reducing the occurrence of offending behaviour (both inside and outside the prison), the severity of that behaviour or at increasing the time between offences. General rehabilitative efforts include prisoner assessment, case management, unit management, constructive day activities and other non-specific interventions. Targeted efforts include such interventions as offending behaviour programs and re-entry initiatives. Both forms of rehabilitation are important across the prison sector but are particularly relevant to Casuarina Prison as it was established to target the rehabilitation of long-term prisoners.

GENERAL REHABILITATIVE EFFORTS

Assessment

- 5.2 Prisoner assessment refers to the process prisoners undergo to determine their security rating and to first establish and then monitor their individual management plan (IMP). From a rehabilitative perspective, the IMP is pivotal as it records the rehabilitative needs of the prisoner and establishes where general and targeted interventions are required. It is also important as a trigger to planning and scheduling of targeted rehabilitative programs. This is of considerable significance to Casuarina Prison because it is identified within the Department as a major supplier of intensive rehabilitative programs for prisoners. It is also important to the Department because successful navigation by prisoners of their IMPs progresses them away from the more controlling and expensive maximum-security regimes to lower security, less resource intensive options.
- 5.3 The initial health and welfare assessments and the identification of areas for intervention are supposed to be undertaken at Hakea Prison as the State's designated assessment prison. They are included here because they directly impact on service delivery at Casuarina Prison and because Casuarina Prison has been conducting an increasing number of these early assessments. In this respect, at the time of the Inspection the prison was able to advise that all its prisoners had an IMP. However, there were insufficient resources in place (in respect of prison officers trained in case management and assessment writers) to ensure ongoing monitoring and sustainability of IMPs.
- 5.4 Another step in this assessment process is to match the rehabilitative needs of a prisoner to an appropriate prison (according to that prison's rehabilitative profile). Assessment therefore determines the destination of the prisoner post-sentencing and the sequence of their progression through the prison system. At Casuarina Prison this is somewhat artificial as metropolitan maximum-security prisoners generally are held only at Hakea or Casuarina prisons (with Casuarina intended as the primary destination) and medium-security prisoners at Casuarina or Acacia prisons (with Acacia intended as the primary destination). Each of these facilities was full at the time of the Inspection and there is simply too little choice for the system to operate as conceived. At Casuarina Prison this means that there are prisoners whose needs cannot be addressed by Casuarina's resources and for whom there are structural barriers to their logical and timely progression towards rehabilitation.

PHOTOGRAPHS OF CASUARINA PRISON



Inside Casuarina Prison looking East. Casuarina Prison was originally designed on a campus style layout with large open areas and relative freedom of prisoner movement.

PHOTOGRAPHS OF CASUARINA PRISON

The Casuarina Prison general purpose visits area.



In the general accommodation units, staff spend much of their time within staffing pods such as these, with armored glass and reinforced steel grills separating prisoners and staff.



PHOTOGRAPHS OF CASUARINA PRISON



The Aboriginal Meeting Place at Casuarina Prison. At the time of the Inspection, Aboriginal prisoners were required to book to use this space, with the number of prisoners able to use it at any given time, tightly controlled.

PHOTOGRAPHS OF CASUARINA PRISON

An example of the internal unit fencing and electronic gate system installed in response to the 1999 riot.



Examples of the types of weapons confiscated from prisoners and manufactured within Casuarina Prison



Case management

- 5.5 Case management refers to the process the prison uses to manage, facilitate and target its rehabilitative efforts of the prisoner identified through the assessment process. Case management was envisaged as a ‘hands on’ approach driven by prison officers where each prisoner had an identified case manager (prison officer). For case management to be effective, therefore, eligible prisoners need access to a trained case manager and processes need to be in place to progress their rehabilitation.
- 5.6 In this regard, the Department has established that only prisoners with an effective sentence greater than six months are eligible for case management.⁷⁹ For Casuarina Prison, designed to hold long term prisoners, this could be assumed to be the entire population. Certainly in this Office’s view, the Department should plan for such a contingency. This would mean that all prison officers (new and existing) should be trained in the delivery of case management. Unfortunately, very few of Casuarina Prison’s staff have been trained in case management.⁸⁰ While some limited form of case management may be occurring in the SHU, this is too limited a response and fails to address the needs of over 95 per cent of the prison population. At the time of the Inspection, as stated by management, no mainstream prisoners had been allocated to a case manager.
- 5.7 Both the Department and the prison have argued that case management at Casuarina Prison could not function as it has been designed. This may or may not be the case, but it must be emphasised that the Department has been aware of this issue since at least the 2001 Inspection of the prison and should have moved further in the interim to address this problem. The Department sets the standards under which the prison operates and has the resources to develop (in conjunction with the prison) a workable alternative that delivers the outcomes desired. It has not done so. The prison in the meantime should have been actively working to mitigate the negative impact of not running case management. It also has not done so. As a result, prisoners (including some of the most dangerous in the State) are not progressing in their rehabilitation in anything approaching an optimal manner. Further, prisoners arriving from other facilities (with case management in place) with the intention to progress their rehabilitation are disadvantaged by being in Casuarina Prison: a prison specifically designated as having rehabilitation as a primary focus.

Constructive day

- 5.8 The constructive day refers to the purposeful organisation of prisoner and prison activities to facilitate access to services and provide activity for prisoners that reduce boredom and stress. It is intended to be a structured approach to the delivery of core correctional services. As such, it is a critical component and facilitator of rehabilitation. The Department places a great deal of emphasis on constructive day activities and has established a raft of applicable standards.

⁷⁹ Director General's Rule 14.

⁸⁰ Inspection briefing notes from the Assistant Superintendent Assessments and Movements (April 2004).

REHABILITATION

- 5.9 For example the Department has established that:⁸¹
- Prisoners should spend at least ten hours per day out of their cells and that all prisoners have access to at least one hour of association each day.
 - There should be an evident structure and daily routine for constructive day activities and these should be coordinated to facilitate access.
 - Records should be kept of time out of cell hours per prisoner.
 - Prisoners should have access to a range of constructive activities which contribute to the smooth functioning of the prison and the development of the prisoner.
 - Staff should actively engage with prisoners in out of cell hours.
 - Reasons for cancellations for time out of cell hours should be explained to prisoners.
- 5.10 This is a complex task where the Inspection Team found that there was an evident structure and daily routine for time out of cell hours and that both prisoners and staff appeared informed of this and were able to follow the routine. Records were being kept of out of cell hours per prisoner and the reasons for any cancellation of out of cell hours were clear and explained to prisoners. Further, prisoners did have access to a range of constructive day activities (many of which are discussed below). Unfortunately, the Inspection Team also noted that case management was not functioning and that the majority of staff appeared to confine themselves to their unit office and or mingled amongst themselves;⁸² that is, custodial staff did not appear to be actively engaged with prisoners in out of cell hours.
- 5.11 With regard to the standard set by the Department, at Casuarina Prison, in the three months from July to September 2004, the prison failed to meet its standard of ten out of cell hours per day, achieving an average of only 9.2 hours.⁸³ This average of 9.2 hours is somewhat deflated by prisoners being locked in their cells for an additional four hours on a Tuesday to facilitate custodial staff's access to training. On the other hand, for prisoners such as those in the MPU/SHU, this figure masks an over-estimate. These prisoners can expect to spend as much as 23 hours a day in their cells,⁸⁴ and prisoners across the prison complained that unit staff regularly advanced the lock down time at the end of day. Regardless, these figures show that prisoners at Casuarina Prison can expect to spend at least 14 hours each day locked, alone in their cells⁸⁵ and that the prison needs to be able to adequately coordinate prisoners' employment, education, recreation, programs, religious activity, visits, ablutions, feeding and general association within the remaining nine to ten hours. Regrettably, throughout this Report there are a number of examples where this coordination of activity has hindered rather than enhanced rehabilitation.

81 Wooroloo Prison South Project Request for Proposal, op. cit., sections 2.2.2 and 2.2.3.

82 Unit 6 staff were probably the most interactive and in this unit prisoners felt safest and spoke most highly of the staff.

83 Prisons Division Monthly Performance Report (September 2004).

84 Except in exceptional circumstances, all prisoners have access to at least one hour of association each day.

85 Unless subject to double bunking strategies.

Education

- 5.12 Education is a significant rehabilitative initiative, with a direct link to reducing recidivism.⁸⁶ Casuarina Prison has a particular emphasis on up-skilling prisoners for the workforce and both in-school and vocational education and training contribute significantly to this. Because of the importance of education at Casuarina Prison, this Office engaged the services of two educationalists from the Department of Education and Training to assist in this Inspection. Their full report has been presented separately to the Department's Education and Training Unit.
- 5.13 The Department was recently awarded an Australian Training Award for its education and training provision. Part of that award reflected the Department's education and training standards.⁸⁷
- Education includes both in-school and vocational education.
 - Prisons should enable prisoners to compete equitably with non-prison based students.
 - All prisoners wishing to participate in education should be able to access educational resources sufficient to facilitate their progress and for at least four hours per week.
 - Prisons should have adult literacy and numeracy programs in place.
 - Education resources should reflect the population (language, culture).
 - Prisons should promote education and training opportunities and options.
 - There should be a clear link between the education centre, worksites, VSOs and outside providers.
- 5.14 Education and training at Casuarina Prison performs reasonably well against these standards. The prison provides a range of in-school and vocational training initiatives and there is a strong emphasis on adult numeracy and literacy programs. Some forms of flexible delivery were evident. Courses are, in theory, portable between prisons and prisoners are able to register with the Department as the registered training organisation or with external agencies such as TAFE. Around 50 per cent of prisoners at Casuarina Prison access at least some form of education and training for at least some period of each month. It was also observed that education staff are motivated and hard working and that prisoners in education valued their involvement.
- 5.15 During the Inspection, the outcome of this education and training (completed units of competency, for example) was somewhat less than would be expected given the above. This is particularly concerning as Casuarina Prison has a stable, long serving population and was designed with education and training in mind. The less than satisfactory outcome appears to be due predominantly to a lack of resourcing and difficulties in coordination.

⁸⁶ The role of education in enhancing life changes and preventing offending is recognised in the Home Office (UK), 'Development and Practice Report' (2004).

⁸⁷ Based on the Department's Adult Education Service Policy; the National Strategy for Vocational Education and Training for Adult Prisoners and Offenders in Australia; and the Service Agreement: Acacia Prison. Annexure A – Minimum Standards & Operation Service Requirements, p. 132.

REHABILITATION

- 5.16 This lack of resourcing was evident in the low funding base for staff and resources in the prison and there was a long waiting list for prisoners to access education. Once in education, the support resources were limited. Computers were quite old and for security reasons software and data storage options were limited and tightly controlled. Prisoners lacked direct access to the internet with education staff required to download course and study material on their behalf. This placed a significant burden on education staff and resources and seriously limited the research capability of prisoners. For prisoners with English as a second language, there were insufficient language resources and study materials.
- 5.17 Casuarina Prison has its own internal coordination issues as well. Structural and procedural barriers hinder education and training initiatives. Lunchtime lock down periods and inflexible work hours limit the available education centre time for part-time students to less than two hours per day. The tight control on prisoner numbers⁸⁸ and the segregation of groups limit the number of prisoners able to be in the education centre at any one time, so restricting the number of full-time students. Restricted availability of computer equipment and access to the internet further limit the ability of prisoners to participate in education.

Recreation

- 5.18 Prisoner recreation is important within the prison system because it is a useful avenue to reduce stress and boredom, it promotes physical activity and increases fitness and it encourages positive association between prisoners. Whilst it is seldom mentioned explicitly in prison business plans or Departmental documents, the Acacia Prison RFP indicates that the Department intends for its prisons to offer a range of recreational activities, commensurate with the demographics of the population and at a level that should match demand.⁸⁹
- 5.19 Prisoners at Casuarina Prison have access to various recreational activities ranging from passive formats such as reading and watching videos to more physical individual and team based activities. Recreation officers are employed to assist in coordinating and facilitating activities and overall they do a very good job. When prisoners are able to access recreation, the recreation is well organised and the recreation officers are active. It is noted that one of the recreation officers was currently trained in first aid (including CPR) and is one of the prison's OH & S officers. The recreation facilities are also of a good standard and are well maintained.

⁸⁸ Based on the security concerns of prison officers, a maximum of 55 prisoners were permitted in the education area at any one time.

⁸⁹ Department of Justice, 'Service Agreement: Acacia Prison', Annexure A - Minimum Standards and Operation Service Requirements, pp. 125-126; 129.

