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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION
OF ACACIA PRISON



Report of an Announced Inspection of Acacia Prison

Office of the Inspector of Custodial Services
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The Inspector's Overview

PRIVATISATION, MARKET-TESTING AND INSPECTION: THE CASE OF ACACIA PRISON

The Government's objective in out-sourcing the management of a new prison to the private sector was fourfold: (a) to articulate a new operational philosophy for the prison system as a whole and commence its implementation in a setting that was unencumbered by old assumptions and sceptical personnel; (b) to identify a contractor who would achieve a high level of performance; (c) as an aspect of this, to bring about innovation in the culture, programs and regime arrangements; and (d) to leverage cross-fertilisation and thus system-wide change and improvement from the private prison into the public system.

When inspecting Acacia, it was important not to lose sight of these objectives. To some extent, the Department of Justice (now Corrective Services) had done so; a very senior official said to me shortly before our inspection that Acacia was by no means, in his view, the worst prison in the State – as if that were enough to justify its current performance. This tendency to flatten the criteria for assessing the private prison into the very same as those applied to public prisons is actually antithetical to the very purposes of privatisation – yet it had crept into the standard dialectic of senior Departmental personnel.

In fact, when we had carried out our first inspection in March 2003, Acacia had been a cause for concern – not exactly “failing” but showing distinct signs of vulnerability that could easily have grown into difficult or even intractable problems: see Report No. 19, *passim*. This had caused us to put it onto our informal “alert” list, and we had closely monitored the Prison after that. Its potential for setting standards of best practice had not yet emerged.

There had been some improvements since then. However, in a context where the first five-year contract would expire in May 2006, these improvements were not sufficient for the Inspector to be satisfied with the prospect that the management contract might simply be “rolled over” to the existing contractors, AIMS. There seemed to be every reason to explore the field of potential operators – in other words to test the market. This was the view that the Government itself adopted.

To enable the inspection process and findings to feed into the market-testing exercise so that bidders would have a clear idea of the Inspector's expectations, as well as the Department's as expressed through the Request-for-Proposal document, this inspection of Acacia was brought forward to July/August 2005. This was two years and three months after the first inspection, as opposed to the normal mandated statutory period of three years. The Exit Debrief (10th August 2005) and the Draft of this Report were thus available to the parties who remained in the bidding process.

The full Report documents in detail the achievements and shortcomings of AIMS, the current operators. The Prison is certainly nowhere near as fragile as at the time of the first inspection. On the other hand, there are some significant areas of poor performance. The point that still stands out is that in personnel terms the Prison is still under-resourced. The cost of labour being the single greatest outlay in the prison business, it is no real surprise that this is how private operators keep their expenses down. However, the objectives of privatisation will not be achieved if the human resources are too thin on the ground. The prison business is, above all, a human service requiring human inputs.

PRIVATISATION, MARKET-TESTING AND INSPECTION: THE CASE OF
ACACIA PRISON

The new contract must – whoever is the successful bidder – be more prescriptive about the extent and range of human inputs, and if this drives the costs up to a point nearer to public sector costs, so be it. This Office will be scrutinising the new contract and the operations of the successful bidder carefully from this perspective.

Another matter that we criticised in Report No. 19 was the poor grasp that the Department had of the skills and responsibilities of contract management. There were some continuing and some new anomalies, notably the fact that one arm of the Department (the recruitment branch) was pursuing policies that directly undermined the objectives of another arm (the contract management branch) by poaching AIMS staff for the public sector prison system. For all that, the expertise of the contract management branch has measurably increased, and that is certainly welcome. Privatisation, to be successful, requires that both sides to the bargain actually understand their roles thoroughly. From the point of view of the Department, this means having the skills and judgment to decide when to supervise or guide or discipline or partner the operational agency.

Acacia is still not the standard bearer or pacesetter for the remainder of the prison system that it was intended to be. There is much yet to be achieved if it is, one day, to fulfil that role.

Richard Harding
Inspector of Custodial Services
31st January 2006.

Chapter 1

ACACIA PRISON:TWO YEARS ON

- 1.1 Acacia Prison is the largest prison in Western Australia; it was designed to accommodate 750 male prisoners, but consistently accommodates over 720 prisoners. Acacia has a complex population mix – the largest group of Aboriginal prisoners in Western Australia, the largest protection population in WA, both medium- and minimum-security prisoners, prisoners from the most northern and eastern reaches of the State and a number of geriatric prisoners. This presents a challenge in providing services and facilities appropriate to such a diverse mix of prisoners that meet all their needs. The prison is now in its fifth year of operation.
- 1.2 It is also the State's first and only privately operated prison, with services provided by AIMS Corporation ('AIMS').¹ Since its opening in May 2001 Acacia has been the subject of close scrutiny on many fronts to ensure the delivery of services as provided in the *Acacia Prison Services Agreement* ('the Contract'), including by this Office through the inaugural inspection of the prison in June 2003 and ongoing regular liaison visits throughout its operation. The history of the decision to privatise the provision of prison services, the contractual arrangements and the early operation of Acacia are all detailed in the 2003 Inspection Report by this Office and provide a thorough examination of the issues arising.² It is not necessary to resurrect these issues here; however, the following provides an outline of outcomes from the 2003 inspection and discusses events and issues that have had a significant impact on the operational environment of Acacia since that time.

INSPECTION 2003

- 1.3 The inspection of Acacia in 2003 was conducted approximately two years following its official commissioning. This was a deliberate decision by the Inspector to allow the prison and staff to firmly establish its policies and procedures and begin to develop its own custodial culture that could be evaluated in a meaningful way. A large team consisting of permanent staff from this Office and consultants expert in a number of specific fields of custodial services conducted the on-site phase and a comprehensive report was produced detailing the findings.
- 1.4 Keeping firmly in mind that one purpose of the establishment of Acacia Prison was to provide an example of best practice in custodial services with the aim of system-wide improvements, the 2003 Inspection found that '*clearly, Acacia cannot currently be regarded as a flagship for service delivery*'.³ As a general statement it found that operations were '*under-developed, under-resourced and under stress*', especially in terms of financial inputs and staff levels and training. There were, however, a number of positive operational aspects to the prison on which to base future improvement, including health care, self-care/geriatric services, the relatively low rate of self-harming behaviours, the success in preventing escapes and major disturbances and the developing pro-social environment between staff and prisoners.

1 When referring to matters at a corporate level this Report will refer to 'AIMS'. Matters at an operational level will refer to 'Acacia', but these are in effect one and the same entity.

2 Report No.19, *Report of an Announced Inspection of Acacia Prison - March 2003* (Office of the Inspector of Custodial Services, Perth, October 2003), The Inspector's Overview and Chapter 1.

3 Ibid., [9.4].

- 1.5 Turning its attention towards the Department of Justice's ('the Department') obligations for contract management, the report found an immature system was in place that had a 'rather bureaucratic and diffident' approach with a lack of suitable structures in place to ensure adherence to expected performance standards and accountability.⁴ The expert advisors from the Office of the Auditor General seconded to this Office to participate in the inspection raised a number of concerns regarding gaps in financial accountability and viability and contract management diligence that required urgent attention.
- 1.6 The Inspection Report made 33 recommendations requiring action from both AIMS and the Department under 11 broad categories:
- financial costs and accountability;
 - contract management of service delivery;
 - staffing and on-site management;
 - security and safety;
 - placement at Acacia;
 - record keeping;
 - health;
 - prisoner wellbeing;
 - community and welfare support;
 - education, programs and work; and
 - Aboriginal prisoners.

An important aspect of the current Inspection has been to assess the progress made towards implementing these recommendations.

- 1.7 The Inspector also announced that the prison would be placed on the Office's alert list, requiring the liaison officer for Acacia to maintain a vigilant watch on operations and that the next inspection would most likely be conducted well before its next statutory due date (that is three years time). This has indeed occurred.

CHANGES IN THE OPERATIONAL ENVIRONMENT

- 1.8 Immediately following the inspection of Acacia in 2003 the repercussions began to flow from the identified deficiencies in service delivery. Before the final Inspection Report had even been tabled in Parliament a number of personnel changes at the most senior management levels at Acacia had occurred. The General Manager left and the Assistant General Manager took up that position in an acting capacity. The Inspection Report commented on this development with a cautionary note that without substantial concrete action to remedy the systemic problems identified the changes would 'smack of scapegoating'.⁵

4 Ibid., [9.6].

5 Ibid., [9.11].

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- 1.9 After a short period of time a new General Manager was appointed and the Acting General Manager left the prison, meaning Acacia had been under the guidance of three different individuals within a year. While this may have been necessary in order to find the most suitable person for the role, the constant turnover was destabilising for operations, staff and prisoners. One positive outcome of the new appointment was the restructuring of prison management resulting in a better line of responsibility for prisoner services and more accountability for management decision-making. The Assistant General Manager position was reconceived and retitled ‘Head of Throughcare’ – a position responsible for all services directly relating to prisoners’ sentence needs.
- 1.10 Unfortunately after a brief period of management stability, more changes occurred. The General Manager was again replaced within the space of a year when the most recent incumbent was seconded to the Department for a brief period, followed by an appointment to a senior role within AIMS away from the prison. The new General Manager was appointed with substantial input from the Department, resulting in a former public prison assistant superintendent taking over the role. This led to further substantial changes in operations and consequent changes to the operational environment. Less than a year later and immediately prior to the 2005 Inspection of Acacia, this General Manager removed by AIMS and the Head of Throughcare was appointed as the substantive General Manager. The fallout from this constant change in management was plainly evident during the Inspection and will be detailed later in this report. Staff were constantly trying to monitor changes to policies, procedures and managerial expectations and found it difficult to make decisions within their operational environment. Prisoners were extremely frustrated by the perceived lack of knowledge and the inability of staff to assist them.
- 1.11 During this time similar difficulties were being experienced with other management roles. For substantial periods key managerial positions were left vacant or without substantive appointees. The Inspection Team was informed that the failure to appoint new staff to these roles was motivated by the imperative to save money. Clearly this was an example of false economy as it meant the quantity and quality of many important services seriously eroded to the point that they had not recovered by the time of the Inspection. In June 2005 a number of new managers were appointed (General Manager, Head of Throughcare, Security Manager, Residential Manager and Industries Manger), but the effects of neglect remained evident during this Inspection. It is hoped that this new team can revitalise operations. AIMS and the Department should not have permitted the extended periods of management instability and must both take responsibility for the difficulties this caused.
- 1.12 Until recently the AIMS corporate office was located in Queensland where AIMS had secured its first contract to operate custodial services. When the contracts in that State expired, AIMS’ corporate managers remained in Queensland, although Western Australia had by that time become the location for AIMS’ core business in Australia (along with some contracts in Victoria). The dislocation between corporate head office and operations on the ground were the subject of substantial comment in the first Inspection Report.⁶ Just prior

6 Ibid., [7.8]–[7.12].

to the current inspection, AIMS' parent company, Sodexho, made the decision to relocate the corporate office to Western Australia and replace its entire corporate team. This decision should result in improved understanding and commitment to AIMS' business in this State and should also result in substantial savings that can be redirected to operations.

- 1.13 AIMS are remunerated for services provided under the Contract based on an agreed fixed price, paid monthly. Five percent of each payment is withheld as a 'Performance Linked Fee' (PLF), which is paid to AIMS on the basis of it achieving agreed performance levels in a number of service delivery areas. The cost of the Contract over the past three years is as follows:
- 2002–2003: total of \$23,036,801.93, including \$812,925 in PLF (69.5% of PLF payable).⁷
 - 2003–2004: total of \$24,294,137, including \$1,004,482.46 in PLF (82.6% of total PLF payable).⁸
 - 2004–2005: total of \$24,668,818, including \$1,097,828.24 in PLF (84.4% of total PLF payable).⁹
- 1.14 The way in which the Department manages the Contract is also of core interest in an Inspection as it is the way in which the private service provider is made accountable for its delivery of services paid for by the public. As the authority ultimately responsible for the wellbeing of those in custody it is also fundamental that the Department remains diligent in ensuring its duty of care is discharged. Substantial changes have been made to the way in which the Department has discharged its contract management duties over the past two years. While this issue will form the focus of a later chapter of this Report, the main changes have been made in relation to the level and structure of on-site monitoring of operations and the structures in place to manage the relationship between the Department and AIMS. The on-site monitors at Acacia play a key role in ensuring the appropriate kind of services are delivered to the appropriate prisoners in the appropriate (and equitable) way.
- 1.15 The final and perhaps the most significant development was the announcement by the Department in July 2005 that the Contract for the provision of custodial services at Acacia Prison would be put to the market for retender upon its expiration on 15 May 2006. With the first phase of the Contract coming to an end the Department was faced with three options: extending the Contract for a further term (three to five years); allowing the Contract to expire and resume delivery of the services within the public sector; or allowing the Contract to expire and begin a new tendering process. Following a close examination of the business case for each option it was decided that the Department would go back to the market. This presents a valuable opportunity to the Department to assess the deficiencies of the past and improve on processes in the future – an issue that will also be further explored in Chapter Eight of this Report.¹⁰

7 Department of Justice, *Acacia Services Agreement Annual Report (2002–2003)*, p. 31.

8 Department of Justice, *Acacia Services Agreement Annual Report (2003–2004)*.

9 Department of Justice, *Acacia Services Agreement Annual Report (2004–2005)*, pp. 13–14.

10 The retender is for the provision of services alone and does not impact upon the separate contract for maintenance services provided to Acacia that exists between the Department of Housing and Works and AIMS. AIMS currently subcontracts maintenance works to Alyts, which is owned by AIMS' parent company Sodexho.

- 1.16 AIMS has signalled its intention to submit a bid to resume its role as the service provider at Acacia. The retender process provides a valuable opportunity for it too, to look back at what has occurred in the past, what went right and what went wrong in the first five-year phase of the Contract and to chart the means to move forward.

INSPECTION METHODOLOGY

- 1.17 Acacia was established as a prison that would set a new benchmark for prison operations in Western Australia and as such it was inspected using the methodology developed and used by this Office to inspect all prison facilities in this State. What is different for Acacia is that it has committed itself to achieving numerous specified service outcomes through a written document, and as such the Contract itself forms one core part of standards against which it is inspected. In addition, the Standard Guidelines for Corrections in Australia, the four cornerstones philosophy of the Department, Acacia's Policy and Procedures Manual and the Expectations document developed by the UK Inspector of Prisons provide relevant guidance for the provision of services to prisoners.
- 1.18 In a sense this is also an Inspection of two services: AIMS and the Department. In relation to AIMS this Inspection reviews the provision of services at Acacia to prisoners and the support of services at the corporate level; for the Department this Inspection examines how it monitors and manages the Contract to provide those services to over 720 individuals for whom it is responsible. It is clear both legislatively and at common law that the government is ultimately responsible for the care of those in custody. *The Prisons Act 1981 (WA)* states that 'the chief executive officer is responsible for the management, control and security of all prisons and the welfare of all prisoners'.¹¹ In addition, a recent Federal Court case concerning the privatised detention facilities for refugees and asylum seekers at Baxter Detention Centre highlights the duty of care of a government in relation to detainees and the necessity for it to take active steps monitor and audit the standard of care provided.¹²
- 1.19 Both the Department and AIMS Corporation were invited to make a verbal presentation to the Inspectorate regarding the state of current prison operations and to demonstrate how progress had been made towards the implementation of recommendations made in the previous Inspection Report. Documentation was requested in advance of the Inspection from the Department and AIMS which, along with ongoing liaison visit information, Departmental monitoring reports and reports from Independent Prison Visitors, provided a desktop audit of prison services. All uniformed officers as well as non-custodial staff were provided with the opportunity to respond to a confidential pre-inspection survey and a random survey of prisoners was also conducted.

11 Section 7.

12 *S v Secretary, Department of Immigration & Multicultural & Indigenous Affairs* [2005] FCA 549, [207]–[213]; [217]–[225].

- 1.20 The on-site phase of the Inspection was conducted over two weeks to accommodate the complexity and diversity of the prisoner population and the services provided, as well as its sheer physical size and large population. It consisted of detailed interviews with prisoners, staff, managers and external service providers, the ongoing observations of Inspection Team members and the further analysis of documentation. Expert consultants were also engaged to assist in relevant areas of service delivery such as education, management of prisoner complaints and health services, as well as a senior officer from the Office of the Auditor General to provide expert analysis of contract management and financial accountability issues.¹³
- 1.21 As detailed above, the two years preceding this Inspection were relatively turbulent times for Acacia and this continued with the announcement immediately prior to the Inspection that the Department would put the contract for provision of prison services back out to tender. The following Chapters will assess the standard of services delivered to prisoners at Acacia during this time and analyse the factors that have contributed towards their success or otherwise.

13 A complete list of Inspection Team members may be found at Appendix One.

Chapter 2

SECURITY AND SAFETY

- 2.1 The provision of services in prisons in Western Australia should strike a balance between the ‘four cornerstones’ of custodial management – custody and containment, care and wellbeing, rehabilitation and reintegration and reparation. How each custodial facility balances the cornerstones is somewhat dependant upon the role and function of the prison (expressed as the security classification of that facility and the prisoners it manages, among other situational factors). Part of the inspection process, therefore, examines whether the prison under inspection has this balance ‘right’. At the time of commissioning it was intended that Acacia would rely on a high level of perimeter security and technology to govern the movement of prisoners throughout the prison to ensure the physical security of the prison (and therefore community protection). This would allow for relative freedom of prisoners within the prison fence and encourage high levels of staff/prisoner interaction to ensure dynamic security was optimised.
- 2.2 The 2003 Inspection found that the paper concept of AIMS with high emphasis on technology to assist in security and control were never achieved, and serious risks to ‘*safe custody and effective control*’¹⁴ were identified. Five recommendations were made in relation to security and safety following the last inspection:
- Recommendation 15 – that a memorandum of understanding be agreed between Acacia and the State’s emergency services agencies, as well as the Department’s Emergency Support Group;
 - Recommendation 16 – that Acacia refocus on dynamic security by improving staff/prisoner interaction, instituting more appropriate staffing levels and assessing the accuracy of the smartcard movement control system;
 - Recommendation 17 – that the prison develop and implement a comprehensive anti-bullying strategy;
 - Recommendation 18 – that visits procedures be amended to shift the security focus from visitors to prisoners and, in an appropriate manner, to staff; and
 - Recommendation 19 – that entry procedures to O block be reviewed.

The Inspection in 2005 found that while there had been some improvement with regard to some of these recommendations, on the whole there had been little progress in the intervening two years. Much of this can be attributed to the substantial period of time that the position of Security Manager was left vacant. This was undesirable in a medium-security prison, and the largest prison in the State. It is hoped that now that the position has been filled many of the issues raised in the past Inspection and in this one can be addressed.

PHYSICAL AND DYNAMIC SECURITY

- 2.3 The Department’s original intent for Acacia was for a secure perimeter to allow relative freedom of movement within the prison utilising the smartcard movement monitoring system. Prisoner movements throughout the day would be based on the individual structured day regime for each individual prisoner, resulting in small groups of prisoners

14 Report No. 19, op. cit., [3.1].

moving regularly throughout the day from one scheduled activity to the next, monitoring each prisoner's location by the card. This would allow all prisoners to be involved in constructive activities during the day and give staff the opportunity to interact positively with prisoners to assist in case management and achieve dynamic security outcomes.

- 2.4 For many reasons this proposal was never realised. From early in its operational life the smartcard system of movement control suffered from technical difficulties and there was a tendency to over-rely on the system to track the whereabouts of prisoners. The system requires prisoners to swipe their personal identification card upon leaving one area of the prison and upon entering another. It is therefore reliant upon compliance with the procedure and supervision of compliance is essential. The Inspection Team observed that while there had been improvements since the last inspection, there remained numerous instances where prisoners failed to swipe their cards. Departmental monitor reports also frequently note instances where the count in an accommodation unit is different to the physical count due to non-compliance or card failure and that single prisoners sometimes swipe multiple cards. This represents a significant risk to the management and security of the prison and must be addressed.¹⁵
- 2.5 Acacia Prison has achieved its main security related contractual requirements, with no escapes or loss of control incidents occurring at the prison since its inception. The perimeter security of the prison meets the maximum-security requirement in Queensland and therefore more than meets the Western Australian standard for a medium-security facility. The Master Control Room plays a pivotal role in regard to fulfilling the main security obligations of and this Inspection identified a number of key concerns with regards to the infrastructure in this area at Acacia. Security implications prevent this Report from going into detail about the Control Room design and functions. However, the issue is recognised by both AIMS and the Department and has resulted in an independent review of the Control Room recommending a number of changes. The Inspection Team obtained the consultant's report and generally endorses its findings and recommendations. In the circumstances where the Contract has been placed in the market for retender, the Department should, as the owner of the facility, remedy the Master Control Room deficiencies as soon as possible.
- 2.6 Also of concern are the entry arrangements for staff and visitors into the prison. All are required to go through a roto-turn that detects metal objects. This often requires the removal of shoes, belts, jewellery and other items. It is time consuming and some find it demeaning. This issue is further addressed in the section dealing with visits, but at this time it is necessary to state that with the retendering process in place it is an opportune time to reassess the purpose and value of the device and how entry arrangements may be better organised.

15 There is also insufficient structured activity throughout the day to have enabled the structured day to be meaningful, and this has impacted negatively on the security environment. See the detailed discussion in Chapters 2 and 4.

- 2.7 As had been the case in 2003, prisoners reported that Acacia had evolved more towards a maximum-security facility in its operational procedures and interactions between staff and prisoners than was necessary. This more intrusive management style indicates that focus has been shifting away from a case management focus (as was intended) to a more security and control orientated one. These operational cultural shifts are subtle and arise from a lack of management stability, staffing levels and appropriate training.
- 2.8 Prisoner views about staff and the quantity and quality of interaction varied significantly but on the whole prisoners rated relationships with staff as ‘okay’ (57.4% in the prisoner survey). Overall, however, it must be stated that the relationship between prisoners and staff is mostly a positive one. The majority of prisoners interviewed commented that in most units there was one ‘good shift’ and one ‘bad shift’ of staff. Prisoners will wait to seek assistance from staff until the ‘good shift’ was on. Comments from the prisoner survey frequently highlighted this problem:

Depends upon the shifts. One shift very good, the other often harsh.

One good shift, one that goes out of its way to cause trouble.

Always one bad one in each block.

The consistency of this view throughout the prison indicates that Acacia needs to examine how it matches up staff on each shift and the level of supervision supplied to ensure a consistency in application of rules and procedures and fairness to prisoners. In addition, the large numbers of prisoners unoccupied in the units all day with inadequate numbers of staff have a negative impact on staff interaction.¹⁶ Many staff confirmed that administrative tasks took up most of their time leaving them little capacity to interact with or assist prisoners.

- 2.9 The intelligence systems at Acacia are managed in a professional and efficient way with a Manager that is conscientious and understands the importance of his role without being intrusive. The Manager has an appropriate profile in the prison among prisoners and staff, and the quality and quantity of information flowing to the intelligence section has improved since the appointment of a separate Security Manager, allowing the Intelligence Manager to concentrate on his role.
- 2.10 Of serious concern to the Inspection Team was the extremely high number of Code Reds¹⁷ called at Acacia Prison – 180 over a 12 month period. The use of Code Reds should be a last resort to staff that cannot control a situation by any other means or when they require urgent backup from other staff. The unacceptably high use of Code Reds indicates that the last resort has become the first reaction for many staff, and is indicative of a lack of confidence by staff and that there is an inherent lack of safety in the prison. In addition, astute prisoners have become aware that a Code Red is the first reaction to most incidents

16 For a more detailed discussion about staffing levels and lack of prisoner activity see Chapters 4 and 7.

17 A Code Red is an emergency call made by staff in the event of an identified disruption to the routine operation of the prison that an officer does not believe can be controlled or contained by staff currently in situ. Staff may call for assistance in three grades – green, amber and red – each indicating the perceived seriousness of the incident.

and occasionally utilise this to interrupt routine (mostly to protection prisoners' detriment) or out of frustration if they feel unheard (such as to see a psychologist). Acacia must conduct a full review of system and protocols for use of Code Reds and provide training for staff in its appropriate use.

- 2.11 The Productivity Commission of Australia in its most recent Review of Government Service Provision provides a general performance indicator framework for the management of emergencies¹⁸ that this Office applied to the systems in place at Acacia for emergency management. The framework highlights the areas of prevention/mitigation, preparedness, response and recovery. The Inspection Team was particularly aware of emergency management at Acacia given that a large bushfire threatened the facility in early 2005. It was anticipated in light of that event that appropriate measures should have been put in place.
- 2.12 The Inspection found that while the prison had good internal procedures for the management of emergencies, there were some concerns regarding interaction with relevant emergency agencies and the Department itself. The problem presented by the evacuation of over 720 prisoners (as well as staff) in the event of an emergency has not been adequately addressed in partnership with the Department and presents a serious risk. Additionally, there are not adequate memorandums of understanding at high levels with the Western Australian Police and Fire and Emergency Services to guarantee that Acacia would be given priority client status in the case of an emergency. This must be done as a matter of priority, and be included as a condition of any future contract.
- 2.13 Acacia has a large detention unit that is used to accommodate its own prisoners confined for management or punishment reasons and also minimum-security prisoners from nearby Wooroloo Prison that have been sentenced by a Visiting Justice to short-term periods of detention for punishment. The documentation required for each prisoner was found to be in order and appropriate logs were kept regarding prisoners' behaviour.
- 2.14 Staff rostering of the Detention Unit at Acacia is a serious concern. Only one staff member is rostered to the unit throughout the day but Acacia policies and procedures dictate that two staff members must be present to open a cell door. This means that on each occasion the rostered staff member needs to open a cell they should call for a colleague to attend and wait until this request can be facilitated. This occurs frequently throughout the day as all prisoners are at least entitled to one-hour recreation out of cell per day, as well as access to a communal kitchen to make breakfast. During the Inspection, however, a lone staff member was observed tending to a prisoner in the unit. In the case of an emergency (such as a suicide attempt) the staff member would not be able to act immediately and may jeopardise the life of a prisoner. It is also inherently unsafe to have only one staff member in an area where prisoners have been placed specifically because of their non-conformist or possibly dangerous behaviour. This must be addressed immediately as a safety risk to both prisoners and staff.

18 Australian Government Productivity Commission, *Review of Government Service Provision 2005*, section 8.2: (<http://www.pc.gov.au/gsp/reports/rogs/2005/index.html>).

