

The Inspector's Overview

BUNBURY REGIONAL PRISON – PERFORMING WELL BUT IN A PERIOD OF TRANSITION AND CHALLENGE

CONTEXT

It is almost impossible to believe that less than ten years ago, when this Office conducted its first formal inspection of Bunbury Regional Prison ('Bunbury'), it was at very real risk of closure.ⁱ As a result of a short term decline in prisoner numbers across the state, Bunbury's minimum security section had been mothballed, its official capacity was just 140, and it actually housed fewer than 130 prisoners. Myopic government advisers had apparently concluded that the state's prison population would continue to fall and, despite Bunbury's consistently good performance, they considered it dispensable.

It is very fortunate indeed that Bunbury did not close. First, prisoner numbers in the state have been trending upwards since 2003, and saw a particularly sharp increase during 2009 and 2010. Bunbury has played a key role in managing these numbers and now houses around 330 prisoners. Secondly, although this report discusses a number of challenges and risks arising from the speed and nature of change, the prison has generally managed well through a challenging period and remains a good performer in most areas of operation. Particular highlights include employment, education, programs and their pre-release efforts.

TRANSITION

To varying degrees, all of the state's prisons are in a state of transition as they evolve to meet demand pressures and budget constraints alongside increasing compliance requirements and performance expectations. At Bunbury there are five main aspects to the transition.

Prisoner Numbers

Bunbury now holds around 330 prisoners despite having a design capacity of only 223. The two and a half fold increase in numbers since 2002 has been achieved by opening a new 'Pre-release Unit' (see below) together with a program of adding bunk beds to cells which were designed only for single occupancy. Given that the so-called 'operational capacity' of Western Australian prisons now includes double bunks, Bunbury might appear on paper to be slightly under full capacity.ⁱⁱ In reality, and by nationally accepted benchmarks, it is seriously overcrowded. Around 70 per cent of prisoners are required to share cells which were never intended to be shared and the prison has an occupancy rate of around 145 per cent.ⁱⁱⁱ

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- i OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 16 (December 2002) iii-ix.
- ii The Department of Corrective Services puts the total 'operational capacity' at 377 but this includes the currently mothballed minimum security unit (Unit 5) which can hold 37 prisoners. Actual current operational capacity is therefore 340.
- iii The Australian Government *Report on Government Services 2009-2010* (<http://www.pc.gov.au/gsp/reports/rogs/2011>) measures 'prison utilisation rates' in all jurisdictions. The formula is the average daily population of prisons as a percentage of prison design capacity. It is generally accepted that the best utilisation rate is between 85 and 95 per cent in order to allow for movements between prisons, for segregating different people for risk management, and to allow for sudden upward fluctuations in prisoner numbers. Nationally, the prison utilisation rate was 105 per cent in 2009-2010. In Western Australia as a whole it was over 130 per cent, the highest by far in the country. Bunbury currently sits at around 148 per cent using this measure.

Prisoner Profile

For many years, a relatively large proportion of Bunbury's prisoners had been convicted of sexual offences. Many were long term prisoners and they were a settled prisoner group. However, over the past five years, the profile has shifted, with the prison housing proportionately fewer sex offenders and more offenders convicted of violent offences. This has caused some pressures for staff, prisoners and management, but it is pleasing to report that many positive features of the prison have been able to continue, including the mixing of prisoners who would be held in separate 'protection units' in other prisons. Like some other prisons, Bunbury also faces the challenge of housing more elderly prisoners.

Hierarchical Regime

Offering positive incentives for good behaviour is one of the best management tools in a prison. Historically, one of Bunbury's main strengths was its ability to operate a hierarchical regime, under which prisoners could earn the privilege of living in better quality accommodation. However, this inspection found that it no longer had a well-functioning hierarchical system because of the pressure of numbers.

Pre-Release Unit

Bunbury's Pre-release Unit (PRU) commenced operations in November 2008. In basic concept and design, it is excellent. Operationally, it has also notched up some successes. However, it has yet to reach its full potential for a number of reasons:

- It has been required to house 108 prisoners, well above its design capacity of 72. This has been the case from almost as soon as it opened.
- As its name suggests, the main avowed role of the PRU is to prepare selected minimum security prisoners for release. However, many of the prisoners, although rated minimum security, are some way from release. The PRU is therefore also effectively a de-facto minimum security prison for some long term offenders. This is unlikely to pose risks to the community but it does cloud the role of the PRU and impacts on its capacity to operate as a true 'pre-release' facility.^{iv}
- Bunbury's PRU is on the same site as the main prison and is largely staffed by the same staff as the main prison. This has presented some difficulties as there has been limited training for staff to work in a different custodial setting, and moving between the culture of a medium security prison and a pre-release unit is not easy.

Management Changes

In late 2010, Bunbury's long-serving Superintendent was seconded to head office to undertake a special project and will be retiring. Fortunately, Bunbury has had a strong senior management team, many of whom have years of experience at the prison and members of that team have been able to 'act up' in higher positions. This has helped to ensure good performance but in the interests of stability and certainty, it is important for the 'acting' arrangements to be resolved and for substantive appointments to be made.

iv This is one of the reasons we recommend that the currently mothballed minimum security unit (capacity 37) be re-opened. However, the Department has rejected that recommendation on the basis that it considers such additional capacity is 'not currently required'.

OTHER CHALLENGES

This report also highlights a number of other challenges, some of which relate primarily to Bunbury and some of which are system-wide. They include the following:

- Reflecting the factors referred to earlier, and especially the impact of increased numbers, we found that the pro-social culture of the prison had declined. Reflecting this, staff were generally sceptical about the capacity of the prison to meet the Department's goal of 'making a positive difference'.
- The number of prisoner on staff assaults remained low but the number of prisoner on prisoner assaults had increased. There was also clear evidence of some incidents between prisoners going unreported and of increased staff-prisoner tension.
- Workers' compensation levels were very high for a prison of this size.
- Between August 2010 and June 2011, eight prisoners being housed in Bunbury were found to have acquired Hepatitis C during their time in prison. This did not necessarily happen at Bunbury itself and this is an issue which needs to be examined on a system-wide basis, with a view to implementing improved harm reduction strategies.

CONCLUSION

By and large, Bunbury Prison continues to perform well and it is a tribute to staff and management that the transitions and challenges have generally been well-managed to date. However, the areas of concern identified in this report pose risks. The issues are not irreparable, not least because Bunbury has such a solid performance record, but they do need to be addressed. To that end, it is pleasing to report that the Department of Corrective Services – at both prison and head office levels – has accepted most of our recommendations. It has also indicated that several of the recommendations are being actively progressed. We look forward to reporting on progress in future reports.

Neil Morgan

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