- 5.20 Opportunities for passive recreation are very limited and in the accommodation units (outside of self-care and the SHU which both have pool tables) almost non-existent. The library is another source of passive recreation and has up-to-date legal material and was well stocked with fiction and various other recreational reading materials. Unfortunately, due to staffing problems and a convoluted booking system, prisoners report that few are able to physically access the library. Similarly, access to the Aboriginal Meeting Place was tightly controlled and required advanced booking. This limited passive recreation is not commensurate with the demographics of the population and particularly impacts on prisoners in protection who, by virtue of their protected status, have limited association and movement about the prison.
- 5.21 Physical activity is available each day within the confines of the fenced courtyards outside units and more organised physical recreation (utilising the oval, the gym or the meeting place) is available twice a week. The funding for recreation appeared considerably less per prisoner than in other prisons and access to organised recreation and interaction between prisoners is again, for security reasons, tightly controlled. As with the Aboriginal Meeting Place, prisoners are required to apply in writing one week in advance in order to qualify for organised recreation activities. On the day, they are then required to attend promptly as the number of available places in each activity is limited and the number of prisoners electing to attend often exceeds this.⁹⁰ Should there be no spaces left, prisoners do not have the option to transfer to another form of recreation and are required to return directly to their units. A roving team of security officers ensures that prisoners move directly back to their units so that there is no unsanctioned gathering of prisoners.
- 5.22 Prisoners reported that this was one of the most disliked aspects of Casuarina Prison. Aboriginal prisoners, who for social and cultural reasons are used to congregating in family groups, particularly disliked this limitation on association. Both the restriction in numbers and the need to book use of the Aboriginal Meeting Place seems contradictory to Departmental policy in the management of Aboriginal prisoners and should be reviewed.

Employment

- 5.23 As discussed earlier, there is some confusion amongst staff and indeed the Department as to the extent to which prisoner work is intended to be constructive or rehabilitative. Regardless, employment activities as a component of the constructive day should be planned, coordinated and purposeful. There should be a range of employment opportunities available to prisoners and they should be able to move between activities to develop their skill mix. The development of the skill base of prisoners should form part of their individual management planning and where appropriate should be linked with education and training. Certainly, the role and function statement for Casuarina Prison 'to provide diversified vocational skills training and development leading to increased work opportunities on release' anticipates this.

⁹⁰ It should be noted that the booking system, whilst restrictive, is clear and understood by prisoners and that the recreation officers did show some flexibility in the numbers allowed to attend at any given time. Following the on-site phase of the Inspection this system was reviewed and has been made more accessible.

REHABILITATION

- 5.24 In summary, at Casuarina Prison the components of the constructive day appear to be present but for a range of reasons they are not delivering the outcome for which they were devised.

TARGETED REHABILITATIVE EFFORTS

- 5.25 Whilst general activities and structures are important to the rehabilitation of prisoners, targeted interventions such as offender programs address specific factors contributing to offending behaviour, remove or minimise their impact and so directly impact on offending.
- 5.26 In the Western Australian prison system, the vast majority of targeted interventions are delivered in group settings. These programs were developed over time by the Offender Services Branch from various sources or were, in the case of the Cognitive Skills Program, bought 'off the shelf'. These targeted interventions represent the Department's intent to provide a range of reliable and valid programs to prisoners, targeted to a period in their sentence to give maximum impact and to facilitate the release of prisoners at the earliest appropriate time.

A range of valid and reliable programs

- 5.27 In assessing Casuarina Prison against this intent, during the Inspection it was found that prisoners did have access to a range of programs that target general offending issues (such as cognitive skills and life skills) and specific offending categories (such as sex, drug and violent offenders). These programs provide therapeutic interventions at various levels depending on the assessed needs of the prisoner.
- 5.28 After reviewing a number of medium and high intensity sex offender and violent offender programs, receiving a submission from the Department in this area and talking with staff responsible for the delivery of programs, it became clear that the programs were originally developed from best practice exemplars but that considerable modification had since been made. Some programs have been altered significantly (in particular, shortened) and these appear to be most often the higher intensity programs. These alterations appear to have been made without reference to the impact on the program's utility and certainly without evaluation of their impact. Almost exclusively these modifications did not arise from an empirical base and call into question the reliability and validity of these modified programs.
- 5.29 Having said that, the Department has recognised these issues and has begun a process of evaluation and development through a strategic alliance between the Offender Services Branch and Edith Cowan University (OPEC). OPEC has collected a wealth of information that in the future may assist the Department in answering such questions as: what programs are effective; to what extent and in what areas are they effective; which programs constitute best value for money; are there generic components of programs that can be used to develop new programs; and, what is the best timing for programs? As such, the information

flowing out of OPEC over the next few years has the potential to directly impact on prisoner behaviours in and out of prison, on the smooth functioning of prisons, and on the cost of imprisonment to the community. This is a very worthwhile initiative of the Department that is in line with recommendations made by this Office⁹¹ and others and should be considered fundamental to the Department's rehabilitative efforts.

Access to programs

- 5.30 Late in 2003, the Department informed this Office that while prisoners still had access to programs, it was 12 months behind in delivery of core programs such as the violent offender treatment program. In an attempt to compensate for this, in the eight months prior to the Inspection the Department instigated two significant initiatives. Firstly, the Department increased the resources available to the Offender Services Branch to reduce this backlog in high risk (intensive) areas.⁹² This was achieved in part with additional resources and with the cancellation of a wide range of less intensive programs. This appears, at least in the short-term, to have been successful and during the Inspection, when asked, no prisoner expressed concern about access to programs.⁹³ This solution may be viable in the short-term but is not an adequate medium-term solution. The Department should be addressing the funding requirements for the full complement of its program delivery. The second important initiative is that the Department is trialling the devolution of programs responsibility to the superintendents. This has already occurred at Casuarina Prison and has enabled better coordination and scheduling of programs in this prison.
- 5.31 Undermining these efforts to a degree, superintendents have complained regularly that they lack control over the timing and frequency of programs and therefore the management of their populations. This is significant for prisons because for various reasons not all prisons have the ability to deliver all the programs required by their population and as such are required to transfer prisoners to typically higher security facilities for access to programs. Because of this, medium- and minimum-security prisoners are frequently transferred to Casuarina Prison - a maximum-security facility with the highest cost profile of any prison in the State - to access programs. This process, occurring over many years, does not appear to be associated with the current bed shortage and does not make financial or, as described below, rehabilitative sense.
- 5.32 The transfer of prisoners to Casuarina Prison to access programs has a major impact on the rehabilitation of prisoners in two ways. Firstly, prisoners lose their accumulated privileges (such as accommodation and gratuity level), both at the prison to which they have been transferred and then again when transferred back. This is unsettling for prisoners and acts as a disincentive for their voluntary participation in programs. Secondly, because this transfer has occurred typically from a prison with a lower security rating, prisoners have been placed

⁹¹ Report No. 11, op. cit., recommendations 17 and 19.

⁹² The Department also advised the Parole Board that it was unable to meet the demand for programs and that it might wish to take this into account when deciding parole options for prisoners.

⁹³ This may be because the programs that prisoners are most concerned about are the more intensive programs that impact on their parole rather than less intensive non-parole linked programs.

in a regime with levels of control and interdiction out of place for their level of risk. As a result, they are disproportionately punished for misdemeanours that may not have attracted any form of interdiction at their source prison. For example, minimum-security prisoners at Casuarina Prison complained that behaviour of a type that in a minimum-security prison would not warrant formal punishment resulted in charges, loss of privileges and, potentially, either an increase in their security rating or an increase in their duration of imprisonment.

- 5.33 In summary, access to programs has improved across the State and in Casuarina Prison. However, if this is to continue in a sustainable fashion, the resourcing of program delivery requires attention and the process of transferring prisoners to Casuarina Prison for the purpose of accessing programs must be reconsidered.

Scheduling of programs

- 5.34 During the Inspection two scheduling issues were significant in relation to program delivery. Firstly, prisoners complained that programs are either not available until after their earliest eligibility date for parole (EED) or that they were enrolled too close to their EED for this to be taken into account by the Parole Board. As a result, a percentage of prisoners are being held at Casuarina Prison longer than required, at great cost to the community, to the prisoner and the prisoner's family. The number affected could not be determined as the Department has not kept sufficient records. However, the prisoner surveys indicate that those affected may be as high as 15 per cent of prisoners eligible for parole. Further, the Department's briefing note from the General Manager Public Prisons⁹⁴ confirms that 'Casuarina is experiencing an average of five Parole Board deferrals per month and these are largely due to prisoners not completing programs by the due date'.
- 5.35 Secondly, staff and prisoners complained that programs that were designed to be run at the beginning of sentences or at a determined period prior to release were being offered too late in the sentence or just prior to release. Program schedules confirmed this view. Inappropriate and poorly coordinated delivery impacts on the utility of programs, minimises the benefits to the prison and often results in prisoners remaining at higher security ratings than would otherwise be warranted. Program staff also commented that poor scheduling in the past has had knock-on effects for subsequent program groups, where prisoners near their EED or release date have had to be given priority regardless of their therapeutic fit or impact on the group dynamic. This practice is counter-productive for the prisoner and for the group.

⁹⁴ Department of Justice, Briefing Note Ref: 2001-02270.

REHABILITATION

- 5.36 Whilst currently an issue for Casuarina Prison, it is anticipated that these problems may be addressed through proposals to increase numbers of staff trained to deliver programs and by the Superintendent having greater control over program scheduling.

Chapter 6

CARE AND WELLBEING

- 6.1 Ensuring the care and wellbeing of prisoners is a central tenet of the Department's custodial philosophy. This is articulated through the Department's policies and publications but may be best expressed in the Department's statement that "prisoners are sent to prison as punishment, not for punishment".⁹⁵ It naturally arises from this that in the Department's facilities with more restrictive regimes and conditions, care and wellbeing must have a very strong mitigating emphasis.⁹⁶ Casuarina Prison is a maximum-security facility and the prison of last resort for a wide range of prisoners. As a consequence, care and wellbeing issues are arguably more important there than in any other of the State's male prisons. Because of this importance, these issues have been a particular focus of past Casuarina Prison inspections⁹⁷ and were again so for this Inspection.
- 6.2 Prisons are not homogeneous; they contain differing populations and have differing roles and functions. Even within a single prison population there is considerable variability. Casuarina Prison for example, contains many sub-populations, including: SHU prisoners; infirmary prisoners; protection prisoners; prisoners in punishment; maximum-, medium- and minimum-security prisoners; remand prisoners; vulnerable and at-risk prisoners; Aboriginal prisoners; ethnic prisoners; and regional prisoners.
- 6.3 Some of these sub-populations are larger than others and some overlap, but all have particular care and wellbeing issues. Each adds complexity to service delivery and requires careful management. As a means to explore the more major care and wellbeing issues within Casuarina Prison, this chapter will focus on three such sub-populations: prisoners with substance abuse issues; Aboriginal prisoners; and vulnerable and predatory prisoners. These groups were selected because their custodial management encompasses a wide range of issues and their discussion enables this Report to touch on all the major strengths and weaknesses of the approach(es) adopted in Casuarina Prison. It is recognised that in such a discussion, not all the issues relevant to the care and wellbeing of prisoners in Casuarina Prison can be canvassed. In this regard, such issues will be brought to the attention of prison management within the normal liaison process between this Office and the Superintendent.

PRISONERS WITH SUBSTANCE ABUSE ISSUES

- 6.4 Casuarina Prison has a complex prisoner population that includes a large percentage with significant drug problems. Whilst the full extent of drug related issues is difficult to gauge, around 70 per cent of the prisoners at Casuarina Prison have alcohol and other drug issues referenced on their IMP.⁹⁸ Along with strategies to control supply of drugs Casuarina Prison offers targeted programs with four such programs being delivered to 85 prisoners⁹⁹ in the first eight months of 2004.

⁹⁵ Department of Justice, 'Annual Report 2003-2004' (2004).

⁹⁶ Lord Justice Woolf and S. Tumim, *Prison Disturbances 1990* (London: HMSO, Cm 1456, 1991).

⁹⁷ See Appendix 2.

⁹⁸ Information provided by Casuarina Prison.

⁹⁹ With an additional two prisoners involved in one-to-one counselling.

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- 6.5 A key Department initiative from its Drug Management Plan has been the substantial investment in the expansion of the opioid replacement pharmacotherapy program (Methadone Program). This program is aimed at reducing the harms associated with illicit drug use in prisoners, and towards reducing reoffending behaviour aimed at financing the purchase of drugs.¹⁰⁰ As a long-term maintenance program, the program aims to maintain and release prisoners back into the community whilst still on methadone with the intent that this be maintained in the community. This program was developed with a very strong holistic and all-of-prison approach. Prisoners were to be managed in conjunction with supportive psychotherapy and health interventions and the program was designed to involve prison officers, VSOs and other staff in supporting the prisoner and monitoring their behaviour. Currently, Casuarina Prison has 35 prisoners on the Methadone Program.
- 6.6 This program is very unpopular with prison officers and with many groups of prisoners in Casuarina Prison. A number of factors appear to be contributing to this unpopularity.
- Staff and prisoners expressed the concern that it appeared very easy to access the program and that a number of prisoners without an identifiable illicit drug problem were involved. In support of this view, a review of prisoner's records showed that of prisoners who were commenced on methadone at Casuarina Prison, almost 20 per cent had no reported use of opiates in their medical or prison files and there were inconsistencies between prescribers in their assessment of patient suitability for methadone treatment. In supplying addictive substances to prisoners the Department should be able to demonstrate with the utmost confidence, the appropriateness of its prescribing practices. In this case, the view of our expert advisor is that it has not. These issues require urgent attention, as the perception of inappropriate opiate prescription whether true or otherwise is fuelling the negative view that staff have of this program and is undermining its general support in the prison.
 - Some of this staff concern may also be due to staff not having been adequately briefed on the program objectives prior to its implementation. Staff reported as much, and that they felt isolated from the decision-making at the local and Departmental level. Associated with this, staff were confused as to why any prisoners were being given opiate based drugs in a prison setting. They felt that this was inappropriate and that prison services should be focused on challenging rather than maintaining drug dependence. This is a common criticism of harm reduction initiatives and staff would benefit from a clear briefing on the theory underlying the program and the likely benefit to prisoners and the prison system that justifies its implementation.
 - Staff were also concerned that responsibilities associated with the program had been added to their role without consultation and that they had not received training to enable them to support or monitor prisoners on methadone. Staff training and development in this area would have been particularly useful as staff surveys showed that 68 per cent of prison officers and 40 per cent of senior officers stated that they had insufficient information and skills to deal with drug offenders.