DISCIPLINE AND CONTROL

- 2.15 An effective disciplinary process is an essential aspect of prison operations to enable staff to maintain control of the facility and also to provide a fair mechanism for prisoners accommodated there and living according to its rules. The process incorporates formal and informal measures applied to sanction the inappropriate behaviour of prisoners. These measures must be applied in a consistent, timely and fair manner (and be appropriately documented) to ensure that prisoners have an avenue of appeal if they believe they have been dealt with unfairly.
- 2.16 At the time of the 2003 Inspection, the disciplinary processes at Acacia had, in effect, collapsed and were ‘*not working efficiently, fairly or effectively; they fail to meet the contractual expectations*’.¹⁹ Neither staff nor prisoners had any faith in the prosecutions process, hundreds of internal prison charges were dropped due to the inordinate length of delay in prosecution, and an over-reliance by staff on loss of privileges (LOPs) had developed to compensate for the lack of alternative formal disciplinary processes.
- 2.17 The improvement in disciplinary processes since this time is one of the success stories of this Inspection. A thorough examination of the prosecution system in place at Acacia in 2005 revealed a consistent and timely process that had resulted from applying a significant level of resources to the implementation of discipline. A dedicated and appropriately trained prosecutor who has been given proper office space and computer access has been key to ensuring the prosecution of prisoners can operate in an appropriate way. In addition, the Superintendent of Wooroloo Prison and a Visiting Justice now attend Acacia weekly to ensure more serious charges can be heard in accordance with the Prisons Act²⁰ and the Contract.²¹
- 2.18 There remains, however, some continued concern about the LOP regime at Acacia. Sanctions seem to be used for relatively trivial transgressions and there have been occasions where a prisoner had been subject to an LOP but then also formally charged under the Prisons Act. With regard to the former, a number of accommodation unit supervisors stated that staff would sometimes back themselves into a corner by threatening a prisoner with an LOP if they did not comply with a relatively minor request. When the prisoner tests the officer by not complying, there is little option left for the officer but to impose the LOP. This is a training and experience issue that Acacia should address. In respect of the problem of prisoners being given an LOP and then being charged, this should not occur and a system must be put in place to ensure that the practice ceases immediately. On a positive note there generally seems to be better and more consistent documentation regarding the imposition of LOPs than had previously been found.

19 Ibid., p. 19.

20 The *Prisons Act 1981 (WA)* governs the charging and prosecution of prisoners throughout the Western Australian prison system under sections 69 and 70.

21 Under the terms of the Contract the General Manager is not permitted to preside over internal prison prosecutions as a Superintendent would in a public prison.

SAFETY OF VULNERABLE PRISONERS

- 2.19 Fundamental to the concept of a ‘healthy prison’ is safety – that those who live and work in the custodial environment feel safe all of the time. It is especially important that the most vulnerable of persons in the prison feel safe, and this is generally that group of prisoners who have requested or have been placed into the category of a protection prisoner. This often occurs due to the nature of the offence the prisoner has committed, conflicts with other prisoners, a perception that the prisoner has informed on others or because of the prisoner’s past employment (in particular former police or prison officers).
- 2.20 During the 2003 Inspection it was found that a significant number of staff and prisoners did not feel safe at Acacia.²² Even within the accommodation unit dedicated to protection prisoners there was not enough supervision and inappropriate mixing of prisoners that lead to intimidatory behaviour within the unit. Insufficient staff and lack of movement control resulting in inadequate prisoner supervision were identified as two of the central causes of these safety concerns. Most concerning, however, was the absence of an anti-bullying strategy at the prison. Instances of bullying were dealt with in a reactionary and piecemeal way, if they were dealt with at all. Victims were removed from the vulnerable situation and while the aggressor may have suffered some short-term punishment, he would then be free to live in a normal environment. Acacia committed to addressing this with the implementation of a comprehensive strategy.
- 2.21 There had been some significant improvements in the operation of the protection accommodation unit (K block) since the time of the last Inspection. An additional supervisor has been allocated to the block and there is strong interaction between the two supervisors which has resulted in a more consistent operational environment for staff and prisoners. Prisoners interviewed during the Inspection also praised the operation of the unit, stating it was generally a safe environment, although bullying within K block itself had only just started to be addressed days prior to the Inspection. For the first time three alleged bullies were removed from the block and placed in the detention unit. Addressing the behaviour of bullies in a proactive way rather than removing the victim is a positive step that will hopefully continue.
- 2.22 Other than this one instance immediately before the Inspection commenced, there was little evidence that there had been any real action in the enforcement of an anti-bullying strategy in the past two years. An expected outcome of a strong strategy would be a reduction in the number of prisoners seeking protection as it became known that bullying behaviour is not tolerated and a proactive approach to reintegrating protection prisoners back into mainstream was undertaken. Neither of these outcomes has been achieved. While action will generally be taken in the cause of actual violence, other forms of bullying and standover are not proactively addressed and victims in the mainstream population are offered protection as a matter of course rather than aggressively dealing with the perpetrator. It is evident that recommendation 17 from the previous report has not sufficiently been actioned.

22 Report No. 19, op. cit., [3.25]–[3.26]. The pre-inspection surveys found that two-thirds of officers felt unsafe more often than they felt safe and a quarter of prisoners did not feel safe most of the time.

- 2.23 Other concerns related to the operation of the protection unit at Acacia include:
- inadequate documentation as to why prisoners have been placed in protection (approximately 60% of prisoners had no form on file);
 - reviews not held annually as required under Acacia's operational orders and the Departmental Police Directive;
 - lack of specific staff training for working with protection category prisoners;
 - inadequate supervision of protection prisoners outside of K block, during escorts or attending O block, resulting in instances of verbal abuse of prisoners without repercussions; and
 - inadequate and spasmodic access to activities such as work and recreation.
- 2.24 Acacia also has a separate accommodation unit to accommodate elderly prisoners (F block). It is the only medium-security prison with such a dedicated unit in Western Australia and provides those prisoners that may be vulnerable due to age or infirmity with a greater sense of safety without having to reside in the general protection unit.²³ F block prisoners feel safe within the unit but feel as if some staff treat them in a condescending manner and feel somewhat intimidated by this small number of staff. Staff should be specially selected and trained to work with such a specific group of prisoners. The prisoners experience even more restricted access to work and recreation than K block prisoners, and this is exacerbated by the decision to limit access to the small outdoors attached to the unit. The door automatically locks and a request made each time a prisoner wants to enter or exit. Acacia must ensure equality of access for these prisoners to all services.

PRISONER GRIEVANCE MANAGEMENT

- 2.25 Under the terms of the Contract AIMS was obligated '*to establish and manage a system for the prompt and fair handling and resolving of prisoner complaints and grievances*'. The formal system in place at Acacia is similar to that in all public prisons. If an issue cannot be resolved between the prisoner and staff or unit manager a formal written complaint must be lodged with local prison management. If the issue remains unresolved, the prisoner may then approach the Ombudsman's Office as the independent external complaints body.
- 2.26 At the time of the previous inspection Acacia had an extremely high number of grievances lodged internally (as compared to other metropolitan male prisons) as well as complaints to the Ombudsman. This was attributed to the lack of action and decision-making at the informal level leading to complaint escalation. There was also a substantial backlog in processing internal grievances due primarily to the lack of resources dedicated to this task, resulting in substantial frustration from prisoners. The 2005 Inspection found that this frustration continued to exist and that faith in the system had seriously eroded.
- 2.27 Two-thirds of prisoners who responded to the pre-inspection survey had lodged a grievance during their time at Acacia, and of those two-thirds were dissatisfied with the outcome.

23 Maximum-security Casuarina Prison provides the only other such facility in Western Australia in its infirmary, but this is more akin to a hospital unit than general living accommodation.

Information from the survey and from interviews conducted with prisoners throughout the Inspection showed a strong perception and/or experience of prisoners that there were consequences suffered if a grievance was lodged. Most commonly were alleged threats of regression to lower privilege levels or being sent to isolation. It could not be established if this was, in fact, occurring; however, as a serious and consistent complaint by prisoners, Acacia management must be proactive in endeavouring to alter this perception. Comments regarding the grievance process from the survey included:

Didn't get any response at all.

I was fired from my job because I signed a grievance.

Takes too long to get a response and they often don't follow the procedure.

- 2.28 Prisoners commonly stated that they had little confidence in the grievance system and the confidential mail mechanism in place to contact external agencies. Prisoners reported feeling intimidated in accessing prisoner grievance forms and confidential mail envelopes as they are located directly opposite the officers' unit office. Acacia should act to enhance the accessibility and confidentiality of these complaint procedures. Approved confidential mail to specified agencies should also be posted in specially erected locked mailboxes and should not be subject to handling or screening by staff. At the time of the Inspection, no such mailboxes were evident at the prison, and prisoners complained that confidential mail was not reaching its destination or they believed it was being read.²⁴ Another factor is that the officer a prisoner may have submitted a complaint about may be the one allocated to manage the internal complaint process. This is unacceptable practice. These factors have undermined prisoner faith in the system and must be addressed as a matter of urgency by Acacia management.
- 2.29 Interestingly, uniformed staff had a totally opposite view about the complaint and grievance mechanisms available to prisoners than that of prisoners. In the pre-inspection survey 92 per cent of staff believed that prisoners had adequate access to complaint resolution mechanisms and anecdotal evidence collected from officers throughout the Inspection indicated that they believed access is in fact too easy, that prisoners make too many vexatious complaints and that there should be more controls over the system.

SUMMARY

- 2.30 The absence of a substantive Security Manager at Acacia has had a significant impact on the lack of direction and inconsistency in security and control related operations at the prison. The inadequate number and lack of experience of many staff has also resulted in a situation where rules are often applied inconsistently or staff do not feel confident in decision-making. This leaves both prisoners and staff feeling frustrated and impacts on the relationship between them; dynamic security has suffered noticeably because of this. Acacia management now has to move forward, including a thorough examination of the technology in place to monitor prisoner movements, staff-prisoner interaction, staffing allocations, emergency management and the operation of the prisoner grievance system.

24 Mailboxes have been installed since the Inspection and mail is being appropriately processed.

Chapter 3

CARE AND WELLBEING

- 3.1 The care and wellbeing of a prisoner is a measure of a range of interrelated variables. It is fundamentally difficult to accurately predict the resulting 'quality of life' of a person whose basic freedoms have been removed by incarceration. The only way to gauge this is to critique the structures, resources, services and processes according to which a prisoner's life is governed. Perhaps the biggest indicator of how prisoners perceive how their care and wellbeing is catered for is through the quality of interaction with staff. If these relations are poor then the services needed to ensure care and wellbeing are negatively affected. The following sections will seek to assess the services that influence the care and wellbeing and 'quality of life' for prisoners at Acacia.

RECEPTION AND ORIENTATION

Reception

- 3.2 Prisoners are often extremely vulnerable when they arrive at a prison. If the individual is new to the system, is a young offender who is inexperienced in the adult system, has mental health or substance use issues, or has other problems they may be dealing with, they may be extremely anxious about the new environment into which they are arriving. They may also be vulnerable to other prisoners or at risk of self harm. The reception and orientation processes at a prison are therefore of fundamental importance to the wellbeing of prisoners and must consider each of these factors.
- 3.3 Acacia reception area has appropriate and well-appointed facilities. Two staff are dedicated to the reception area, a sound practice as it means they are familiar with the processes and needs of newly arrived prisoners. Inspection Team members observed the processing of a number of new arrivals during the Inspection; interaction between staff and prisoners was good and processing was completed in a timely manner. It is noted that uniformed staff did not undertake a risk assessment at the point of entry. This could leave the newly arrived prisoner vulnerable and is a risk that Acacia needs to assess.
- 3.4 The Department's Total Offender Management Solution (TOMS) database contains reports on risk information for each new arrival at Acacia, and the system is set up so that an officer adding a new prisoner to the prison population list cannot do so without first reading those alerts. This system is somewhat replicated in Acacia's process, with reception staff also being provided with written information collated by Acacia staff. The process could be streamlined. The intelligence systems that record risk at Acacia are, however, of a very high standard and communication between the prison and Hakea is a good example of the systems of the Department and AIMS working together.
- 3.5 The first and only point at which a prisoner's risk is assessed during reception is when nursing staff undertake an 'at risk' and medical checklist on TOMS. The nurse attending reception stated she was not entirely satisfied that the checklist is adequate to identify the risk of some prisoners. An assessment of the checklist should be undertaken by relevant staff to identify deficiencies and supplementary measures should be put in place to satisfy any concerns.

- 3.6 Members of Acacia’s prisoner peer support team participate informally in the reception process, although this may not occur at every new reception. It was observed that the peer support prisoners interacted well with the new arrivals, giving information about the prison. It is the view of this Office that the participation of peer support in the reception of new prisoners should be integrated in a more systematic way. This would involve some training as well as appropriate supervision to ensure that the service outcomes are achieved.
- 3.7 Prisoners receive their kit bag in reception, containing bedding, clothing and cutlery. While most of the items in the bags were of good condition, staff confirmed that many items, including underwear, were recycled. This is absolutely unacceptable and should cease immediately. It is also contrary to the Contract, which states, ‘*[U]nderclothing ... is for the personal use of the prisoner only*’.²⁵ This issue has also arisen in a number of public prisons. The Department should take all reasonable steps to prevent this poor practice.
- 3.8 Upon admission all prisoners are initially accommodated in the induction block (I block), excepting prisoners identified as requiring or requesting protection who are placed in K block. Prisoners accommodated in I block receive only the standard level of privileges relating to phone access, visits and access to other services. As well as new prisoners the block also holds prisoners who have been regressed from higher privilege levels due to their behaviour. The average length of stay in I block is three weeks, when prisoners generally move on to another block and the next privilege level after completing the orientation process and showing compliance with the prison rules. There are some issues in housing new prisoners with those labelled as ‘non-compliant’, such as being pressured to conform to inappropriate behaviours and possibly exacerbating the stress of young/new/inexperienced prisoners.

Orientation

- 3.9 The previous inspection of Acacia resulted in the recommendations that the prison needed to evaluate and action improvements to the induction process.²⁶ While the information received by prisoners in the orientation process was appropriate, observation of the process, interviews with staff and prisoners and pre-inspection survey outcomes resulted in some concerns about the orientation process at Acacia.
- 3.10 The heavy involvement of the prisoner peer support group in the orientation of new prisoners represented one of the best, but also the most concerning aspect of operations at Acacia: the over-reliance on the peer support group to undertake key functions that should really be the responsibility of uniformed staff. One member of the peer support team resides permanently in I block to undertake the orientation function, thus sacrificing access to better privileges. This prisoner has in effect taken over the whole of the orientation function. The quality of this prisoner’s work was exceptionally high – information was communicated clearly and appropriately and was not overly formal. Due to the lack of staff involvement, the quality of orientation very much relies on the individual prisoner chosen to undertake the

25 Annexure A2, 2.2 (b)(7)(A).

26 Recommendation 25.

task. While the involvement of a peer support prisoner should remain a part of the process, staff should be much more involved and play a key part in the process. It presents a clear risk to the welfare and safety of prisoners in its current guise.

- 3.11 Prisoner orientation, assessment and induction are accepted as critical aspects of ensuring prisoner safety, particularly in the first few weeks of arrival. Acacia procedure OCAPP 800-01 states that within 24 hours of arrival at the prison ‘*the nominated Offender Services staff member is to review the prisoner’s files and to conduct an individual interview with the prisoner to determine risks and needs*’. No evidence could be found during the Inspection that individual prisoner orientation and assessment was occurring in line with this policy. This policy must be reviewed and procedures established and complied with to ensure prisoner safety is paramount.
- 3.12 Of particular concern to this Office was the lack of procedures with regard to prisoners identified as New Young Offenders. The Royal Commission into Aboriginal Deaths in Custody identified this group of offenders as being at especially high risk within the prison system, and this was recognised by the Department in establishing a special alert on TOMS against all prisoners identified as falling within this group. On 8 August 2005, 77 prisoners at Acacia were identifiable on TOMS as being New Young Offenders.²⁷ None of these prisoners received a formal assessment and orientation from operational staff at Acacia, posing a serious risk to the wellbeing of this group of prisoners identified by the system as at risk.

THE STRUCTURED DAY

- 3.13 The purpose of a structured day is to engage prisoners in high levels of meaningful activity contributing to the objectives of both normalisation and order within the prison. Whether Acacia achieves this objective depends entirely on the definition of ‘meaningful activity’. Such a definition was absent from documentation supplied relating to the structured day at Acacia, and is something the prison should pursue.²⁸ The structured day can then be constructed to include a combination of those activities that are meaningful to the prison’s specific population.
- 3.14 An examination of activities at Acacia in a general sense showed that in many instances, the ‘meaningful’ component of the structured day was absent.²⁹ The structured day consists of six hours of activity five days a week. The six hours comprise two shifts, an AM shift and a PM shift. An AM worker works from 8.00 a.m. until 12.00 p.m. and then 12.30 p.m. until 2.30 p.m. A PM shift worker works from 10.00 a.m. until 12.00 p.m. and then 12.30 p.m. until 4.30 p.m. This in effect equates to half the prisoner population being engaged in work at any one time. The additional two hours are allocated for participation in programs, recreation, education or other activities.

27 On the same date TOMS identified 1,170 prisoners in the Western Australian system as being New Young Offenders, most of whom were currently released into the community, with only 314 being in custody.

28 Bandyup Women’s Prison has recently gone through an extensive process of developing a new structured day routine, including the identification of what constitutes meaningful activity for its prisoners and the value prisoners place on those activities.

29 For more specific comment about the nature of employment, programs, recreations and visits, see the specific sections of this report relating to those activities.

- 3.15 While prisoners may be at an activity location, this does not mean the activity is meaningful. The Inspection Team observed many prisoners engaged in repetitive, unskilled activities, or alternatively while being allocated a job the tasks involved take only a minimal time (as little as 20 minutes of total effort). To quote one prisoner ‘*I peel potatoes for six hours a day*’. This is hardly meaningful work. The problem is even more pronounced in the accommodation blocks, where many prisoners are allocated as unit workers, but in reality have little to do. As detailed elsewhere in this report, this causes issues of safety and security as well as missed opportunities for prisoner development.
- 3.16 In reality the structured day at Acacia is an attempt to do just that – structure each day into portions of time and activity regardless of the content or blend of these activities. To this end it is purely a *structured* day rather than a *constructive* day. It must be acknowledged, however, that those prisoners who are engaged in work outside the units – no matter how menial – prefer this to remaining unoccupied in their unit all day. The obvious outcome should be an increase in meaningful employment and activities available to prisoners. Acacia must move towards this objective.

ACCOMMODATION

- 3.17 Acacia operates a hierarchical progression accommodation scheme that moves prisoners through three levels of accommodation with accompanying incentives and privileges. Upon arrival all prisoners are placed in level one (lowest) accommodation in the induction unit (I block). This is supposed to provide incentive for prisoners to progress to the next level based on institutional behaviour, work performance, abstinence from drugs and participation in programs and other activities. The incentives include better unit facilities, longer phone calls, more visits, self catering meals, wider choice of canteen items and town spends, higher limit for spends and extra electrical items in cell.
- 3.18 As a relatively new facility, the quality of the physical infrastructure of units is relatively good. Some cells require painting, but are otherwise of an acceptable standard. A big issue for some prisoners was the apparent disparity in facilities and equipment in units of the same incentive level. For example, at level two accommodation one unit did not have a communal television or fridge while the others did. It is important that all units of the same level have equal access to facilities. Where equality of access does not exist, prisoners often perceive the situation as unfair, creating the potential for management problems.
- 3.19 A problem identified in the 2003 Inspection was the lack of fresh air and air circulation within the units. Recommendation 25 of the 2003 Inspection Report required Acacia to review the policy of prohibiting the use of personal fans in cells. Acacia management did not believe it was necessary to implement the recommendation, as all accommodation blocks have ducted evaporative air conditioning. The Inspection found, however, that cells are noticeably colder or hotter than common areas, indicating an issue with airflow. As no action has been taken to address the 2003 recommendation and the issue persists two years on, the issue must be reassessed and a solution implemented.

- 3.20 The plans to double-bunk in cells at the prison are of concern to this Office. At the time of the Inspection the proposal from the Department was to allow 37 double-bunking cells, with the bunks specially designed with a view to minimising self-harm potential. During the Inspection the beds were being constructed and at the time of writing some beds had been placed in some cells. Best practice in corrections would not support the use of double-bunking but as the statewide prison population continues to grow the Department has left itself with no alternative. The Department and Acacia must manage this arrangement in the safest way possible to ensure prisoner safety.

FOOD

- 3.21 Perhaps the most consistent conundrum this Office comes up against during the course of inspections is the issue of the provision of meals in prisons. On the one hand those responsible for prisons (whether public or private) are always able to provide the Inspection Team with documentation of how the planned diet is approved by a dietician and endeavours to balance the dietary requirements of prisoners. On the other, food is generally the number one topic of complaint from prisoners with regard to quality and/or quantity of food provided. The conflicting views make it an extremely difficult issue to address. The experience of the Inspection Team at Acacia during this Inspection was no different.
- 3.22 In 2003 the Inspection Report made the recommendation that the menu at Acacia should be evaluated and action taken to improve food quality and quantity.³⁰ While this Inspection found that generally the quality of the food provided was acceptable, there were serious concerns about the gap between what appears in the menu plans and what is actually ending up on the plates of prisoners. Nearly 58 per cent of prisoners surveyed rated the food provided at Acacia as either 'bad' or 'very bad' in the pre-inspection survey. The majority of prisoners who rated the food as either 'good' or 'very good' (20% of respondents) were mostly located in self-care where they cook for themselves. Interviews conducted throughout the Inspection confirmed this view.
- 3.23 The kitchen operates on a five week rotating menu that runs for three months. Each time the menu is changed a dietician assesses it. In Acacia's case the dietician – who is located in Queensland – assesses the written menu but never actually visits the prison to assess the meals in situ. It was claimed that no individual or organisation in Perth was interested in conducting the review work. The problem with such an arrangement was clearly evident to the Inspection Team, given a testing of the last assessment conducted in June 2005. Whereas the dietician concluded the menu did not contain enough carbohydrates,³¹ the meals witnessed by the Inspection Team over two weeks saw large amounts of potato, bread and cereals being consumed, especially at breakfast where toast and cereal are the only foods available and there is no control or monitoring of the amounts eaten. Prisoner interviews conducted during the Inspection confirmed the contradiction of the dietician's analysis. By not being able to attend

30 Recommendation 25.

31 K. di Prima, *Analysis of Winter Menu 2005 currently in place at Acacia Prison* (June 2005).

the prison site or to have physical samples provided, the dietician is out of touch with what is actually being served at Acacia. Greater efforts must be made to secure a local professional to undertake the analysis.

- 3.24 The gap between written menus and food actually served was further evidenced by a review of food services conducted by three members of the Special Air Services regiment (SAS) in November 2004.³² Important comments were made by the SAS with regard to food quantity, and in particular the meat portions served to prisoners, a subject that was the centre of many prisoner complaints during the Inspection. While the allocated portion of meat per prisoner is supposed to be 150 grams at lunch and 150 grams at dinner, the SAS reports found that an examination of the actual meals found the portion to be far less than this.³³ This adds weight to prisoners' complaints about meal portions not matching up to planned allocations. This form of analysis also assumes that all prisoners have the same dietary needs and does not make a distinction between those prisoners performing physical labour and those engaged in sedentary work.
- 3.25 The observations of Inspection Team members were that while the quality of produce was good and there were adequate servings of vegetables and salads, the amount of meat provided to prisoners was insufficient. The Food Services Manager at Acacia endeavoured to provide evidence that portions were strictly controlled and that any discrepancy in the portion must be a product of unsupervised dish-up procedures. However, the Inspection Team observed that the dish-up procedures were acceptable. The Food Service Manager's position on this matter is therefore not supported.
- 3.26 A Food Committee consisting of the Food Services Manager, kitchen staff and prisoners meets monthly to discuss food issues. Many involved in the process had no confidence in its effectiveness. It was consistently reported that prisoners believed they were being punished if they raised issues; for example, if a complaint was raised about desserts it was said that that unit would not receive any dessert for a short period of time. Minutes of the Committee meetings indicate a somewhat tokenistic approach to solutions. For the Committee to be effective and for prisoners to feel that they are being listened to, the issues raised must be taken more seriously and actions of a more substantive nature taken.
- 3.27 At the conclusion of the Inspection, the Inspector stated that *'on balance we are satisfied that Acacia is trying to do many of the right things in terms of dietary approach. For the most part, the diet as a whole seems to balance the main food groups... however, prisoners still complain about quantities...'* There is a perception among management that what happens to the food once it leaves the kitchen is of little concern to them. This is a comfortable situation that absolves them of responsibility to deal with food issues and transfers blame to shift officers and prisoners. It is not constructive and merely deepens the divide between prisoners and kitchen staff. There must be a better engagement with prisoners and more open approach to addressing the identified issues.

32 The audit was conducted following a request by the Department.

33 Special Air Services Regiment, *Acacia Prison Food Operations Audit* (November 2004).

CANTEEN AND TOWN SPENDS

- 3.28 While canteen and town spends may not seem to be a significant topic in the context of a prison inspection, at Acacia the operation of these services have been found to be at the centre of much prisoner anger and frustration. Two of the main causes for concern – the lack of price parity with the public sector and the failure of Acacia to pay canteen profits into a Prisoner Welfare Trust Account³⁴ – were resolved shortly before the commencement of the 2005 Inspection. Despite this, the Inspection found a number of problems persisted that require attention to ensure the system is operating appropriately.
- 3.29 The prisoner purchasing system at Acacia operates predominantly through an automated teller machine (ATM) using a smart card issued to each prisoner. Prisoners' cards are credited with their gratuities and money from their personal accounts, and debited when they use the money to purchase goods or telephone credits through the ATM. Prisoners may also use the cards in cool drink and snack vending machines located in accommodation units.
- 3.30 At the time of the Inspection town spends purchasing was being transferred so that it also operated via the ATMs. Prisoners are permitted to spend different amounts on canteen or town spend items dependant on their privilege level.
- 3.31 Both systems were the subject of extended negative comment in the pre-inspection prisoner survey. Of the 116 prisoner surveys completed, not a single prisoner rated the canteen service as 'very good', only 14 per cent rated it as 'good' and 36 per cent as 'okay'. Conversely, 50 per cent rated it as either 'bad' or 'very bad'. Town spends fared even more poorly, with 78.5 percent of prisoners rating the service as either 'bad' or 'very bad'. Negative comments about canteen related primarily to price; with town spends complaints were primarily made about the excessive delay experienced between prisoners ordering and paying for goods and their actual delivery. Many reported waiting up to six months for some ordered items. Throughout the Inspection these results were confirmed with multitudes of prisoners approaching Inspection Team members to discuss these issues.
- 3.32 Given that the problems experienced regarding price parity in canteen goods were only resolved shortly before the Inspection, the Department should continue to closely monitor the prices of goods. In relation to town spends, it is a matter of urgency that a system be put in place to ensure the timely delivery of ordered goods and that profits from both the canteen and town spends be paid promptly into the Prisoner Welfare Trust Account.

