

# The Inspector's Overview

EASTERN GOLDFIELDS REGIONAL PRISON: DOING WHAT IT CAN WITH WHAT IT HAS, LOOKING TO A BRIGHT NEW FUTURE, BUT CLEARLY IN TRANSITION

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## A TIME OF CHANGE

Eastern Goldfields Regional Prison ('EGRP') is in the midst of radical change, and not before time. Even though the prison is less than 40 years old, it is well past its use by date. It is far too small to meet regional demand, with the result that many prisoners are being held in other prisons too far from home. Whilst the prison currently does what it can with what it has, design and infrastructure failings undermine its capacity to deliver a regime that focuses adequately on reducing recidivism.

These deficiencies have been recognised by government and a new prison is being constructed adjacent to the existing site. Funding for the new prison was approved in May 2009, at which time the then Minister projected a completion date of late 2013.<sup>i</sup> The prison is the subject of a Public Private Partnership arrangement. The private sector is responsible for its design, construction, finance and maintenance but when it opens it will be operated by the public sector.<sup>ii</sup>

Like most prison builds, it has taken longer than originally planned to bring the new prison to fruition, and it is now scheduled to open in the third quarter of 2015. Obviously, once it had been decided that a new prison would be built, there was always going to be limited investment in the existing prison. However, it has been difficult for the prison to eke more life out of the ailing infrastructure by six and a half years, two years more than projected.

The existing prison has a capacity of 110, including up to 27 women. It houses primarily minimum-security prisoners but also holds a small number of prisoners with higher security ratings, usually on a short-term basis. The new prison will have a capacity of 350, including 50 females. It has been intelligently designed not just for higher numbers but for a wider range of prisoners, including long-term medium-security prisoners. The goal of the new prison is not simply to 'hold' people but to provide real opportunities to learn skills that will assist them re-enter society without re-offending.

This inspection, conducted in January 2014, examined not only EGRP as it is currently functioning, but also its transition-readiness.

## EASTERN GOLDFIELDS 2014: PEOPLE, RELATIONSHIPS AND SERVICES

Design and buildings are important but do not make a good prison. Prisons are a profoundly human environment where positive and respectful relationships are key ingredients of safety, security and good culture. EGRP provides tangible evidence of this.

In 2001, it was a prison marred by 'prisoner sadness and anger' and 'staff frustration and apathy'.<sup>iii</sup> By 2008 there were signs of improvement and in 2011 I was able to conclude that it represented 'proof that in areas of human services (which include hospitals and schools as well as prisons) good staff and good leadership can, to some extent, "lift" a facility above impoverished infrastructure.'<sup>iv</sup>

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i Hon C Porter MLA, Attorney General and Minister for Corrective Services, *Government delivers new Eastern Goldfields prison*: media statement (5 May 2009).

ii Hon C Porter MLA, Treasurer and Hon T Redman MLA, Minister for Corrective Services, *Expressions of interest called for new Eastern Goldfields Regional Prison*: media statement (29 April 2011).

iii Office of the Inspector of Custodial Services (OICS), *Report of an Unannounced Inspection of Eastern Goldfields Regional Prison*, Report No. 4 (November 2001) 4.

iv OICS, *Report of an Announced Inspection of Eastern Goldfields Regional Prison*, Report No. 72 (June 2011) iii.

At this inspection, we found that the prison had continued to enjoy clear leadership. Draining and protracted tensions between some individuals were having a negative influence but by and large, relationships between management and staff and between different staff groups remained cohesive and professional. Generally speaking, relationships between prisoners and staff were also reasonably positive, although there were some pockets of concern and some areas for improvement.

Overall, staff and management are to be commended for their professionalism, intelligent pragmatism and can-do attitude. The gatehouse provided a particularly good example. It is a small demountable structure with limited amenity, a far cry from what officers generally expect and what they experience at other prisons. However, staff consistently set a professional and positive tone, with good 'customer service' skills.