¹⁰⁰ Mattick et al, *National Evaluation of Pharmacotherapies for Opioid Dependence (NEPOIS)* (Sydney: National Drug and Alcohol Research Centre, UNSW, 2002).

- The integration of the program into the constructive day had not been well considered and the dosing of prisoners clashed with a number of activities which staff felt were more important. VSOs were particularly concerned that prisoners, when arriving at workshops, could be under the influence of opiates and that they had not received instructions on when it would be considered safe for these prisoners to resume their normal duties. In this regard staff would benefit from a clear description of where this program sits among the gambit of rehabilitative programs, and by better communication and comprehensive planning for its integration into the daily routine.
- The Senior Officer group commented that the whole-of-prison nature of the program was not evident to them. They had not received any requests for behavioural observation of prisoners on the Methadone Program and were unaware of a process for passing this information on. The program was also not being delivered in a holistic manner with, as mentioned earlier, funding for general drug programs limited and no specific counselling support offered. Consequently, staff were wary of the program and many held the view that without counselling support no real change in prisoner behaviour would occur.¹⁰¹
- The daily workload for the nurse associated with dosing prisoners and monitoring their health appeared to consume a large number of the hours allocated to the role. The remaining hours did not appear to allow the nurse time to adopt or promote a whole-of-prison approach.

6.7 Regarding the Methadone Program, dose issues and the management of prisoners' cravings dominated discussions with prisoners to the exclusion of almost everything else. Such was this dominance that it called into question the education and preparation of these prisoners for the program. Further, there was no evidence to suggest that prisoners once in the program were being skilled in managing their dependency. The Methadone Program is a maintenance program, the success of which is critically dependant on prisoners continuing with their dosage post-release, without supplementation. The program is unlikely to be successful where prisoners are released without the requisite skills to manage their dependency.¹⁰²

6.8 While some of these issues call into question the validity of the Methadone Program as delivered at Casuarina Prison, others appear to stem from views and problems that could have been easily avoided. Their presence and their prevalence point to poor management of this important and expensive program by both the Department and by the Casuarina Prison management. The Department is responsible for health staff and overall for this program and there appears to have been inadequate planning in respect of the design of the program; its impact on staff; its funding for key activities (nurses, counselling support, staff training); the clarity of assessment criteria for admission; and the monitoring of activity. For their part, prison management is responsible for ensuring that any program run in the prison is appropriately integrated into the daily activity of the prison and well understood by its staff. It had not done so. The point here is that the Methadone Program (like many of the Department's programs)

¹⁰¹ Certainly staff concern here is in line with the findings of the NEPOIS Report, op. cit., which indicates poor results from maintenance programs without counselling support.

¹⁰² G.E. Woody, 'Addiction and pain' *American Journal on Addictions* 12 (2003) Suppl 2; pp. 19-26.

is an important and valuable intervention for prisoners and both the Department and Casuarina Prison management should be doing more to ensure its success.

- 6.9 In summary, whilst the prison is offering programs and initiatives to deal with the care and wellbeing of this important sub-population, it is doing so in a way that is not well integrated, that is under-resourced, where it has failed to engage its staff and where one of its core initiatives lacks both the holistic and all-of-prison emphasis for which it was designed.

Diet

- 6.10 The meals provided in prisons are important to all prisoners but in many instances they are of greater consequence to prisoners with substance abuse issues and those with weak immune systems.¹⁰³ Medical records showed that at the time of the Inspection 135 (33%) of the prisoners at Casuarina suffered from Hepatitis C. Hepatitis C is a chronic condition that can compromise the liver and to avoid further liver damage prisoners with Hepatitis C should follow a low fat diet.¹⁰⁴ Although the Department claims that all diets at Casuarina Prison are 'low fat', the menu observed during the Inspection did not substantiate this. Indeed nursing staff reported that they had made repeated requests for low fat diets for Hepatitis C positive patients, with no discernible outcome.
- 6.11 The Department appears to be basing its claim on a dietary review by the Health Department of Western Australia (HDWA).¹⁰⁵ This review shows that prior to 2003, the menu at Casuarina Prison provided prisoners with 48 per cent more fat than would be the maximum required by a man of average weight doing an average amount of physical activity, and almost double the maximum recommended saturated fat levels. Subsequent menu changes proposed by the Department aimed to reduce this to the maximum for total fat allowance and 30 per cent over the maximum for saturated fat. It appears that it is this menu that the Department refers to when it considers the menu at Casuarina Prison to be low fat. This is of considerable importance because as a consequence of viewing all menus at Casuarina Prison to be low fat, the prison does not supply a lower fat option to prisoners.
- 6.12 This Office rejects the assertion that a diet with fat levels at the maximum recommended intake and indeed in excess of the maximum recommended levels could be conceived of as low fat. Further, these maximum recommended fat levels were designed for a healthy, active, average weight prisoner. Only a small number of the prisoners in Casuarina Prison fit this description and explicitly the HDWA assessment did not take into account special needs groups such as those at risk of liver damage.
- 6.13 The HDWA report - and the Department - also indicated that prisoners should take some responsibility in minimising their own fat intake through the removal of excess fat and adjusted its estimates of the fat content of meals accordingly. Whilst this may make sense in

¹⁰³ Ministerial Policy Guidelines on Food Safety Management in Australia (December 2003).

¹⁰⁴ *Harrison's Principles of Internal Medicine* (McGraw Hill, 15th ed., 2002).

¹⁰⁵ Department of Health, 'Dietary Review of Custodial Facilities in Western Australia: Nutritional and Physical Activity Series: No. 1' (2004).

a community setting, in Casuarina Prison this is an unrealistic expectation. Neither the prisoner-cooks nor the prisoners themselves report having been trained in the healthy preparation of food or, even at the basic level, about diet and fat intake and there was no evidence of this in the training records reviewed by the Inspection Team. Further, there is inadequate monitoring of the activities of prisoner-cooks and therefore no assurance that they are minimising fat content in the food they prepare. This certainly conforms to the Inspection Team's view of the food presented to prisoners at the time of the Inspection. Further, both staff and prisoners report that whilst meals improved for a short time around the time of the HDWA assessment, they now conformed more closely to those delivered prior to the assessment. The failure to provide a true low fat diet could conceivably exacerbate liver disease in prisoners with Hepatitis C and expose the Department to litigation.

- 6.14 There were also widespread complaints (72% of prisoners in Units 1-6) about the quality and variety of meals at Casuarina Prison. These complaints were made by prisoners and staff and refer to both the cook-chill meals arriving from Hakea Prison and the lack of variation in the locally produced lunch meals. Consequently, prisoners reported regularly supplementing their diets with snack substitutes purchased from the canteen.
- 6.15 The cook-chill process used for Casuarina presents a number of challenges for the prison. Cook-serve refers to meals that are prepared and then served without deliberate delay and therefore usually would not have chilling, reheating, holding or transport steps. Cook-chill refers to a catering process whereby meals or meal components are partly or fully cooked, then cooled by controlled chilling and subsequently stored at a temperature above freezing point (all conducted at Hakea Prison) prior to transportation to Casuarina Prison for reheating and regeneration. Hence, temperature control at Hakea Prison, during transportation and at Casuarina Prison becomes crucial to the safety of the food service. The use of prisoner labour in this process complicates the ability of the Department to guarantee the temperature control of the process, particularly where prisoners at Casuarina have reported a lack of training for their role. Consequently, meals were observed to arrive at sections of the prison cold or with an excess of transient fat, posing serious health risks. In addition, research is available to show that the nutritional value of chilled food may decrease during the storage period.¹⁰⁶ Further, some foods (such as those that should have a crisp texture) cannot be prepared by cook-chill methods, limiting the scope of prison menus.
- 6.16 Irrespective of the safety and nutritional value of these meals, prisoners are not well enough informed about cook-chill processes. As a result, prisoners lacked confidence in the food presented to them and many appeared unconvinced that the food was adequately cooked or that it was palatable. Again, prisoner-cooks lacked training and direction in reconstituting and

¹⁰⁶ C. Hunt, 'Nutrition and catering: 3. Nutrient losses in cook-freeze and cook-chill catering', *Human Nutrition and Applied Nutrition* 38:1 (1984), 50-59.

supplementing meals and therefore meals were not well presented, excess fat was not removed and meals were not always adequately supplemented with vegetables.¹⁰⁷

6.17 The advantages of cook-serve processes (such as those used at Acacia Prison and all public prisons except Hakea) include:

- increased prisoner confidence in the catering because of direct prisoner involvement in all stages of the production;
- improved quality controls over the various stages because of the single site arrangements (hygiene, supervision, contraband);
- enhanced opportunities for vocational training because of the expanded operations (all stages of the catering processes); and
- less wastage of food could reduce the overall costs (meal substitutes include supplied items such as bread, margarine, jams etc).

6.18 At another level, the transportation of the cook-chill units in and out of Casuarina and Hakea prisons adds to the security complexity of these sites and increases the opportunity for trafficking of contraband. With the consumable items of equipment at Casuarina Prison approaching replacement age it may be time to review the current catering arrangements. Such a review should firstly centre on ensuring that in the short-term, temperature controls and maximum storage periods for cook-chill are well within best practice standards. Subsequent to this, a full review of the cook-chill versus cook-serve options should be conducted including an exploration of best practice preparation alternatives (such as those implemented at Acacia Prison) and the establishment of kitchen facilities at Casuarina Prison suitable to this purpose.

6.19 In summary, diet is a major issue at Casuarina Prison. A combination of the cook-chill process put in place by the Department, a lack of education of prisoners and training of those preparing meals, has resulted in poorly presented and unpalatable food that may also present a health risk to prisoners with lowered immune systems. In addition, the general diet cannot be assessed as low fat; in fact, it would be more accurately labelled as high fat. Certainly, for prisoners with health issues, there are no available diets with fat levels significantly lower than the maximum allowance for an active and average weight male. This is an issue at Casuarina Prison which the Department should address immediately or risk culpably damaging the health of prisoners.

¹⁰⁷ The laundry facility for Casuarina prisoners (outsourced to Hakea Prison) was similarly a concern to prisoners and this Office. Prisoners reported a lack of confidence in the ability of the laundry process to return their clothes clean or at all. Such were prisoner concerns that the hoarding of and bullying over clothing were common and prisoner hygiene was at times being compromised. As with the food issue, the transfer of large quantities of laundry in and out of two maximum-security facilities presents an unwarranted security risk. Moreover, a prison the size of Casuarina would benefit from the additional employment and reparation opportunities that its own laundry would present.

ABORIGINAL PRISONERS

6.20 Aboriginal prisoners form a significant proportion of the State's prison population and at 36 per cent they form the largest sub-population in Casuarina Prison. The Department, in the 'Prisons Division Strategic Plan for Aboriginal Services 2002-2005' and in its guiding principles recognises this and has identified a number of significant issues for Aboriginal prisoners:

- Empowerment.
- Recognition of the importance of family and fostering of family structures.
- Cultural awareness and integration into prison activities.

6.21 From this Office's perspective, these represent the intent of the Department for the provision of the care and wellbeing services to Aboriginal prisoners and during the Inspection, Casuarina Prison's performance was reviewed against these.

Empowerment

6.22 Empowerment is essentially concerned with giving voice to Aboriginal prisoners and ensuring that they are able to impact on aspects of their imprisonment. In the prison system this occurs primarily through the interaction with outside agencies and to a lesser extent through the prison's grievance and complaints system and unit meetings.

6.23 Casuarina Prison makes use of a range of government, non-government and community based groups to assist it in enhancing the care and wellbeing of its prisoners. For example, the Aboriginal Visitors Scheme (AVS), Outcare, Centrelink, Chaplaincy, Prison Fellowship and other groups on a more ad hoc basis, provide services to the prison. As a maximum-security facility, Casuarina Prison's use of such agencies is somewhat more complex than in more open prisons and therefore requires greater emphasis and planning. This emphasis and planning appears to be limited at Casuarina Prison in that whilst these agencies and groups report having access, they also point to significant structural and procedural barriers, already discussed in this Report, that limit their exposure to prisoners. Whilst some of these barriers are purposeful, designed to ensure the integrity of the security of the prison, there appears to be little planning for outside agency involvement and a lack of flexibility in enhancing their access.