34 The issue of price parity was only resolved after the Inspector corresponded with the Department to raise the issue of the disadvantage being caused to prisoners being accommodated at Acacia rather than public prisons. No money was credited to the Prisoner Welfare Trust Account until December 2004. The Office is incredulous that no profit was made prior to this time, despite canteen prices being higher. The Department and AIMS have not provided sufficient explanation as to why this was permitted to occur for so long and where profits up to this time went.

RECREATION

- 3.33 During the 2003 Inspection the recreation activities at Acacia were found to be adequate, although concerns about the maintenance of equipment and the oval resulted in a recommendation that better care needed to be taken of these resources.³⁵ This Inspection found that the range of activities available to prisoners is acceptable; however, the main concern is the limited time available to access those activities. Since the new structured day (which involves two periods of four hours duration) was introduced the amount of time permitted out of accommodation units for recreation purposes has been reduced to one hour per day. This resulted in about half the respondents to the prisoner pre-inspection survey indicating that they were not satisfied with access to recreation facilities.
- 3.34 Although the state of the oval was still of some concern during this Inspection, there had been significant improvements since the last Inspection. Despite this, there were still a number of holes in the playing surface and sprinklers remained uncovered and presented an injury risk. The measures taken to date to resolve oval maintenance issues have not fixed the problem, and the option of a second oval may need to be examined in order to allow maintenance on the main ground and to provide a necessary facility for a population of over 720 prisoners.
- 3.35 Passive recreation is limited, and prisoners are required to purchase their own materials for most passive activities such as art and crafts. Acacia has a library that is generally of reasonable standard and is well run. Immediately prior to the Inspection \$8,000 was spent on new library books, computers and board games, substantially improving the quality of what was previously available. The suitability of some resources was questionable: only limited foreign language material was available; Aboriginal material was often of too high a literacy standard and did not cater sufficiently for diversity; and the range of magazines was criticised by prisoners.

HEALTH SERVICES

General Health Services

- 3.36 The 2003 Inspection of Acacia made three recommendations in relation to health services:³⁶ to increase GP services to five days per week, to ensure the completion of annual health assessments and to consider extending the availability of psychiatric services. While some aspects of health service delivery have improved since the time of the last Inspection, there remain a number of key concerns about this very important service provided to prisoners.³⁷
- 3.37 The Health Centre is generally very well run and the facilities are of a very good standard. Nine full-time registered nurses, a full-time nurse educator and a full-time Aboriginal health worker staff the centre. Despite this, health services were the most negatively commented upon aspect of service delivery in the pre-inspection prisoner survey. Most related to the

35 Recommendation 26.

36 Recommendation 24.

37 Note that since the time of the Inspection, this Office has released a draft thematic review concerning the delivery of health services across the prison system. This Report therefore does not analyse in depth the principles and options for health service delivery.

inadequacy of access to specialist treatment and the long wait experienced to see a doctor. Over half of the respondents (57%) had concerns or complaints about the health service and nearly one-quarter (23%) had concerns regarding mental health services. Some of the comments received in the survey were:

It takes ages to see the doctor. Once you are sick you go on a waiting list and by the time you see the doctor you don't need him.

If you are sick you pretty much have to be dead for them to take you seriously.

I have been waiting to see the dentist for three months and still waiting.

Taken me over 18 months to get prescription glasses.

- 3.38 Nursing staff believe that the doctor coverage at Acacia is adequate but there is no capacity within the coverage to accommodate any absences – if a doctor is sick or on leave there is no coverage. A Departmental visiting medical officer attends the prison three days per week. The explanation given for the admitted delay in accessing doctors and other specialist and ancillary medical services is that this is comparable with the standard in the community. This is not an acceptable excuse as it fails to recognise that prisoners have much more acute and complex health needs than the majority of people in the community, especially when dealing with Aboriginal prisoners. The duty of care owed to prisoners by the Department and AIMS requires more expedient access.
- 3.39 The Inspection revealed a number of concerns relating to prisoner access to specialist/ outpatient appointments. During the six month period between January and June 2005 Acacia Health Services scheduled 562 appointments. Of these, 54 per cent (304 appointments) were successfully completed and 46 per cent (258) were not completed. AIMS were responsible for 43 per cent of the uncompleted appointments due to lack of staff or vehicle availability, 17.5 per cent were cancelled by the responsible medical facility and the remainder were recorded as prisoner refusal to attend. An unacceptably high number of appointments are being cancelled by AIMS, especially given the long waiting times and difficulties in securing specialist appointments.
- 3.40 Prisoners feeling ill can attend the daily nurses' parade to attend to any medical need not requiring a doctor or to have pain medication (such as paracetamol) dispensed. One hour each day is scheduled for the parade, however, the session will continue for longer if all prisoners attending the parade have not yet been seen. This contradicts the view of prisoners who overwhelmingly reported that they had been turned away when too many prisoners turned up to be seen. After investigation by the Inspection Team, it seems that nurses will see all prisoners who want to be seen, but that if too many arrive at the clinic they will ask some to go away and come back later. Prisoners either interpret this as being told they cannot see the nurse, or many do not bother coming back despite feeling ill. Other prisoners stated they had to wait so long at the clinic they simply went away without being seen. The outcome, however, is that prisoners who are ill and require attention are not receiving it. A more efficient system or better resourcing must be applied to ensure prisoners receive this essential service.

- 3.41 One issue regarding the nurses' parade that must be addressed is the lack of privacy for prisoners attending. When prisoners present at parade they must stand at the reception desk and tell the nurse why they are there, in full sight and earshot of all the other prisoners and security staff. This is not appropriate and a more private place is required to interview the prisoner upon presentation at the medical centre.
- 3.42 The filling of the Aboriginal health worker position on a full-time basis marks a positive development since the last Inspection. The main responsibilities of the role are to conduct Annual Health Assessments for both Aboriginal and non-Aboriginal patients, provide health education and attend Prison Risk Assessment Group (PRAG) meetings. It is essential that this position is provided with additional support and ongoing training to retain people in the position. As the position was still in its infancy at the time of the Inspection it will hopefully develop further and be recognised as an important mechanism for meeting the health needs of Aboriginal people. In addition, it would be highly beneficial for all Health Services staff to participate in cultural awareness workshops to address a general deficiency in the understanding of the Aboriginal concept of holistic wellbeing of which health is only one aspect.
- 3.43 The dental health triage system in place at the prison is unacceptable. Uniformed security staff deployed to the health centre coordinate the system and determine the priority of prisoners requesting to see the dentist (who attends the prison three and a half days per fortnight). The officers operate a star rating system dependant on their assessment of the urgency of the case of each prisoner. The officers stated that they are not trained to undertake this task and feel uncomfortable with the system currently in place. A more appropriate system for identifying need and scheduling appointments must be implemented as a matter of priority. The backlog of prisoners waiting to see the dentist (79 appointments) also indicates that more dental sessions must be purchased to meet the need of prisoners.

Opiate Replacement Pharmacotherapies Program

- 3.44 Despite the pharmacotherapies program being a central part of the Department's Drug Plan, Acacia had resisted its full utilisation in the past. This seemed to predominantly emanate from the philosophical basis of its own drug program having an abstinence-based ethos. Due to these previous issues an Addiction Medicine Physician was invited to attend the Inspection to provide expert advice on the operation of the program at Acacia.³⁸
- 3.45 It would seem that the philosophical differences have largely been overcome and that Acacia is now complying with Departmental Drug Plan. The main issue currently facing the program is a lack of time and human resources, as the doctor is managing methadone prescribing on top of the usual clinical sessions; that is, appointment time slots are being taken from the daily doctor schedule rather than any being added to accommodate the program. Time pressures have also resulted in file information not being as complete or as consistent as required. Despite these stresses, the program is running acceptably and much better than had previously been the case.

38 The Inspector would like to acknowledge Dr Noel Plumley (Next Step Drug and Alcohol Services) for his contribution during the Inspection.

Mental Health Services

- 3.46 The *National Inquiry into the Human Rights of People with Mental Illness* (the Burdekin Report)³⁹ was conducted in 1993 and provides a benchmark against which the delivery of mental health services can be measured. The inquiry found serious inadequacies in the mental health treatment received by prisoners, that detection and treatment procedures were inadequate and that prisons were becoming the dumping ground for Australia's mentally ill people. On the whole, things have not improved since the Burdekin report, and many prisoners in the Western Australian system are suffering from undiagnosed mental illness or are not receiving appropriate treatment for diagnosed conditions.
- 3.47 At the time of the Inspection the mental health nurse at Acacia was managing 98 active cases of prisoners identified with a mental illness and medical files showed that 20 per cent of prisoners had a recorded psychiatric history. The nurse is a sole practitioner and works in isolation from other health professionals at the prison. There is no professional supervision available to the mental health nurse, leaving the staff member isolated to carry the burden of the mental health needs of all prisoners. The nurse is available five days a week during normal working hours. There is no after hours coverage as the prison refused to pay an on-call allowance for weekend work by the nurse⁴⁰ and there is no on-call psychiatrist.
- 3.48 The Department made arrangements for the Department of Health to provide forensic psychiatry to all metropolitan prisons, including Acacia. Despite this, the level of psychiatric services remains inadequate and only permits acute case management. At the time of the Inspection only five sessions per fortnight were allocated to Acacia, and staff report that attendance is not consistent. Demand far exceeds supply and at the time of the Inspection (July 2005) the first available appointment for the psychiatrist was 9 September. In all likelihood this would blow out even further as cases assessed as 'non-urgent' are rescheduled to accommodate acute need. A greater consistency of attendance and level of access to services is essential.
- 3.49 Similarly, there was only one psychologist employed at the prison, again working with no professional supervision. There had been a request made for outside supervision but this had been refused. One psychologist is totally inadequate to service the needs of over 720 prisoners. A second (unregistered) psychologist was hired (but had not commenced work) shortly before the Inspection commenced, and Acacia management told the Inspection Team that two additional psychologists (including a senior psychologist) had also been hired. Prisoners feel the lack of mental health services acutely, with the most common comment when asked about them being, '*What mental health services?*' It is evident that mental health staff only have the capacity to crisis manage – there is a serious lack of any ongoing mental health care.

39 Human Rights and Equal Opportunity Commission, *Human Rights and Mental Illness: Report of the National Inquiry into the Human Rights of People with Mental Illness* (1993).

40 In its response to a draft of this Report, AIMS stated that while it would not pay an on-call allowance, any time the nurse was called and attended the prison outside of normal work hours, payment was provided. It is unclear how often this occurred: AIMS Corporation, Factual Issues and Comments on General Document, 17 January 2006, p. 2.

- 3.50 On the positive side, Acacia has a low rate of self-harming behaviour amongst its prisoners,⁴¹ which staff attributed to the active role of peer support⁴² and the informal prisoner support networks within the prison. While the performance linked fee measures of number of serious self-harm attempts and unnatural deaths in custody have always been resoundingly achieved, this Office does not believe looking at these two measures is enough to determine the success of Acacia's management of at risk prisoners.
- 3.51 The lack of mental health staff was found to have an adverse impact on the management of prisoners identified as being at risk of suicide or self-harming behaviour (ARMS). Medical files showed that 32 per cent of prisoners had a history of self-harming behaviour. A review of ARMS documentation, attendance by Inspection Team members at a number of PRAG meetings where decisions are made about these prisoners' status and interviews with staff and prisoners gave cause for a serious concern that at risk prisoners were being prematurely removed from ARMS to limit the resources taken up by prisoners with such a status.
- 3.52 A common strategy once removed from ARMS was to have the peer support group, chaplain or Aboriginal Visitors Scheme watch over the individual prisoner as there was limited capacity for the mental health nurse or psychologist to undertake that role. It is unacceptable to place this risk upon untrained people. While those groups or individuals may take an interest in the wellbeing of those who come off ARMS they should not be substituted for professional care. The present management of PRAG and ARMS is placing prisoners at serious risk and action must be taken immediately to alter the procedures currently in place.
- 3.53 The Crisis Care Unit (CCU) at Acacia is a good facility, although extremely sterile. The CCU is used sparingly and some staff suggested that if there are no prisoners located there it does not need to be staffed. Following the Inspection, capital works commenced on the CCU to convert the area into a self-care accommodation area for protection prisoners, with CCU being relocated to the health centre for the short-term accommodation of at risk prisoners. Those requiring longer-term care will be transferred to Casuarina.

VISITS AND FAMILY CONTACT

- 3.54 The maintenance of social contact for visitors at Acacia is a good news story for the prison. While visits are only available three days per week (Friday, Saturday and Sunday) over four sessions of one-and-a-half hours each, they are well utilised, well managed and respect is shown for the visitors attending. Prisoners on level one privileges receive one visit session per week, and those on levels two and three receive two sessions. Visitors must pre-book their visit session, and also a place on the bus provided by Acacia that runs from Midland train station to the prison if they require transportation.

41 In 2004–2005 there were 24 occurrences of self-harming behaviour at Acacia of a total of 351 in the State (Hakea had 143, Bandyup had 55 and Casuarina had 80).

42 See [3.72]–[3.76] below for further discussion of the extensive use of peer support at Acacia to accommodate for lack of staffing resources.

- 3.55 Acacia holds regular family days where prisoners' families may attend the prison to interact in a more relaxed environment over an extended period of time. Activities are organised for children and a barbeque lunch is prepared. Funding for the day comes partly from the Prisoner Welfare Fund, but the most recent day also required prisoners to contribute to the costs. This should not be necessary and the fund should be able to cover such an activity.⁴³
- 3.56 Prisoners who have protection status are allocated to receive their visits at a separate session to the general prisoner population. This is because of the need to ensure the safety of the prisoners concerned, but also to ensure the adequate supervision of those prisoners that have offended against children. Children are permitted to attend the visit session dedicated to protection prisoners, but prisoners identified as posing a possible risk to children are specifically seated to maintain special supervision. The Inspection Team had some concern about this arrangement, as children run around the visits area throughout visits and may venture near these prisoners. Also, crèche staff within the visits area are not notified as to which prisoners have been assessed as posing a risk so they cannot necessarily notify security staff of any inappropriate approach to the crèche. Staffing levels within the centre (see below) also pose some concern in this regard.
- 3.57 The ideal staffing quotient for the appropriate supervision of each visits session is 11 officers. However, given the staffing issues being experienced at Acacia at the time of the Inspection⁴⁴ the actual number of staff present is usually between six and eight. The implication of this understaffing is an over-reliance on the use of camera supervision from Master Control. We were informed that there were serious implications as a result of this, which due to security reasons will not be detailed here. The point remains that supervision levels must be maintained at an appropriate level, which is not the case at present.
- 3.58 Recommendation 18 of the 2003 Inspection Report was that Acacia should amend the visits procedure to reduce focus of intrusion on visitors and increase focus on prisoners and the appropriate searching of staff. AIMS agreed with this recommendation and committed to its implementation. The current Inspection found that appropriate steps had been taken to appropriately search staff, including the search of all staff on shift on two random occasions. The main issue that led to the 2003 recommendation, however, was the inordinate delays experienced in processing visitors through the roto-turn revolving door used to detect contraband. This situation still exists in 2005 because the door is still in use; however, visitors are now required to prepare for the procedure before entering the gatehouse by leaving all personal possessions secure in the visits centre.⁴⁵ In addition, an extra half an hour has been allocated to visit session times to compensate for any delays experienced because of this process. Despite these strategies, there will never be a satisfactory outcome unless the door is replaced by another form of security measure.

43 Note the issues surrounding the keeping of the Prisoner Welfare Fund in [3.15]–[3.19], above.

44 See Chapter 7 of this Report.

45 The procedure is explained in detail in a handbook provided to visitors: AIMS Corporation, *Acacia Prison Visits Information Booklet* (April 2005), p. 7.

- 3.59 Visitors are also subject to search by a Passive Alert Detection dog (PAD) that indicates to recent contact with certain drugs. Between 1 January 2004 and 30 April 2005, 1,229 visitors were subject to PAD search, only 75 had a positive indication by the dog and no drugs were found. The number of apparent false positives (that is of those carrying drugs on person) indicates that the procedure may not be the best use of resources for drug detection. The Inspection Team was informed that the prison will be trialling a new system whereby the PAD dog searches prisoners after visits rather than visitors going to visits. This will minimise the intrusion on visitors while still targeting trafficking into the prison. This shows good flexibility and innovation.
- 3.60 Prisoners are currently subject to strip-searches following visits, and the Inspection found some procedural issues with how these are conducted. Four prisoners at a time are brought into individual cubicles and are searched by officers and then released, walking past other prisoners being searched at this time. This permits prisoners to see, even if only in passing, the strip-searching of other prisoners. This is not appropriate. Additionally, only one officer generally conducts each search, which contravenes prison policies.⁴⁶ Again, staffing resources are an issue here. Positively, Acacia has committed to action on both of these issues.

PRISONER GROUPS WITH SPECIAL NEEDS

- 3.61 Annexure A, clause 2.2 of the Contract specifies services and the standards that AIMS must provide for the wellbeing of prisoners at Acacia. Specifically, it recognises groups of prisoners recognised as having ‘*particular needs, entitlements or requirements*’ that must be catered for. Within these groups specified in the Contract,⁴⁷ the Inspection recognised three groups – geriatric prisoners, lifers and those with minimum-security status – that at that time constituted a significant number of the population and/or that had issues relating to the provision of services for their ‘particular needs’.

Geriatrics

- 3.62 Acacia is unique in that it has a separate accommodation unit for ‘geriatric’ prisoners (F block). This is necessary because the health needs and ability of geriatric prisoners to fully care for themselves may decline rapidly in the prison environment. The Contract requires that these prisoners be provided with quarterly medical checks, IMPs that meet their therapeutic and health needs, a safe environment, access to work and education and assistance in adjusting to the prison environment.
- 3.63 While the unit provides a relatively safe place for older prisoners to reside, it does not have the resources or intention of housing high needs prisoners who require nursing care. Such prisoners are transferred to the infirmary at Casuarina Prison, which is not an appropriate place for the long term accommodation of this kind of high-needs prisoner as it has neither the staffing nor facilities to provide appropriate residential care. It is not the role of unit-based

⁴⁶ *Acacia Prison – Policy and Procedures Manual*, Section 3.2, Security.

⁴⁷ The other categories of prisoners recognised are remandees, those with intellectual disabilities, those with physical disabilities, those with a non-English speaking background and Aboriginal and Torres Strait Islander Prisoners (who are the subject of Chapter 6).

uniformed staff to provide this care at Acacia, and nor should it be. The lack of professional carers has resulted in one of the resident prisoners becoming a self-appointed carer. While none of the geriatric prisoners need full-time ongoing care, there have been occasions when specific prisoners have required assistance and care due to their age or health condition. This reliance on an untrained prisoner rather than an appropriately appointed staff member should be addressed. With an aging population generally in society and an increasing number of elderly individuals being imprisoned, the Department must plan for the long-term appropriate accommodation of this group and either account for this in the upcoming retender of services at Acacia or develop services at a public prison for this purpose.

- 3.64 On a positive note, those prisoners residing in the geriatric unit were receiving health checks as required and medical treatment was generally adequate with reasonable access to a doctor. Several prisoners were on special programs to address specific health needs, and were also able to self-administer some medications.
- 3.65 A great improvement to the unit since the previous Inspection was the construction of an outdoor area accessible directly from the unit. This conforms with a recommendation from the 2003 report critical of the lack of access geriatric prisoners had to fresh air and recreation space. The only ongoing issue was the insistence that the door to the area be permanently locked so access is only possible by asking staff to release the door from the control room. This is inflexible, and given the demographic of the population within the unit, the assessment of risk in allowing free access to the outdoor space must be questioned.

Lifers

- 3.66 For prisoners serving life or indeterminate length sentences, prison is not a short-term prospect but is their home. 'Lifers', not just at Acacia but also throughout the prison system, generally want a quiet stable environment with opportunities to engage in work, programs and education. Forty-one lifers were accommodated at Acacia at the time of the Inspection. The number had increased by ten over the past few months as a result of reactionary reassessments of security classifications of lifers following a highly publicised escape from a minimum-security prison.
- 3.67 The desire for stability of environment and conditions was not being met for these prisoners, primarily due to the constant turnover in upper management as well as base grade staff at Acacia over the course of the Contract. Most stated that with each change of personnel there seems to be change for change sake, rather than any logic that these experienced prisoners can identify. Frustration was also felt due to the lack of uncertainty about the future for these prisoners in light of the Department's reaction to events involving individual long-term prisoners. There was a sense of the whole group of lifers being punished for the deeds of very few individuals, which was seen as sacrificing any chance they had of ever being properly prepared for release. While the Department must responsibly manage the risk posed by individual prisoners, treating all prisoners serving life or indeterminate sentences in the same way does not do this. The Department must be able to provide proper individual assessments that will identify those prisoners that pose the greatest risks while allowing others to get on

with serving their time in appropriate facilities that will enable them to progress to freedom if that is what their behaviour warrants.

Minimum-Security Prisoners

- 3.68 Acacia was conceived as a facility that would accommodate male, medium-security prisoners predominantly from the metropolitan area. As such, the Contract has no mention of accommodating minimum-security prisoners and providing for the unique needs (especially relating to re-entry) required by this category of prisoner. Increased prison populations have, however, resulted in a significant number of minimum-security prisoners being placed at Acacia. At the time of the Inspection, 54 prisoners (over 7% of the total population) classified as minimum-security were accommodated at Acacia Prison.
- 3.69 The Department is directly responsible for this situation, as it determines the classification procedures, placement practices and accommodation planning for the prison population. A similar situation was found to exist in 2003 that resulted in the recommendation that the Department assess classification and placement practices (especially in reference to minimum-security prisoners and remote area prisoners) to avoid inappropriate placements. Despite this recommendation the situation has become worse since the time of the last Inspection and the Department must take action as a matter of urgency to ensure changes to policy and procedure to rectify this situation.
- 3.70 While it was never intended to accommodate minimum-security prisoners, the fact is that Acacia has taken these prisoners and cannot provide the necessary services in order to fulfil their re-entry needs, including participation in Section 94 opportunities, leave of absence programs, enhanced visits regimes and appropriate levels of release planning services. These prisoners have merely been blended into the general medium-security population and are disadvantaged as compared to minimum-security prisoners placed in minimum-security facilities. Issues relating specifically to the sentence management and re-entry needs of these prisoners are discussed in Chapters 4 and 5 respectively.
- 3.71 Acacia management stated that it is helpless to do anything about this, but it has not been proactive in seeking solutions to the issues. No variation to the Contract was sought when it was decided to accommodate minimum-security prisoners at Acacia in significant numbers. In doing so, AIMS could have put a business case that more resources would be required in order to provide these appropriate services. In the Contract retendering process consideration must be made of the accommodation of minimum-security prisoners along with the provision of appropriate services. In any case the different needs of this group should be assessed and provided for by the Department.

PEER SUPPORT

- 3.72 Acacia has a strong and effective peer support group (PSG). At the time of the Inspection the PSG consisted of nine members (with three positions unfilled) and presented a representative spread of cultural and ethnic groups. With an average total prisoner population of over 720,

nine prisoners is grossly inadequate and even the full complement of 12 PSG members is not enough given the extensive role these prisoners undertake. A similar situation was observed in the 2003 Inspection and resulted in a recommendation that the peer support program needed to be expanded and better represent the mix of groups in the prisoner population. This Inspection found that while the representative nature of the PSG had improved, the expansion of the group had not occurred and if anything, the PSG now undertakes even more tasks than was the case in 2003. For this reason, the expansion of the program is still recommended.

3.73 PSG prisoners have assumed significant tasks as a part of their role. In many cases these tasks would more appropriately be assigned to case managers⁴⁸ or prisoner support officers. The Inspection found that while many prisoners were aware of the identity of their case manager, the experience of many prisoners was that case managers were ineffective in addressing their needs. This was attributed to the inexperience of staff, the pressure on staff due to lack of numbers, or (in some cases) unwillingness of staff to assist. The Inspection clearly found that the heavy workload on uniformed case management officers accompanied by the relative inexperience of staff significantly eroded the effectiveness of case management at Acacia, and that PSG prisoners were endeavouring to cover the gaps.

3.74 In his exit debrief at the completion of the Inspection, the Inspector highlighted the positive work being done by the PSG, but this was tempered by a concern that in a climate of understaffing there had developed an over-reliance on PSG prisoners:

If one could be critical it could be said that they are in effect performing tasks that should be carried out by paid members of staff; however, the key point from our point of view is that the system is working so as to improve prisoner services.

3.75 Among the tasks PSG were found to be performing were counselling type roles, education, parole preparation, assistance in reception and orientation, planning family days, and seeking out and providing general information to prisoners. Even some staff recognised the central role of the PSG commenting, ‘give them a blue [staff] shirt and they would do a better job than the staff’. This is all done without the provision of appropriate training or supervision and generally on a voluntary basis.⁴⁹

3.76 Deficits also exist in the staffing support for the PSG. Previously there were three officers fulfilling prisoner support and Indigenous prisoner support roles, but by December 2004 there was only a single staff member. Although the key role of the Prisoner Support Officer is to lead and manage the PSG team, it is also expected that they will undertake counselling, program development, program facilitation, liaison with community organisations and have input into assessment plans, staff training and policy advice.⁵⁰ This is an unrealistic expectation of one person and the prison must increase support staff in this area.

