

The Inspector's Overview

CASUARINA PRISON: A CHANGING PRISON AND A CHANGING DEPARTMENT

This is the report of an announced inspection of Casuarina Prison ('Casuarina') conducted in July 2013. The broad conclusion is that the prison has been doing a decent job with stretched resources. Investment is needed in infrastructure and in staff if the Department of Corrective Services ('the Department') is to meet expectations and targets.

A CHANGING DEPARTMENT: RESTRUCTURE, RESPONSIVENESS AND RE-WORKING PERFORMANCE MEASURES

After an extremely difficult period, the Department is undergoing major structural and cultural change with a focus on improving service delivery, efficiency and performance. The intended longer term outcome is enhanced community safety through reduced recidivism. Many challenges lie ahead of the Department and its new Commissioner but I welcome the renewed vigour that is already evident. Certainly, the Department's responses to this report are more realistic, detailed and helpful than has been the norm over recent years.

Two developments have the potential to bring real improvement. The first is the decision to restructure the Department into two core functional divisions, Youth Justice and Adult Justice.ⁱ The establishment of a youth justice division to be overseen and supported by a Youth Justice Board, should allow a better targeted and more responsive focus. Although the government has not adopted my recommendation that youth justice be transitioned out of the Department to a new agency, the new structure does reflect the spirit of that recommendation.ⁱⁱ Aligning adult prisons and community corrections in the same division should also promote a more unified approach to adult offenders.

The second important development is that the Department is actively working towards developing sharper performance measures. To be effective, these should have four dimensions. Some should reflect events (such as escapes or loss of control); some should reflect 'inputs' in the form of services that are delivered (such as access to health services, training and education); some should reflect 'outputs' (such as completion of programs and courses); and some should involve 'outcome' based measures such as reducing recidivism and the number of people returning to prison. In my view, stronger performance measures and targets are essential for a government department that costs around \$850 million a year.

The timing is ideal for debate about performance expectations and Western Australia also has the opportunity to draw on experience in other countries, notably New Zealand. There, the government has set its Department of Corrections a target of achieving a 25 per cent reduction in recidivism (and 18,500 fewer victims) over the five year period 2012–2017. Specific strategies have been identified and the project has been developed in a way that allows expectations to be set out for individual facilities. The target is ambitious but the New Zealand Auditor General recently concluded:

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- i The previous structure was poorly aligned, with one Deputy Commissioner responsible for adult prisons and another responsible for adult community corrections and youth justice.
- ii OICS, *Report of the Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No 85 (July 2013).

The Department still has some way to go to achieve its target of reducing re-offending by 25 per cent by 2017. It has made a good start and has achieved encouraging early results, particularly with community-based offenders. In the last two years, the re-offending rate has reduced from 30.1 per cent to 26.6 per cent.ⁱⁱⁱ

The current recidivism rate in New Zealand is the lowest in ten years.^{iv} It is important to emphasise that this reduction in re-offending has been achieved by carefully targeting investment in education, training and employment opportunities, and in assessing what works and what does not work. As the Auditor General put it:

The Department continually assesses the effectiveness and efficiency of its interventions, learns from successes and failures, and uses the information for improvements. The Department is to be commended for its evidence-based approach.^v

It is important to emphasise that the positive results to date in New Zealand are not the result of sending more people into custody or of prolonging the time they spend there. They result from careful, intelligent planning and evidence-based investment in community and prison-based interventions that set specific targets for Maori and non-Maori offenders.

CASUARINA: A CHANGING PRISON

History and Functions

Casuarina opened in June 1991, a landmark moment in prison history in Western Australia. It replaced the old Fremantle Prison where a riot in 1988 had highlighted inhumane and degrading conditions, security and safety failings and a negative, tense staff/prisoner culture. Casuarina was intended to usher in a more positive era of prison management and the basic concept was simple and logical. Provided that the perimeter was kept highly secure, and provided there was adequate separation of prisoners who needed to be kept apart from others, the majority of prisoners could be offered a more positive regime focused on rehabilitation, employment, education and skill development.

Casuarina was originally designed for 397 prisoners occupying single cells. At the time it was regarded as a large prison, a view that seems quaintly old-fashioned as we move towards prisons of 1,000 beds or more.

Casuarina is unique in that it performs a number of 'state-wide' functions. These include housing the highest risk/highest security prisoners (in the 'Special Handling Unit' or SHU); those who need the highest degree of protection from others (in the 'Special Protection Unit' or SPU); and those in need of specialised medical care (in the 'Infirmary'). In addition, the prison houses people of all security ratings and large numbers of remandees, out-of-country Aboriginal men and protection prisoners. Another growing challenge has been the management of prisoners with organised gang affiliations.

iii Office of the Auditor General, New Zealand, *Department of Corrections: Managing Offenders to Reduce Re-Offending*, December 2013, 6 [<http://www.oag.govt.nz/2013/reducing-reoffending>].

iv Ibid, 65.

v Ibid, 5.

This is a potentially volatile mix and the prison has needed to perform its complex roles during a time of change and crowding (see below). It is important to place on record the fact that while Casuarina has faced some significant events over its 22 year history (including an opportunistic escape shortly in 1991 and a riot on Christmas Day 1998), it has maintained a good record for perimeter security and internal control.