6.24 In regard to prisoner complaints and use of the grievance system, the 2001 Annual Report of the Ombudsman (Western Australia) reported that there had been a 424 per cent increase in the number of prisoner complaints within Casuarina Prison since 1997. The highest proportion of complaints related to case management, the next highest was medical treatment, followed by fairness in disciplinary procedures. Internal grievances on the other hand showed only 59 grievances lodged in the 12 months prior to the Inspection with the largest categories of complaint being diet and property issues (loss of and access to these). Of these, six were withdrawn and 35 of the remaining 53 (66%) were resolved in favour of the prisoner. Whilst for the size of the prisoner population, this represents an unexpectedly low number of grievances, the high percentage resolved in favour of prisoners is a positive for the prison.

- 6.25 Both Aboriginal and non-Aboriginal prisoners appeared to be using the internal grievance system and the more formal complaints system. The prison was also able to show that it had acted on complaints and grievances and was maintaining a log and record of its actions. More though needs to be done. The monitoring of complaints whilst useful was also quite limited and did not enable the prison to identify sub-populations who may have particular patterns of complaint or where grievances were lacking. Aboriginal prisoners are a sub-population where there is a long documented history of prisoners enduring hardship rather than lodging complaints. This is detrimental to both the prison and the prisoner. Casuarina Prison would do well to apply a finer monitoring of its complaints and grievances systems to identify if there are population differences and to enable the prison to work towards promoting the grievance process to those groups not currently making use of it.
- 6.26 Unit meetings offer another opportunity for prisoners to influence their care and wellbeing. Aboriginal prisoners in particular expressed a desire to have a more verbal based grievance system and for unit meetings (as well as services such as the AVS) to offer the opportunity to air grievances. For Casuarina Prison, a review of unit records showed that in general, unit meetings were being held regularly. Whilst this is of benefit, prisoners complained that the unit meetings tended to address only a small number of issues and there did not appear to be a consistent mechanism for ensuring follow up on issues raised by prisoners. An exception to this was in Unit 6 where unit meetings appeared to be integrated into the management of the population and were seen as beneficial by both prisoners and staff. Therefore, whilst unit meetings were not universally held, processes were in place to support prisoner empowerment and these appear to be effective, at least in some parts of the prison.

Recognition and fostering of family structures

- 6.27 The recognition of the importance of family structures and the fostering of family linkages is central to the care and wellbeing of Aboriginal and non-Aboriginal prisoners and can play a significant role in their rehabilitation. The Department has long recognised this and explicitly makes this point in its 'Prisons Division Strategic Plan for Aboriginal Services 2002-2005'.
- 6.28 However, in respect of Aboriginal prisoners at Casuarina Prison the Department appears to be placing significant barriers to accessing family support. Whilst the Department has a policy to house all prisoners, and in particular Aboriginal prisoners, as close to their families as possible, the chronic shortage of regional beds in the north and east of the State means that for prisoners from these lands, this policy is largely irrelevant. At the time of the Inspection Casuarina Prison accommodated 65 prisoners who, if there were beds available in relevant regional prisons, would be normally housed in their regions. This is unacceptable and the Department should do more to minimise the number of Aboriginal prisoners held outside their traditional lands.
- 6.29 The Department also has a policy to house prisoners at their least restrictive security level. For Aboriginal prisoners this is crucial, because the higher the security rating of either the prisoner or the facility, the less access there is to visits. For Casuarina Prison, a prison not set up for facilitating a high volume of visits, the number of Aboriginal minimum-security,

medium-security and remand prisoners presents a considerable challenge. From this Office's perspective, the presence of these prisoners, for bed shortage reasons, is contrary to the Department's general policy and is specifically contrary to the intent of its 'Prisons Division Strategic Plan for Aboriginal Services 2002-2005'.

- 6.30 From Casuarina Prison's perspective there are also a number of problems. It is the Superintendent's responsibility to ensure the care and wellbeing of prisoners. As such, because the Department has deemed to place a large number of Aboriginal prisoners from the non-metropolitan area in Casuarina Prison as well as large numbers of Aboriginal minimum-security, medium-security and remand prisoners, the Superintendent should be ensuring that the prison is taking steps to mitigate the negative consequences of this Departmental action.
- 6.31 A primary mechanism for mitigating the consequence of these Departmental policies in respect of Aboriginal prisoners and for fostering family linkages outside of the prison is through access to visits. At Casuarina Prison there was a good visits system in place, with temporary transfers for visits available and occurring. Transfers though were somewhat limited in their scope due to the lack of space in regional prisons but Casuarina Prison was attempting to process the requests made. Video visiting options were also available. Intra-prison visits between prisoners from differing facilities were also occurring and there was a new play area for children attending for visits inside of the prison. The outside visitor support facilities were of a very good standard with Outcare staff providing a high quality of service and, as previously mentioned, the gatehouse staff were courteous and focused on positively interacting with visitors.
- 6.32 Making good provision for visits though can only be part of the answer. Provision whilst necessary, does not address the notion of promotion and fostering of family linkages contained within seminal custodial management guides such as Penal Reform International's 'Making Standards Work' and anticipated under the Universal Declaration of Human Rights.¹⁰⁸ At Casuarina Prison, large numbers of prisoners, particularly Aboriginal prisoners, were not receiving visitors. Part of the reason for this may be that Casuarina Prison is located away from major rail and bus routes which may discourage visitors. This combined with the high number of regional prisoners may account for some of those who did not receive visits. The restrictive maximum-security regime further limits access to visits for a wide range of prisoners and the prison should be exploring ways to enhance access to visits.
- 6.33 An option presented by Aboriginal prisoners to overcome the dual impact of being away from their lands and having only irregular visits, was to allow them to live in the company of their family members whilst in Casuarina Prison. This is in line with the recommendations of the Royal Commission into Aboriginal Deaths in Custody Report¹⁰⁹ and this Office firmly supports this concept. By promoting shared accommodation for Aboriginal prisoners in

¹⁰⁸ Penal Reform International, *Making Standards Work* (London: Aston Printers Inc, 2001), [5.5]-[5.7]; United Nations Universal Declaration of Human Rights, Article 12.

¹⁰⁹ Recommendation 173.

distress and facilitating close relatives living in the same unit, the prison already allows congregation of families to occur, albeit in a limited fashion. The prison though is also very wary of allowing larger congregations of family groups in individual units for security reasons and so opts to disperse families throughout the units. Discussions with staff indicate that this control over accommodation occurs to limit family groups bullying prisoners inside and outside of their family and to reduce the likelihood of inter-family conflict. Whilst these are reasonable concerns, the starting premise should be to allow Aboriginal prisoners to live in company with the prison managing risk from that starting point. In the absence of this, the prison should be doing more to promote free association and does not appear to be exploring options for increased family interaction, such as during recreation periods. Given the risk profile of the majority of prisoners in Casuarina Prison the security issue appears to be disproportionately driving the agenda and in the absence of alternatives to mitigate the impact of isolation on Aboriginal prisoners, their care and wellbeing should be reviewed.

- 6.34 In this regard, at the time of this Inspection, the fostering of family linkages both inside and outside of the prison was progressing and had advanced from the time of the 2001 Inspection, but was not sufficiently a focus to mitigate the impact of Departmental policy in this area.

Cultural awareness and integration

- 6.35 Cultural awareness and the extent to which this awareness is integrated into the routine of the prison are very important to the care and wellbeing of Aboriginal prisoners. Deficiencies in process hinder this. For example, Casuarina Prison was designed on a campus style layout that may have been more culturally acceptable to Aboriginal prisoners than a more closed environment. The post-riot modifications though have limited the benefits of this design (see paragraphs 3.7-3.12, above). The prison has a lack of language and non-paper based resources, such as an Aboriginal-specific orientation video or health video; as well the prison lacks the funding for effective use of translator services. Further, contrary to a key recommendation in the Prisons Division Strategic Plan, the prison does not have an Elders program or even any plans to introduce this service. In addition, a review of the prisoner employment and gratuity profile showed a lack of equity in employment and gratuities with Aboriginal prisoners disproportionately represented in lower skilled and lesser paid positions.
- 6.36 Beyond these process issues, staff reported in their surveys a lack of competency when dealing with Aboriginal prisoners and with Aboriginal cultural issues. Staff responses showed that this had not been addressed in training for many years. At the time of the Inspection, the current administration was beginning to address this and should receive some praise for moving on this issue and instigating cultural awareness training for its staff. This will take some time to complete and to be truly effective its impact on staff attitudes and behaviours should be monitored and addressed where necessary.
- 6.37 This is not to say that the prison does little to promote cultural awareness and integration. The prison does integrate a number of Aboriginal-specific activities and initiatives into its normal routine. NAIDOC week is celebrated in the prison, peer support prisoners and the Peer Support Officer (PSO) are very active and the prison does supply some traditional foods.

The problem is that many of these initiatives are of insufficient scale and lack service integration and coordination. They therefore do not deliver the outcome for which they were developed.

- 6.38 The PSO has a great deal of latitude in the prison and is free to attend to Aboriginal prisoners' spiritual needs. The PSO facilitates video visit link-ups, assists with a range of welfare activities including assistance with funeral applications and is a qualified interpreter in four Aboriginal languages. Through the PSO the diverse peer support team comprising nine prisoners from mainstream and three from the protection sub-population has been brought together as a functioning group. Eight of the twelve peer support team prisoners have been trained in the Department's suicide prevention initiative and the team is very active throughout the prison. Both the PSO and the peer support team prisoners should be commended for their work within Casuarina Prison.
- 6.39 Having said that, given the size and mix of the prisoner population at Casuarina Prison the Inspection Team expected a larger complement of peer support team prisoners and more resources available to the peer support role. In the view of this Office, Casuarina Prison would benefit from the appointment of an additional PSO and an expansion of the peer support team to at least two prisoners from each unit (around 16 in total) and the prison should explore options to resource this.
- 6.40 A second issue that has widespread cultural importance to Aboriginal prisoners is their access to traditional foods. As previously stated, the prison does supply some traditional foods. The prison menu indicates that kangaroo meat is supplied to Aboriginal prisoners for a monthly barbeque and the Inspection Team was advised that traditional foods were also available during NAIDOC week. This appears to be the full extent of the prison's attempt to address the issue of traditional food for Aboriginal prisoners. Unfortunately, the monthly barbeques appeared to have fallen by the wayside by the time of the Inspection and, as this Office pointed out in the 2004 Roebourne Prison Inspection, '[t]raditional food for Aboriginal people extends well beyond kangaroo meat and the occasional damper'.¹¹⁰ Further, the mode of delivery of the traditional food source is perplexing. Aboriginal people from more traditional areas do not barbeque kangaroo steaks and to provide this as the only option, severely degrades the benefit of this initiative to the Aboriginal prisoners. This is not wholly a prison driven problem as a wider range of traditional food options are not available through the Department's food chain supply system in any case. Again as this Office stated in its Roebourne Prison Report, this is not the only prison accommodating Aboriginal prisoners and both the prison and the Department need to be doing more in this regard.
- 6.41 As a final comment in this area, much of the difficulty in providing for Aboriginal prisoners may stem from the lack of a Casuarina Prison Aboriginal plan to complement the Department's strategic plan and in the lack of monitoring by the Department.¹¹¹ In March 2004

¹¹⁰ Report No. 24, Report of an Announced Inspection of Roebourne Regional Prison (Office of the Inspector of Custodial Services, Perth, 2004), [3.15].

¹¹¹ Whilst at the time of the Inspection Casuarina Prison did have a planning document this was incomplete and planning for implementation had not commenced.

the Department retained a consultant to review the complex situation of Wongi prisoners at Acacia Prison.¹¹² The resultant report examined a wide range of issues many arising from a lack of planning and monitoring of Aboriginal issues, and the Department would be well-served to conduct a similar appraisal at Casuarina Prison and indeed throughout all its prisons.