48 A full discussion of case management and the role of case workers can be found in Chapter 4 of this report.

49 Only two prisoners are paid gratuities for their PSG work.

50 *Acacia Prison Policy and Procedures Manual, Acacia Prison Position Description – Prisoner Support Staff.*

Chapter 4

REHABILITATION AND REPARATION

ASSESSMENT AND CASE MANAGEMENT

Sentence Management

- 4.1 Assessment and case management are processes designed to mediate the needs and characteristics of individual prisoners within the prison system throughout their time in custody. Sentence management needs are fulfilled by a small team – a supervisor with six staff – to process the needs of some 720 prisoners, including IMP reviews, classification reviews, case conferences, parole reports, re-entry release applications, funeral applications, transfers, movements and prison employment placements. There is obviously a very high demand for services, which are well managed by the team, although resources are at their limits.
- 4.2 At the time of the Inspection the processes involved for sentence management were set out in Director General's Rules 13 and 14, with the latter building on, and in some respects effectively superseding, the former.⁵¹ The way in which Acacia discharges its responsibilities in these areas are detailed in part 800-02 of its Policy and Procedures Manual. It presumes that all prisoners received at Acacia will have an approved Individual Management Plan (IMP) or, in the case of those with an effective sentence of six months or less, a finalised Management and Placement Plan (MAP). In most cases this would be done at Hakea Prison in the first four to six weeks following sentence and prior to being transferred to Acacia.
- 4.3 The Manual details processes for classification reviews, IMP reviews and case conferences at Acacia, however, the Department has insisted on retaining responsibility for performing the initial IMP and any modifications to IMPs due to new sentences being handed down by courts after transfer to Acacia. This requires assessment staff from Hakea to attend at Acacia to complete these reviews, a large imposition on resources. In August approximately 40 of these reviews remained outstanding, which will adversely affect those prisoners' ability to access programs in a timely way. While it is understandable that there is reluctance to allow a private provider authority to construct or modify an IMP in a significant way, from a practical point of view it is inefficient for a prisoner to be assessed from Hakea after transfer to Acacia. While issues of accountability and resources need consideration, the sentence management team at Acacia are competent to contribute to the process. This issue should be examined in future contract market testing.
- 4.4 In June 2005 the General Manager of Acacia was delegated authority to approve all prisoner reclassifications to minimum-security. This avoided yet another situation in which Department resources were being stretched unnecessarily and prisoners were sometimes experiencing long delays. Despite this, there remains an unacceptable delay in the processing of prisoner reclassifications. This arises from two sources. First, the Department's information and analysis section have to complete an intelligence clearance for each reclassified prisoner and are having difficulties in meeting the demand. At the time of the Inspection 54 prisoners approved for reclassification were waiting for clearances, many already four to six weeks overdue. Some prisoners missed out on available places at Wooroloo Prison Farm and places in

51 The rules were radically inconsistent, and were replaced on 6 September 2005 by Rule 18, which is effectively a reworking of the previous Rule 14.

programs because of this delay. This is not acceptable.

- 4.5 The second problem arises when minimum-security facilities sometimes refuse to accept certain prisoners for transfer, despite intelligence clearances. Reasons provided are not precise or clearly stated and fall back on the generic ‘intelligence information’ excuse. While this Office has recommended local management at prisons be given more control to manage its population, this is not acceptable in terms of accountability. All such refusals should be documented and subject to review by an appropriate Department manager. Local prison management should be given the opportunity to feed into the intelligence clearance processes (in a time controlled way) where reasons to deny a transfer is assessed and then clearances issued and the prisoner transferred. This is a fair system for the prisoner, the sending prison and the receiving prison. The Department must take control of its process for assessment and transfers to ensure prisoners are progressed through the system and have access to programs required.
- 4.6 A number of case conferences were observed during the Inspection, and these were generally well conducted. Prisoners and their block supervisors participated in each conference and genuine efforts were made to explain what was happening, encourage participation and respond to prisoner requests. There was some concern, however, about the ability of some prisoners to truly understand what was being discussed, particularly in the case of a non-English speaking prisoner. Acacia’s Policy and Procedure Manual specifically provides for an interpreter to be present in such cases, but this does not occur. Acacia should follow the procedures set down in its own Manual and secure the services of a telephone interpreter service, not just for use in case conferences but in other areas where prisoner comprehension is fundamental such as orientation, medical services, and disciplinary hearings.
- 4.7 Sentence management practices were also tested by a random sampling the files of 50 prisoners who had been discharged or transferred from Acacia in the preceding three months.⁵² Twenty-nine prisoners (58%) had IMPs completed and of those, 22 were completed after their arrival at Acacia.⁵³ One of these prisoners did not have IMP completed until six months after sentencing⁵⁴ – an unacceptable delay. In addition, two out of the 50 prisoners had effective sentences of over six months with no IMP having been completed at all. The files of the prisoners who had IMPs completed showed that reviews were being conducted as scheduled and in accordance with policy. Generally, it was found that Acacia was discharging its sentence management responsibilities quite well, and better than many prisons in the public sector.
- 4.8 There was widespread disquiet amongst prisoners, however, about their sentence management. Only 39 per cent of respondents to the prisoner survey could recall having an IMP review and comments regarding the process included:

52 The average length of stay for these prisoners was 211 days.

53 The Department has initial responsibility for the development of all prisoners’ IMPs through the assessment process at Hakea Prison.

54 This IMP was completed by Hakea Assessment Centre staff.

Have no information regarding, have asked and not received a satisfactory answer.

Doesn't matter because they don't stick to their plans anyway.

Getting on programs and stuff is always delayed and sentence management is never on time.

The reason for this is the reality that most prisoners are on short sentences and therefore do not require an IMP. Those who do have an IMP may have been told that while certain programs may be beneficial, it is not possible to get them into a program in the timeframe of their sentence. Yet both groups of prisoners find it hard to accept that their release (on parole) will not be jeopardised by their non-engagement in a program. It is in fact the role of case managers to explain sentence management to prisoners; however as will be discussed below, this is too often lacking.

Case Management

- 4.9 A case manager is the 'person who monitors and reports on a prisoner's progress in achieving the goals of their Individual Management Plan in addition to case managing their behaviour and welfare needs'.⁵⁵ This expanded emphasis is preferable to the description in Director General's Rule 14 which only includes a reference to supporting progress through the IMP without mentioning a focus for prisoner welfare needs.
- 4.10 Acacia Prison counts its delivery of case management to prisoners as one of its main strengths. There is certainly a higher level of activity in this area than in the majority of public prisons. A recent review of case management by the Department notes that case management has not been widely embraced and cited concerns about its complexity, additional workloads for staff and lack of staff training.⁵⁶ This does not mean that case management is consistently practiced at Acacia. Of the 50 prisoner files sampled,⁵⁷ while 27 (54%) had contact reports recorded by case managers, 23 (46%) did not. Given that a regular contact report is supposed to be filed on every new prisoner during orientation at Acacia, this is a serious failure. Of those who had one or more reports filed there was an average of 44 days between reports, not an unreasonable departure from the monthly reports required by Acacia's manual.
- 4.11 While some prisoners were aware of and acknowledged their case managers, most spoken to during the Inspection could not recall having been interviewed by their case manager. After spending time in the accommodation blocks the reason for this became obvious. With two back-to-back teams of just five officers supervising a block of around 120 men, staff were struggling with managing the daily routine needs of prisoners. Clearly there was little time to individually interview those on their case management load and write the requisite reports. Exacerbating the resource demand are the expectations on block staff to supplement in work locations or other areas within the prison that are understaffed.

55 Acacia Prison Policy and Procedure Manual, Rule 2.5.1.

56 Department of Justice, Review of Assessment and Case Management (2004), p. 7.

57 See [4.7], above.

- 4.12 The result of this is that many prisoners do not have knowledge of case management at all. This is especially important for short-term prisoners who made up most of the 23 prisoners from our sample of 50 recorded as not having had a contact report. Despite this, Acacia (with the Department's endorsement) have dropped the requirement for a mandatory minimum report in the form of a regular contact report placed on the file from one per month to one every three months. This will reduce the information available to assist sentence management staff in preparing reports and cause further anxiety for prisoners wishing to access programs to assist in their application for parole.

OFFENDER PROGRAMS

- 4.13 The 2003 Inspection identified serious deficiencies in the operation of offender programs. It resulted in the recommendation that '*AIMS and the Department must review Acacia's compliance with its contractual obligation to deliver treatment programs in accordance with IMPs. Action is needed to address problems relating to program overlap, program intensity and the integrity of program delivery (including excessive reliance on prisoners, staff qualifications and availability, and the shortening of programs)*'.⁵⁸
- 4.14 The issues identified included the inadequacy of the suite of programs agreed upon by the Department for delivery by Acacia to meet the programs as scheduled in prisoner IMPs, the arbitrary alteration to program content and duration and the contradictory philosophies behind some of the programs being delivered within the prison. This Inspection found that considerable progress has been made with regard to many of these concerns.
- 4.15 An agreement was reached between AIMS and the Department on the suite of programs that must be delivered at Acacia. In addition, funding was made available by the Department to retain an additional psychologist. The Department have monitored Acacia programs closely and have published three annual reviews, each identifying and addressing ongoing issues.⁵⁹
- 4.16 By adopting two of the Department's medium intensity programs – the Sex Offender Treatment Program (SOTP) and Building Better Relationships (BBR) – and two high intensity programs – Moving on from Dependency and the Violent Offender Treatment Program (VOTP) – Acacia have satisfactorily extended the range of programs available to meet prisoners' IMP needs. Information provided to the Office indicates the prison is delivering the agreed number and range of programs. The improvement has actually seen Acacia deliver 29 per cent of the system's programs placement while accommodating 27 per cent of its total population.⁶⁰ The next largest delivery is from Casuarina, which provided 12 percent of placements. This would indicate an appropriate level of program delivery.
- 4.17 It should not be assumed, however, that Acacia or any part of the system is delivering the most desirable quantum or range of programs. The Department's assessment system (AIPR) only provides for bookings to be made in programs that are scheduled. There is currently no way of quantifying how many prisoners have unmet program needs or may have been placed

58 Recommendation 29.

59 The most recent of these reports was published in May 2005.

60 Figures calculated based on Department of Justice, *Offender Programs Services Guide 2005-2006* (undated).

into programs that ill fit their needs. Acacia’s programs should be extended to include more treatment programs suitable for Aboriginal men⁶¹ and programs for the intellectually disabled.

Addiction Treatment Programs

- 4.18 The 2003 Inspection Report detailed a number of concerns regarding the contradictory philosophical nature of the drug treatment programs available at Acacia⁶² and the impact on accessing accommodation in prison’s Drug Treatment Unit (DTU). The Inspection of Acacia in 2005 found that the comments made in the previous report are as salient today as they were two years ago – little seems to have changed in the interim. The most recent Department review of programs at Acacia notes:

Previous reviews have been critical of the strong emphasis at Acacia on the disease concept of drug and alcohol dependency, with the promise of recover, but not a cure for those who adhere to it.

The overarching dominance of the ‘disease model’ (or ‘12 steps’) approach has an enormous impact on various aspects of the operation of drug and alcohol programs.

The Drug Treatment Unit and Drug Support Unit

- 4.19 The Drug Treatment Unit at Acacia does not conform to the Department’s definition of a Drug Free Unit. Nonetheless, the unit is frequently referred to as the drug free unit and is further confused by the existence of a separate Drug Support Unit. The Department’s model is not premised on the compulsory attendance at programs (as it is at Acacia) nor is it based on mixing prisoners who have never had drug issues with those who are addressing addiction issues (whereas Acacia’s only accommodates those with drug use issues who have ceased using any drugs, including prescription medication).
- 4.20 The Drug Treatment Unit accommodates 18 prisoners in three units at the level three privileges standard. While no specific recommendations were made in the previous report regarding this, it does note an agreement with the Department view that ‘*the DTU’s philosophy and role should be evaluated and that it should be extended to those who are still working towards abstinence*’.⁶³ This has not occurred.
- 4.21 Placement in the DTU is contingent upon attendance at voluntary programs such as Narcotics Anonymous (NA) and Alcoholics Anonymous (AA). In signing the *Drug Treatment Individual Contract*, prisoners agree (amongst other things) to ‘*participate in all Drug Treatment Unit program requirements including ‘Men without Hats’, AA or NA and Morning Reflections*’.⁶⁴ The rationale behind the contract is that when prisoners sign the contract they are voluntarily consenting to program participation. However, the overarching philosophy of programs such as AA and NA is voluntary participation, and the approach at Acacia is at best coercive.⁶⁵

61 Such as the Department’s Indigenous Men Managing Anger & Substance Use (IMMASU).

62 Report No. 19, op. cit., [5.10]–[5.11].

63 Ibid., [5.11].

64 *Unit Participation Agreement – Drug Treatment Unit Individual Contract*, p. 2.

65 A recent Department review of the drug treatment programs at Acacia (May 2005) raises similar concerns: R. Longley, *Report on the Review of the Operation of Drug Free Units at Wooroloo and Acacia Prisons for the Department of Justice, Social Systems and Evaluation* (2003), p. ii.

Prisoners who are not willing to attend the programs are not able to access the DTU along with the higher level of privileges afforded to those in level three accommodation.

- 4.22 A further issue is the exclusion of prisoners on opiate replacement pharmacotherapies (such as methadone) from the DTU. The relevant Acacia Prison Policy does not clearly articulate policy in regard to the eligibility of these prisoners.⁶⁶ The policy has as one of its aims to assist prisoners to ‘*establish and maintain a substance-free lifestyle*’ and refers to ‘*commitment towards...abstinence*’ as criterion for inclusion, however, it does not state whether abstinence from opiate replacement pharmacotherapies is also required. In addition the philosophies of the AA and NA programs would not sit comfortably with those using pharmacotherapies to fight addiction. Occasionally those who commit to reducing their methadone are permitted to enter the DTU, but it is inappropriate for DTU participation to be offered in this ad hoc fashion.
- 4.23 An alternative regime for those on opiate replacements has been set up in a level two accommodation block – the Drug Support Unit (DSU). There is limited documentation about the objectives of the DSU and no formal policy and procedures. The only documentation located was a Support Unit Contract, which requires prisoners in the DSU to ‘*take an active part in self-help groups /programs being held*’ and ‘*agree to undertake all programs that are offered as part of this unit’s management plan*’. Other conditions relate to employment, urinalysis and behaviour, with the overarching condition that any use of illegal substances could result in termination from the unit. In reality the DSU is used as a staging ground for the DTU, and the Drug and Alcohol Supervisor stated that ‘*only people who are really serious about reducing methadone make the transition to the DSU*’. Again, this is inappropriate use of inducement to reduce methadone use.

The Unsanctioned Use of Urinalysis

- 4.24 Perhaps the most concerning aspect of the approach to drug and alcohol programs is the use of urinalysis within the Drug and Alcohol team. Acacia’s formal policies and procedures do not outline any procedures or requirements for additional random urine tests for participation in any of the residential programs. DTU and DSU guidelines refer to positive urinalysis results as a criterion for exclusion and negative results to be taken as part of prisoner evaluation.⁶⁷ Nor is urinalysis expressly mentioned in the prisoner contract for participation in the DTU or DSU, but in an agreement document that does not form part of the policy it states that prisoners must provide A, B and C samples of urine. It goes on to explain that the C sample will be subject to an instant test and in the event of a positive result the prisoner will be suspended from the DTU. In this event, the B sample will be held as backup and the A sample sent to a lab for confirmation.

66 Acacia Prison, Policies and Procedures Manual, Management of the Drug Free Unit Program, OCAPP 1700-02.

67 Ibid.

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- 4.25 The overarching Acacia Prison Urinalysis Procedures Policy does not mention the use of any instant drug testing⁶⁸ only the procedure for formal, prison-wide random and targeted drug testing that includes stringent guidelines regarding collection of samples to ensure openness and fairness. The Drug and Alcohol Supervisor stated that the samples for her use were collected either by two uniformed officers or by a single male Drug and Alcohol Team ('the team') member. The latter is clearly in convention of the formal collection guidelines that requires two officers to carry out sampling.
- 4.26 Not only is the procedure for collection questionable, but also the process for selecting prisoners to be tested. The prison described the method as 'targeted-random': there is no schedule for testing DTU or DSU participants. Further it was stated that any prisoner who approached a team member for assistance was subject to testing throughout the time they were in contact with the team. It was clear to the Inspection Team that the tests were being used inappropriately as management tools.
- 4.27 Further questions arose furthering relation to how the test results were being applied. If a positive instant test was received, the Inspection found that the A sample was not being routinely sent to a lab for confirmation and there were no records of tests, results and consequences. It could not be used to prosecute the prisoner on prison charges, as the results are not evidentiary. Inspections staff were told that information gleaned from the instant checks were being unofficially passed on to Acacia Prison managers, a totally unacceptable practice for an unofficial and unsanctioned test.
- 4.28 The concern is not with the use of instant urine analysis tests *per se* - indeed the Justice Drug Plan states it is the intention of the Department to introduce instant testing.⁶⁹ The concern is the lack of documentation of process. A decision must be made by Acacia management as to whether or not the practice of using the tests be allowed to continue, and if so, clear guidelines be set and monitored with regard to:
- Development of and adherence to testing regimes for the DTU and DSU;
 - Circumstances in which tests are to be used, the documentation of use and results of tests;
 - Procedures for collecting and testing samples; and
 - Policy regarding the use of A, B and C samples and when they will be used for security or prosecution purposes.

Until this has occurred the use of the test kits must cease.⁷⁰

68 Ibid., OCAPP 300-01.

69 Department of Justice, *Justice Drug Plan* (May 2003).

70 In its response to a draft of this Report, AIMS stated that use of the instant urinalysis test kits ceased upon the Office raising its concerns with management and new procedures put in place for operation of the unit: AIMS Corporation, *ibid.*, p. 3.

Offender Addiction Treatment Programs

- 4.29 Unlike public prisons, addiction treatment programs at Acacia are managed by a separate team from those that address other offending behaviours. It is the Department's obligation to authorise all staff employed at Acacia and criteria should be established to ensure that all authorised staff have appropriate qualifications and experience. The Inspection raised some concerns about inadequate qualifications and training in regard to staff delivering drug treatment programs at Acacia. This issue was also the subject of comment by the Department review programs: *'tertiary qualifications be considered an essential criteria for staff delivering medium and high intensity programs such as VOTP and SOTP'*.⁷¹ As several of the programs run by the Drug and Alcohol team are of high and medium intensity, this recommendation is also applicable to this area.
- 4.30 A positive aspect of drug treatment programs at Acacia is the development of a number of voluntary participation self help programs. These programs provide some form of support and assistance for prisoners with addiction issues that would not otherwise be able to access a program due to length of sentence or unrecognised issues.

Offending Behaviour Programs

- 4.31 The integrity of offending behaviour programs (especially medium and high intensity) relies heavily upon the qualifications of the staff delivering the programs. The programs team at Acacia is headed by a Senior Psychologist who leads a team comprising two psychologists, two prison officers and two other officers who share their time between program delivery and other duties. At the time of the Inspection, one psychologist had left (to work for the Department) and a replacement was not due to start for another month. With only three psychologists on staff, the absence of any one of them places extreme pressure on those remaining.
- 4.32 The greatest risk to program delivery currently at Acacia is the difficulties the prison has experienced in recruiting and retaining appropriately qualified staff. In the two years since the last Inspection there has been significant turnover of psychologists and senior/supervising psychologists have proven difficult to retain. In addition, it has been identified (by both the Inspectorate and the Department) that an additional psychologist or social worker is required to ensure timely program delivery. AIMS stated that it intends to address this issue by advertising for another psychologist in October 2005, as well as increase pay rates with the aim of retaining current staff.
- 4.33 The low numbers of staff also make it impossible for individual counselling to be offered to prisoners who are unable to participate in group programs. The Department has suggested that AIMS submit a business case for additional funding to enable it to provide this service. The inability to offer such counselling is a deficiency in service delivery that must be addressed.

71 R. Longley, op.cit., p. 17.

Integration: Acacia's Place in the System

- 4.34 There has been something of a distance between Acacia and the Department's Offender Services Branch in relation to programs. In establishing Acacia Prison, the government sought innovation and best practice in offender programs, competitively with the Department's own programs. While AIMS imported a suite of programs from provider T3 and established a different approach to drug and alcohol programs, there has been increasing convergence with the programs approach in the public prison sector as Acacia has had to broaden its program base adopting more of the Department's own programs, and as the Department's program provision has developed. Over the five years of operation, AIMS have moved from being the expected leader to becoming a compliant follower and the Department have not just accepted this, but facilitated it.
- 4.35 As the agency delivering the largest number of offender program placements,⁷² the failure of the Department to even mention Acacia's role in offender programs in its *Offender Program Services Guide 2005–2006* is a serious omission. While the Department has successfully engaged with Acacia through its annual reviews and in negotiations over its program requirements, there has been a surprising lack of day-to-day liaison between the parties.
- 4.36 As the relationship matures one might expect to see a closer working relationship in areas such as forward planning, program development, program acquisition, program evaluation, information services, facilitation training, professional training, conference participation and even sharing of facilitation or secondment opportunities. While the desire for innovation from the private provider should be maintained, it does not prevent a more integrated approach to service delivery. This should be considered during the forthcoming contract re-tendering process.
- 4.37 The opportunity for a closer working relationship was discussed in the most recent Department review of Acacia program services, as was the challenge for greater consistency across the two sectors. Given its lack of infrastructure outside the prison, AIMS should better position its program team to make a more meaningful contribution in some of these areas, and ensure its staff can participate appropriately in the networks and development opportunities they very much need. This will only be possible if AIMS invests significantly in recruiting, training, supervising and retaining program staff.

EDUCATION AND TRAINING

- 4.38 Two recommendations were made in the 2003 Inspection Report in relation to education and vocational training. Recommendation 30 stated that education should be improved in terms of the range of courses offered and the integrity of courses, and recommendation 31 that vocational training packages be developed and tied to prison employment opportunities.

72 See [4.17], above.

In order to assess the progress against these recommendations, an expert from the Department of Education and Training participated in the Inspection and undertook an onsite assessment of services, as well as a review of relevant documentation and Departmental reports on education services.⁷³

Progress Against Recommendations

- 4.39 The range of courses available at Acacia has improved since the last Inspection; however, the availability remains inadequate to service the demand from prisoners. While the overuse of peer tutors was criticised in the previous report, the response has been to almost remove them totally as an educational resource. This was not the intention of the criticism. There is an opportunity to increase access to educational courses through the planned and monitored use of peer tutors, within the guidelines provided by the Department.
- 4.40 In contrast there was no evidence of progress towards the development of vocational training at Acacia since the 2003 Inspection. Interviews with education and industrial staff showed that the interface between the two areas was extremely limited and did not extend to exploring how work and learning could be brought together. A framework must be developed to enable such integration to occur, including how these activities should be resourced (especially from a staffing perspective). A systematic approach must then be taken to identifying training opportunities within the current employment profile of the prison and the skills required for each position. These may then be matched up to the training packages available. Ideally, these should be transferable across the system to public prisons.
- 4.41 The issue of providing training at Acacia has been complicated by the failure of the prison to retain its status as a Registered Training Organisation (RTO) recognised by the Department of Education and Training.⁷⁴ Consequently, CY O'Connor TAFE was carrying out any assessments required by prisoners in relation to courses being undertaken under a negotiated agreement. It appeared to the expert Inspection Team member that AIMS management had limited understanding of what is required to be an RTO and the accompanying ongoing responsibilities to maintain this status. There seemed to be an expectation that the Education Coordinator would sort everything out while also attending to her substantive duties. This is a huge task and not reasonable without additional staffing resources being applied, but needless to say must be resolved as a matter of priority.⁷⁵
- 4.42 There are some (limited) training opportunities available to prisoners. At the time of the Inspection, traineeships were available in furniture manufacture, horticulture, engineering production and hospitality. It was evident that there was little if any formal training done outside of the traineeship program. The reasons stated for this were inadequate staffing and resources to provide formal skills training, or even the assessment of prisoners' existing skills.

73 The Inspector would like to acknowledge the role of Mr Peter Henson, Principal Consultant of the User Choice Branch within the Department of Education and Training.

74 The training arm of AIMS has been registered as Avon Valley Training and Employment Services.

75 The loss of RTO status actually constitutes a breach of Contract, and as such the Department had issued AIMS with a notice to show cause. Despite this, efforts to regain Acacia's RTO status have lacked the appropriate attention of senior Acacia management.

REHABILITATION AND REPARATION

This results in prisoners missing out on many opportunities for skilling, in particular in the kitchen, carpentry and horticulture areas where there is sufficient work available and diversity of skills necessary. Acacia must consider the introduction of such skilling programs.

- 4.43 As identified in the previous Inspection, there is still a significant backlog of prisoners who have not received occupational health and safety training. This is despite Acacia policy stating *'that no prisoner should be engaged in employment within an industry area unless they have successfully undertaken OH&S training'*. Industry staff confirmed that there is no system in place to ensure a prisoner being placed in an industry has undertaken the required training. This must be rectified as a matter of priority as it places the safety of prisoners at risk.

Resources

- 4.44 Securing essential resources is often a problem for education classes at Acacia. At the most basic level, there is often inadequate numbers of chairs available to students in a class. At a more fundamental level, specialised classes (such as art) often go without necessary equipment (such as easels, paints and canvasses). The situation has frequently arisen where staff across the education area have purchased equipment with their own private funds without reimbursement. This is absolutely unacceptable. Similarly computers and hardware are outdated in many respects and the number of computers available does not meet the demand.
- 4.45 The Education Coordinator is yet to achieve the full complement of allocated staff. One of the key reasons forwarded for this was that remuneration and conditions of employment at Acacia are significantly lower than that offered by the Department for similar positions. While a pay increase had recently been approved, it would remain slightly below that of public sector employees. Office space for staff is also inadequate, making it difficult for class preparation. Given that the centre is currently under-staffed, this situation will only become worse as recruitment occurs.
- 4.46 The Education Coordinator is expected to be responsible for the entire education services area, but is not allocated a budget and is provided little information about available resources. It is absurd to expect senior managers to properly manage this aspect of service delivery without being aware of the resource limitations being applied by the Contractor. It would seem a questionable way for the Contractor to achieve service requirements.
- 4.47 The employment of a prisoner as a Peer Assistant is a positive innovation. The role involves the promotion of activities in the education centre and appears to be having some positive effect. It provides a ready access point for prisoners to learn from a peer about what is available to them, and acts as an informal feedback mechanism for education staff about their programs.

EMPLOYMENT

- 4.48 High aspirations were set for the provision of employment opportunities for prisoners in the contracting out of prison services. Employment should endeavour to provide training opportunities, self-esteem building, constructive activity, the chance to contribute to the community through charitable work and also to minimise the cost of imprisonment to the

community. The 2003 Inspection found that the overall performance of Acacia in reaching these aspirations was disappointing. Unemployment, under-employment, inadequate opportunities for Aboriginal prisoners and lack of links between work and learning were the main issues identified. The current Inspection found that little had changed, and in fact the situation may have deteriorated.