Staff and Management

Compared with 2010 we found improved relationships within the management team and between staff and management. Unfortunately, however, negative media coverage of the activities and alleged misconduct of some prison officers was having a demoralising effect. It needs to be emphasised that the majority of custodial, administrative and other staff are well-motivated, knowledgeable and pragmatic professionals. They do their jobs and they themselves welcome efforts to clamp down on unprofessional behaviour. They deserve the community's respect and balanced media coverage. They also provide a resource on which to build for the future. However, this will require the Department to engage more positively and proactively, to implement better performance appraisal systems, and to provide more professional development opportunities.^{vi}

Action is also needed to reduce the extent of daily staff shortages as this is adversely impacting on the prison's operations. One of the contributing factors at Casuarina and other prisons is the shortfall in services delivered under contract for medical transports and hospital 'sits'. In essence, the contractor (Serco) appears to be meeting its contractual obligations (and if it is not, it should not be paid), but the contract does not cover demand. As a result, staff at the prison must cover these outside tasks, leading to shortfalls on-site.^{vii}

Population and Infrastructure

The prison has undergone significant changes since it opened. The most obvious is that its capacity has increased. At the time of this inspection it housed 631 prisoners and on occasions in the last four years it has held closer to 700. Judged simply by reference to 'beds', the increase has been accommodated by a combination of double bunks in cells that were never intended for two people and the addition of two new accommodation units. The opening of the new units did not replace double bunking but led to some units being closed for renovation.

Down the track, if all the double-bunked cells and the new units are used, the prison will house over 900 prisoners, more than double its original design capacity. A number of questions arise now and for the future with respect to the adequacy of the supporting infrastructure and the ability of the prison to meet the diverse requirements of its prisoners.

vi See Recommendations 3 and 4 of this report.

vii See Recommendations 2 and 5 of this report.

The capacity of a prison is not a simple matter of ‘beds vs heads’. Prisons are ‘mini-communities’ and if the state is to maximise the opportunities for a positive regime and for interventions to reduce recidivism, it is necessary to provide adequate infrastructure. As the Smith Report into the 1998 Casuarina riot put it:

The term ‘overcrowding’ is actually an oxymoron, because the condition that spells mismanagement is ‘crowding’ – that is too many people in a facility or space. It accurately describes the condition that existed at Casuarina Prison on Christmas Day and in the days leading up to it – too many prisoners for the available facilities. With proper management and planning, staffing, services and facilities can be increased to cope with growing numbers so that while numbers grow access to services remain at adequate levels. Overcrowding is thus not really about gross numbers – it is about management and resource capacity.^{viii}

Casuarina has seen some investment in additional infrastructure to support increased numbers but it has not been sufficient. Areas of need include health services, the kitchen, industries and education and some areas of security.^{ix} One of my abiding memories of the inspection was seeing a group of around six Aboriginal men sitting around playing cards in the early afternoon. Some were still teenagers and some were much older men. There was nothing else available for them to do and they had generally done little throughout the rest of the day. They said they were not gambling but looked sheepish as they said this. It was depressing to witness such mindless boredom and to sense that this was perceived by the young men to be a normalised lifestyle, not something to break away from. We need to do better to provide opportunities for improvement especially for young people in prison, so many of whom are Aboriginal.

Prisoner Profile

Originally, Casuarina mainly housed maximum security sentenced prisoners. This is no longer the case. On average, during 2012/13, only 28 per cent of prisoners were rated maximum security; the vast majority were rated medium and some were rated minimum. This imbalance between prison security and prisoner security ratings is symptomatic of the system as a whole. As a result of the decision to add extra units in the three main male maximum security facilities, the state now has over 2,500 maximum security beds for fewer than 500 maximum security prisoners.

The dilemma is obvious: if a prison holds maximum security prisoners it will need to provide a full maximum security regime, but prisoners rated less than maximum security do not need this. Medium security prisons are still secure but they tend to operate a less restrictive regime. In response to our report on security classifications in 2012 the Department asserted that it operates ‘adaptive regimes’ for lower security prisoners who are being held in maximum security prisons. However, it provided no evidence to support such claims. There was in fact no evidence at that time, or during this inspection, of differentiated regimes.^x It is time for fanciful claims of this sort to stop.

viii Smith LE, *Report of the Inquiry into the Incident at Casuarina Prison on 25 December 1998* (1999) [5.2.4.6].

ix See Recommendations 6, 7, 10, 12, 13, 15 and 16 of this report.

x OICS, *The Flow of Prisoners to Minimum Security, Section 95 and Work Camps in Western Australia*, (2012) [5.9]–[5.10].

Casuarina also now houses a much larger number of remand prisoners. More than one fifth of its population was on remand at the time of the inspection, including a significant number of people from regional WA. The number of remand prisoners has grown faster than the number of sentenced prisoners in recent years. Work needs to be done to understand why this has happened and there needs to be a sharper strategic focus on the needs of this group.

Unfortunately, it also remains the case that too many Aboriginal men from remote and regional areas are being held in Casuarina, a long way from home and away from social and legal support. Many were from the Kimberley and many were remandees. The opening of West Kimberley Regional Prison has not solved the problem and further attention is needed to matching regional supply and demand.

Neil Morgan

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