VULNERABLE AND PREDATORY PRISONERS

- 6.42 *'It is notorious that prisons can become lawless environments - places where gangs can run regimes and where those who are weak or 'different' can be assaulted, sodomised or victimised in other ways. These things can, and do, lead to incidents of suicide and self-harm. For some prisoners, prison thus becomes a place for punishment (by other prisoners), not merely one where they are sent as punishment'*.¹¹³
- 6.43 The Inspector made this comment whilst making the point that addressing such bullying behaviour is essential for the care and wellbeing of prisoners and for the maintenance of good order within a prison. Bullying is a complex phenomenon and it is recognised that in differing circumstances prisoners who are predators can be preyed upon and those who are victims can also prey on other prisoners. The management of bullying (and the associated vulnerable and predatory prisoners) therefore requires careful consideration, planning and consistent management in custodial settings.
- 6.44 In May 2003 this Office published its thematic report *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice*. This thematic report contained 17 recommendations for the Department to consider in the management of bullying behaviour in its prisons. The Department in its response to this thematic report agreed with each recommendation and indicated that it would address these in each of its prisons. These recommendations cover three broad areas: the establishment of an anti-bullying culture; the preparation of prisons and staff to manage bullying; and the management of prisoners in protection. Each of these areas provides a challenge to Casuarina Prison and in light of events preceding the Inspection,¹¹⁴ each was a focus of this Inspection. Another focus of this Office and indeed, also a thematic report, was the management of prisoners at risk of suicide.¹¹⁵ This will also be discussed in this section as suicide risk is particularly relevant to the management of both vulnerable and predatory prisoners.

Anti-bullying culture

- 6.45 The first and arguably most important aspect to the management of bullying in prison is the establishment of a comprehensive anti-bullying culture within the staff and prisoner groups. To be successful, this culture requires the support of sound policies and procedures and a suitable range of interdictions to be in place. This was emphasised strongly in the 2003

¹¹² Department of Justice, 'Review of Acacia Prison Aboriginal Services: Wongi Prisoners at Acacia an Evaluation Report' (May 2004).

¹¹³ Report No. 15, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice* (Office of the Inspector of Custodial Services, Perth, 2003), [1.1].

¹¹⁴ Accusations of the rape of a prisoner whilst under protection.

¹¹⁵ Report No. 22, *The Diminishing Quality of Prison Life: Deaths at Hakea Prison 2001–2003* (Office of the Inspector of Custodial Services, Perth, 2004).

thematic report and as a result all prisons were required by the Department to demonstrate or develop a comprehensive anti-bullying strategy in line with the Department's Operational Instruction 15 which stresses: awareness of bullying; identification of bullies and victims; interventions to support victims and target bullying behaviours; and training for staff. To this end, Casuarina Prison has an anti-bullying policy that stipulates eight strategies including the establishment of an anti-bullying committee and coordinator.¹¹⁶

- 6.46 The content of the Operational Instruction and this Local Order seem appropriate, unfortunately, the actual performance at Casuarina Prison at the time of the Inspection did not match this:
- In line with its Local Order, the prison had established an anti-bullying committee and coordinator. However, it was found at the time of the Inspection that this committee was meeting only sporadically and had identified only three bullies.
 - Little appears to have eventuated from the identification of these bullies and, moreover, there appears to be a lack of a comprehensive and well thought through strategic intervention in respect of these identified bullies.
 - Staff stated in their surveys that they had not received training in the recognition of predators or victims and did not feel that they had a useful or realistic range of management options at their disposal. This was supported by a sample of staff training lists reviewed by the Inspection Team.
 - Staff were observed to have little interaction with prisoners and therefore opportunity reduction was not well coordinated and prisoner behaviour was not consistently monitored.
 - Some staff were identified by prisoners and by other staff as a significant source of bullying within the prison, a view which considerably undermines any attempts to establish an anti-bullying culture within the prison.
 - On a more positive note, staff in the protection unit were interacting well with prisoners, had a visible presence in the unit and a solid relationship with prisoners and anti-bullying literature and notices were on display throughout the prison.
- 6.47 Whilst the prison had made some effort in the development of an anti-bullying culture and was successful to some extent in parts of the prison, the effort was not comprehensive enough to deliver a consistent outcome. Activities were not suitably coordinated, they lacked monitoring, staff were identified as a major source of bullying and at the time of the Inspection Casuarina Prison was far from establishing the anti-bullying culture it intended.

Preparation of prisons to manage bullying

- 6.48 It is considered good practice in the management of the opportunities for bullying to ensure that categories of prisoners likely to be preyed upon are separated from those most likely to be predators. In this way, the Prisons Regulations¹¹⁷ state that, as far as practicable, remand prisoners should be kept separated from long-term and violent sentenced prisoners. It is also

¹¹⁶ See Casuarina Prison Local Order 7.

¹¹⁷ *Prisons Regulations 1982 (WA)* reg 57.

the practice of the Department to, at least in part, separately manage sex offenders and keep them away from other prisoners. The intent of these practices is to provide some separation between vulnerable prisoners and predatory prisoners and to minimise the negative consequences to both groups.

- 6.49 In Casuarina Prison, there appears to be a deliberate mixing of prisoners from all categories. This is reflected in the way Casuarina Prison has allocated specific roles to its accommodation units. Unit 1 is a basic general accommodation unit that prisoner and staff identify as a ‘hard’ unit where the more problematic prisoners are sent. Units 2 and 3 are general accommodation and house the majority of remand and minimum-security prisoners. Unit 4 serves as a programs unit for residential style programs. Unit 5 is the orientation unit, Unit 6 is the only recognised protection unit and Unit 7 is the self-care unit. A small number of high-risk protection prisoners are also accommodated in the multi-purpose unit adjacent to the SHU.
- 6.50 This heavy segmentation of accommodation units along functional rather than opportunity reduction lines limits the capacity of the prison to manage its population and its ability to separate predators from more vulnerable prisoners. In particular, the presence throughout the units of remand and minimum-security prisoners with their high vulnerability and service needs presents a challenge to the prison. In essence the prison has only two accommodation units to manage its general population and it is questionable whether this is sufficient to enable adequate separation of vulnerable groups. This could be better managed if the regimes and daily activities were structured to mitigate the impact of this segregation. Casuarina Prison is set up to run only one generic maximum-security regime and as a consequence this impacts negatively on remand prisoners and those with minimum-security ratings.
- 6.51 Another reason for having a larger range of general purpose accommodation units would be to facilitate the hierarchical system of prisoner management. Under this hierarchical system, prisoners have access to a range of privileges that are used by the prison as a behaviour management tool. A core aspect of this is the degree of supervision staff have over prisoners and the quality of the accommodation they are allowed to access. This ‘carrot and stick’ approach whilst effective in other prisons, struggles to be effective in the over-segmented Casuarina environment. In this respect, the prison maintains that it has only two levels of accommodation, standard and self-care. Whilst a third was apparent to the Inspection Team (Unit 1) the prison denied that this was intentional. Consequently, this two-tier system in conjunction with over-segmentation limits the hierarchical value of accommodation and further limits the bullying management options.
- 6.52 The presence of safe havens represents a third aspect of a prison that facilitates anti-bullying. Most prisons in the State, including the maximum-security Albany Prison, operate under the premise that the whole of the prison is a safe haven. These prisons prefer to manage vulnerable and predatory prisoners within their mainstream population and purposefully adopt a low tolerance strategy for bullying. Each though has the option to transfer serious and or serial predators and their most vulnerable prisoners to Casuarina Prison. Casuarina Prison has no such option and therefore operates a number of protection units.¹¹⁸

¹¹⁸ Casuarina Prison has three such units, Unit 6, cells attached to the medical centre where sex offender treatment programs are run and the multi-purpose unit.

- 6.53 Protection units house prisoners who have been bullied or fear bullying and desire a level of protection not afforded in general accommodation. Protection units also house bullies and predators that the prison has decided require management away from their mainstream population. In Casuarina Prison, Unit 6 also houses prisoners classified as vulnerable or disturbed, such as particularly immature prisoners, prisoners having difficulty coping in mainstream, and those with intellectual difficulties or mental health problems.
- 6.54 The protection units at Casuarina Prison have limited regimes, prisoners do not have access to the full suite of services and activities, general movement around the prison and association with mainstream prisoners are limited.¹¹⁹ As such they are considered more restrictive units than the general accommodation. Prisoners can seek to go onto these ‘protection’ regimes for various reasons and certainly at Casuarina Prison large numbers have elected to do so. Some of these reasons related to the Inspection Team included limited protection provided by prison officers in the units, unstructured or poorly controlled exposure to dangerous prisoners and the fear of retribution. Each of these, observed by the Inspection Team members during the Inspection, contributes to a prisoners’ sense of safety and promotes both predatory behaviour and heightened vulnerability.
- 6.55 Once in protection, the primary protection unit at Casuarina Prison, Unit 6, has a semi self-care option and its own hierarchical system. Staff are active in the unit and engage with prisoners on a regular basis. Prisoners report good relations with the prison officers and that issues raised in unit meetings and with officers are dealt with in a timely manner. Staff, though, lack training in the identification and management of bullying and vulnerability and the physical resources available in the unit are insufficient to adequately separate predators. Prisoners inside and outside the unit state that it is a violent and unpredictable place. Paradoxically, prisoners in the unit reported feeling safer than those in mainstream and it was said that violence is relatively rare in the protection unit.

Management of protection prisoners

- 6.56 The intent of protection is to manage prisoners purposefully towards reintegration into the mainstream population.¹²⁰ This assumes that there are criteria by which prisoners would be deemed suitable for reintegration, that the prison has a management structure and resources in place to assist prisoners in their progression to exit, that this is monitored, and that efforts are made to deal with any underlying reasons for the prisoner requesting protection in the first place.
- 6.57 At Casuarina Prison there appears to be a very limited range of options available. Contrary to the graduated response contemplated by the Department¹²¹ prisoners concerned about their safety (and those the prison is concerned about) have only one realistic option at Casuarina Prison – placement in a protection unit. Staff spoken to regarding access to protection stated

119 Casuarina Prison Standing Order 2F.

120 Operational Instruction 4.

121 See Operational Instruction 15.

that they have adopted the view that the ramifications are potentially too serious to deny any prisoner access to protection. Staff stated that the reason for this was the high volatility of the population, low supervision in mainstream and the lack of realistic management alternatives. Whilst entry criteria exist for prisoners seeking protection and these are reviewed, the practical realities of living in the State's prison of last resort subvert this process.

Consequently, inappropriate prisoners can and do end up under protection regimes. Unit 6 also accommodates those identified as disturbed or vulnerable. These are actively promoted into Unit 6 as a management option and the unit is also used to manage the majority of the State's prisoners with serious mental health issues. Hence the protection unit accommodates the most predatory prisoners with the most vulnerable, and in large numbers. The broadness of the entry criteria also potentially blinds staff to the underlying reasons prisoners are accessing the unit and limits their ability to provide protection.

- 6.58 Exit criteria revolve around the alleviation of the need for protective status. Such a criterion is particularly difficult for vulnerable prisoners and the victims of bullying. For these prisoners the reasons for their request may be poorly understood by staff and poorly articulated by the prisoner. It may be necessarily vague or the prisoner may simply not want to identify the source of their concern due to a fear of retribution. In these circumstances identifying when the degree of risk no longer warrants protective status is very difficult. In addition, because Unit 6 houses those sex offenders requiring protection, all prisoners in the unit tend to be labelled as sex offenders by the mainstream population. Identified sex offenders have a long history of being victims of serious bullying in the prison system and so access to protection acts itself as a driver for the further need for protection and mitigates the likelihood of successful reintegration into the mainstream prisoner population.¹²²
- 6.59 Regardless of exit criteria, there is little activity in the unit to assist prisoners to move back into the mainstream population. Programs are run in Unit 6, but these are aimed at addressing offending behaviour, rather than the prisoners' victim or predator status. Further, whilst unit meetings are held and staff have a good rapport with prisoners, case management does not occur and being in protection does not trigger a change to a prisoner's IMP. Similarly, Local Order 7 requires that prisoners under a protection regime be reviewed on a weekly basis and that the need for continued protection be assessed. Unfortunately these reviews appear cursory and at the time of the Inspection were occurring only at three-weekly intervals. In the absence of a mechanism to promote and review progress, the standard means to exit protection is to be transferred to another prison, one without a protection unit. This strategy does not necessarily deal with the predatory nature or vulnerability of the prisoner and may simply export the problem to another prison.
- 6.60 The issue is further complicated in that if a bullied prisoner at Casuarina Prison was to move out of protection into the mainstream, there is no process to address the issues which gave rise to the prisoner's protected status. Consequently, there is little in place to prevent further predatory

¹²² Report No. 15, op. cit., [1.30].

behaviour or to minimise the likelihood of a bullied prisoner being bullied again. As the underlying issues do not appear to have been addressed, returning to the mainstream requires considerable effort by the prisoner and presents some real risk. As such, few prisoners express an interest in actively moving to exit and very few (and almost no vulnerable prisoners) have been moved out of Unit 6 and into Casuarina's mainstream population in the 12 months preceding the Inspection.

- 6.61 At Casuarina Prison a coordinated, purposeful anti-bullying strategy is lacking. The delivery of this service falls well short of the Department's intent and of that agreed in the Inspectorate's 2003 thematic report. Having said that, this Office was advised during the Inspection that the Department had embarked upon a Predatory and Vulnerable Prisoner Project 'to review policies and procedures for the management of vulnerable and predatory prisoners, particularly with reference to the Office of the Inspector of Custodial Services' Report No 15'.¹²³ A review of this project showed it to have good potential and to be making some progress identifying solutions to the issues raised in this Report. It is too early to comment on this program though and this Office awaits its findings and the action arising with interest.