The Myth of Full Employment

- 4.49 Full employment was one of the Department's key ambitions in seeking a private provider for prison services. The Contract requires that AIMS provide 100 per cent employment for six hours per day for all eligible prisoners. The purpose of this was promoting positive and practical work habits, an appropriate diversity of activity, maximisation of prison labour in prison operations, minimisation of the cost of imprisonment to the community, the promotion of training and educational opportunities, the inclusion of Aboriginal and disabled prisoners and the promotion of occupational health and safety.⁷⁶
- 4.50 To provide an incentive for Acacia to realise these requirements, two performance measures were included in the performance linked fees (PLF) for the Contract – the proportion of daily average muster of prisoners employed or in programs and the actual number of work hours delivered against the agreed level of six hours per day. The assessment of these measures is based on information provided by the prison itself and the Departmental Contract Management team.
- 4.51 Targets for both measures were originally set at 100 per cent, but in May 2004 the Department agreed to revise this downwards to 80 per cent and backdated this to July 2003. However, to encourage improved performance, targets were increased to 85 per cent and 90 per cent respectively for the final two years of the Contract's initial term. In the two financial years since the revision, the targets have been achieved by Acacia in all months of the year for the first measure (daily average muster employed or in programs) and for the second measure (actual number of hours worked of six hours per day) it was achieved in six months of the year for 2003–2004 and for only two months of the year in 2004–2005.
- 4.52 Thus on face value it seems that Acacia has done a good job on achieving the first measure but has continued to struggle to provide the correct amount of work or other acceptable activity for the required six hours per day. In June 2005 the Department reported that Acacia had the lowest average prisoner work hours per day of any prison in Western Australia,⁷⁷ an extraordinary result given the aspirations set out in the Contract.
- 4.53 Despite the seemingly good achievement of obtaining the required level of proportion of daily average muster employed or in programs, the Inspection found the reality of the situation bore little relationship to the purported success. The employment monthly report from AIMS simply lists prisoners notionally allocated to particular employment pay points on the day in question that the census is taken. If a prisoner had been dismissed from a position earlier

76 Annexure A, Clause 2.3.

77 Department of Justice, Prison Division Monthly Performance Report (June 2005).

in the month it was ensured he was allocated another position by the reporting date.

- 4.54 The second PLF measure of hours worked operates on the false presumption that the quantum of work can be measured simply by adding up assigned work sessions. There is no record of work actually performed. Acacia operates two systems for its scheduling, one internal and the other the Department's TOMS. Staff acknowledged to the Inspectorate that scheduling information in TOMS is often not maintained in real time so a person can be assigned to a position for many days or even weeks before this is changed in the system. Workshops are sometimes closed altogether on some days or workers released early but this is not reflected. In addition, recent changes to the prison's structured day routine are not compatible with the way TOMS operates and results in an over-reporting of hours worked. The Department must ensure when developing the new contract for services that the performance measures in relation to prisoner participation in employment have better validity than what is currently in place.
- 4.55 Under-employment is a reality in most prisons in Western Australia, but it was widely evident during the Inspection of Acacia. The number of unit cleaners in the accommodation blocks was clearly excessive. Many of these prisoners work for only very brief periods (as little as 15 to 30 minutes per day) but are paid quite an inordinate gratuity level. The result is a very large number of prisoners remaining in their accommodation blocks throughout the day with little constructive activity and in circumstances of low staffing levels. The link between work and supervision in the blocks was highlighted by the Peer Review Team from Victoria that found:
- Significant numbers of prisoner workers do not turn up for work. No checking mechanism is in place. Industrial officers are not aware why workers are absent. Prisoners are unaccounted for. High numbers of workers remaining (sic) in units. Prisoners are bored. Prisoners are gambling in unit. Frequent workshop and recreation facility closures. Subsequently, high numbers of prisoners in unit.*⁷⁸
- 4.56 This places huge pressure on staff to properly supervise these prisoners, especially when one staff member from each block is generally taken away to assist in supervision at other work or activity locations. This leaves only three or four staff to supervise 40 or more prisoners all day. For some staff this left them feeling distinctly unsafe in the accommodation blocks. The pre-inspection staff survey indicated that over 18 per cent of staff never felt safe while at work, and over 33 per cent only feeling safe sometimes. This reflects the lack of control that staff feel they have in certain situations and was confirmed during staff interviews conducted throughout the Inspection.
- 4.57 The Department's monitors are aware of the weaknesses in the way performance is measured and are working to increase the validity of the measures through spot checks on the whereabouts of prisoners throughout the day and interrogating the recording systems and definitions. This is a low level method of maintaining knowledge of the level of activity and the Department must ensure a better system is in place when the retendering for the

78 Acacia Peer Review Report (2005).

service occurs. A new scheduling module for TOMS was due to be released shortly after the Inspection and should be able to capture more accurate information from the structured day. For example, it will allow for individual prisoner schedules to include more than one activity per day, and it can capture variations to schedules.

Access to Employment

- 4.58 Every Friday morning, the Acacia Employment Officer visits the orientation accommodation unit (I block) and explains to new prisoners how the employment and gratuity system operates. Each prisoner is asked to complete an employment form that includes their preferences for employment, work history in prison and the community and any special skills possessed.
- 4.59 Initial allocations to work are based on prior experience or skills; those without would rarely be allocated to positions in the industrial workshops, kitchen or other 'desirable' positions. Unskilled prisoners will generally end up as unit cleaners in the residential blocks. Access to most workshops or education is subject to an initial interview with the instructor in that work area or the education coordinator. Picking successes in this way, rather than investing in need fundamentally contradicts the objectives of the role of the privately operated prison as a mechanism of reform.
- 4.60 The Inspection found considerable disquiet on the part of prisoners in relation to the allocation of work. Access to the most desired positions was by and large only through word of mouth or recommendation by a prisoner already working in that area. Almost 49 per cent of prisoners that responded to the pre-inspection survey indicated that work arrangements at Acacia were worse than other prisons they had experienced. Staff similarly acknowledged the problems, with only 17 per cent of staff survey respondents believing that prisoners had adequate access to work opportunities and it was listed as one of the worst things about working at Acacia.
- 4.61 The situation seemed especially poor for Aboriginal prisoners. One Aboriginal prisoner commented to Inspection staff that they were only given 'pity jobs' like cleaning or gardening. An analysis of work placements (below) showed that Aboriginal prisoners had reasonable access to most industrial areas other than metalwork and vegetable preparation, but poor representation in key service areas such as education or work positions requiring high levels of trust. They are, however, massively over-represented in residential block positions and gardening.

REHABILITATION AND REPARATION

Workplaces	Nos.	Indigenous	%	Workplaces	Nos.	Indigenous	%
Industrial				Key Services			
Carpentry	46	18	39%	Drug & Alcohol	9	2	22%
Horticulture	57	21	37%	Education	72	8	11%
Metalwork	40	5	15%	Geriatric	4	0	0%
Toys	24	12	50%	Health	1	0	0%
Traditional Arts	47	46	98%	Infirmary	1	0	0%
Vege Prep	58	5	9%	Kitchen	47	8	17%
Total	272	107	27%	Laundry	20	4	20%
Remove							
Traditional Arts	225	61	27%	Main Store	10	0	0%
				O block		7	14%
				Offender Services	14	0	0%
				Prison Reception	3	0	0%
Unit/Grounds				Recreation Centre	10	0	0%
Unit Workers	223	90	40%	Restricted Zone	27	0	0%
Grounds and							
Maintenance	40	10	25%	Visits	6	0	0%
Total	263	100	38%	Total	231	23	10
TOTAL ALL					766	230	30%

Structured Day Goes Awry

- 4.62 To assist Acacia to better meet its performance targets in work participation, the Department provided a Project Coordinator to work with the prison to develop a new structured day. This was implemented in early 2005 and was based around single six-hour shifts each day with prisoners lunching at work locations. Within weeks it was evident that the timetable was untenable, despite the months of planning. The main problem lay in the increasing shortage of staff; the Union representatives contended that staff could not be spared from the highly populated blocks to supervise workshops. By early May Acacia management were forced to limit the number of prisoners in the heavy industries area to 80.
- 4.63 The structured day subsequently reverted back to the previous model of two shifts each day of four hours, one in the morning and one in the afternoon after lunch at the blocks. The Inspection found that in reality the afternoon shift usually only lasted two hours. As the workers at each location are generally different in each shift, those attending in the afternoon are consistently short-changed. This also adds to the illusion of full employment, as the afternoon shift is counted as being fully employed. There are some work places that do not conform to standard hours, notably the vegetable preparation that has two six-hour shifts each day. Prisoners employed in this area are disadvantaged in that they work longer shifts than most prisoners but do not receive any extra gratuity for doing so, and so feel aggrieved by this inequity.

4.64 The final two hours of the structured day (of the six required by the performance measure) is utilised to some degree for recreation and personal development programs, such as self-help groups. Little effort is made to engage prisoners to motivate participation; rather the prison seems to have adopted the public prison ethos of providing opportunities which shifts any failure to achieve service outcomes onto prisoners.

Industrial Workshops

4.65 Minimising the cost of imprisonment to the community through prisoner work is the first item in the relevant standard in the Contract. Prison industries at Acacia are expected to generate profits with which to cross-subsidise the provision of work opportunities within the prison. In addition, about ten per cent of profits are paid to the Department to be held in trust as a Prison Industries Fund to benefit prisoners.

4.66 Acacia has to generate these contracts in the open market. In some areas, notably vegetable preparation and cabinet making, the quantity and quality of work is impressive. The maintenance of the agreements for Acacia to provide these services requires constant effort to improve performance and the commercial relationships. Other issues also impact on the arrangements; for example, Environmental Health has declared the vegetable preparation workshop unsuitable and substantial capital works resources are required to bring it up to standard.

4.67 A very positive development has been the opening of the Traditional Arts workshop, which engages primarily Aboriginal prisoners, many of whom are from remote communities. Other new opportunities being pursued include recycling, leatherwork, concrete products and hydroponics. The endeavour to develop new and diverse activities is applauded and should continue.

4.68 The range of work available to protection prisoners is also the best of any in the Western Australian prison system. These prisoners are the mainstay in the vegetable preparation workshop (although some feel exploited due to the longer hours without pay) and they also have access to leatherwork, garden and grounds work in the restricted zone, horticulture within their own unit and other forms of unit work.

4.69 A key concern in the workshops is the appalling level of supervision. While custodial staff from the blocks now attend heavy industries to provide extra supervision, they tend to remain within the office. This is meant to be protected by the Contract. The Industrial Officer team itself was not only short-staffed, with only seven of eight positions filled, but also two senior positions were vacant. This has left the heavy industries egregiously short-staffed. On a number of occasions the Inspections Team found some areas totally unsupervised, raising issues of security and prisoner safety.

4.70 Workshop closures have therefore been an ongoing issue in the months leading up to the Inspection. Ninety closures were recorded in the six months to 30 April 2005 of either the whole of or part of industries. While there was a combination of reasons provided for this, the vast majority related to failure to provide adequate staff to assist with supervision or lack of actual industrial officers. Since the time of the Inspection there have also been a number of significant finds of manufactured weapons in the heavy industries area, again an indication both of the lack of supervision in the workshops and the fact that many prisoners do not feel safe and believe they require weapons to ensure their safety.

Conclusion

4.71 To realise the potential that is possible in industries at Acacia, significant investment in infrastructure and human resources is required. Unfortunately, there is little evidence of the strategic approach that this would require. The failure to maintain an Assistant Manager and Supervisor positions in industries has placed pressure on the Industries Manager to the point that he has to become operational just to allow the area to function. There are many opportunities at Acacia; however, exploitation of these opportunities requires the willingness of Acacia (along with the Department who owns the infrastructure) to commit time and resources to them.

Chapter 5

RE-ENTRY

- 5.1 Between 1 January 2004 and 30 April 2005, 971 prisoners were released from Acacia Prison. Included amongst these 971 prisoners were almost 700 who were released to some form of parole, and 75 who were released to freedom. These figures position Acacia as a significant medium through which prisoners are released back into their communities directly from a secure custodial environment.
- 5.2 These figures imply the existence of an appropriate process to support the reintegration of prisoners into the community. In the ideal prison system, prisoners would generally progress through the different security levels to a minimum-security facility that provides the most appropriate environment for preparation for release. This is especially so for that category of prisoner that has been incarcerated for any significant period of time. Unfortunately in the Western Australian system, this does not occur for a large number of prisoners who are released from higher security facilities that present limited opportunities for preparation for re-entry back into the community.
- 5.3 As outlined in the previous Inspection Report, the Contract did anticipate that Acacia would release a certain number of prisoners, but not that it would become the largest releasing prison in the State.⁷⁹ With the current high prisoner population across Western Australia there is an acute shortage of minimum-security bed space, which has exacerbated the situation found at the time of the 2003 Inspection. On 30 June 2005, 54 minimum-security prisoners were accommodated at Acacia (7% of the total population), and this number generally fluctuates between 40 and 60 prisoners. Many prisoners are also released without having been downgraded from medium-security and so Acacia retains responsibility for their release. It is imperative, therefore, that appropriate services are available at Acacia to prepare prisoners for re-entry into the community, and the current Inspection sought to evaluate the quantity and quality at Acacia Prison.

RECOMMENDATIONS FROM 2003

- 5.4 It was recommended in the previous Inspection that as a matter of urgency, AIMS had to increase its commitment to re-entry planning and service provision by engaging '*appropriate community agencies to offer support and advice for prisoners, both pre- and post-release*'.⁸⁰ The response from AIMS to this recommendation implied that it believed it had adequate support for re-entry through the few groups that were attending the prison at the time, but that it would continue to be active in bringing more community involvement into the prison. In its update to the action plan, AIMS claimed that actions to achieve this recommendation were complete.⁸¹

79 Report No. 19, op. cit., [5.33]–[5.36].

80 Ibid., recommendation 28.

81 Department of Justice and AIMS, *Joint Submission to the Office of the Inspector of Custodial Services – Acacia Prison* (undated), p. 14.

- 5.5 Recommendation 32 of the 2003 Inspection Report addressed both the Department and AIMS to overcome shortfalls in the ‘provision of adequate Community Correction Officer support’, and also to the ‘development of firmer links with relevant community and welfare agencies’ to facilitate release planning. In outlining its progress towards achieving these outcomes, the Department and AIMS stated in a written submission that ‘Community Correction Officer presence has increased’ and that the introduction of a re-entry process has provided better support and links to the community and welfare agencies.⁸²
- 5.6 The Inspection in 2005 included a detailed examination of progress against these two recommendations and whether the claims made in the joint submission could be substantiated. Generally, it was found that while there had been some improvement to services, re-entry services for prisoners were overall still poor; that many prisoners were leaving prison with little or no supports; and that much more needs to be done to attain the standard of service stipulated in the Contract.

EXPECTED SERVICE STANDARDS

- 5.7 *Annexure A – Minimum Standards and Operation Service Requirements* of the Services Agreement between the Department and AIMS, contains specific reference to Acacia’s (contractual) responsibility in relation to the re-entry of prisoners in part 2, ‘Specific services and standards’.⁸³ These obligations include the provision of programs and activities for a prisoner’s successful reintegration; development of appropriate parole plans; the provision at Acacia (by the Department of Justice) of two Community Corrections Officers (CCO); and integration with the Department’s community re-entry program.
- 5.8 Acacia has fulfilled its contractual obligations in relation to the latter two duties in that it does provide a CCO support service and benefits from the Department’s Community Re-Entry for Prisoners Program. Further, there is a specific staff position that has been developed at Acacia to manage all the matters and processes relating to the reintegration of prisoners into the community upon release. The Head of Throughcare position was created following the 2003 Inspection; however, at the time of the current Inspection the position had been without a permanent appointee for some months.⁸⁴
- 5.9 Another guide used by this Office in assessing service delivery is the *Expectations* document produced by HM Inspectorate of Prisons (UK), which outlines the standards in relation to appropriate re-entry standards for a prison.⁸⁵ The standards contained in this document paint a picture of good practice in relation to re-entry and can be applied to some extent to prisons in Western Australia.

82 Ibid., p. 15.

83 In 2.4 *Rehabilitation*, sections d and e.

84 A new Manager of Throughcare commenced at the prison in the first week of September 2005.

85 HM Inspectorate of Prisons, *Expectations: Criteria for assessing the conditions in prisons and the treatment of prisoners* (2004).

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- 5.10 According to Expectations, resettlement⁸⁶ underpins the work of the whole establishment, supported by strategic partnerships in the community and informed by assessment of prisoner risk and need so as to minimise the likelihood of reoffending on release. Further, the expectations that should accompany a resettlement strategy are that:⁸⁷
- The establishment has a clear resettlement policy, based on the resettlement needs of the population, which is produced, implemented and monitored by a multi-disciplinary/agency committee and reviewed at least annually.
 - The committee uses a range of information, such as performance monitoring and prisoner surveys, to improve practice.
 - The prison has mechanisms and links in place to assist prisoners to resettle into the community on release, working closely with statutory and non-statutory agencies.
 - All prisoners are given help throughout their time in custody to preserve their community links, or resources that may be important to them.
- 5.11 It is not the intention to judge the services provided by Acacia directly against these standards. What is intended is to expose what is available and expected elsewhere in relation to the resettlement/reintegration/re-entry of prisoners. Notably, however, the Contract between the Department of Justice and AIMS does include commitments that AIMS must ensure in relation to reintegrating prisoners from Acacia into the community, which are in line with the expectations listed above.

COMMUNITY CORRECTIONS OFFICERS

- 5.12 The 2003 Inspection Report⁸⁸ specifically recommended the provision of adequate CCO support by the Department and support of CCOs by AIMS. At the time of the current Inspection, Acacia management maintained that they had adequately addressed this recommendation:⁸⁹
- ...CCO presence has increased. The introduction of the re-entry process will provide improved support in the pre release process of prisoners and provide better links to both community and welfare agencies. 100% complete.*
- 5.13 The current CCO at Acacia was interviewed at length during the course of the Inspection. While there should be a team of two CCOs at Acacia, one CCO was acting in another position and had not been replaced. To some extent, therefore, the response to the recommendation was misleading in that the CCO presence has not increased and was made only shortly before the commencement of the recent Inspection at a time when the CCO presence was in its current diminished capacity. This responsibility falls with the Department.

86 HM Inspectorate uses the term 'resettlement' in the same context that 're-entry' is used in this Report.

87 HM Inspectorate of Prisons, *Expectations: Criteria for assessing the conditions in prisons and the treatment of prisoners* (2004), p. 121

88 Report No. 19, op. cit., p. 100.

89 Department of Justice and AIMS, op.cit., p. 15.

5.14 The CCOs' role at Acacia is a mixed bag of tasks. It includes:

- providing assistance to prisoners on an individual level in relation to their specific needs regarding preparation for release and re-entry;
- giving information and advice about prisoner parole plans;
- educating prisoners about managing their parole appropriately;
- liaising extensively with the community based CCO in Midland to source suitable community referrals and support for prisoners leading up to their release;
- attending induction sessions for new prisoners at Acacia every Friday morning to explain the role and services of the CCO; and
- compiling thorough reports for the Attorney General on the appropriateness of long-term prisoners who are eligible to commence a pre-release program.

5.15 In recent times the role of providing information to the Attorney General has been particularly onerous given the current sensitive political climate to the release of high profile prisoners. Given the extensive diversity of functions and the number of prisoners requiring assistance, the CCO complement currently onsite at Acacia Prison is lacking.

5.16 Further, and perhaps more significantly, the CCO was working in isolation from the other individuals and organisations at Acacia that are also responsible for meeting prisoners' re-entry needs. This has caused a number of practical problems for the CCO, particularly in relation to the lack of communication with and support from local prison management and prompted her to comment that '*AIMS does not know or understand or support my role*'. This was confirmed when members of management echoed this view, and implied that the CCO was to blame for this lack of communication. Where blame lies for this situation is not the concern of this Office, but the resulting obstruction of service delivery to prisoners is. Acacia management must take responsibility for managing the prison and ensuring services are delivered properly and so must take the initiative to ensure any blockages are removed.

OUTCARE AT ACACIA

5.17 Outcare is a major provider of support services to prisoners throughout the Western Australian prison system. Until recently, Outcare did not provide any services at Acacia at all, which left a significant gap in re-entry (as well as some other) prisoner services. The main reason for this was that Acacia was not a part of the organisation's contract for services with the Department, and neither the Department nor AIMS would pay additional costs for Outcare to attend the prison. As a result prisoners missed out. This situation has however changed since the 2003 Inspection and Outcare now provide some services at Acacia that has led to some improvement to re-entry preparation.

Community Re-Entry for Prisoners Program

- 5.18 The Community Re-Entry for Prisoners Program, a Department initiative, was launched in 2003 and is designed to assist offenders to reintegrate into the community after release from prison. There are various aspects to this program. Those that are specifically relevant to Acacia Prison are the Community Re-Entry Coordination Service and the Transitional Accommodation and Support Service. The program provides for support to offenders for up to three months before leaving prison and six months after. Outcare was contracted to provide the program at Acacia Prison⁹⁰ in March 2004.
- 5.19 The contract between the Department and Outcare emphasises a good working relationship between the prison and the service provider, particularly in relation to sharing information about prisoners due for release. Outcare's approach to pre-release planning (in all prisons) is to integrate with the prison orientation and assessment processes, with appropriate action plans being developed in consultation with prison staff.⁹¹
- 5.20 Further, the contract outlines the specific roles of the service provider (Outcare), the Department and the prison. According to this document, the responsibilities of the service provider are more onerous than those of the prison. However, these responsibilities are supposed to be supported by the prison, and the role of the prison, as described in the contract, indicates this.⁹² Discussions with the three individuals responsible for providing the preparation for release and re-entry services to Acacia's prisoners revealed that they are aware of the re-entry obligations.

Individual Case Management

- 5.21 Two Outcare workers attend the prison about twice a week to meet with individual prisoners who have release preparation and/or re-entry needs and who (in keeping with the contract requirements) have three (or less) months to serve before being released. Most of the prisoners seen have been self-referred. The services provided include:
- referrals to other agencies, eg Centrelink;
 - assistance in applying for Medicare cards;
 - joint discussions with the prisoner and the medical staff at Acacia to negotiate an appropriate action plan in terms of the prisoner's medical needs on release;
 - assistance to prisoners to obtain suitable forms of identification;
 - assistance with Homeswest applications;
 - provision of crisis accommodation;
 - organisation of transport on release;
 - assistance with personal budgeting; and
 - provision of clothing.

90 Outcare also provides the same service to all other male prisons in the metropolitan area.

91 *Service Agreement for the Provision of Community Re-entry Coordination Services to Male Offenders throughout the Metropolitan Area* (2004), pp. 10 & 17.

92 *Ibid*, pp. 17–18.

5.22 Outcare staff report a good working relationship with AIMS' officers who case manage the prisoners. They feel comfortable asking the officers for information relating to individual prisoners and always receive sound information from them. In this respect AIMS is adhering to the contractual obligation *to share relevant case management information, where appropriate, to assist in the release planning of offenders*,⁹³ at least at the custodial officer level. Outcare does not, however, report a good working relationship with Acacia management. Outcare workers do not feel supported in their role, which is perhaps evidenced by the lack of availability of rooms in which to do their work. Acacia management have asked Outcare to meet with their clients in the accommodation blocks, and not in the visits centre, but there is no appropriate space in the blocks to undertake this work. Management needs to better fulfil its obligation under the contract with Outcare to support its re-entry services.

Life Skills Training

- 5.23 The Life Skills Training Program is the second component of Outcare's release preparation and re-entry services at Acacia Prison. It is a five-week group-based program, comprising of one three-and-a-half hour session per week. Approximately 14 participants attend each session. The program provides information and advice relevant to basic life skills essential for an offender's successful reintegration upon release, such as finding accommodation and employment, financial planning, managing emotions, internet and email use, and parenting. Outcare's Life Skills Program has been operating since the beginning of 2005 and approximately 90 prisoners have progressed through the program since it commenced.
- 5.24 The Outcare worker responsible for delivering the program selects participants from a TOMS list provided by the prison. Prisoners with four months to serve before release are sent an invitation to attend the program, but participation in the program is voluntary. The prison does not assume any responsibility for encouraging a prisoner to attend by, for example, calling the prisoner at the appropriate time. The referral process therefore is quite ad hoc. There is a lot of information available about the re-entry services in the form of posters and pamphlets, yet many prisoners interviewed throughout the Inspection did not know about Outcare and the services they provide. Officers will refer a prisoner to Outcare only when a prisoner requests support with release preparation and re-entry. This is a fragile system that places the responsibility on the prisoner, rather than the prison.
- 5.25 Outcare has confronted similar challenges in relation to securing appropriate accommodation to deliver the program at Acacia, to the extent that facilitators will arrive at the prison to find there is no available room. At the request of the prison the day the program was delivered was changed to supposedly solve the accommodation problem; however, there is still no access to a permanent room for the program. This has caused great frustration for Outcare workers who commented that Acacia takes *'a hands off approach' based on 'a complete misunderstanding of what we do and what re-entry actually is'*.⁹⁴ This unfortunate attitude on the part of Acacia towards the re-entry service provider is in conflict with its role as defined in the Outcare contract.

93 Ibid, p. 18.

94 Quote from the facilitator of the Outcare Life Skills Program.

AIMS could argue that they do provide accommodation; however, this would be a loose interpretation of their role.

Need for Additional Services

- 5.26 Outcare have Family Support Centres at Hakea, Casuarina and Bandyup Prisons, Boronia Pre-Release Centre and Karnet and Wooroloo Prison Farms. These centres provide supportive and welfare services to families of offenders, programs for women and children as well as occasional children's care. Indeed, the contract between the Department and Outcare does identify the importance of addressing the needs of prisoners' families. It is also recognised that offenders may have family members who need help to adjust and cope with the offender being sentenced and placed in custody as well as their return to the community. The support services can be extended to the offender's family to offer a combination of in-prison practical assistance and community-based services to offenders and their families to increase their level of self-reliance.⁹⁵
- 5.27 Findings from the Inspection revealed that prisoners and their families would benefit from a family centre at Acacia. There certainly is provision in the contract for these services. Further, the Outcare case management workers reported that they were following up on prisoners' family needs as a result of their individual case management work. It is unclear why there is no family centre at Acacia Prison, given that the contract directs that Outcare should provide services to families of prisoners and the obvious need for such services.
- 5.28 According to information provided by Acacia leading up to the Inspection, 111 prisoners released from Acacia Prison accessed the Department's re-entry services and eight accessed the Transitional Accommodation and Support Service, between January 2004 and April 2005. However, this is not consistent with the commencement of the contract in March 2004. These figures may not, therefore, be reliable and further indicate the disjointed and confused approach that Acacia Prison management has in relation to re-entry and release preparation services.
- 5.29 In their 2004–2005 Annual Report, AIMS alleges that the re-entry services they provide have been successful in the efficient and effective delivery of the services to prisoners and has achieved all performance measures in satisfaction of contractual requirements.⁹⁶ However, the Inspection findings in relation to re-entry services at Acacia (explored above) thoroughly contradict this assertion.

INVOLVEMENT OF OTHER EXTERNAL AGENCIES IN RE-ENTRY

- 5.30 In the action plan to progress recommendation 28 of the 2003 Inspection, Acacia and the Department maintained that *the re-entry process involves many external agencies and the presence of CCOs has increased the link to the community groups significantly. 100% complete.*⁹⁷ Individuals who provide the service on the ground were interviewed during the Inspection and disagreed with this assessment. In particular, the CCO stated that she was not aware of how her presence had significantly increased the link to community groups.

