

## Inspector's overview

On any given day, there are over 5000 prisoners in Western Australia and the majority are there because of violent or high risk behaviour in the community, often associated with health and social issues. This means that prison staff face significant challenges on a daily basis. Positively, despite the potential risks, this review found that assaults on prison staff are relatively infrequent and that serious violence is rare.

These findings indicate that staff who work in prisons are often skilled in dealing with volatile situations, including where prisoners are agitated or distressed, or during high risk activities such as escorts or restraints. This is a tribute both to the staff and to the Department of Corrective Services as a whole. However, the nature and circumstances of the assaults hold some learning opportunities and challenges. This report identifies a number of factors that contribute to assaults on staff and makes a series of recommendations designed to improve safety.

## Rates of assault

Across the state, there were 414 recorded incidents of staff assault during the five years covered by this review, an average of 7 to 8 assaults per month. Obviously, staff safety is a high priority, and every assault is of concern, but the figures need to be placed in the context of the total imprisonment rate: each month our prisons hold prisoners for more than 150,000 'prisoner days'.<sup>1</sup>

The figures also need to be placed in the context of what is being recorded, a point well-illustrated by data from September 2013. That month, there was a distinct spike in assaults, with 24 recorded cases, three times more than the average. However, almost a third of these assaults were committed by the same woman, in three incidents, over two days at Bandyup Women's Prison. Two mornings in a row, she threw her breakfast at a staff member, each incident constituting an assault. The third incident occurred later on the second day. She was under escort after a visit to a mental health nurse and lashed out at staff, punching, scratching and kicking them. Five staff members sustained scratches and bruises and because there were five victims, five assaults were recorded. This illustrates how quickly the assault rate can rise based on the behaviour of certain individuals or the presence of multiple staff in a single incident. It also shows that generalised counts and records do not reflect the particular circumstances in which assaults occur or the type of behaviour involved.

Serious, targeted violence towards staff is rare. 'Serious assaults' are defined by the Department of Corrective Services as assaults where physical injuries are sustained requiring ongoing medical treatment or overnight hospitalisation. There were 22

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<sup>1</sup> There are more than 5000 prisoners in our prisons: 5000 prisoners x 30 days = 150,000 prisoner days per month.

serious assaults over the five year period covered by this review, an average of one per quarter.

## Prisoners with mental health issues

Prisoners with mental health issues or cognitive impairments, particularly women, were over-represented in staff assault incidents. This comes as no surprise, and aligns with international and local experience. These prisoners are more vulnerable and more challenging to manage. They place an increased burden on custodial staff, most of whom have little or no specialist training in meeting their needs. Staff understand this and frequently complain that they need better training.

I am pleased that the Department has supported our recommendation that it should develop a broad corrections mental health management strategy. However their response relies very heavily on the future development of mental health precincts in Casuarina and Bandyup prisons. While commendable in theory, these precincts will take some time to come to fruition and detail as to how they will operate and who they will house is currently lacking. It must also be acknowledged that issues of mental health pervade most prisons and more immediate, system-wide measures should be considered to improve staff and prisoner safety.

## Idle hands

Another key finding of this review was that prisoners with idle hands, meaning those who were not meaningfully involved in work, education or other programs, were more likely to assault staff than prisoners who were busy. Almost three quarters of prisoners who assaulted staff were unemployed or underemployed at the time.

The Department has supported our recommendation to increase access to meaningful employment, education and skill development programs across the system but I am concerned that its support is subject to funding and other competing priorities. I well understand issues of funding and priorities but reducing meaningful activities is a poor long term investment decision. Quite apart from the fact that idle prisoner hands increase staff risk, the lack of meaningful activities for prisoners also impacts on rehabilitation, and therefore community safety, a point also emphasised by a 2010 Parliamentary committee.<sup>2</sup>

Given the focus of the current Minister and Commissioner for Corrective Services on protecting staff and on protecting the community by reducing recidivism, I hope there will be an increased priority on providing meaningful activities for prisoners. If this is to happen, it is vital to ensure that people employed to provide such activities are able to do so. Currently, as the Department states in its response to our recommendation, Vocational Support Officers (VSOs) at some prisons are regularly being removed from

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<sup>2</sup> Community Development and Justice Standing Committee, *Making Our Prisons Work: An Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies*: Report No 6, November 2010.

education and training to cover ‘operational requirements and muster management’. This should not be happening to the degree that it is: VSOs are employed to provide skills training, not to provide routine coverage for matters such as ‘muster management’. Better solutions must be found but unfortunately, the Department’s response makes no commitment to end what is a very poor practice.<sup>3</sup>

## Security ratings and over secure facilities

This review found that staff assaults were far more likely to be committed by maximum and medium security prisoners and much less likely to be committed by minimum security prisoners. This is probably not surprising and suggests that the Department’s systems for determining security ratings, risks and alerts is having some success in identifying prisoners who pose a risk to others.

However, there was a troubling correlation between the practice of holding people in more secure facilities than their security classification dictates, and staff assault. A large number of prisoners are being held in more secure facilities than their security ratings would dictate, and these prisoners are assaulting staff more often than when they are placed at facilities which align with their security ratings. For example, prisoners who are rated minimum security are far more likely to assault staff if they are held in a medium or maximum security facility as opposed to a minimum security facility. In addition to the increased risk to staff, this practice also increases costs and decreases access to specialised reintegration services.

Given these facts, I am disappointed by the Department’s response to our recommendation to “reduce the number of prisoners subjected to levels of security which are unnecessary given their assessed security rating”. The Department claims that prisoners are being placed in “suitable facilities dependent on their security rating, risks, alerts and needs” but shows no commitment to better matching its security ratings of prisoners with its facilities and regimes.

## An example: Bandyup Women’s Prison

Some years ago, when I was arguing for investment in women’s prisons to match what was being invested in men’s prisons, more than one person suggested to me that ‘women prisoners don’t hit people’. This was very far off the mark. The prison with the highest rate of assault per prisoner by far is Bandyup Women’s Prison. Over the period covered by this review, its rate of staff assault was two and a half to three times higher than the state’s two main maximum security male prisons, Hakea and Casuarina.

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<sup>3</sup> The 2012 inspection of Greenough Regional Prison provides a good example. The practice of redeploying VSOs to manage staffing and budgetary constraints had resulted in a high level of discontent among VSOs, and the loss of six VSOs in one year. Eleven of 28 VSO positions were vacant, meaning that fewer prisoners could be supervised in the industries area and more were left in the units with nothing meaningful to do: see OICS, *Report of an Announced Inspection of Greenough Regional Prison*, Report No. 83 (Apr 2013).

The reason for this is that Bandyup reflects all the key contributing factors: high rates of mental illness; too little for prisoners to do because of crowding, poor conditions and limited services; and the challenge of managing too many minimum and medium security women in a maximum security environment.

## Conclusion

Assaults on staff can have both short and long term repercussions for the victim. There are the obvious physical injuries which a staff member may endure from a strike, or a kick. There are other assaults, like spitting, where the injuries are less obvious but no less harmful. It can take six months before a staff member can be certain they have not contracted a virus following a spitting incident. The wait can be stressful and can considerably impact the staff member's personal life given the potential risk of infecting others.

Fortunately, staff assaults particularly serious staff assaults are rare. This is both commendable and expected. Constant vigilance is needed by the Department to ensure the numbers stay low and there is room for improvement in its tracking of incidents and its ability to learn from them. Overall, however, the Department is doing well at ensuring the risk to staff is low.

Neil Morgan

20 July 2014