Suicide risk management

- 6.62 Prisoners who are bullied or vulnerable are at very high risk of self-harm and suicide. This is particularly so in maximum-security facilities, those holding remand prisoners and for prisoners with mental health issues.¹²⁴ Each of these is relevant to Casuarina Prison. In March 2004 this Office published its report *The Diminishing Quality of Prison Life: Deaths at Hakea Prison 2001-2003*. Whilst focused on Hakea Prison the recommendations and substance of the report were sufficiently broad to indicate standards for the Department in the areas of:

- Reception processes and orientation.
- Care for those likely to be at elevated risk - opportunity reduction.
- Coordination of services (PCS, Health, PSO, prison officers, AVS).
- Staff training.

- 6.63 Judged against the issues raised in the 2004 thematic report, Casuarina Prison had good reception and orientation processes. Its reception staff were appropriately trained and there was a strong emphasis on identifying and supporting those prisoners more likely to present risk. The prison had a dedicated orientation unit with adequate first night arrangements and staff who were cognisant of risk. In addition, orientation processes were sufficiently robust to ensure that those in the higher risk categories were suitably orientated to the prison. As prisoners related in their surveys, this significantly reduced stress in this more vulnerable group and prisoners were generally happy with their orientation. As a word of caution though, the prisoner surveys demonstrated that whilst higher risk groups were adequately received and orientated (those with a minimum-security or remand rating), other broad

¹²³ Department of Justice, 'Predatory and Vulnerable Prisoners Project' (August 2004), p. 1.

¹²⁴ Report No. 22, op. cit., appendix 1.

groups were much less well covered. This was not able to be validated during the Inspection but constitutes an issue the prison may choose to review.

- 6.64 In the management of prisoners at elevated risk of self-harm and suicide, the Prisoner Risk Assessment Group (PRAG) was active and the prison had a number of monitored observation and safe cells. A significant number of custodial staff across the prison had received training in the recognition and management of suicide risk and management's goal was to have all staff trained. Of some concern though was the placement of vulnerable and disturbed prisoners into Unit 6, but it was recognised that there at least they were likely to have some interaction with staff and be offered some level of protection from bullies and predators. The failure of the Department to respond to previous recommendations regarding the removal of ligature points, particularly from cells and recreation areas used by prisoners with identified suicide risk, is another cause for concern.
- 6.65 In the 2004 thematic report concerns were raised about the coordination of services and the relationship between service providers in prisons. At Casuarina Prison these issues were not evident. There was strong coordination of the at-risk management efforts via the PRAG and through the Manager Offender Services Casuarina. The Manager Offender Services Casuarina position is a trial initiative specifically aimed at improving the coordination of offender services (such as suicide prevention) and it appears to have made good progress.
- 6.66 The resourcing for, and role of, the Prisoner Counselling Service (PCS) at Casuarina Prison had also been expanded. PCS staff were now actively engaged in counselling prisoners and managing the issues giving rise to their elevated suicide risk. Instability in the staffing complement had also been addressed and PCS staff felt considerably happier in their role. In addition, a very good collegial relationship existed between PCS and the health staff. Joint interviews and consultations took place, feedback to PRAG meetings was negotiated and consistent, there was clarity about roles in the prison and staff had negotiated a means by which PCS file notes were lodged on medical files in a manner acceptable to both parties.
- 6.67 Overall, Casuarina Prison appears to have taken the substance and recommendations of this 2004 thematic report seriously. It had addressed specific issues and was in the process of reviewing others. This is an excellent result and whilst it may never be possible to prevent every suicide in custody, at the time of the Inspection, Casuarina Prison represented good practice within the Department.

Chapter 7

CONCLUSIONS AND RECOMMENDATIONS

- 7.1 Casuarina Prison has a central place in custodial management within Western Australia. As such it should be a focal point for the development and implementation of best practice custodial management at both a local and Departmental level. At the time of the Inspection, despite improvement in many areas since 2002, there were a number of areas where services did not meet best practice standards and where delivery was not in line with the Department's guiding principles.
- 7.2 From a resource and systems perspective, instability in the membership of the management team – in particular the Superintendent – and the Department's under-resourcing of the prison have contributed significantly to the deficiencies in service delivery outcome. Of particular note has been the Department's evident lack of focus on staff issues in the prison. This lack of focus was evident through the Department's failure to bring about a change in the custodial culture at Casuarina Prison, through the declining skill mix of staff and through the degrading of staffing numbers at this prison. On the positive side, record-keeping and monitoring of local initiatives have improved, the prison's business planning has been strengthened and the recent stability in management should assist the prison in moving forward.
- 7.3 As a maximum-security facility, Casuarina Prison has a secure external perimeter which the community can have confidence in. Further, the management of the SHU, whilst still a concern, has improved. More problematic is the prison's over reliance on static internal security and barrier management, resulting in unnecessary stress on staff and prisoners. Inconsistencies in the application of resources to custody and containment issues were also evident, such that their net effect may actually reduce rather than enhance the security of the prison.
- 7.4 Clarity and direction, particularly around intent, was lacking in the reparative activities within the prison with VSOs under-resourced and a lack of integration into the Department's education and training initiatives. The rehabilitative efforts of the prison were likewise hindered through an absence of case management; an insufficient number and limited breadth of programs; and poor coordination across the site. It is pleasing, however, to note that the Department appears to have approached the validation and evaluation of its programs in a positive manner. The actions of OPEC and others should contribute significantly to establishing a 'what works' framework for program delivery and evaluation and the Department should be commended for this.
- 7.5 Taking a care and wellbeing viewpoint, Casuarina Prison is a complex environment that contains diverse groups of prisoners, many of whom under different circumstances would be housed elsewhere. The presence of such prisoners, and in such large numbers, presents multiple challenges for the delivery of appropriate services within Casuarina Prison. The establishment of an effective grievance and complaints systems is a necessary component of this service delivery but in general, the prison does not appear to have the resources to meet the demands of its various populations and in some cases appears unaware of their needs.

CONCLUSIONS AND RECOMMENDATIONS

- 7.6 In summary, despite some notable exceptions and a general improvement across the prison, adequate progress has not been made against many of the recommendations set out in this Office's previous Inspection Report. Judged against the Department's stated best practice aims, Casuarina Prison's custodial management does not sufficiently reflect the Department's guiding principles and its service delivery appears imbalanced towards security issues and away from the care and wellbeing of staff and prisoners.

RECOMMENDATIONS

Resource and systems

1. That as a matter of urgency, the Department takes rigorous steps to address the availability of custodial and non-custodial prison staff at Casuarina Prison (para 1.14-1.15).
2. That the Department review its funding model for Casuarina Prison to ensure funding takes into account the full range of services required by staff (including training) and prisoners (para 2.11-2.18).
3. That the Department and Casuarina Prison management establish formalised mechanisms for supporting, monitoring and reporting on all aspects of operational compliance in Casuarina Prison (para 2.4).
4. That the Department enter into a comprehensive and discrete service delivery agreement with Casuarina Prison (para 2.4).

Custody and containment

5. That Casuarina Prison management review the resources and processes applicable to the safety of prisoners to bring them more in line with the prison's custodial intent (para 3.6-3.26; 6.48-6.55).
6. That Casuarina Prison management review and improve the resources and processes in place for the gathering and utilisation of intelligence. This would include training of Casuarina Prison staff about the protocols and processes for the use of the intelligence gathering system (para 3.27-3.29).
7. That the Department establish, monitor and report on clear entry and exit criteria for the SHU precinct generally and case manage each individual prisoner placed in that precinct for more than 30 days (para 3.30-3.34).
8. That the Department and Casuarina Prison management review and improve local emergency management procedures and capabilities (para 3.35-3.37).

Reparation

9. That Casuarina Prison management develop an all-of-prison plan for its reparative activities that better reflects its guiding principles and includes individual worksite targets and training for VSOs (para 4.3; 4.13-4.16).

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Rehabilitation

10. That Casuarina Prison management develop and implement a viable case management system that includes training for staff in the required administrative and welfare based tasks (para 5.6-5.7).
11. That Casuarina Prison management improve prisoner access to recreational activities. Specifically the range and amount of recreation available and, in light of the Prisons Division Aboriginal Strategic Plan, the restrictions on the number of prisoners able to congregate at the prison's Aboriginal Meeting Place (para 5.18-5.22).
12. That the Department improve the reliability and validity of information reported in its PPMS reports, particularly those relating to employment and constructive activity (para 4.11; 5.11).
13. That Casuarina Prison management instigate a project to review and better integrate and coordinate constructive day activities across the prison (para 5.17).
14. That the Department review the practice of transferring prisoners to more secure prisons such as Casuarina Prison for the purpose of completing programs (para 5.31-5.32).
15. That the Department ensure it has sufficient resources in Casuarina Prison and in the Offender Services Branch to enable all needs identified in prisoners' IMPs to be addressed in a timely fashion (para 5.30-5.35).

Care and wellbeing

16. That in line with its commitment to keep prisoners at their lowest security rating and as close to their primary residence as possible the Department address, as a matter of urgency, its localised prisoner bed shortfalls in its regional and metropolitan prisons (para 1.10-1.11).
17. That the Department review resources and systems in place at Casuarina Prison to support its opioid replacement pharmacotherapy program and in particular that it clarify program entry criteria (para 6.4-6.9).
18. That the Department review the suitability of food actually consumed by prisoners at Casuarina Prison, in particular, its quality; variability; suitability for prisoners requiring significantly fat reduced diets, and cultural appropriateness (para 6.10-6.14; 6.40).
19. That the Department more generally review the viability of Casuarina Prison providing its own kitchen and laundry facilities (para 6.15-6.18).
20. That Casuarina Prison management establish, monitor and report on specific compensatory efforts made for those classes of prisoners that are comparatively disadvantaged by being in Casuarina Prison (para 6.20-6.37).
21. That the Superintendent explore options for the expansion of the peer support team and assess the need for an additional PSO (para 6.38-6.39).

CONCLUSIONS AND RECOMMENDATIONS

22. That Casuarina Prison management ensures that all protection prisoners have a clear and realistic plan for their progression to mainstream, that progress against this plan is monitored and reported and that stringent anti-bullying processes are in place to ensure the safety of post-protection prisoners (para 6.46-6.47; 6.56-6.61).

Appendix 1

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
1 That as a matter of urgency, the Department takes rigorous steps to address the availability of custodial and non-custodial prison staff at Casuarina Prison.	<p>Agree/High. Since May 2004 an intensive recruitment campaign has been underway to increase staffing numbers. This has allowed additional Prison Officer training schools to commence, with double schools providing additional officers over the Christmas period. This initiative continues to assist with the additional burden on officers associated with the increase in prison musters. In addition to this, staff have been seconded to support the staffing requirements associated with the introduction of double bunking at Casuarina Prison.</p> <p>A Staffing Review project to establish staffing levels, including non-custodial staff, in all prisons (with the exception of Boronia Pre-Release Centre) is due for completion at the end of April 2005. It is anticipated that Departmental agreement on the recommended staffing levels will be reached by the end of June 2005.</p>
2 That the Department review its funding model for Casuarina Prison to ensure funding takes into account the full range of services required by staff (including training) and prisoners.	<p>Agree/Moderate. The information relating to the comments on Casuarina's budget position in section 2.12 is incomplete. The budget figure in the report has been supplemented. Casuarina's 2004/05 budget is now \$18.375 million representing an increase of \$3.132 million over the figure of \$15.243 million cited in the report. This figure is significantly in excess of the \$2.2 million shortfall also cited in the report and demonstrates the Department's approach to funding individual prisons to the best of its ability according to the means at its disposal.</p> <p>The Department has been criticised for the funding allocations made to Casuarina Prison. Budget allocations to individual prisons reflect the overall funding allocation provided by Treasury. Funding is based on forecasts of the prison population.</p>

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
	<p>Recent, unprecedented growth in the prisoner population has caused increases in operational requirements to outstrip available funding. Whilst this is not abnormal, the recent acute and sustained rate of population growth has exacerbated this effect. (Supplementary funding of \$15m was provided by Government in November 2004 to cover increases in the population across the system to that time.)</p> <p>Prisons Division has developed, and continues to refine, a costing model on which funding requests are based. This model has been accepted by Treasury and is used by the Department during funding negotiations. The recent acute increase in the prison population has resulted in equivalent requests for increased funding. Despite the provision of additional funding to the Department, the funding allocated to Prisons Division is generally below the requirements articulated by the funding model. This has affected the amount of funding available for distribution to Prisons such as Casuarina.</p> <p>It is correct that the use of overtime is due to staff shortages. The staff shortages are not, however, due to a lack of funding. Prisons Division has, due to the acute increase in the prisoner population, found itself understaffed. A program of additional Prison Officer Training Schools is being implemented to address this shortfall. The availability of more staff will take pressure off overtime costs. However, the Inspector's Office should note that increased numbers of staff attract additional on-costs meaning that not all of the funds currently expended on overtime translate into savings.</p> <p>Because of current and emerging pressures on staff and services caused by the rapid increase in the prison population, the Division commenced an intensive review of prison</p>