Given the circumstances, the site was being pretty well-maintained, and the care given to maintaining the small garden areas and the stunning art work in the units helped to elevate the environment. Unfortunately, though, there was no escaping the fact that this was a prison heading to closure. Construction of the new prison had led to workshop space being reduced and to the closure of the oval. The only remaining recreation area was small and sterile. Education services were providing positive programs, with well-monitored mixing of men and women allowed. Health services were better than in 2011 but were still limited in scope and intensity.

The cultural and spiritual imperative of being close to country is so strong that, despite the limitations of EGRP, the majority of prisoners preferred to be there than at any other prison. However, many were justifiably frustrated that, having 'earned' minimum-security status, they would end up in such a confined and limiting environment.

This report made a number of recommendations regarding the current prison. Some have been accepted, some have not. However, the key point remains: *for the remaining life of the current prison, every effort must be made to improve the opportunities for prisoners to engage in positive activities including health, recreation, treatment programs and skill development. Failure to do so will see more of them return to the new prison when it opens.*

## TRANSITION-READINESS

At the time of the inspection, transition was less than two years away. It is now less than 14 months. On the one hand, 14 months is a very long time if you are a prisoner confined in a prison with poor amenities, little space and limited activities. On the other hand, it is a short period of time to get ready to operate a new prison. EGRP management and staff need to be adequately prepared for the operational and cultural changes that will inevitably come from the closure of a small, mainly minimum-security facility and the opening of a much larger prison with a very different prisoner profile. It is also important to ensure that there is adequate time to 'market' the opportunities at EGRP to staff already working at other prisons and to recruit new staff in line with Departmental targets for Aboriginal staff recruitment.

There is probably just about enough time in hand because while there is only 14 months to go, the first stage of transition will consist mainly in moving existing prisoners to the new site. Importantly, the management team and staff are well-placed to move and keen to do so, as are the prisoners. However, time is running out and a great deal is still left to be done in terms of transition-readiness. Philosophical direction, operational procedures and staffing models are clearly integrally linked and it would have been reasonable to expect that the new prison's staffing model would have been approved by early 2014 (and in mid-2013 I was confidently informed by the Department that it would be finalised by December that year). However, it has not yet been finalised. This needs to be prioritised.

Work is also currently under way to recruit staff locally for the new prison. The Department is also intending, if possible, to offer a number of locally-based entry level training programs for local staff. I strongly support this. An inspection of the West Kimberley Regional Prison earlier this month confirmed that local staff, especially local Aboriginal staff, add valuable knowledge, contacts and skills. Again, though, time is running short for recruitment and training.

#### WARBURTON WORK CAMP: WHITE ELEPHANT?

In May 2009, at the same time that funding for the new prison was approved, the government also approved the construction at Warburton of a work camp for selected minimum-security prisoners. Communities in the Ngaanyatjarra Lands had long been calling for justice initiatives to allow some of their people to stay in country rather than going to distant prisons, or at least to spend time in country just before release. They were also still profoundly distressed by the heatstroke-related death of Aboriginal Elder Mr Ward in the back of a prisoner transport van in January 2008. In June 2009, the coroner concluded that this 'terrible' death had been 'wholly unnecessary and avoidable'.<sup>v</sup>

The Warburton work camp ('Warburton') appears to have cost something over \$13 million. It is an impressive facility which has a capacity of 24 minimum-security prisoners. An additional six secure cells were also built with the idea that people of higher security ratings could be held there on a short-term basis instead of being transferred to Kalgoorlie or Perth.