95 Ibid, p. 9.

96 *Acacia Prison Annual Report 2004-2005.*

97 Ibid., p. 14.

5.31 It appears that, despite AIMS' faith in its own links with community agencies, it does not have a robust system in place to capture information on precisely which community agencies are linked to the prison and what services they provide. The requirement to identify and involve voluntary community services is stipulated in their Contract.⁹⁸ It states that the Contractor must:

- *Establish and maintain an up to date data-base of relevant social services, Aboriginal agencies and contacts;*
- *Provide access by Prisoners to such services when required;*
- *Encourage the formation of relevant self-help groups within the Prison (eg. Alcoholics Anonymous, Gamblers Anonymous, etc); and*
- *Establish a minuted monthly meeting with representatives of such groups involved with the Prison to seek feedback on matters of concern related to individual Prisoners and the Prison as a whole.*

5.32 The Community Relations Branch of this Office made repeated requests to AIMS to provide this information, but AIMS was elusive in this regard. When a list was received, a number of agencies contacted stated that they had not attended the prison for some years, or that they had only attended once and were not scheduled to attend again. The prison failed to fulfil the first obligation contained in the Contract detailed above. The disorganisation and knowledge about agencies, when they attended and what they did was clearly apparent and contributed to the assessment that re-entry planning was wanting. In addition the prison could not provide any minutes from the preceding 12 months of meetings with external agencies, as required. On the positive side, those agencies that did attend provided quite positive feedback regarding the helpfulness of staff and the support provided.

CONCLUSION

5.33 The Inspector, in his Exit Debrief following the 2005 Inspection of Acacia Prison, stated that better re-entry arrangements appear to be in place, particularly involving Outcare. This was a notable deficit of the previous Inspection.⁹⁹ This supports the dominant Inspection finding that, at Acacia, the responsibility for release preparation and re-entry services lies solely with the CCOs and Outcare, who provide an outstanding service despite the lack of support and fragmented nature of AIMS' approach in this regard. Preparing prisoners for release and reintegration into the community should be managed in a holistic and coordinated way that supports and promotes the valuable work of those individuals and organisations responsible for the delivery of the services.

⁹⁸ *Annexure A – Minimum Standards and Operation Service Requirements, Services Agreement: Acacia Prison*, p. 128.

⁹⁹ *Inspector of Custodial Services, Acacia Inspection Debrief (2005)*, p. 9.

Chapter 6

ABORIGINAL PRISONERS

- 6.1 Acacia holds the highest number of Aboriginal prisoners in Western Australia. On 30 June 2005, 253 of 728 prisoners were Aboriginal (35% of the total prisoner population).¹⁰⁰ So while Acacia does not constitute what this Office has defined as an ‘Aboriginal prison’ (where 75% or more of the population is Aboriginal) it accommodates more Aboriginal prisoners than many Western Australian prisons hold.
- 6.2 Adding complexity to the issue of providing services to such a large (but discrete) population is the great diversity that exists within the group of Aboriginal prisoners. It is erroneous to assume that Aboriginal prisoners constitute a homogenous group with compatible needs. Noongar prisoners from the metropolitan area and south-west of the State will have vastly different needs from Wongi prisoners who have been transported from the Goldfields or those from the Kimberley or Pilbara. The overwhelming number of Aboriginal prisoners at Acacia is Noongar (approximately 70%)¹⁰¹ with Aboriginal prisoners from the Goldfields region constituting the second largest group, generally around 40 prisoners (approximately 16% of the Aboriginal population).
- 6.3 When establishing Acacia, the Department was well aware of the high population of Aboriginal prisoners it was likely to accommodate and the diversity that group would present. As a consequence, the expectations regarding service delivery to Aboriginal prisoners were clearly defined in the Request for Proposal documentation and in the Contract¹⁰² itself. These establish an unambiguous objective of providing a high level of service to Aboriginal prisoners, setting a benchmark for emulation by the public sector.
- 6.4 For this combination of reasons, an examination of the realities for the different groups of Aboriginal prisoners in Acacia was fundamental to a complete inspection of the prison. Firstly, an examination will be made of the findings and recommendations of the 2003 Inspection. This chapter will then discuss the findings of the 2005 Inspection regarding the realities of life in Acacia for Aboriginal prisoners, comment on the progress made against previous recommendations in light of what was found, and make new recommendations.

PREVIOUS FINDINGS AND RECOMMENDATIONS

- 6.5 The 2003 Inspection of Acacia Prison concluded that the ‘*prison has fallen well below expectations*’, but in this respect was generally only duplicating the deficiencies seen in the State’s public prisons. One area of good practice was found, however, in the appointment of a full-time Indigenous Liaison Officer (ILO) who had been assisted by a support worker to help address the specific needs of Aboriginal prisoners.

100 Aboriginal prisoner populations at other prisons in Western Australia at the end of June 2005 were as follows: Albany – 71; Bandyup – 71; Boronia – 15; Bunbury – 39; Casuarina – 206; Eastern Goldfields – 84; Greenough – 180; Hakea – 172; Karnet – 11; Roebourne – 153; and Wooroloo – 34.

101 Data prepared by the Department of Justice, Business Management Directorate.

102 Acacia Prison Services Agreement, Annexure A, ‘Minimum Standards and Operation Service Requirements’ (December 1999), clause 2.2(6).

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- 6.6 As a prison established with the goal of leading the way in best practice management of Aboriginal offenders, Acacia unfortunately failed. The main issues identified in the 2003 Inspection included:
- While acknowledging the prison had no control over the placement of prisoners at Acacia, there was a serious lack of strategies to address the needs of the significant number of Wongi prisoners in its care. In the words of the previous Report ‘...we have never previously encountered any group that appears so unhappy and out of place...’¹⁰³
 - There was no interpreter for the non-English speaking Aboriginal prisoners.
 - Contact with family and significant others for Aboriginal prisoners from regions outside the metropolitan area were virtually non-existent and there were few efforts to facilitate alternative means of contact.
 - Education and treatment programs were not culturally suitable for the majority of Aboriginal prisoners.
 - There was inequity in the distribution of Aboriginal prisoners between the different privilege levels of accommodation, with only four per cent of self-care prisoners being identified as Aboriginal.
 - There were high rates of unemployment and under-employment amongst Aboriginal prisoners, and corresponding low gratuity levels.
 - There was a lack of access to traditional foods for Aboriginal prisoners not located in self-care.
 - The design of the prison’s cultural meeting place was inappropriate.
- 6.7 The Department was called upon to take responsibility for some aspects of identified service deficits, including the placement of prisoners at Acacia away from their lands, a possible over-classification of some prisoners given offence seriousness and history, the lack of availability of temporary transfers back to prisons in the regions for visit purposes and the processing of applications for attendance at funerals. In particular, the placement of so many regional Aboriginal prisoners at Acacia was contrary to the Department’s own *Strategic Plan for Aboriginal Services 2002–2005*¹⁰⁴ and its re-entry emphasis.
- 6.8 Three recommendations were made in the 2003 Inspection Report that related to these matters. Recommendation 20 stated that the Department ‘*should assess its classification and placement practices with reference to all prisoners, and especially...prisoners from remote areas*’ to avoid placing them far from their homes. Recommendation 21 was that the Department and AIMS should implement plans for subsidising travel for close relatives for prisoners from remote regions and that subsidised phone calls and video visits be explored. Finally, recommendation 33 required a detailed plan from the Department and AIMS to address the systemic discrimination faced by Aboriginal prisoners and detailed nine specific areas that needed attention.

103 Report No. 19, op. cit., p. 52.

104 Specifically with regard to Aboriginal prisoners retaining connections with family, community and country: Department of Justice, *Strategic Plan for Aboriginal Services 2002–2005* (2002), p. 15.

- 6.9 All three recommendations were agreed to and both the Department and AIMS committed to addressing the identified deficits in service. The next section will detail the findings of the current Inspection with a view to assessing the extent to which the recommendations were in fact implemented and examining new issues that have arisen since 2003.

SERVICE DELIVERY IN 2005

Wongi Prisoners¹⁰⁵

- 6.10 It was disappointing to find in the 2005 Inspection that large numbers of men from remote communities were still being detained in a metropolitan prison far from their communities and lands. The first preference for accommodating Wongi prisoners is at Eastern Goldfields Regional Prison (EGRP). EGRP is a releasing prison with limited capacity to house maximum- and medium-security prisoners on other than a short-term basis. Although planning for more appropriate custodial management is currently underway, the infrastructure to support this is still some way off. In the meantime approximately 60 per cent of prisoners from the Goldfields region are not held at EGRP.¹⁰⁶
- 6.11 A significant focus at Acacia since the 2003 Inspection had been on the accommodation of these prisoners and their specific needs. In response to recommendations 21 and 33, Acacia management and the Department commissioned a review of Aboriginal services at the prison, which was completed in May 2004 ('the Staples Report'). The Staples Report¹⁰⁷ was completed by an external consultant, who consulted with an elder from the Warburton community, a group of prisoners detained at Acacia at the time and relevant staff from the Department and AIMS. It contained some innovative and practical suggestions about how to improve the situation for Wongi (and other) prisoners from remote communities.
- 6.12 The Inspection did not set out to ascertain whether Acacia had implemented all of the recommendations made in the Staples Report, but it did note some improvements to the living conditions for Wongi prisoners that endeavoured to make their imprisonment so far away from their home more bearable. The main initiatives arising from the Staples Report that have somewhat improved life for the Wongi prisoners include:
- one free phone call each week (of ten minutes duration) for each prisoner to his local community;
 - video-taped messages from local Ngaanyatjarra communities available to prisoners in the prison library;
 - visits by relevant Ngaanyatjarra elders to Acacia; and
 - the development of an Aboriginal Arts industry to provide more relevant employment and activity.

105 The term Wongi has become common in describing Aboriginal prisoners from the Goldfields region; however, most of the prisoners at Acacia are from the Ngaanyatjarra communities.

106 Department of Justice data based on statistical division of last known address as recorded on TOMS as at 30 June 2005.

107 C. Staples, *Wongi Prisoners at Acacia: Evaluation Report* (2004).

- 6.13 Unfortunately by the time of the Inspection it seemed that momentum had been lost and the implementation of some of the more important recommendations (regarding contact with families, access to appropriate treatment programs and education services and methods of managing relationships between Wongi, Noongars and other Aboriginal groups) had been allowed to lapse. It would be tragic to see such a thorough examination of the needs of a displaced group of prisoners go to waste. We were assured that with the new prison management now coming into place¹⁰⁸ action on these recommendations would be reinvigorated.
- 6.14 Temporary transfers to regional prisons for the purpose of visits have been virtually non-existent for Aboriginal prisoners at Acacia. At the time of the Inspection nine prisoners had submitted applications, two of which were submitted as far back as December 2004. In the 12 months prior to the 2005 Inspection only two visits had been approved, and one of these was terminated early after it was realised there were alerts on the prisoner's record that should have prohibited the visit. The main issue appears to be the overcrowding at EGRP, resulting in transfers for court appearances taking precedence, and no beds being made available for temporary transfers for visits.
- 6.15 None of the Wongi prisoners interviewed during the Inspection had received a social visit since their arrival at Acacia. Visits to the prison by relatives from remote areas are unusual due to the prohibitive distance (some 1500 kilometres) and cost of travel. As was found during the 2003 Inspection, video facilities available at the prison are seldom used to facilitate visits with family in the regions, partly due to the inability of family and friends to reach the larger towns where the necessary video facilities are available.
- 6.16 The majority of contact between Wongi prisoners and their families is by telephone, generally initiated by the prisoner. Even this proves problematic at times as most remote communities only have one shared telephone so speaking to specific individuals can be difficult. Since the time of the last Inspection, Acacia has initiated a policy of providing each prisoner with one free telephone call per week, a very positive initiative. Unfortunately, this initiative has been the subject of dispute between Acacia and Department, which denies responsibility for its costs. It is disappointing that the Department, which is ultimately responsible for the wellbeing of prisoners and is responsible for the transfer of prisoners to facilities away from their homes, has refused to bear responsibility for mitigating the circumstances in which the prisoners found themselves.
- 6.17 Another positive outcome of the Wongi Action Plan has been the development of a series of videos called 'Messages from the Ranges' that were taped in the Ngaanyatjarra communities and are available in the Acacia library for prisoners to borrow. They have proven very popular with the Wongi prisoners and serve as an example of good practice for duplication in the public sector to help dislocated Aboriginal prisoners feel connected to their communities. Similar videos for prisoners from other remote communities in the State should also be produced and made available.

108 See Chapter 7 for a discussion about management changes at Acacia in the past two years and the impact on service delivery.

- 6.18 The Inspection found that, unfortunately, the focus on the needs of Wongi prisoners has resulted in some inequity and resentment from other groups of prisoners. The example most frequently given to Inspection staff was the granting of the one free phone call per week to each Wongi prisoner. No free calls have been extended to any other remote Aboriginal or non-Aboriginal prisoners. Now the needs of Wongi have been identified those of other dislocated prisoners should also be examined, with the assistance of the Department, and initiatives put in place at Acacia and the public prisons to address these issues.

Funeral Attendance

- 6.19 Funerals are of great cultural significance to Aboriginal people, in particular those from the lands who adhere to traditional Aboriginal customs. It is generally seen as obligation to attend the funeral of family members and serious consequences can flow from non-attendance. The difficulty that many prisoners experience in being able to attend funerals was, therefore, one of the most criticised aspects of life for Aboriginal prisoners at Acacia.¹⁰⁹ Prisoners believed that they were particularly disadvantaged in making application for funeral attendance over prisoners accommodated in public facilities, blaming Departmental bias or Acacia being tardy in lodging applications.
- 6.20 Department of Justice Policy Directive 9 governs the process for funeral applications for all prisoners, including those accommodated at Acacia. A form is completed and submitted to local prison management, which assesses the application and makes a recommendation to Department head office whether attendance should be authorised. Consideration of time, distance and cost are relevant but the nature of the relationship between the prisoner and the deceased is of most importance. Due to the large numbers of Aboriginal people who are incarcerated and the importance they place on funeral attendance, there are often large numbers of applicants to attend a funeral. Current practice is to allow only four prisoners from the whole system to attend any one funeral service, with the ultimate decision about who is chosen to attend being left with the family of the deceased.
- 6.21 To try and assess the perception of disadvantage held by many Aboriginal prisoners held at Acacia, comparative data was sought from the Department. It was able to provide figures for the number of applications made to attend funerals, visit dying relatives or visit a prisoner's newborn child, but not funeral applications as a discrete category.¹¹⁰ Since January 2005, 106 applications had originated from Acacia Prison. Of these, 40 per cent were approved. The approval rate was compared with Broome Prison (65%), Roebourne Prison (54%), Hakea (41%) and Casuarina (44%). While it would appear Acacia prisoners have been less likely to gain approval, there is no clear reason for the discrepancy; and with family members receiving the final say on attendance, there is no evidence to support the perception of bias.

¹⁰⁹ The issue, however, is not unique to Acacia.

¹¹⁰ It was also not possible from the way data was collected to separate applications made by Aboriginal prisoners rather than prisoners of other ethnicity or cultural background.

- 6.22 What should be emphasised is the need to communicate with prisoners about the application process and its outcomes. The ability for prisoners who are not able to attend funerals to have the opportunity to mourn in a culturally appropriate way within the prison and with other family members must be given consideration by Acacia, and also the public prison system.

Employment and Programs

- 6.23 According to official Acacia records, at the time of the Inspection 230 of the 253 (91%) Aboriginal prisoners were employed. This simple figure masks the reality of the work situation for Aboriginal prisoners at Acacia,¹¹¹ which continues to feature similar problems to that found in 2003.
- 6.24 Ninety-five prisoners (38% of the Aboriginal population) were unit workers, 49 (19%) worked in traditional arts, 19 (7.5%) worked in horticulture, and smaller numbers were employed in each of the remaining employment areas. When Inspection Team members examined the actual work functions being performed in these areas of employment, there was significant evidence that many Aboriginal workers were severely under-employed, especially in unit worker positions. Many of these positions required individual prisoners to undertake limited cleaning functions for a very short period of time each day – some for as little as 20 minutes. The work provides no real activity to occupy the prisoner's time, let alone provide any real opportunities for skilling or personal development.
- 6.25 The new employment area of traditional arts is a good initiative, and is particularly meaningful to the Aboriginal prisoners from remote and traditional communities. At the time of the 2003 Inspection, many of these prisoners were unemployed or faced with performing work tasks that were meaningless in their cultural context. The art shop gives prisoners a place to go outside of the unit. While the initiative allows for prisoners to receive gratuity while undertaking this work, the level at which the majority (40 prisoners) are paid is low (level four) and some thought could be put towards providing some additional increased levels within the work area for extra tasks performed (for example, overseeing others or keeping track of stock/materials).
- 6.26 As a result of the lack of representation of Aboriginal prisoners in the more skilled employment areas, they also continue to be under-represented in earning the higher levels of gratuity available. Only 16 Aboriginal prisoners were employed at level one, with 163 employed at levels three or four.
- 6.27 A significant flow-on effect of the level of under-employment (and other purposeful activity) and gratuities for Aboriginal prisoners was the unacceptable amount of gambling occurring within the prison. The Inspection Team witnessed (and were also told by prisoners and staff) that gambling, especially amongst Aboriginal prisoners, was widespread. Money would be bet on paper, and the losers would then have to purchase items for the winner to the value gambled and lost. There is potential for conflict when debts cannot be paid. While putting a halt to gambling should be a priority, this would only address the symptom and not the cause;

111 The problem also applies to a lesser extent to non-Aboriginal prisoners.

that is, under-employment and resultant low gratuity levels as well as underdeveloped practical welfare support.

- 6.28 Two programs specifically for Aboriginal prisoners are currently available at Acacia. Both target substance dependency and abuse issues while taking in aspects of history, culture and self-worth. They are both 'yarn-based' where prisoners share experiences and ideas. Neither is accredited for parole purposes, however, and the value that Aboriginal prisoners place on participation is not officially recognised. No other offender treatment programs that are culturally sensitive are available, a deficiency also identified at the time of the previous Inspection.

Staffing Issues

- 6.29 At the conclusion of the last Inspection a recommendation was made that Acacia put in place strategies to recruit more Aboriginal staff.¹¹² The 2005 Inspection found that Acacia had seven Aboriginal staff members – five serve as uniformed officers, one is in the prisoner support role and one is the Aboriginal health worker. This was not a significant progression from the situation two years earlier, and given the prison's difficulty in recruiting staff generally,¹¹³ it is not surprising that a more specific strategy to recruit Aboriginal staff had not eventuated as recommended.
- 6.30 In providing the Office with a written report on the progress against the recommendation to increase Aboriginal staff, AIMS stated that an additional two Aboriginal employees had been engaged in the role of Indigenous Liaison Officers (ILO). During the onsite phase of the Inspection there was no evidence of these two positions. When interviewed, the staff responsible for the preparation of the relevant section of the report could not support the veracity of this claim and could not explain its inclusion in the report. The Inspection found that, if anything, support staff specifically for Aboriginal prisoners in fact diminished rather than improved. The role that was previously designated as ILO has been reclassified to a generic Prisoner Support Supervisor, although an Aboriginal man fills it. The role involves overseeing and assisting the prisoner peer support group and providing support to prisoners generally. A second ILO position (that had been vacant since December 2004 and remained so during the Inspection) was also reclassified to a generic support role. The result is that the one support officer is now expected to do the work of two, plus cater to the needs of Aboriginal prisoners. With the very high Aboriginal population and the special needs of that population it is essential that at least two positions specifically for Indigenous staff be retained, in addition to the generic prisoner support role.
- 6.31 A positive initiative since the 2003 Inspection has been the recruitment of an Aboriginal Health Worker, whose role includes health checks and health education. Aboriginal prisoners were overwhelmingly positive about this development and such a position should be funded for all public prisons with significant Aboriginal populations.

112 Recommendation 12.

113 See discussion regarding staff retention and recruitment in Chapter 7.

- 6.32 In a prison with such a high Aboriginal population it is essential that staff have sufficient knowledge of Aboriginal culture and appreciate the specific needs of Aboriginal prisoners. Just over half of the respondents to the pre-inspection staff survey (55%) stated that they felt they had sufficient information and skills in relation to Aboriginal culture to do their jobs well. In contrast, only 15 per cent of respondents reported having received cultural awareness training in the past two years, and only 40 per cent felt competent in this area. Despite this somewhat inconsistent feedback, with such a high number of Aboriginal prisoners ongoing professional development regarding cultural awareness and the services required by Aboriginal prisoners is essential and has not been adequately provided by Acacia.

CONCLUSIONS

- 6.33 The overall situation for Aboriginal prisoners at Acacia has changed very little since the 2003 Inspection. While some significant steps have been taken towards improving the services for Wongi prisoners from the Goldfields region of Western Australia, those from other regions and the metropolitan area continue in their same situation – generally in the lower skilled jobs, being paid the lower levels of gratuity, residing in the poorer levels of accommodation and having to participate in programs that are generally not culturally sensitive to their needs. This is by no means a situation unique to Acacia; it is a situation the Inspector finds at most of the metropolitan area prisons in Western Australia. What differentiates Acacia, however, is that it was established to provide a benchmark in best practice service delivery to Aboriginal prisoners. It has failed, and in doing so has not achieved adequate progress towards the implementation of recommendation 33 of the 2003 Inspection Report.
- 6.34 As already mentioned, some positive results have been achieved in relation to addressing the needs of Wongi prisoners. Recommendation 21 of the 2003 Report included the consideration of subsidised telephone calls, and this outcome has been achieved. In addition, the commissioning of the Staples Report was an excellent initiative to assess the needs of a special group of prisoners. The action to date on implementing the recommendations from that report is to be commended, and the Inspector will watch with interest how the new management team progresses these recommendations. It is an initiative that is recommended to be extended to other groups within the prison removed from their lands, and also to the public sector to emulate.
- 6.35 The Department must provide a strategy to facilitate inter-prison transfers for visits for remote area prisoners held in metropolitan prisons. While the crowding experienced at many regional facilities is recognised, the onus is squarely on the Department to manage its resources to enable it to fulfil the objectives of its own planning documents.

Chapter 7

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- 7.1 Overshadowing most aspects of the 2005 Inspection of Acacia Prison was the issue of human resources – especially staffing levels, training, qualifications and support from management. This was equally true for both uniformed and non-uniformed staff. In each of the preceding chapters of this Report, reference has frequently been made to the impact of staffing on the delivery of services within Acacia, and for this reason the issue of staffing must be examined in order to provide a context for prison operations.
- 7.2 As a general statement, the vast majority of staff at Acacia were found to be dedicated to their work and many evidenced a desire to achieve the goals for the prison as set out in the Contract. Dissatisfaction with staffing levels, training, management and support from head office (in particular human resources) was, however, undermining morale and resulting in a large number of staff looking for opportunities elsewhere. It is necessary for AIMS to address this as a matter of urgency, as it is mostly because of the personal commitment from staff that Acacia has been able to perform to any adequate standard at all.

STAFFING LEVELS AND RETENTION

Retention

- 7.3 Since the time of the last inspection, a large number of staff (both uniformed and non-uniformed) have left Acacia. Discussions with staff during the Inspection put this down to a few core reasons – conditions of employment compared with the public sector, training, promotion opportunities and lack of support from management. A pre-inspection survey of staff saw many staff list ‘low rate of pay and no incentives’, ‘lack of ongoing training’ and ‘poor support from management’ as some of the worst things about working at Acacia and supported the apparent reasons for the instability of the workforce.¹¹⁴
- 7.4 Initially Acacia was losing staff at a relatively slow rate as people found work in alternative industries; however, the real staffing crisis began when the Department commenced its own recruitment drive and began poaching staff from its private sector partner. Advertisements for recruits to the Department’s prison officer training school included encouragement for those with custodial experience to apply and indicated that credit would be given to those who could display equivalent training elsewhere. This was, in effect, a pitch at Acacia staff to join the public service, and benefited the Department in terms of resources (not having to fund all recruits for the full duration of the training course) and time (getting the recruit out into the field more quickly). Acacia staff took up the offer in significant numbers.¹¹⁵
- 7.5 In a free and competitive market environment the Department is free to recruit in any manner it chooses and AIMS staff are free to move between employers based on the conditions offered. It seems that to a large extent, however, the actions of one branch of the Department

114 Confidential surveys were distributed to 118 custodial staff on 21 June 2005 and collected on 6 July 2005. Sixty-one surveys were returned (51.7%).

115 Between January and June 2005 alone, 23 custodial staff resigned from Acacia to join the Department and this trend continued for the subsequent officer training schools conducted by the Department in 2005: *Acacia Prison Services Agreement Annual Report 2004-2005*, *ibid.*, p. 24.

(Human Resources) were directly at odds and against the best interests of another (Contract Management). The poaching of staff seriously eroded the capacity of AIMS to deliver contracted services, which put the Contract itself at risk. This is a ridiculous situation and the Department must identify its priorities as an agency and act cohesively to deliver services. The Department is due to advertise for more recruit training in the near future and it should remedy this situation as soon as possible.¹¹⁶

- 7.6 The relatively rapid turnover of staff and high attrition rates has resulted in a group of staff that is relatively inexperienced. This has significant consequences for the delivery of services to prisoners and prison operations in general. It was not uncommon during the Inspection for prisoners to pass comment on the frustration they often experienced due to staff inability to assist them simply because they did not know how to accomplish things. Staff themselves were also acutely aware of the safety issues resulting from their inexperience. On some occasions the entire staff on roster in one unit had less than nine months' experience and new recruits have been required to work alone in areas where they have had no experience.