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
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	<p>staffing levels in December 2004. This review is addressing staffing levels for prison officers, and support staff in each prison. The review will establish benchmarks and criteria for determining staffing levels and will be a key input for the determination of prison budgets. The review will be completed in April 2005. The Office of the Inspector should note that budgets for the delivery of non-custodial activities (education, programs, counselling and health) to prisoners are not held directly by the prisons. The Directors of Offenders Services & Sentence Management and Health Services hold budgets for these services. The Office of the Inspector should also note that these Directorates have received additional funding commensurate with increases in the prison population over the last two financial years and particularly in 2004/05.</p>
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	<p>Section 2.13 implies that funding directed towards internal and security perimeter upgrades would have been better directed to improving service delivery in other (non-custody and containment) areas. While these comments may seem logical on the one hand, the Inspector's Office must be careful not to confuse the uses of Capital and Recurrent funding sources. The State Government funds the Capital Program through specific borrowings. This financing source limits the purposes for which these funds may be used. The Inspector's Office should note that funds sourced and approved for capital improvements cannot be used interchangeably for the funding of items of a recurrent nature such as service delivery. The Department does not have the flexibility to use its funding sources in the manner implied in the report.</p>
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RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p>3 That the Department and Casuarina Prison management establish formalised mechanisms for supporting, monitoring and reporting on all aspects of operational compliance in Casuarina Prison.</p>	<p>Agree in part/Moderate. The Department has reconsidered its responses to previous recommendations made that form the basis of this current recommendation. It does not have the resources to fully implement the comprehensive models recommended. However, incremental improvements have been made in a number of areas and the Department will continue to improve operational compliance across all prisons.</p>
<p>4 That the Department enters into a comprehensive and discrete service delivery agreement with Casuarina Prison.</p>	<p>Agree/Moderate. The Department will be embarking on a significant change program that includes the development of standards, key performance indicators, and service delivery requirements. To ensure compliance and accountability an Organisation Performance Reporting (OPR) model will include peer to peer assessments, internal and external audits and OPR presentations to the senior Executive by Superintendents and their respective management team.</p>
<p>5 That Casuarina Prison management review the resources and processes applicable to the safety of prisoners to bring them more in line with the prison's custodial intent.</p>	<p>Agree in part/Moderate. Casuarina Prison does operate a hierarchal management system with self-care available to mainstream and protection prisoners. Close Supervision regimes operate in the multipurpose area of the prison. However what is lacking is the intermediate option of 'basic supervision'. The Casuarina management have prepared a submission for funding that would enable Unit 1 to become the restricted unit that operates close and basic supervision plus provide a dispersal option for predatory prisoners who require long term management outside normal routine. This will be subject to Government budgetary processes.</p> <p>A pilot program of placing vulnerable prisoners in Unit 5 has been introduced providing further management options across the site.</p>

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
6 That Casuarina Prison management review and improve the resources and processes in place for the gathering and utilisation of intelligence. This would include training of Casuarina Prison staff about the protocols and processes for the use of the intelligence gathering system.	<p>Agree/High. Casuarina Prison has increased the resources available to the security section, which will enable an increased capacity to gather and utilise intelligence.</p> <p>At a Departmental level all receivers and contributors to the intelligence product within the DOJ will be educated in intelligence protocols through the Intelligence Project change management team.</p> <p>Additional investigation as part of this project includes utilities for the collection of information and the introduction of the Intelligence and Security Portal. It is anticipated that the Portal environment will be operational by end July 2005 and change management implemented by end December 2005</p> <p>The Intelligence and Analysis Section has developed a draft Policy Directive and training package in relation to the collation and dissemination of intelligence.</p> <p>All receivers and contributors to the intelligence product within the DOJ will be able follow the intelligence protocols, collate and evaluate information for dissemination using the same process.</p>
7 That the Department establish, monitor and report on clear entry and exit criteria for the SHU precinct generally and case manage each individual prisoner placed in that precinct for more than 30 days.	<p>Agree/Moderate. Following the inspection, a review of the SHU entry and exit criteria was conducted. The entry and exit criteria for each prisoner are established for SHU placement and exit. Individual prisoners' circumstances are fully documented and the application for placement includes reports from medical, psychologist, and prisoner management staff in addition to the Intelligence Analysis Profile Report. The suitability and appropriateness of such a placement is fully assessed prior to the application being signed by the Executive</p>

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
	<p>Director Prison Services. All prisoners within the SHU are reviewed on a monthly basis and attend the SHU Review Committee meeting also attended by the Superintendent Operations Public Prisons representing the General Manager Public Prisons. This inclusion ensures transparency of the processes, compliance with policy and any matters that may be of concern are given immediate attention by the Directorate.</p>
<p>8 That the Department and Casuarina Prison management review and improve local emergency management procedures and capabilities.</p>	<p>Agree/High. Since August 2004 a continuous improvement project has been underway to implement and complement the recommendation made by the Inspector's team and Departmental security audit of Casuarina Prison.</p>
<p>9 That Casuarina Prison management develop an all-of-prison plan for its reparative activities that better reflects its guiding principles and includes individual worksite targets and training for VSOs.</p>	<p>Agree/Moderate. Casuarina Management is developing a whole-of-prison industries business plan with individual workshop plans and targets. Reparative activities and community contact at Casuarina Prison will always be restricted by the prison's maximum-security status and the realities this entails.</p>
<p>10 That Casuarina Prison management develop and implement a viable case management system that includes training for staff in the required administrative and welfare based tasks.</p>	<p>Agree/Moderate. The case management system is under review to determine the cohort of prisoners that actually benefit from case management rather than a simple criterion of sentence length. The introduction of re-entry service providers has created a focus upon supporting short-term and finite term prisoners through a process that reduces their risk of re-offending without the requirement for a formal behavioural-based program.</p> <p>Separately, a review of staffing of all prisons is considering and will report upon the value of a Case Management Co-ordinator for prisons such as Casuarina. The role of this person will include case allocation, training of prison</p>

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
	<p>officers in case management and monitoring of compliance. The outcomes of the review are not expected to be complete until the end of June 2005.</p> <p>The increase in Prison Support Officers (PSOs) is aimed at increasing the welfare advice and support to unit based officer, particularly around cultural issues.</p>
<p>11 That Casuarina Prison management improve prisoner access to recreational activities. Specifically the range and amount of recreation available and, in light of the Prisons Division Aboriginal Strategic Plan, the restrictions on the number of prisoners able to congregate at the prison's Aboriginal Meeting Place.</p>	<p>Agree/Moderate. Prison management continues to seek improvement in this area by way of annual review of the recreation plan. An additional recreation officer has been introduced following muster increases. A proposal for a second meeting place is underway and the services of a senior manager of Aboriginal ethnicity have been obtained to run a project to improve recreation, especially for prisoners from remote regions. All initiatives will be implemented within the context of the prison being a maximum-security facility.</p>
<p>12 That the Department improve the reliability and validity of information reported in its PPMS reports, particularly those relating to employment and constructive activity.</p>	<p>Agree in part/Low The Department acknowledges that some inconsistencies exist in the Prisons Performance Measurement System (PPMS). To address this, the Department is considering a number of options, including a means of improving the quality of information that is entered into the source system - TOMS (Total Offender Management System). New performance reporting tools, which offer greater flexibility in capturing and analysing data, are also being considered.</p>
<p>13 That Casuarina Prison management instigate a project to review and better integrate and coordinate constructive day activities across the prison.</p>	<p>Agree/Moderate. The change management occurring at Casuarina Prison has a core objective of better integration and co-ordination of the constructive day across the prison. The outcomes of this process to</p>

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
	<p>date has seen full-time education numbers increase, improvements in the delivery of pharmacotherapies and an expansion in the daily access to health services.</p>
<p>14 That the Department review the practice of transferring prisoners to more secure prisons such as Casuarina Prison for the purpose of completing programs.</p>	<p>Disagree/-. This is both a practical issue and a therapeutic issue. A small number of prisoners may be required to be transferred to Casuarina for program participation; however, these are typically those required to do the intensive Violent Offender Treatment Program (VOTP) or Sex Offender Treatment Program (SOTP). Casuarina has a therapeutic community which houses the SOTP. The VOTP is also delivered in a residential environment; hence the prison infrastructure supports the therapeutic quality of these programs. In addition, Casuarina provides the most ideal metropolitan environment for the delivery of the VOTP and SOTP.</p>
<p>15 That the Department ensure it has sufficient resources in Casuarina Prison and in the Offender Services Branch to enable all needs identified in prisoners' IMPs to be addressed in a timely fashion.</p>	<p>Agreed/Moderate. Offender Services has, over the past 12 months, increased staff resources to meet demand for services, particularly for Prisoner Counselling Service (PCS) and Prison Support Officer (PSO). Assessing program demand continues to be problematic due to issues inherent within AIPR. A recent review of assessment and case management identified possible solutions. Consistent with the review, the Department is pursuing options to overcome these difficulties.</p>
<p>16 That in line with its commitment to keep prisoners at their lowest security rating and as close to their primary residence as possible the Department address, as a matter of urgency, its localised prisoner bed shortfalls in its regional and metropolitan prisons.</p>	<p>Agree/Very High. Accommodation strategy for Prisons Division is detailed in the Prisons Capital Investment Plan. Included in this plan is a Remote Regional Strategy that focuses on accommodation for prisoners within the Goldfields, Kimberley and Pilbara. The Department is currently funded for replacement prisons in the Goldfields and</p>

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
17 That the Department review resources and systems in place at Casuarina Prison to support its opioid replacement pharmacotherapy program and in particular that it clarify program entry criteria.	<p data-bbox="842 495 1361 786">Kimberley within five years. A short-term (0-5 years) strategy currently includes an additional 120 beds for low security metropolitan male prisoners. In addition, a submission has been prepared to build additional accommodation at Broome Regional Prison and Eastern Goldfields Regional Prison.</p> <p data-bbox="842 837 1361 1128">Agree/Moderate. The Inspectorate Report on the pharmacotherapy program provided at Casuarina Prison raises a number of pertinent questions and issues. As a new and somewhat controversial initiative it was to be anticipated that there would be some initial teething problems in the development of the program and in its acceptance by some prison staff.</p> <p data-bbox="842 1155 1361 1518">Following an internal review of the operation of the first year of the pharmacotherapy program carried out in September 2004, a number of initiatives were undertaken to rectify identified deficits in the program at Casuarina Prison. We now believe that the concerns raised in this report have been addressed and that the pharmacotherapy program is working effectively at Casuarina Prison.</p> <p data-bbox="842 1545 1002 1576"><i>Clinical Issues:</i></p> <ul data-bbox="858 1590 1361 2067" style="list-style-type: none"><li data-bbox="858 1590 1361 1688">• All patients who are placed on the pharmacotherapy program are initially assessed by a PAST nurse.<li data-bbox="858 1697 1361 1796">• A Prison Medical Officer then assesses patients who appear to fit the criteria for the pharmacotherapy program.<li data-bbox="858 1805 1361 1984">• All Medical Officers involved in prescribing for the pharmacotherapy program at Casuarina have undertaken the Approved Prescriber Training with the Drug and Alcohol Office.<li data-bbox="858 1993 1361 2067">• The Policy and Procedures Guidelines have been reviewed and updated.

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
	<ul style="list-style-type: none">• Fixed prescribing regimes for titration, maintenance and withdrawal, based on evidence of best practice and national guidelines are being introduced to ensure consistency and adequacy of prescribing practice for all patients.• A PAST nurse attends Casuarina prison on two days per week to offer support, education, counselling and case management to those on the program. This is additional to the time spent issuing the medications each day.• Care planning is shortly to be introduced which will ensure that all patients on the program have their care plan reviewed and updated by a PAST nurse at a minimum of every six weeks.• A data system (PICASO) has recently been introduced to support the strategic planning of the program. <p><i>Operational issues:</i></p> <ul style="list-style-type: none">• To address concerns raised, a multidisciplinary Pharmacotherapy Working Party comprising of senior representation from prison operations, security, programs, nursing and PAST was established in September 2004. The aim of this group is to support and facilitate the implementation of the pharmacotherapy program within Casuarina Prison.• Specific tasks include:<ul style="list-style-type: none">• Development of effective joint working practices between PAST, prison operations, the health centre and programs;• Responsibility for identifying staff training and development needs; and• Act as a first point of contact in addressing local issues as they relate to PAST.

