

# The Inspector's Overview

BROOME REGIONAL PRISON: PROGRESS HAMPERED  
BY AN UNCERTAIN FUTURE

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## INTRODUCTION

This is the report of an announced inspection of Broome Regional Prison (Broome) conducted in September 2011. Previous inspection reports by this Office have raised serious concerns about Broome's ailing physical infrastructure and its general performance and 'culture'.<sup>i</sup> This report is rather more positive in that we found evidence of some improvements in both infrastructure and culture, but there remained several areas of concern.

At the time of the inspection, however, I was very concerned at the unmistakable fragility of the progress which had been achieved.<sup>ii</sup> There were three main reasons for this fragility. First, many of the management and cultural changes had been prompted by the appointment of a new superintendent in 2010 and needed more time to bed in. Secondly, some infrastructure and maintenance problems remained. Last but not least, Broome's future was clouded in uncertainty given the scheduled opening of the new West Kimberley Regional Prison (Derby Prison) in mid-2012.

These factors not only affected the prison at the time of the inspection but also increased the risk that performance would slip back and that staff would become progressively more disillusioned or disengaged.

## INFRASTRUCTURE AND OVERCROWDING

There has been significant investment in Broome's physical infrastructure since 2007, totalling more than \$11 million. A demountable 'earned privilege' unit has been installed for minimum security male prisoners and the other male minimum security units have undergone some renovation. The female unit and the male maximum security unit have been substantially upgraded, with improvements to the facilities themselves and the installation of air conditioning. New health, and education centres have been opened and a new perimeter fence and new administration buildings have been constructed.

However, despite these investments and improvements, the options for further redevelopment are limited given the small size of the site. Conditions at the prison also remain confined and restrictive. In the male minimum security area, which is the least restrictive but most overcrowded part of the prison, it is not uncommon for six and sometimes more prisoners to be sharing hot, cramped cells, the maximum decent capacity of which would be three people. Fortunately, some of the minimum security prisoners are able to engage in work and recreation out of the prison and the relaxed arrangements for visits also helped to alleviate the situation. The women's unit and the maximum security unit still have serious limitations: despite their upgrades, they offer a cage-like and listless environment, with only limited opportunities for positive activity.

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i This Office is not alone in having held concerns about accountability and other practices at Broome Prison. For example, the Ombudsman has also investigated and made recommendations with respect to complaints handling processes, with particular reference to Broome: see Ombudsman Western Australia, *Annual Report (2003-2004)* 33 and *Annual Report (2007-2008)* 19.

ii These concerns were expressed in the exit debrief at the prison on 23 September 2011. Exit debriefs are circulated to the Department of Corrective Services and the Minister's office.

Unfortunately, the new health centre and education centre have suffered from poor design and/or construction. Both have been affected by rain damage and the health centre has had to be closed on occasions due to mould. We also found that many of the bunk beds failed to meet the Department's own safety standards and posed a risk of injury from a fall and consider this to be something which can be remedied with minimal cost.<sup>iii</sup>

#### CULTURE AND ACCOUNTABILITY

It was clear from previous inspections and regular visits that by 2010, the vast majority of staff were keen for change and that they welcomed the new superintendent's appointment. This report found improvements in management processes and in the general culture of the prison. Most notably, allegations of bullying and racism, previously made by both prisoners and staff, had reduced markedly since 2008.

By the time of the inspection, however, several staff complained that the new management practices had gone too far and constituted unnecessary 'micro-management'. We examined these claims and were satisfied that, for the most part, the changes represented good management and involved a genuine attempt to ensure that past mistakes were not repeated. Overall, clarity, consistency and accountability had undoubtedly improved.

#### PLANNING FOR BROOME PRISON AND KIMBERLEY CUSTODIAL SERVICES

Broome's future is inextricably tied up with the opening of the new prison at Derby and at the time of this inspection, Derby's scheduled opening was only nine months away. Broome's infrastructure issues, its location on valuable land in the centre of town, and its relatively high cost per prisoner raised obvious questions with respect to its future role and viability. Given these factors, it was reasonable to anticipate that we would find or be provided with evidence of the following:

- (i) An operating philosophy and operational plans for Derby, including a staffing model;
- (ii) A vibrant proactive engagement with Broome Prison so that Derby could draw on its experience of delivering services in the Kimberley to predominantly Kimberley prisoners, including the development of strong community links;
- (iii) A plan for the future of Broome or a set of options for consideration;
- (iv) Meaningful engagement with staff at Broome with respect to the future role of the two prisons and potential employment opportunities at both;
- (v) A 'custodial plan' for the Kimberley region, articulating the functions of Derby and Broome Prisons and the Wyndham Work Camp in delivering services to the region;
- (vi) Strong engagement with Kimberley Aboriginal organisations; and
- (vii) Detailed analysis of the 'knock on' effects of the new Derby Prison for the rest of the prison system (especially those prisons such as Greenough and Casuarina which have hitherto held significant numbers of Kimberley prisoners).