Staffing Levels

- 7.7 The 2003 Inspection Report identified a concern about the level of staffing deployed at Acacia and noted that the inadequate level of staffing in both uniformed and non-uniformed ranks was seriously affecting service delivery. Recommendations 11 and 12 proposed that inputs such as staffing levels should be subject to contract management measurement and that a full review of staffing levels be undertaken to ensure contractual obligations are met. The Department rejected the notion of monitoring inputs¹¹⁷ and AIMS committed to a review of staffing deployment through the establishment of a Joint Consultative Committee.
- 7.8 The evidence gathered during the 2005 Inspection of Acacia showed that little had changed in the intervening two years and in fact the problems presented by inadequate staff levels had in some cases become more acute. The depletion of the pool of staff available has had serious impacts on service delivery – workshops were closed regularly, recreation was cancelled and prisoners were confined to unit blocks as there were times that not enough staff were on site to safely allow these routine activities to occur. By the time of the Inspection more staff had been recruited and the extreme shortage had ceased to be an issue; however, in the view of this Office staffing levels remained inadequate to ensure '*uninterrupted performance of the Services*'¹¹⁸ as required under the Contract in a safe environment. Details of the impacts of staffing levels in the various operational areas have been presented in the earlier chapters of this Report.
- 7.9 During the 2003 Inspection the Department took the view that it was not especially concerned with inputs, such as staffing, as the Contract was focused on the achievements of outcomes. Despite the recommendation that the Department must include key inputs (such as staffing) in considering Contract compliance,¹¹⁹ it retained this position up to the time of

116 It should be noted that a small number of staff returned to Acacia after 'defecting' to the public sector.

117 As outlined at [7.2], above.

118 Clause 9.1.

119 Recommendation 11.

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the 2005 Inspection. This may have been acceptable if AIMS were achieving the outcomes of service delivery outlined in the Contract. However, this Inspection found that this was not the case in many areas of service delivery. It would seem logical, therefore, that with this underachievement the Department was obliged to examine how and why this occurred, including the issues associated with staffing.

- 7.10 Despite repeated instances of services being closed down as a result of lack of staff, AIMS have continued to insist that staffing levels are adequate. This is nonsensical – if services are being eliminated totally or eroded partially this means delivery is not continuous. In such instances the Contract clearly provides means for the Department to secure performance, including the option of the Department itself carrying out the work and recouping the cost from AIMS.
- 7.11 Staffing levels present a serious concern for the safety of both staff and prisoners. Without adequate custodial staff the dynamic security of the prison is jeopardised, and there was evidence that this had been occurring at Acacia.¹²⁰ It was observed during the Inspection that insufficient staff remained in some units during the day to permit them to enter the wings in pairs, and many stated that they would not do so alone. In many units staff would not go down the spine of units at all. Non-custodial staff that had in the past provided services in the accommodation units also informed Inspection Team members that they had ceased because they were concerned for their safety.
- 7.12 Staff and prisoner survey results also support the finding that staff levels are having an impact on safety. With regard to staffing levels, 95 per cent of staff survey respondents said that there were not enough staff on roster. With regard to safety, an equal number of staff stated they felt safe and unsafe; but as the group that should feel in control of the prison it should be expected that the vast majority of uniformed staff should feel safe and confidently say so. While the majority of prisoners felt safe most of the time at Acacia (64% of respondents), a significant number did not (36%).
- 7.13 Staff are the fundamental component of the delivery of services in any prison. The obvious inadequacies identified during the Inspection with regard to services to prisoners and the impact on safety indicate that more staff are essential, despite what AIMS may believe. Any new tender process and contract must include the ability for the Department to assess proposed staffing levels and enforce staffing outcomes.

TRAINING

- 7.14 The requirements for the training of staff are contained in Annexure A of the Contract.¹²¹ Within 12 months of completing the AIMS entry level training course, custodial staff should attain a Certificate III in Correctional Procedures, and staff promoted to Supervisor level should attain Certificate IV. The 2003 Inspection found that there was a significant shortfall in this requirement and recommendation 13 stated that there must be an improvement in staff

¹²⁰ See Chapter 2 for a detailed discussion.

¹²¹ Clause 3.2 (h) and (i).

training and professional development. Unfortunately the 2005 Inspection found that nothing had improved and both initial recruit training and ongoing training were inadequate.

- 7.15 The Training Coordinator was appointed two months prior to the 2005 Inspection and before this Acacia had been without a substantive Training Coordinator for almost two years. The void left a lack of direction and ownership for the training portfolio and ongoing training had been permitted to sink to almost non-existent levels. The current Coordinator had previously been a uniformed officer Supervisor and his only qualification for the position was completion of Certificate IV. While he was enthusiastic and had a good practical understanding of what the job of a uniformed officer entailed, his limited training experience and qualifications cause this Office some concern in relation to his ability to identify and address the training needs of an entire prison's staff. The Coordinator's ability to manage the training portfolio is further hindered as there is no allocated budget for recruit or ongoing training and all expenditure is managed from head office.
- 7.16 The recruit training course was examined by the Inspection Team, which included an expert in prison staff training from the United Kingdom,¹²² and was found to be not fit for purpose. The training manuals had been adopted from those used in an Eastern States prison, with many of manuals still containing the name of that prison. The modules currently presented in the course have remained unchanged since the inaugural training school some five years prior, and no evaluation of the package had been undertaken since this time to assess its effectiveness. Many staff stated to Inspection Team members that the recruit training was unbalanced and this was evident in examining the course content. For example, training in case management, which forms the basis of day-to-day care and supervision of prisoners, consists of only one session; and training in TOMS, the central information system for prisoners, was only one two-hour session. Security related topics remained well covered, but far outweighed areas that are more focused on prisoner wellbeing. The Department must also take some responsibility for this problem, as under the terms of the Contract it must approve AIMS' training package. The recruit training requires urgent assessment and redevelopment from the most senior human resource level.
- 7.17 The serious shortage of staff also resulted in the shortening of the AIMS recruit training course. The inaugural training school at Acacia was 16 weeks in duration; the training course due to commence immediately after the Inspection was only seven weeks.¹²³ This is a drastic reduction in preparation for active duty and has resulted in some of the deficiencies in training outlined above. The course should prioritise training needs, not the need to fill staffing shortages.

122 The Inspector would like to acknowledge the contribution of Dr Keith Carter for his role in the Inspection.

123 It should be noted that the changes to the training schedule were completed with the approval of the Department.

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- 7.18 Many staff at Acacia, including some in management level positions, raised concerns with the Inspection Team about the authorisation process for staff. It was repeatedly stated that ‘it is impossible to fail the training course’ and that this has resulted in safety concerns among some staff. Any recruit who fails to pass a module is provided with individual coaching until they pass and all assessments are paper-based with no practical assessments. The Coordinator stated that recommendations had been sent to AIMS Human Resources at head office for recruits not to be recommended for a permit, but that this was ignored. This is potentially misleading the Department about the suitability of individuals for authorisation by the Department. In addition, no psychological testing is completed on recruits. The company responsible for delivering training to recruits in cognitive skills was so concerned about the psychological state of one potential officer that it notified AIMS that it did not believe the recruit should be accepted. This was ignored and the recruit authorised. The quality control on recruit training is inadequate from the most senior levels and must be addressed as a matter of urgency.
- 7.19 Recruits are required to ‘shadow’ qualified uniformed officers for four weeks prior to being fully authorised to commence duty. The available staff at Acacia has caused some problems with this system, as often relatively inexperienced staff (sometimes with as little as three months’ active duty) would be shadowed by new recruits and they were required to assess their performance. This is hardly a rigorous training regime. Again due to staff shortages, this shadowing period has occasionally been reduced to as little as three days. If shadowing is a required part of training it cannot be arbitrarily altered in this way as it threatens the integrity of the quality of training. Finally in this regard, the breadth of exposure of recruits is not comprehensive, and has resulted in the first rostered duty for a new officer following authorisation being in an area that they had not been required to attend for shadowing. An assessment of the shadowing component of training must be undertaken.
- 7.20 The Training Coordinator at Acacia had no access to information as to how many custodial staff had (or had not) completed the requirement for all officers to achieve a Certificate III in Correctional Procedures, or Supervisors a Certificate IV. The Coordinator has no ability to manage or coordinate the fulfilment of this contractual requirement and no support is (or can be) provided to staff endeavour to achieve certification. All staff are individually responsible for completing the course. As a contractual requirement AIMS should be active in ensuring all staff fulfil the requirement and provide appropriate assistance to this end.
- 7.21 Ongoing and refresher training has suffered with the absence of a substantive Training Manager. At the time of the Inspection refresher training for staff was being conducted on a Wednesday and Saturday by means of a lock down of prisoners. Modules presented mainly related to practical operational matters and were facilitated by uniformed Supervisors. Supervisors who were interviewed during the Inspection stated that they often did not receive the information regarding the module they were scheduled to deliver until the day of the training and it was often in subjects that they had little expertise. It was simply a matter of reading through the material with staff who attended. Anecdotal comments from staff in the pre-inspection survey condemned the ongoing training provided:

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After basic training you are expected to just find your own way and learn by asking questions of others.

Can't attend training. Not allowed to leave post due to staff numbers.

No one from management seems to care about training once you have graduated. It's about the blind leading the blind.

- 7.22 While security and safety related training seemed to have been maintained (such as application of restraints and first aid) there were very low levels of recent training in areas that focused on prisoner wellbeing. The survey indicated a number of areas in which staff believed more training was required. Most urgent amongst these included Breathing Apparatus (BA) training (76%), suicide prevention (68%) and assessment procedures (64%).

NON-UNIFORMED STAFF

- 7.23 Non-custodial staff form a significant part of the workforce in any prison and provide many essential services to prisoners, primarily in areas that cater for their wellbeing, rehabilitative and health needs. While the staff come from very diverse groups they are mostly committed to their work and offered the Inspection process valuable information both in relation to their own specialist areas as well as close observers of the practices throughout the prison and needs of prisoners.
- 7.24 The issues raised by staff in each area of service delivery are detailed in the corresponding chapters in this Report, however, for the first time during the Inspection of Acacia Prison a survey was conducted of non-custodial staff, which raised a number of general issues common to staff across the prison as a whole.¹²⁴ Some important issues relating to this important group of staff must therefore be examined in a more generic context.
- 7.25 Many staff raised issues related to general training needs that would be useful for working in the custodial environment. The main areas identified were: computing skills, first aid, counselling, cultural awareness, group facilitation skills, conflict resolution, emergency management and TOMS training. Very few respondents stated that training had been offered to them and there was no training strategy in place at the prison for non-custodial staff.
- 7.26 Most staff had received a performance appraisal since commencement at Acacia, however, 28 per cent had not. Of those staff who had been through the performance appraisal process, 64 per cent reported it as having been useful. The vast majority of staff wanted the process to be an ongoing part of their employment and felt it would contribute to the perception of being a valued employee. Anecdotal comments from the survey indicated that there was no staff development or succession planning occurring at Acacia. This reflects the findings of the Inspection in relation to uniformed staff and requires leadership from AIMS head office management that has clearly been lacking.

124 Sixty-eight surveys were distributed and 48 were returned for analysis (71%).

- 7.27 Again, similar to findings in the area of uniformed staff, many service delivery areas evidenced inadequate levels of staffing and a high turnover of staff, which was attributed to terms and conditions of employment. Staff were especially concerned about the lack of backfilling either of substantive staff or administrative staff when on leave and the inordinate delays in filling vacant positions. The issue of disadvantageous work conditions (as compared with the public sector) has been recognised by AIMS and resulted in some areas recently being approved for higher levels of remuneration.
- 7.28 Staff were asked to comment on the adequacy of orientation procedures at Acacia for non-custodial staff, with most responding that while it is satisfactory, it certainly could be improved. Similarly, while most staff felt safe most of the time, there were concerns about the ability of custodial staff to respond to security concerns given the high turnover and relative inexperience of the group. There were also significant comments regarding the inadequate supervision in some work locations given the allocation of staff to that area. It would appear that Acacia management needs to assess the safety requirements of its non-custodial staff and ensure adequate orientation and supervision levels for safety reasons.
- 7.29 Many of the experiences of non-custodial staff mirrored those of their uniformed counterparts. Staffing levels, working conditions, professional training and safety issues are areas of concern for all staff, which AIMS needs to assess and address to ensure job satisfaction and staff retention.

AIMS, ACACIA MANAGEMENT AND STAFF SUPPORT

- 7.30 As detailed in the first chapter of this Report, AIMS and local Acacia management have undergone a number of significant changes since the last inspection and, in particular, in the year prior to this Inspection. Most significantly AIMS' corporate office relocated from Queensland to Western Australia and an organisational restructure of Acacia's management resulted in the appointment of a Head of Throughcare to take direct responsibility for the majority of prisoner services. It was anticipated that both changes would result in more consistent and better quality services. While the Inspection found that in some areas this was true, the turbulent changes in personnel at the prison and lack of resourcing defeated most of the potential benefits of the changes and especially impacted on staff.
- 7.31 Since the commissioning of Acacia there have been nine individuals occupying the General Manager position. These appointments have often resulted in consequential changes in management immediately beneath that position. This has been extremely destabilising for operations. Staff and prisoners frequently commented on the constant changes to procedures and rules every time there was a change in General Manager. This has had a negative impact on the relationship between staff and prisoners – staff are unsure about what the rules are, there are inconsistencies between how staff respond to prisoner needs or requests and prisoners feel frustrated with outcomes and staff who do not seem to know what is going on.

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- 7.32 The 2003 Inspection found ‘manifest gaps between management and general staff’.¹²⁵ Unfortunately at the time of the current Inspection there had been no positive change to resolve this problem.¹²⁶ In the pre-inspection survey, 63 per cent of staff reported that morale was low amongst uniformed ranks and 50 per cent of non-custodial staff reported the same. Comments relating to staff morale included:

Very poor and getting worse.

Workload is increasingly raised and all failure is blamed on staff. Staff receive no support, recognition or acknowledgement.

- 7.33 Ninety-five per cent of custodial staff survey respondents stated that they received most of their support from fellow officers and consistently listed their co-workers as one of the best things about working at the prison. Similar results were found in the non-custodial staff survey, where staff stated they felt most supported by those in their own areas of work. Some staff also expressed appreciation for their supervisors, with negative comments primarily relating to the lack of time supervisors had to offer support given workloads.
- 7.34 Most significantly, staff across the board feel decidedly unsupported by both local prison management and AIMS corporate management. Only 37 per cent of custodial officers and 59 per cent of non-custodial staff stated they felt supported by Acacia management, accompanied by comments relating to the lack of access to management, that management do not listen to staff and the lack of consistency in approach among managers. Fifty-eight per cent of uniformed staff rated their relationship with local management as poor, 63 per cent rated the clarity of direction from management as poor and 68 per cent rated communication from management as poor. Staff feel absolutely unappreciated and there is a lot of work to be done by management to rectify this situation.
- 7.35 While staff felt unsupported by local management, the attitude towards AIMS corporate management was even more negative, with only 17 per cent of custodial officers and 30 per cent of non-custodial staff considering head office management as supportive of their roles at Acacia. AIMS was mostly described as distant and only interested in making money, regardless of the impact on staff and services. The very poor human resources services provided by head office (typified by low pay rates, late pays, annual leave mess ups and lack of training) only served to reinforce the view of staff that they were grossly undervalued.
- 7.36 Interestingly, there was a distinct difference in the opinions between custodial and non-custodial staff as to the support offered by the Department. The vast majority of uniformed staff felt most supported by the Department monitors (83%) and the Department generally (58%) than any management within their own organisation and attributed the monitors particularly with being most interested in ensuring staff were given guidance in their work.

125 Report No. 19, op. cit., [7.26].

126 It should be noted that the appointed General Manager of Acacia had again been changed only a couple of weeks before the Inspection. Results of the survey therefore reflect the experience and opinion of staff with regard to management prior to the current appointee, although throughout the Inspection interviews with staff showed cynicism that anything would change.

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In contrast, non-custodial staff were mostly of the view that monitors were only interested in reporting on failures. They also felt a strong sense of exclusion by Department staff in areas where cooperation and information sharing would be expected and beneficial. As discussed in the relevant sections throughout this Report, there are a number of areas where more cooperation would benefit the custodial system as a whole (such as programs, prisoner movements and assessments) and this may explain the differential experiences between the different groups of staff.

CONCLUSIONS

- 7.37 It is essential that AIMS now ensure stability within its management group, both at corporate level and within Acacia Prison management. The constant changes over the past four years have seen a high level of uncertainty, inconsistency of practices, changing expectations and extreme amounts of frustration for staff and prisoners. There must be a concerted effort to put better resources (financial, human and supports) into the recruitment, training, staffing levels and support of staff to stop the high turnover that has typified Acacia's short history. A full evaluation of all human resource management must be undertaken and redeveloped to remedy this neglected area of the prison's operations.

Chapter 8

CONTRACT MANAGEMENT: LOOKING BACK AND MOVING FORWARD

LOOKING BACK

- 8.1 The Acacia Contract was the first experience for the Department in the contracting out of the delivery of prison services at this scale. (At the time of this Inspection, AIMS had been operating Acacia for just over four years.) As such, the Department lacks an established corporate structure and culture to support the delivery of core business through the Contract. An added complexity to the learning experience is that a contract for prison services differs substantially to other contracts entered into by government, in that it is for the delivery of human services to involuntary customers in a secure and sometimes risky environment.
- 8.2 To this extent it is not surprising that the Department has struggled in the past to implement effective contract management that uses process to focus on measuring performance and improving results. The lack of an effective performance measurement system for public prisons also adds to the Department's difficulties in monitoring Acacia. That is, it does not have its own audit standards and procedures for public prisons to establish good performance and practice benchmarks, and so it has started from a zero experience base in this regard.
- 8.3 The examination of Contract Management for this Inspection has found that notwithstanding some achievement and improvements since the time of the last Inspection, numerous deficiencies still existed in the management of the Contract by the Department. These flow, in particular, from staff inadequacies, qualifications and experience in some areas. That these issues have not been resolved reflects not just on AIMS, but also on the Department responsible for managing the Contract. A representative from the Office of the Auditor General assisted the examination of contract management for this Inspection.
- 8.4 An extensive examination of contract management and issues relating to accountability was undertaken in the 2003 Inspection Report.¹²⁷ The findings were made in the context that the prison was failing to deliver in the provision of many key services, and as such it was expected that contract management would utilise all the measures provided for in the Contract to identify, report and actively manage those shortfalls. The conclusions drawn from that Inspection was that *'we were disappointed by the overall level and results of contract management to date' and that 'AIMS appears to have pushed the boundaries in some areas and the Department has not been able to demonstrate a prompt and purposeful response'*.¹²⁸
- 8.5 Some of the key deficiencies identified within the 15 specifically stated in the 2003 Report included: restriction on the role of on-site monitors and inadequate use of data collected by them; lack of contingency planning in case of provider failure; lack of diligence in securing financial information from AIMS; failure to pursue issues relating to staffing; and failure to consider the withholding of part of the operational charge for interruption to contracted services.¹²⁹

127 Report No.19, op. cit., Chapter 8.

128 Ibid., [8.64] and [8.66].

129 Ibid., [8.65].

- 8.6 As in 2003, the 2005 Inspection again found that AIMS had failed to fulfil one of the key terms of the Contract, that it must provide uninterrupted performance of the services.¹³⁰ The Department concede that this has been the case (as a consequence of inadequacy of staffing and other resources) and the deficiencies in service provision highlighted throughout this Report further illustrate this. In light of these key failures, it was expected that the Department would act decisively to remedy these problems. While actions on behalf of the Department had improved, the long-term nature of many of these issues only lead to one conclusion – that adequate remedies were not enforced to ensure that AIMS delivered services as contracted.
- 8.7 Since the time of the last Inspection, contract management have implemented a number of strategies to work towards improved service delivery. Onsite monitors now conduct ongoing tests and reviews of operations against Acacia’s Policy and Procedure Manual to ensure adherence to prison operational standards as authorised by the Department. A briefing report is compiled weekly for the Director General, as this position is ultimately responsible for assessing Contract performance (as stipulated in the enabling legislation).
- 8.8 On a number of occasions the Department has also sent specialised staff to Acacia to facilitate the development of operating systems or, in some instances, to prop-up services where AIMS have not been able to secure staff.¹³¹ This has occurred, for example, in health related areas (such as dentistry and psychiatry), education and emergency response support. In most cases the Department has charged AIMS for these services, but in some instances it has borne these costs in what it identified as ‘high risk’ areas. This Office has three concerns with this practice. Firstly, while it is understandable that the Department wants to ensure that prisoners are not disadvantaged by a failure to deliver service and that the security of the prison is maintained, it is not appropriate for the Department to provide what could amount to hidden subsidies to a contractor and all such support must be clearly identified in the Department’s annual reporting mechanisms. Secondly, when Departmental staff take on active roles at Acacia there is an issue of transfer of risk for operations, potentially placing the Department in a precarious position. Finally, the relative immaturity of AIMS as a provider of prison services means it has been ‘led’ by the Department in some ways in relation to how the services should be delivered, negating any chance of achieving the objectives of a change in operational environment or development of best practice. This raises the question as to the extent to which the Department itself may be responsible for Acacia’s performance and whether there has been ‘contamination’ of the role of the principal to the Contract.
- 8.9 Numerous contract improvement reports have been issued by the Department in the two years since the last inspection that direct AIMS to fix aspects of service delivery identified by the Department as fundamental to the Contract.¹³² Default notices have also been issued in cases where the Department has deemed AIMS to have been in breach of the Contract and where urgent action has been required to remedy the breach.

¹³⁰ *Acacia Prison Services Agreement*, clause 5.3, ‘Provision of Contractor Persons and Resources’.

¹³¹ The Department should have recovered costs as provided in the Contract.

¹³² Fourteen such notices were issued in the 2005 financial year alone: Department of Justice, *Acacia Prison Annual Report 2005*, p. 12.

- 8.10 All of these processes are in addition to the monthly counting of performance measures against the Performance Linked Fees (PLF) that are paid to AIMS if they achieve the required service standard. Since the time of the last Inspection, the Department (with agreement from AIMS) has altered the PLF measures. One of the key reasons for this has been the difficulty the Department has experienced in verifying data provided by AIMS and in some cases counting the required measure at all. Even with these amendments AIMS has not achieved full performance requirements in any year of operation. Details of the payments made are provided in Chapter 1 of this Report.
- 8.11 Contract management continues to maintain the view that inherent weaknesses in the Contract prevent the effective management of the Contract's performance.¹³³ This was discussed at length in the first Inspection Report but was rejected by the Department despite the fact that in the 2005 Acacia Prison Annual Report the Department stated that '*the current contract framework is considered sufficiently robust to fulfil the Department's requirements*'.¹³⁴ The Inspection Team was not persuaded that the Contract weaknesses were the primary reason that prevented the Department's effective management of the Contractor's performance.

Monitoring

- 8.12 At the coalface of contract management are Departmental monitors who are at the Acacia site daily to observe operations and implement regular audits of different areas of service delivery. This is an essential part of the ongoing contract management structure and must be supported in the strongest possible way. The Inspection revealed some deterioration in this regard since the time of the last Inspection, especially in relation to the reduction of resources available to the monitoring team and a weakening of this role.
- 8.13 When the monitoring role commenced at Acacia, there was a clear brief for monitors to observe and report to the head monitor, who would interact with the contract management team. Since the time of the last inspection, the head monitor role was abolished and the on site monitors now report directly to the Acacia Contract Manager. Initially this resulted in a diminution in interaction between the monitors and head office managers; where there had previously been daily contact this had reduced, and consequently some loss of appreciation for issues at the coalface resulted, as did a feed of information down from management to monitors. Whereas previously the head monitor would address immediate issues with Acacia management, was all left to the Assistant Monitor, a position that does not have the same status as the previous role of Head Monitor. As time has progressed, the Head Office contract manager has refined the system, interaction has improved and issues are being negotiated more appropriately.

133 Statement made during a number of interviews conducted with Department Contract Management team by members of the Inspection Team.

134 *Acacia Prison Annual Report 2005*, op.cit., p. 10.

8.14 Since the last inspection there has also been a reduction in real terms of staff appointed to the monitoring team. At the time of the current Inspection, a team of three monitors were onsite at Acacia seven days a week, whereas during the 2003 Inspection there had been a head monitor, an assistant monitor, three monitors and two support staff. This Office is concerned by reports that the Department has plans to reduce staff even further. This should not be done and, in fact, more resources should be put towards this important activity. It was a key undertaking of the government of the day to have monitors onsite continuously to ensure appropriate service delivery. To diminish the service even further would breach the agreement made that resulted in the passing of the legislation to privatise the prison.

Conclusions

8.15 The question remains then why, notwithstanding many improvements in Departmental contract management, was the Department not capable of addressing some of the systemic and reoccurring contract performance issues? Moreover, how confident can the government be that this will not reoccur when the contract is retendered? In terms of contract management, this appeared to this Office to be the most pertinent issue in light of the Department deciding to move forward with the creation of a new contract with the possibility of a new partner in the delivery of prison services. In this regard there are a few issues that must be raised.

MOVING FORWARD

8.16 Given the timing of this Inspection, the main focus for the examination of contract management is on the future operation – how the mistakes previously made can be avoided with the next contract. This requires the Contract Management Branch of the Department to reflect on four key questions as it proceeds into the development of a new Request for Proposal document and redeveloped Performance Linked Fee structure:

- Have the lessons learnt from the first four years of contract managing Acacia Prison been properly documented?
- Have the issues identified been subjected to secondary, even external, assessment and evaluation to separate items for attention by the Department as well as those for attention by the Contractor?
- What contract management changes are proposed, including arrangements for site monitoring services, to improve performance?
- Has the new Request for Proposal been tested (by scenario) to minimise poor service delivery by the Contractor?

Without addressing these issues, the Department cannot expect to move forward in forging a successful new partnership with the chosen provider (be that AIMS or another company) with the appropriate tools to manage the Contract in the best interests of the State of Western Australia.

- 8.17 The Department is strongly convinced that by having a strong procurement process in place, the problems of managing the Contract that were experienced over the past four years can be avoided. It has stated its desire to enter into a strong partnership and thereby should not experience the difficulties in securing the delivery of services as it has this time around. It cannot rely solely on this perspective, as was shown by the experience of the past four years when the Department thought it had chosen a good partner but this entity changed when the company changed ownership. A rigorous Request for Proposal, Contract and PLF measurements that are linked specifically to the standards required in Western Australia (the Standard Guidelines for Corrections in Australia), the innovation in prison service delivery promised by the Contractor's proposal bid and contractual requirements of the Department are essential elements in securing adequate service delivery in a contestable environment.
- 8.18 The statutory provisions making the Director General the Principal reflects the importance of the Contract to the Department. The Contract provides for the Director General to appoint a contract manager to act as representative and to exercise the Principal's powers under the contract. The contract manager is therefore the Department's key person to assess contractor performance and needs to have sufficient experience, resources, access to the Director General and general organisational clout to do this. In practice, throughout the term of the current Acacia Agreement and in the organisational structure of the Department, the Acacia Contract Manager has not been provided with the required level of authority to effectively discharge this role. The Department must improve its commitment to ensure the Contract's success.
- 8.19 The team working with the contract manager during the past four years of operation has involved a rotating secondment of staff from within the Department, some of whom have prison operational experience (which is important) but with little or no expertise in contract management. The Department has provided limited training to these staff. It is important that the team have a balance of skills specifically relevant to the role. In addition, the team must be stable to enable to further development of expertise and knowledge and consistency in contract management. Finally, the team must be appropriately resourced with a sufficient number of staff to properly meet the demands required. This extends to the role of monitors (that are a part of the contract management team). To ensure the Contract's success the Department must commit to this.
- 8.20 A characteristic of the management of the Contract to date has been the obvious care taken to ensure the Contract remained viable due to the Department's underlying trepidation that AIMS could fail and the Department would lack the capacity to either obtain a replacement contractor or step in and resume full prison operations itself. This underlying fear has undermined contract management from the start of the Contract and throughout its term. While the Department may have a contingency plan in the case of contract failure, in reality it does not possess the resources (human and financial) to take over full operations. This is a fundamental issue that the Department will have to address in the lead-up to implementing the new contract. It will require more than continuous improvements to the management process and move beyond the tightening up of perceived weaknesses in the contract itself.