Warburton opened in August 2011 and people from the Lands held high hopes that it would allow selected prisoners to stay in country, provide opportunities for offenders on community-based orders, and would improve community safety. The then Minister had similar high expectations when the funding was announced just five years ago: 'We will deliver a service focused on rehabilitation and breaking the offending cycle whilst helping with community projects. There will be greater options for Aboriginal people's involvement in diversion from prison, including supervised bail, parole and the completion of community service orders. The new work camp will provide training and skills acquisition programs aimed at helping the transition of prisoners into their communities and breaking the cycle of offending.'<sup>vi</sup>

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v Hope AN, *Record of an Investigation into Death, Ref 9/09*, Inquest into the death of Mr Ward, Coroner's Court of WA (12 June 2009) 5.

vi Hon C Porter MLA, Attorney General and Minister for Corrective Services, *New work camps to offer improved regional justice facilities*: media statement (14 May 2009).

The Department of Corrective Services' website would suggest that Warburton is functioning exactly as intended.<sup>vii</sup> It is not and never has: the minimum-security beds have never been full, the secure cells have not been used, and although the camp's engagement in community work is useful and highly regarded by the community, it is far more limited than anticipated

One assumes that the decision to build Warburton (and another under-used camp at Wyndham which cost around \$10 million) was founded on a robust business case, and that this included issues such as projected prisoner demand, staffing needs and running costs. If the business case was robust in May 2009, one would have to ask how things could have changed by the time the camp opened in August 2012. Certainly, when I inspect prisons I see the same broad cohort of prisoners, with the very same issues driving their imprisonment, as I saw five years ago.

The problems which are now said to face Warburton were all foreseeable and should have been factored into Departmental planning. They include low numbers of prisoners being qualified to go the camp<sup>viii</sup> and high staff costs if the camp was fully utilised (especially if the higher security cells were to be used).

Warburton's future is most uncertain. This report made two recommendations, both of which reflected the government's stated intent in 2009: to make accredited training available and to examine ways to maximise the flow of prisoners to the camp.<sup>ix</sup> The Department has supported the recommendations 'in principle' but has made no concrete commitments. It says, rather cryptically, that the future use of the camp is under review in conjunction with other agencies. No other details are provided.

What this means, and where it leads remains to be seen. But right now, Warburton is a white elephant. Understandably, communities in the Lands feel let down by government once more. And all Western Australians should be concerned that so much money was spent for so little. It is not as if the characteristics of the offenders or the underlying social problems have changed: they are depressingly constant.

#### REDUCING CRIME AND RECIDIVISM: REGIONAL DIVERSITY AND SENSITIVITY

The new Commissioner for Corrective Services is promoting a sharper focus on reducing recidivism across the system. This is a good thing and EGRP faces some particular challenges: rates of recidivism amongst its prisoners are high and too many are serving relatively short sentences and then returning to prison after release.

If the needs of these prisoners and of the region are to be addressed, it is vital that a more nuanced, and regionally appropriate approach is taken. Over the years, the Department has not even delivered many of its standard range of 'treatment programs' at EGRP. In any event, these programs are unlikely to meet local need or to be delivered on time, especially for shorter term prisoners.<sup>x</sup>

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vii <<http://www.correctiveservices.wa.gov.au/prisons/work-camps/warburton>>

viii OICS, *Report on the Flow of Prisoners to Minimum Security, Section 95 and Work Camps* (January 2013).

ix Ibid. Recommendations 5 and 7.

x This is a common problem at Aboriginal-dominated regional prisons and needs to be addressed across the whole system: see OICS, *Recidivism Rates and the Impact of Treatment Programs* (soon to be released).

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Reflecting these realities, the Superintendent of EGRP has an intelligent and simple philosophy for the existing prison: ‘giving prisoners a skill they did not have’. This philosophy should be supported but developed and refined for the new prison. It is also vital that the prison continues to develop the best possible linkages with communities, and that it is adequately resourced to do this. Experience and research show that community support and ‘buy in’ are key elements in successful strategies to reduce recidivism<sup>xi</sup> – another reason to be concerned about the role and future of Warburton.

Neil Morgan

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xi New Zealand is having significant success in reducing recidivism and key elements of their strategy are community and family engagement: see <<http://www.oag.govt.nz/2013/reducing-reoffending>>