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p>18 That the Department review, the suitability of food actually consumed by prisoners at Casuarina Prison, in particular, its quality; variability; suitability for prisoners requiring significantly fat reduced diets, and cultural appropriateness.</p>	<ul style="list-style-type: none"> • The timing of the issue of the Schedule 8 medications has been changed to earlier in the morning. This allows those on the program to be dosed prior to attending industries. Both prisoners and staff are happy with this arrangement. <p><i>Communication/training issues:</i></p> <ul style="list-style-type: none"> • A rolling program of weekly information/training has been in place since September 2004 for all Casuarina prison staff. The content of the presentation includes: <ul style="list-style-type: none"> • Overview of the Justice Drug Plan and where the PAST program fits in; • The rationale and philosophy of the program, including harm reduction issues; • Entry criteria for the program; and • Pharmacotherapies and their effects. • Information brochures for custodial staff and offenders on the pharmacotherapy program have been designed and distributed to all prisons in the state, including Casuarina. These brochures detail the criteria for accessing the program and the treatments that are available. • Pharmacotherapy training is provided to all new custodial officers when undergoing their entry-level training. • Ongoing training on the pharmacotherapy program is provided to custodial staff as part of the “Managing Drug Use Training”.

Agree/Low. The Department, with the assistance of a Dietician from the Department of Health, will review the suitability of food actually consumed at Casuarina Prison.

RECOMMENDATIONS AND DEPARTMENT'S RESPONSE

Recommendations	DOJ Response/Risk Rating
<p>19 That the Department more generally review the viability of Casuarina Prison providing its own kitchen and laundry facilities.</p>	<p>Agree/Low. A submission for kitchen and laundry facilities to be established at Casuarina Prison has been submitted. The Department will consider the viability/cost of this submission.</p>
<p>20 That Casuarina Prison management establish, monitor and report on specific compensatory efforts made for those classes of prisoners that are comparatively disadvantaged by being in Casuarina Prison eg. regional Aboriginal prisoners, prisoners on remand, and minimum-security prisoners.</p>	<p>Agree/High. A review of disadvantaged groups, in particular Aboriginal prisoners from remote regions, is underway to look at compensatory efforts that can be achieved within a maximum-security setting.</p>
<p>21 That the Superintendent explore options for the expansion of the peer support team and assess the need for an additional PSO.</p>	<p>Agree/Low. A second PSO has been employed and the team expanded to sixteen.</p>
<p>22 That Casuarina Prison management ensures that all protection prisoners have a clear and realistic plan for their progression to mainstream, that progress against this plan is monitored and reported and that stringent anti-bullying processes are in place to ensure the safety of post-protection prisoners.</p>	<p>Partly Agree/Moderate. Evidence from both within Australia and overseas suggests that it is not a realistic goal to plan for all protection prisoners to progress to mainstream. Prisoners who are high profile by way of evidence given in court, ex Police or Prison Officers and certain categories of sex offender can never safely be placed in mainstream. The goal of the prison is always to use protection as a last resort. The evidence of this is a very low rate of placement in protection at Casuarina Prison. The majority of prisoners in protection come to Casuarina with this status.</p> <p>The anti-bullying processes have been reviewed at the prison, with more rigorous processes put in place.</p> <p>A statewide prisoner safety project, which explored prisoners' perceptions of prison safety and bullying, is now complete. The draft report of findings will shortly be distributed for feedback and comment.</p>

Appendix 2

SCORE CARD

Report No. 8 - Recommendation	Assessment of the Department of Justice implementation
1. The Department develops comprehensive strategies to achieve an integrated approach in the special management units.	Less than acceptable
2. Case management is thoroughly applied to each prisoner ordered to be in the special management units for more than one month. This includes full needs analysis, matched service delivery and risk based decision making. The authority of the Case Management Committee should be made explicit.	Less than acceptable
3. A full range of programs and activities is delivered on an assessed needs basis. The four cornerstones philosophy of the Prison Service should be applied as a minimum standards template to guide this assessment.	Less than acceptable
4. Better supervision and accountability measures are implemented for the use of Section 36 powers. The disparity in the arrangements for Section 43 orders should be noted and guide this implementation.	Acceptable
5. The cells and unit environs for various placement categories are examined to ensure they will not injure the health of prisoners and also that they are fit for intended purposes, including the delivery of all case management programs and activities. A certification process to record the decisions should be established.	Less than acceptable
6. The composition of staff reflects the multidisciplinary services to be delivered, and that the selection and preparation of uniformed staff complements this approach. The staff plan should also provide for continuous assessments of performance and suitability. Consideration should also be given to appropriately supporting women to become part of the multi-disciplinary team.	Less than acceptable
7. General accommodation units not be used for special management placements, except as an option of last resort.	Acceptable
8. Further improvements to the standard of record keeping be made for incidents of self harm and use of force. These records should contain statements of compliance with policy and operational instructions.	Acceptable
9. An effective operational compliance system be established to ensure that local prison practices are consistent with policy directives.	Acceptable

SCORE CARD

Report No. 11 - Recommendation	Assessment of the Department of Justice implementation
1. Introduce a Certified Normal Accommodation standard that expresses the Department's capacity to balance all its correctional management obligations and minimises the extent to which double bunking is relied upon across the Prison Service. Establish a population level for Casuarina Prison consistent with this operational principle.	Less than acceptable
2. Purposefully determine the population mix appropriate to the prison.	Less than acceptable
3. Adapt the service requirement framework developed for Acacia Prison as a Service Level Agreement for Casuarina Prison. Qualitative performance measures linked to the four key outcomes of imprisonment articulated in the Prison Service operational philosophy should be established as a part of this framework.	Less than acceptable
4. Develop a local prison management organisational structure to reflect the delivery of services scoped by the Service Level Agreement.	Less than acceptable
5. Establish an integrated and continuous operational compliance management system within the Prison Service.	Less than acceptable
6. Audit and report the extent to which the Smith Report recommendations have been implemented.	Less than acceptable
7. Complete and document the announced review of the Prison Service security philosophy.	Acceptable
8. Audit and report the extent to which the major operational initiatives in the budget submissions for the last five years have been implemented.	Less than acceptable
9. Research the extent to which mechanical restraints and chemical agents are deployed in comparable prison jurisdictions; and, audit the authority, actions, notification and documentation of force involving restraints (including chemical agents) at Casuarina Prison since 25 December 1998.	Acceptable
10. Audit and report the extent to which Loss of Privilege sanctions are applied.	Acceptable

SCORE CARD

Report No. 11 - Recommendation	Assessment of the Department of Justice implementation
11. Urgently establish the piloted prisoner grievance system at the prison.	Acceptable
12. Encourage and support the continued appointment of a magistrate as the Visiting Justice for Casuarina Prison.	Acceptable
13. Review the role, function and future of the health care centre.	Acceptable
14. Reinstate the system of temporary transfers for family visits for those prisoners, particularly Aboriginal prisoners, removed from their home communities. This arrangement should provide a standard of daily visits for one week in each three months for those prisoners not receiving visits as a consequence of dislocation.	Less than acceptable
15. Review the drug management strategy to ensure integration for detection, education and treatment aspects. Consider introduction of a Voluntary Drug Testing Program.	Less than acceptable
16. Establish a fully functioning Anti-bullying Strategy that minimises the development of fear for personal safety.	Less than acceptable
17. Undertake a comprehensive review of the delivery of correctional programs within the Prison Service. This includes 'what works' research, an external programs accreditation panel system, through-care program delivery (documented in IMPs), monitoring the professional standards of programs staff, and program outcome evaluation.	Acceptable
18. Improve the organisational arrangements for prison industries and the regimes at the prison to enable full use to be made of each prisoner's period of imprisonment. Staff should play a strong facilitating role in the increased regime opportunities for prisoners.	Less than acceptable
19. Adopt a best practice approach to the research; accreditation and monitoring of correctional program delivery.	Acceptable
20. Re-profile the staff deployments at the prison to purposefully select staff suitable for the refocused role of the prison. This should involve a multi-discipline focus with clear articulation of roles, provision for devolved leadership and ongoing arrangements for training and performance management	Less than acceptable

Appendix 3

THE GOVERNANCE FRAMEWORK FOR THE 2005 RECOMMENDATIONS

Recommendation Number	Type of Recommendation	Solutions			Acceptance		
		Short term < 1 yr	Medium term < 3 yrs	Long term > 3yrs	Agreed	Disagreed	Partially
1	That as a matter of urgency, the Department takes rigorous steps to address the availability of custodial and non-custodial prison staff at Casuarina Prison.	•			•		
2	That the Department review its funding model for Casuarina Prison to ensure funding takes into account the full range of services required by staff (including training) and prisoners.	•			•		
3	That the Department and Casuarina Prison management establish formalised mechanisms for supporting, monitoring and reporting on all aspects of operational compliance in Casuarina Prison.	•					•
4	That the Department enters into a comprehensive and discrete service delivery agreement with Casuarina Prison.	•			•		
5	That Casuarina Prison management review the resources and processes applicable to the safety of prisoners to bring them more in line with the prison's custodial intent.	•					•
6	That Casuarina Prison management review and improve the resources and processes in place for the gathering and utilisation of intelligence. This would include training of Casuarina Prison staff about the protocols and processes for the use of the intelligence gathering system.	•			•		
7	That the Department establish, monitor and report on clear entry and exit criteria for the SHU precinct generally and case manage each individual prisoner placed in that precinct for more than 30 days.	•			•		
8	That the Department and Casuarina Prison management review and improve local emergency management procedures and capabilities.	•			•		

THE GOVERNANCE FRAMEWORK FOR THE 2005 RECOMMENDATIONS

Recommendation Number	Type of Recommendation	Solutions			Acceptance		
		Short term < 1 yr	Medium term < 3 yrs	Long term > 3yrs	Agreed	Disagreed	Partially
9	That Casuarina Prison management develop an all-of-prison plan for its reparative activities that better reflects its guiding principles and includes individual worksite targets and training for VSOs.	•			•		
10	That Casuarina Prison management develop and implement a viable case management system that includes training for staff in the required administrative and welfare based tasks.	•			•		
11	That Casuarina Prison management improve prisoner access to recreational activities. Specifically the range and amount of recreation available and, in light of the Prisons Division Aboriginal Strategic Plan, the restrictions on the number of prisoners able to congregate at the prison's Aboriginal Meeting Place.	•			•		
12	That the Department improve the reliability and validity of information reported in its PPMS reports, particularly those relating to employment and constructive activity.	•					•
13	That Casuarina Prison management instigate a project to review and better integrate and coordinate constructive day activities across the prison.	•			•		
14	That the Department review the practice of transferring prisoners to more secure prisons such as Casuarina Prison for the purpose of completing programs.	•				•	
15	That the Department ensure it has sufficient resources in Casuarina Prison and in the Offender Services Branch to enable all needs identified in prisoners' IMPs to be addressed in a timely fashion.	•			•		

THE GOVERNANCE FRAMEWORK FOR THE 2005 RECOMMENDATIONS

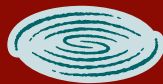
Recommendation Number	Type of Recommendation	Solutions			Acceptance		
		Short term < 1 yr	Medium term < 3 yrs	Long term > 3yrs	Agreed	Disagreed	Partially
16	That in line with its commitment to keep prisoners at their lowest security rating and as close to their primary residence as possible the Department address, as a matter of urgency, its localised prisoner bed shortfalls in its regional and metropolitan prisons.			•	•		
17	That the Department review resources and systems in place at Casuarina Prison to support its opioid replacement pharmacotherapy program and in particular that it clarify program entry criteria.	•			•		
18	That the Department review, the suitability of food actually consumed by prisoners at Casuarina Prison, in particular, its quality; variability; suitability for prisoners requiring significantly fat reduced diets, and cultural appropriateness.	•			•		
19	That the Department more generally review the viability of Casuarina Prison providing its own kitchen and laundry facilities.		•		•		
20	That Casuarina Prison management establish, monitor and report on specific compensatory efforts made for those classes of prisoners that are comparatively disadvantaged by being in Casuarina Prison eg regional Aboriginal prisoners, prisoners on remand, and minimum-security prisoners.	•			•		
21	That the Superintendent explore options for the expansion of the peer support team and assess the need for an additional PSO.	•			•		
22	That Casuarina Prison management ensures that all protection prisoners have a clear and realistic plan for their progression to mainstream, that progress against this plan is monitored and reported and that stringent anti-bullying processes are in place to ensure the safety of post-protection prisoners.	•					•

Appendix 4

INSPECTION TEAM

Professor Richard Harding	The Inspector of Custodial Services
Mr Bob Stacey	Director of Operations
Mr Peter Upton-Davis	Manager of Inspections and Research
Mr John Acres	Inspections and Research Officer
Ms Leonie Sinclair	Inspections and Research Officer (seconded from the Department of Justice)
Ms Diane Broadby	Manager Community Relations
Mr Joseph Wallam	Community Liaison Officer
Ms Sherry Armstrong	Expert Adviser (Ombudsman's Office)
Mr Ian Cox	Expert Adviser (Ombudsman's Office)
Ms Grace Moro	Expert Adviser (Ombudsman's Office)
Ms Dace Tomsons	Expert Adviser (Drug and Alcohol Office)
Mr Craig Nicholas	Expert Adviser (Department of Education and Training)
Ms Lourdes McCleary	Expert Adviser (Department of Education and Training)
Mr Mike Hepburn	Expert Adviser (Department of Community Development)
Trevor Craig	Expert Adviser (Corrections Victoria)
Julie McKinlay	Social Work Student

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