Conclusions

- 8.21 The Department is focused on obtaining the best contractor through its retendering process. It recognises the critical importance of getting this selection right; however, the Department cannot unduly rely on the cause and effect link that by getting its current procurement process right its future contract management obligations will be made considerably easier. This was illustrated when the Contract was awarded four years ago and there was a change in the ownership of the provider, leaving the Department dealing with a different team than it had started out with. Establishing the proper service requirements and management tools remain a key factor and the Department must put its mind to the questions raised in this section to ensure it gets this right.
- 8.22 In addition, it is fundamental that the Department recognise the importance of the contract management branch in achieving success in this high-risk venture with the private sector. To this end, the commitment of adequate resources to the branch, including staff numbers, training and expertise is pivotal in all areas from onsite monitoring up to the manager of the branch. Of course such improvements will be at a financial cost to the Department, but this must be balanced against the significant existing saving of taxpayer dollars that the privatisation of the service has brought and the potential future savings that could be achieved should Acacia achieve its ultimate objective of bringing best practice to the Western Australian prison system.

Chapter 9

RECOMMENDATIONS

SECURITY AND SAFETY

1. AIMS should address the ongoing deficiencies with the Smartcard movement system and ensure all staff receive training and supervision and comply with procedures with regard to the use of the card (2.3 – 2.4).
2. The Department should address identified deficiencies with regard to the Master Control Room and the roto-turn entry system as a matter of priority in the lead up to the retendering of the provision of services at Acacia Prison (2.5 – 2.6 and 3.58).
3. AIMS should reconsider the designation of the detention unit as a single officer post, in light of security and safety implications for both staff and prisoners (2.14).
4. AIMS should develop and fully implement a comprehensive anti-bullying strategy that conforms to best practice (2.21 – 2.22).
5. AIMS should develop and implement strategies to ensure its internal grievance process is open and accountable and to work towards the restoration of prisoner faith in the system (2.27 – 2.29).

CARE AND WELLBEING

6. AIMS should review its reception procedures to ensure adequate early identification of prisoners at risk (3.3 – 3.5).
 7. AIMS should re-examine its orientation procedure with a view to:
 - a) better balancing the involvement of prisoner peer support, custodial staff and non-custodial staff in the process (3.10); and
 - b) ensuring that prisoner safety is improved through a more thorough risk assessment process, especially with regard to new young offenders (3.11 – 3.12).
 8. AIMS should better engage with prisoners regarding their concerns about the food provided at Acacia and to develop systems to ensure appropriate quality and quantity of food is provided (3.23 – 3.27).
 9. AIMS should develop a better purchasing system for canteen and town spends to ensure there is no undue delay in prisoners receiving goods for which they have already paid (3.31 – 3.32).
 10. AIMS should re-evaluate procedures for the daily nurses parade to ensure all prisoners who need to attend have access to do so, and that this procedure is clearly explained to all prisoners (3.40 – 3.41).
 11. AIMS should re-evaluate its dental triage system to ensure that appropriately qualified staff control access to dental treatment (3.43).
 12. AIMS and the Department should re-evaluate the resourcing and systems provided for mental health services at Acacia so that the needs of the prison population can be better met (3.47 – 3.49).
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RECOMMENDATIONS

13. The Department should plan for the long-term appropriate accommodation and care needs of geriatric prisoners in the Western Australian prison system, and consider this issue when re-rendering for the Acacia Services Contract (3.63).
14. The Department and AIMS should develop and implement strategies for meeting the re-entry and reintegration needs of minimum-security prisoners at Acacia (3.69 – 3.71).

REHABILITATION AND REPARATION

15. AIMS should establish an account with the Telephone Interpreter Service and utilise interpreters appropriately in all areas of service delivery for non-English speaking prisoners (4.6).
16. The Department should urgently review how initial Individual Management Plans (IMPs) (when needed because of further sentencing) and major modifications to IMPs for prisoners at Acacia can be done locally (4.3).
17. AIMS should totally reassess the operation of its drug treatment units and programs to ensure compliance with Departmental policies and Acacia's own policies and procedures (4.19 – 4.29).
18. AIMS should urgently act to regain its Registered Training Organisation status and then immediately develop and implement a strategy to increase training opportunities for prisoners (4.40 – 4.41).
19. That in developing contractual arrangements for the new Acacia Prison Services Contract, the Department should ensure that the performance measure in relation to prisoner participation in employment and other constructive activities have real validity (4.48 – 4.56).
20. AIMS should review the gratuity arrangements at Acacia to better reflect individual effort and participation in employment, education and programs (4.4).
21. The Department and AIMS should investigate the use of new TOMS scheduling modules as the basis for a much more accurate record of prisoner participation in constructive activities and as a better basis for gratuity allocation (4.47 – 4.69).

RE-ENTRY

22. AIMS and the Department should ensure sufficient Community Correction Officer presence onsite at Acacia and ensure that those officers are fully integrated into the systems at the prison of managing prisoners to release (5.15 – 5.16).
23. AIMS should provide appropriate support to external providers that bring services into the prison (5.22 – 5.25).
24. AIMS should re-examine the extent and sufficiency of re-entry services provided at Acacia (5.26 – 5.32).

RECOMMENDATIONS

ABORIGINAL PRISONERS

25. AIMS should fully implement the recommendations made in the Staples Report (6.11 – 6.13) and extend these recommendations to other groups of Aboriginal prisoners isolated from their communities while accommodated at Acacia (6.18).
26. The Department should implement the recommendations of the Staples Report in public prisons in Western Australia in regard to all groups of Aboriginal prisoners accommodated in prisons that isolate them from their communities (6.18).
27. The Department should develop a better system for ensuring the regular transfer of Aboriginal prisoners to their local prison to facilitate visits with their families (6.14 – 6.15).

STAFF

28. The Department should better coordinate its recruitment practices to ensure it does not jeopardise the operations of the private provider and that it acts in the best interests of the Western Australian prison system as a whole (7.4 – 7.5).
29. AIMS should:
 - a) develop strategies to improve the retention rate of custodial and non-custodial staff to enable a greater depth of experience and knowledge to improve service delivery (7.6 and 7.27); and
 - b) develop a workforce plan to ensure it has sufficient staff in post in all service delivery areas at all times to meet the contractual requirement for the uninterrupted provision of services in a safe manner (7.8 – 7.13 and 7.25).
30. AIMS should commission a full evaluation of its recruit and ongoing training packages for both custodial and non-custodial staff by a suitably qualified person, to ensure they specifically meet the needs of Acacia staff (7.16 – 7.22).

CONTRACT MANAGEMENT

31. The Department must commit to better resourcing the contract management branch, including the allocation and appointment of sufficient staff to permanent positions with the requisite expertise to manage a contract of the nature involved at Acacia.
32. The Department must commit sufficient resources to the daily ongoing monitoring of the delivery of services at Acacia prison to support the work of the contract management branch.

Appendix 1

DEPARTMENT OF JUSTICE AND AIMS RESPONSES TO THE 2005 RECOMMENDATIONS

Recommendation	DOJ/AIMS Response/Risk Rating
<p><i>Security and Safety</i></p> <p>1. AIMS should address the ongoing deficiencies with the Smartcard movement system and ensure all staff receive training and supervision and comply with procedures with regard to the use of the card.</p>	<p>Agree/Moderate</p> <p>It is acknowledged that the smartcard system is deficient in that it tracks a card and not the prisoner. This was acknowledged in 2003 by an international Sodexho security audit. However, it was accepted that due to the level of perimeter security and CCTV security at Acacia and the level of intelligence activity that the risks were moderate. Additional expenditure for an adequate overhaul and upgrade was obscured by the additional expenditure required for recruitment and training. Since the inspection considerable improvement has been noted in staff compliance with procedures in general. Trials of a significant upgrade are underway with an international Sodexho partner in Sydney and the system is due for a significant upgrade with leading edge risk free technology soon after any contract extension.</p>
<p>2. The Department should address identified deficiencies with regard to the Master Control Room and the roto-turn entry system as a matter of priority in the lead up to the retendering of the provision of services at Acacia Prison.</p>	<p>Agree/High (Master Control) Disagree/Low (roto turn)</p> <p>A series of improvements have already commenced as part of the Maintenance Contract 5 year upgrade plan, including upgrading of monitors and recording equipment. A major upgrade for Master Control has been scheduled as part of the 2006/2007 capital works program.</p> <p>The roto turn entry is considered a low priority and currently there is no funding to address this issue.</p>

DEPARTMENT OF JUSTICE AND AIMS RESPONSES TO THE 2005
RECOMMENDATIONS

Recommendation	DOJ/ AIMS Response/Risk Rating
<p>3. AIMS should reconsider the designation of the detention unit as a single officer post, in light of security and safety implications for both staff and prisoners.</p>	<p>Agree/Moderate A significant increase in staffing across primary operational areas is the AIMS Corporations approach to any new contract. The use of quality technology in this area and regular management checks manages the current risk to an acceptable level.</p>
<p>4. AIMS should develop and fully implement a comprehensive anti-bullying strategy that conforms to best practice.</p>	<p>Agree/Moderate AIMS Corporation has a comprehensive Anti-Bullying policy that provides guidelines to staff in the management of bullies within Acacia Prison and this has been strengthened through additional training. AIMS Corporation continues to address issues of bullying by utilising a number of strategies including the removal of the perpetrator rather than the victim. A great deal of work has been undertaken within this area in recent months using quality human intelligence to scope perpetrators and identify victims. Close attention has been made to the evaluation of all associated reporting lines and no evidence exists to suggest bullying is a serious problem at Acacia. We will continue in our efforts to dilute these risks.</p>
<p>5. AIMS should develop and implement strategies to ensure its internal grievance process is open and accountable and to work towards the restoration of prisoner faith in the system.</p>	<p>Agree / Low This is already occurring and Acacia Prison has been commended on its management of prisoner grievances by the Department of Justice, Grievance Manager. AIMS Corporation will continue to work closely with the Department of Justice in relation to prisoner grievances.</p>

DEPARTMENT OF JUSTICE AND AIMS RESPONSES TO THE 2005
RECOMMENDATIONS

Recommendation	DOJ/AIMS Response/Risk Rating
<p>Care and Wellbeing</p> <p>6. AIMS should review its reception procedures to ensure adequate early identification of prisoners at risk.</p>	<p>Disagree/Moderate</p> <p>All prisoners are assessed normally within two hours of admission into Acacia Prison by a Registered Nurse. Current DoJ approved policy and procedures relating to this issue are considered adequate. However a review of the current checklist will be conducted to identify any deficiencies or potential improvements.</p>
<p>7. AIMS should re-examine its orientation procedure with a view to:</p> <p>a) better balancing the involvement of prisoner peer support, custodial staff and non-custodial staff in the process; and</p> <p>b) ensuring that prisoner safety is improved through a more thorough risk assessment process, especially with regard to new young offenders.</p>	<p>Disagree/Low</p> <p>Current induction process is considered adequate, however will be reviewed in the new year. Acacia prison maintains an induction officer 4 days per week to assist prisoners in their induction into Acacia Prison. The comment that there is a heavy reliance on prisoner peer support is inaccurate. However, as part of any new contract AIMS Corporations approach to increased operational staffing will enhance this function.</p> <p>Agree/Moderate</p> <p>A complete review of the assessment process in regard to young offenders will take place early in January/February 2006.</p>
<p>8. AIMS should better engage with prisoners regarding their concerns about the food provided at Acacia and to develop systems to ensure appropriate quality and quantity of food is provided.</p>	<p>Disagree/Low</p> <p>External independent agencies and the DoJ have confirmed that food provided to Acacia Prison is of good quality and of appropriate quantity. Prisoners are engaged via the Prisoner Advisory Committee and at wing meetings. This process will continue and issues raised will be addressed as they have always been.</p>
<p>9. AIMS should develop a better purchasing system for canteen and town spends to ensure there is no undue delay in prisoners receiving goods for which they have already paid.</p>	<p>Agree/Moderate</p> <p>The purchasing system has been improved considerably since the inspection particularly in the delay of prisoners receiving goods purchased. The system will be reviewed on a regular basis to ensure continuous improvement.</p>

DEPARTMENT OF JUSTICE AND AIMS RESPONSES TO THE 2005
RECOMMENDATIONS

Recommendation	DOJ/AIMS Response/Risk Rating
10. AIMS should re-evaluate procedures for the daily nurses parade to ensure all prisoners who need to attend have access to do so, and that this procedure is clearly explained to all prisoners.	<p>Disagree/Low</p> <p>Current system is considered adequate and prisoners who need to see a nurse do so in a timely manner. Communication to prisoners regarding the policy will be reviewed to ensure prisoners fully understand the procedure.</p>
11. AIMS should re-evaluate its dental triage system to ensure that appropriately qualified staff control access to dental treatment.	<p>Agree/Low</p> <p>Completed. Custodial staff have nothing to do with the process of triaging prisoners for dental.</p>
12. AIMS and the Department should re-evaluate the resourcing and systems provided for mental health services at Acacia so that the needs of the prison population can be better met.	<p>Agree/Moderate</p> <p>The Department agrees and has undertaken a review and a new model of service provision utilising psychiatrists from the Frankland Centre has been put in place. It is proposed that further reviews shall take place. These issues have also been included in the re-tender process.</p> <p>AIMS Corporation have advertised for a second mental health nurse position at Acacia Prison. Negotiations are underway for the recruitment of a mental Health Nurse from the UK. This person has experience in working within a correctional setting. It should be noted that Acacia prison has the lowest self-harm statistics in the state.</p>
13. The Department should plan for the long-term appropriate accommodation and care needs of geriatric prisoners in the Western Australian prison system, and consider this issue when retendering for the Acacia Services Contract.	<p>Agree/Low</p> <p>The Department agrees that research and planning for the needs of geriatric prisoners is important, however this will not be considered until the priorities of the Department of Corrective Services have been identified following the Mahoney Report.</p>

DEPARTMENT OF JUSTICE AND AIMS RESPONSES TO THE 2005
RECOMMENDATIONS

Recommendation	DOJ/AIMS Response/Risk Rating
<p>14. The Department and AIMS should develop and implement strategies for meeting the re-entry and reintegration needs of minimum-security prisoners at Acacia.</p>	<p>Disagree/Moderate</p> <p>The Department acknowledges that the placement of minimum security prisoners at Acacia was never part of the original Acacia Contract or the operational philosophy of Acacia Prison. The Department will make every effort to ensure that minimum security prisoners placed at Acacia are afforded every opportunity to move to minimum security prisons. Additional minimum security beds at Wooroloo and Bunbury will come on line in 2007.</p>
<p><i>Rehabilitation and Reparation</i></p>	
<p>15. AIMS should establish an account with the Telephone Interpreter Service and utilise interpreters appropriately in all areas of service delivery for non-English speaking prisoners.</p>	<p>Agree/Low</p> <p>AIMS Corporation has engaged a telephone interpreting service as part of the re-tender process.</p>
<p>16. The Department should urgently review how initial Individual Management Plans (IMPs) (when needed because of further sentencing) and major modifications to IMPs for prisoners at Acacia can be done locally.</p>	<p>Disagree/Low</p> <p>This has been considered by the Department and it is believed that it would not be efficient to resource in this manner. Currently staff are deployed from the Hakea Assessment Centre when required.</p>
<p>17. AIMS should totally reassess the operation of its drug treatment units and programs to ensure compliance with Departmental policies and Acacia's own policies and procedures.</p>	<p>Agree/Moderate</p> <p>A review of the operation, policy and procedures of the Drug Treatment Unit has commenced. However the review will not be completed until the end of January 2006. The Head of Throughcare and Manager Offender Services have taken responsibility for this review.</p>
<p>18. AIMS should urgently act to regain its Registered Training Organisation status and then immediately develop and implement a strategy to increase training opportunities for prisoners.</p>	<p>Agree/High</p> <p>Completed. RTO Status achieved on 21 December 2005.</p>

DEPARTMENT OF JUSTICE AND AIMS RESPONSES TO THE 2005
RECOMMENDATIONS

Recommendation	DOJ/AIMS Response/Risk Rating
<p>19. That in developing contractual arrangements for the new Acacia Prison Services Contract, the Department should ensure that the performance measure in relation to prisoner participation in employment and other constructive activities have real validity.</p>	<p>Agree/Low</p> <p>This has been addressed in the RFP as the Department had considerable problems in managing the previously developed measure that was unable to be aligned with any data collection protocols. Current efforts are being applied by Contracted Services to ensure accuracy and validity of data reported regarding provision of employment and work attendance for capture by PPMS, and in utilisation of this data in the calculation of this measure.</p>
<p>20. AIMS should review the gratuity arrangements at Acacia to better reflect individual effort and participation in employment, education and programs.</p>	<p>Disagree/Low</p> <p>Current level of gratuities paid to prisoners participating in education/programs is considered adequate and in accordance with the Departments Policy Directive No 25.</p>
<p>21. The Department and AIMS should investigate the use of new TOMS scheduling modules as the basis for a much more accurate record of prisoner participation in constructive activities and as a better basis for gratuity allocation.</p>	<p>Agree/Low</p> <p>The Department believes that the new TOMS scheduling module is specific to the proposed changes being trialled at Bandyup. CS is currently progressing changes in the design of the Acacia structured day, and default hours allocated to jobs to enable the reporting of work hours variance within TOMS to enable better reporting</p>
<p>Re-entry</p>	
<p>22. AIMS and the Department should ensure sufficient Community Correction Officer presence onsite at Acacia and ensure that those officers are fully integrated into the systems at the prison of managing prisoners to release.</p>	<p>Agree/Low</p> <p>At the time of the inspection, one of the two PBSCCO positions based at Acacia was temporarily vacant. CJS will continue to ensure that both positions are occupied with suitable staff. The fruition of a Mahoney recommendation will enhance the current work done by these positions at Acacia if funded. A closer relationship/integration between these officers and Acacia staff is highly supported.</p>

DEPARTMENT OF JUSTICE AND AIMS RESPONSES TO THE 2005
RECOMMENDATIONS

Recommendation	DOJ/AIMS Response/Risk Rating
23. AIMS should provide appropriate support to external providers that bring services into the prison.	<p>Agree/Moderate</p> <p>It is acknowledged that on occasions external providers have been frustrated with AIMS Corporation in regard to the level of support provided in terms of resources. Most of the difficulties experienced by these providers have already been addressed.</p>
24. AIMS should re-examine the extent and sufficiency of re-entry services provided at Acacia	<p>Agree/Moderate</p> <p>See previous response. As to the sufficiency of re-entry services provided is an area that also requires DoJ input.</p>
<i>Aboriginal Prisoners</i>	Agree/Low
25. AIMS should fully implement the recommendations made in the Staples Report and extend these recommendations to other groups of Aboriginal prisoners isolated from their communities while accommodated at Acacia.	<p>AIMS Corporation has been progressing and will continue to progress with the recommendations made in the Staples Report, particularly in relation to people from remote groups.</p>
26. The Department should implement the recommendations of the Staples Report in public prisons in Western Australia in regard to all groups of Aboriginal prisoners accommodated in prisons that isolate them from their communities.	<p>Agree/Low</p> <p>The recommendations of the Review of Acacia Prison Aboriginal Services (the “Staples Report”), as they relate to all groups of Aboriginal prisoners accommodated in prisons that isolate them from their communities, are accepted in principle. However, a detailed consideration of the recommendations and their possible implementation in Public Prisons is presently beyond the resource capacity of the Department. The Department is currently, as part of the response to the broader issues raised in the Mahoney and OICS Reports resulting from the recent Inquiry into the Management of Offenders, seeking to create an appropriately resourced Aboriginal Policy & Services Unit in the new Department of Corrective Services. This recommendation will be added to the considerable agenda for that Unit and Public Prisons to address in coming months in relation to the management of Aboriginal prisoners.</p>

DEPARTMENT OF JUSTICE AND AIMS RESPONSES TO THE 2005
RECOMMENDATIONS

Recommendation	DOJ/AIMS Response/Risk Rating
27. The Department should develop a better system for ensuring the regular transfer of Aboriginal prisoners to their local prison to facilitate visits with their families.	Agree/Moderate The Department agrees with the need to improve the facilitation of visits for the prisoners with their families. Due to the limited capacity to accommodate minimum and medium security prisoners at regional sites, there is currently no ability to improve this. An interim Regional Accommodation Strategy has been developed to address this issue amongst others; however this strategy is subject to government funding.
<i>Staff</i> 28. The Department should better coordinate its recruitment practices to ensure it does not jeopardise the operations of the private provider and that it acts in the best interests of the Western Australian prison system as a whole.	Agree/Moderate AIMS has raised this as a concern directly with the Department. In about August 2005 agreement was reached with Acacia that the Department would only take a maximum of six applicants per block entry-level training course, that at the time were employees of Acacia Prison. This was applied to the last recruitment and selection process but is yet to be tested against the public sector standard on recruitment, selection and appointment and may be challenged. People who are suitable but not selected remain in the pool and will be considered for the next recruit training course. The Department has also ceased its prison officer recruitment campaign centred on attracting people with custodial experience. This campaign was intended to attract ex-DoJ prison officers, people that worked in detention centres and people with experience from overseas or other jurisdictions. It was not directed towards recruiting people from AIMS, although this was a major source of applicants. The Department has also ceased conducting the shortened Prison Officer Bridging Course because it became a further incentive for Acacia Prison employees to apply for DoJ positions.

DEPARTMENT OF JUSTICE AND AIMS RESPONSES TO THE 2005
RECOMMENDATIONS

Recommendation	DOJ/AIMS Response/Risk Rating
<p>29. AIMS should:</p> <p>a) develop strategies to improve the retention rate of custodial and non-custodial staff to enable a greater depth of experience and knowledge to improve service delivery; and</p> <p>b) develop a workforce plan to ensure it has sufficient staff in post in all service delivery areas at all times to meet the contractual requirement for the uninterrupted provision of services in a safe manner.</p>	<p>Agree/High</p> <p>AIMS Corporation has developed strategies that will assist in retaining experienced staff. However this is extremely difficult as AIMS Corporation cannot provide the same level of conditions provided to DoJ staff.</p> <p>Agree/Moderate</p> <p>The AIMS Corporation approach to a contract extension includes a significant increase in operational staff in the primary risk areas.</p>
<p>30. AIMS should commission a full evaluation of its recruit and ongoing training packages for both custodial and non-custodial staff by a suitably qualified person, to ensure they specifically meet the needs of Acacia staff.</p>	<p>Disagree/Moderate</p> <p>All training programs have been reviewed since the appointment of a Training Coordinator. AIMS Corporation Induction program for new officers has been approved by the DoJ as meeting necessary requirements</p>
<p>Contract Management</p> <p>31. The Department must commit to better resourcing the contract management branch, including the allocation and appointment of sufficient staff to permanent positions with the requisite expertise to manage a contract of the nature involved at Acacia.</p>	<p>Disagree/Low</p> <p>The Department will continue to strive for continuous improvement in the area of Contract Management and on site monitoring.</p>
<p>32. The Department must commit sufficient resources to the daily ongoing monitoring of the delivery of services at Acacia prison to support the work of the contract management branch.</p>	<p>Agree/Moderate</p> <p>The Department believes that the number of on site monitors is adequate to meet the requirements of the monitoring plan and to support the work of the Contract Management Branch. The Department determines the daily monitoring requirements and resources by conducting regular risk assessments.</p>

Appendix 2

THE GOVERNANCE FRAMEWORK FOR THE 2005 RECOMMENDATIONS

Recommendation Number	Type of Recommendation	Solution			Acceptance		
		Short Term < 1 yr	Medium Term < 3 yr	Long Term > 3 yr	Agree	Disagree	Partially
1	Custody and Security	•			•		
2	Custody and Security	•					•
3	Custody and Security	•			•		
4	Custody and Security	•			•		
5	Custody and Security	•			•		
6	Care and wellbeing	•				•	
7	Care and wellbeing	•			•	•	
8	Care and wellbeing	•				•	
9	Care and wellbeing	•			•		
10	Health	•				•	
11	Health	•			•		
12	Health	•			•		
13	Care and wellbeing		•		•		
14	Care and wellbeing		•			•	
15	Racism, Aboriginality	•			•		
16	Rehabilitation	•				•	
17	Rehabilitation	•			•		
18	Rehabilitation	•			•		
19	Rehabilitation	•			•		
20	Reparation	•				•	
21	Correctional value for money		•		•		
22	Rehabilitation	•			•		
23	Staffing issues	•			•		
24	Rehabilitation	•			•		
25	Racism, Aboriginality		•		•		
26	Racism, Aboriginality		•		•		
27	Racism, Aboriginality	•			•		
28	Staffing issues	•			•		
29	Staffing issues	•			•		
30	Staffing issues	•				•	
31	Admin & Accountability		•			•	
32	Admin & Accountability	•			•		

Appendix 3

INSPECTION TEAM

Professor Richard Harding	Inspector of Custodial Services
Mr Robert Stacey	Deputy Inspector of Custodial Services
Ms Dace Tomsons	A/Manager Inspections and Research
Ms Natalie Gibson	Inspections and Research Officer
Ms Lauren Netto	Inspections and Research Officer
Ms Judith Bevan	Inspections and Research Officer
Mr Stephen Reddy	Inspections and Research Officer
Mr Cliff Holdom	Inspections and Research Officer
Mr Peter Pierre	Inspections and Research Officer
Mr Joseph Wallam	Community Liaison Officer
Ms Jodie-Anne Mak	A/Manager Community Relations
Ms Thaedra Frangos	Expert Advisor (Ombudsman Office)
Ms Sue Hillman	Expert Advisor (Office of Health Review)
Ms Jocelyn Jones	Expert Advisor (Health Department WA)
Mr Peter Henson	Expert Advisor (Department of Education and Training)
Dr Noel Plumley	Expert Advisor (Next Step Drug and Alcohol Services)
Dr Keith Carter	Expert Advisor



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