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iii See Recommendation 7 and the Department's response to that recommendation.

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Unfortunately, the Department of Corrective Services declined our requests to provide an advance briefing on such matters. On the ground, we found little or no evidence that they were being actively pursued or adequately progressed.

Inevitably, the resulting uncertainty was having a detrimental impact on morale and confidence at Broome. Staff felt undervalued and displayed a dishearteningly flat and fatalistic attitude. Despite their many years of experience, they offered few concrete suggestions for Broome in the future. The majority believed that in the short term it would operate as a place to hold people facing court appearances in Broome and that it would close completely within a relatively short timeframe.

### BROOME'S FUTURE

Six months on, the Derby project has made tangible progress. An experienced project team was appointed during our inspection to get the project back on track and it is a tribute to the members of that team that Derby should be able to receive its first prisoners in the second half of 2012. However, it will undoubtedly take a good deal of time before Derby will meet its potential and promises in terms of innovation, community engagement and 'new ways of doing business'.<sup>iv</sup>

However, there has been no announcement with respect to Broome's future role and, unfortunately, recent visits suggest that morale and confidence have slipped further in the last six months.<sup>v</sup>

The prisoner profile will obviously change at Broome, and I am very pleased that the Department accepted our recommendation that the female prisoners be transferred to Derby as a priority.<sup>vi</sup> However, one of the more interesting logistical challenges arising from the decision to build the new prison in Derby is that the main West Kimberley court is still in Broome.

Until recently, the Department's view appeared to be that Broome's future role would be that of a small short term holding place for people appearing in the court. However, I believe that there are other options and that, with Derby not yet open, it would be premature to cut back significantly on Broome's operations, until a decision has been taken on its long term future. In the short term, if the prison was to be run solely for remandees, we would likely see a rapid deterioration in the physical infrastructure in which investment has so recently been made. Broome's positive community based achievements, including the opportunities for prisoners to acquire useful skills, would also be lost.

In my view, possible options for a broader operation – at least over the next few years – include housing selected minimum security prisoners (including Aboriginal men from the Broome area and Indonesian prisoners) who are approved for external community work at the prison. This has particular pertinence given that it seems unlikely that there will be significant community work options out of the new Derby Prison until, at the earliest, the latter part of 2013 or 2014.

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iv See, for example, Recommendation 4.

v The WA Prison Officers' Union has also voiced its concern at the additional stress generated by the uncertainty: see *Broome Regional Prison's Future in Jeopardy*: media release, WAPOU, 22 February 2012.

vi See Recommendation 8

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The Department is currently undertaking a more rigorous analysis of the potential options and their costs. Although this is overdue, and an announcement does need to be made at the earliest opportunity with respect to Broome's future, it is also important not to rush a decision simply to compensate for belated planning.

#### WORK CAMPS

Work camps, not just prisons, play an important part in the management and reintegration of prisoners, especially in the regions. In March 2011, Bungurun Work Camp near Derby was closed. While Bungurun had undertaken some valuable community work the facilities themselves were poor and the opportunities for skill development were limited.

The only work camp in the Kimberley is now at Wyndham. The facilities at Wyndham are excellent – modern, purpose built and high quality. Wyndham has capacity for up to 40 prisoners but it has been operating well below capacity. From January to October 2011, numbers were generally between 14 and 19. From November 2011 to February 2012, there were 11 prisoners there. Currently, numbers have dropped to just 9.<sup>vii</sup>

There are two main factors behind this under-use. The first is inadequate staffing and the second relates to the criteria and assessment processes for prisoners to be placed at a work camp. The Department has accepted our recommendations on both these matters and states that it is assessing the situation.<sup>viii</sup> The issues have been known for some time: it is time for action, a better return on the investment of public funds, and more holistic planning for Kimberley prisoners.

Neil Morgan  
16 March 2012

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vii Similarly, Warburton Work Camp has a capacity of 30 but has held no more than seven prisoners since it opened in September 2011: see Department of Corrective Services, *Weekly Offender Reports* (<http://www.correctiveservices.wa.gov.au/about-us/statistics-publications/statistics>).

viii See Recommendations 11 and 12.