

The Inspector's Overview

BANDYUP: THE HARDEST AND MOST NEGLECTED PRISON IN THE STATE

2008–2011: NEGLECT OF BANDYUP AND NEGLECT OF WOMEN

This is the report of an inspection of Bandyup Women's Prison ('Bandyup'), the state's primary and pivotal prison for women. I recently characterised women's imprisonment in Western Australia as being in crisis and Bandyup as bearing the brunt of that crisis.ⁱ In essence, the story over recent years has been one of massive investment in male prisons and minimal investment in female prisons. This is despite the fact that women form close to 10 per cent of the prisoner population; that the number of women in prison has been growing rapidly and at twice the rate of males;ⁱⁱ that Bandyup was already facing issues in 2008;ⁱⁱⁱ and that official policy documents have proclaimed that female offenders need to be afforded greater, and targeted, priority.

Since 2009 I have been consistently urging increased investment in women's prisons and our 2011 report on Bandyup was bleak and pessimistic.^{iv} That pessimism proved well-founded. The report called for urgent action and investment in relation to strategic direction, funding, health/mental health services and a range of other matters. The Department of Corrective Services ('the Department') did formally accept most of the report's recommendations, but there was little sense of urgency, forward planning or lateral thinking. Many of its responses were non-committal, and some were out of touch or factually wrong. As this report shows, Bandyup has paid a price for this over the following three years.

PUBLIC ADMINISTRATION COMMITTEE

The Legislative Council Public Administration Committee was so concerned by our 2011 findings that in March 2012 it visited Bandyup to check for itself. This is exactly as it should be: the Inspector reports to Parliament, and proactive Parliamentary engagement enhances accountability on the part of this Office as well as the Department.

The Committee was clearly troubled by the conditions it observed and, in August 2012, summonsed the then Commissioner for Corrective Services and other executives to give evidence.^v The Committee's questioning and its follow-up report left no doubt as to its concerns about the problems at Bandyup and the inadequacy of past and forward planning.^{vi}

i Office of the Inspector of Custodial Services (OICS), *Female Prisons in Western Australia and the Greenough Women's Precinct*, Report No. 91 (July 2014).

ii Between March 2009 and March 2014, female prisoner numbers in Western Australia grew by 50 per cent and male numbers by 25 per cent.

iii OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 57 (January 2009).

iv OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 73 (August 2011).

v The Committee considered it necessary to issue a summons because the Department failed to provide information it had requested following its visit: see <[http://www.parliament.wa.gov.au/Parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/A94FF05327EE03D748257AAE000B55AF/\\$file/pc.ann.121106.rpf.015.xx.pdf](http://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/A94FF05327EE03D748257AAE000B55AF/$file/pc.ann.121106.rpf.015.xx.pdf)>

vi For the report, see: <[http://www.parliament.wa.gov.au/Parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/A94FF05327EE03D748257AAE000B55AF/\\$file/pc.ann.121106.rpf.015.xx.pdf](http://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/A94FF05327EE03D748257AAE000B55AF/$file/pc.ann.121106.rpf.015.xx.pdf)>, 33–38. For the transcript of evidence, see: <[http://www.parliament.wa.gov.au/Parliament/commit.nsf/\(ProceedingsOnly\)/33A4A6E22661AFF748257A7F001387F9?opendocument](http://www.parliament.wa.gov.au/Parliament/commit.nsf/(ProceedingsOnly)/33A4A6E22661AFF748257A7F001387F9?opendocument)>

2013–2014: GREATER SENSE OF URGENCY BUT ACTION STILL NEEDED

Fortunately, the Minister for Corrective Services and the Commissioner are now affording high priority to addressing the issue of women's imprisonment. Relatively early in his time as Minister, Hon Joe Francis MLA visited Bandyup. He recently delivered a candid assessment of this visit and his concern and commitment to change are clear:

I was pretty appalled at the state of much of the facility. Some of it's very new but some of it's very old and dilapidated, and I don't think that's the right way to treat women.^{vii}

However, action to provide new facilities for women is still some way off and the decision to send more women to Greenough Regional Prison from early 2013 was never going to meet predictable demand.^{viii} There are no immediate plans for any new prisons for women (or men) so the Minister has directed the Department to review all its existing facilities and assets and to determine their optimal use, including turning parts of the male system over to women.

The Commissioner, Mr James McMahon, now faces an unenviable challenge. His options are limited, none are straightforward, and if units at Hakea Prison are to be used, as has been suggested, this will require time for planning, preparation of business cases, funding approvals and action.

In summary, everyone agrees that something needs to be done and there are some possible options, though none is ideal. However, the issue was left unaddressed for too long and time is not on the Department's side. Bandyup was extremely stressed and crowded at the time of this inspection (March 2014) and has since become even more crowded. Over recent years it has had the highest rate of assaults by prisoners on staff of any prison,^{ix} and has been performing below expectations in terms of reducing the risk of prisoners re-offending after release.^x

I am pleased to report that in addition to scoping future options, the Department has taken concrete action in two main areas after the inspection. First, in line with suggestions we made, it has added additional capacity for women at other prisons by re-opening the women's unit at Roebourne Regional Prison^{xi} and has also placed more women at the Boronia Pre-release Centre. Secondly, it has started work to improve some of the facilities and conditions at Bandyup (see below). However, the key points remain: Bandyup is even more crowded now than it was in March and it is not acceptable to have so many women there, and it is not appropriate to crowd other prisons to compensate for Bandyup's deficiencies. Additional, appropriate, prison space must be developed and this must be done soon.

vii Interview with Minister Francis, 6PR Morning Show 9 October 2014 (interviewer, Gary Adshead).
viii OICS, *Female Prisons in Western Australia and the Greenough Women's Precinct*, Report No. 91 (July 2014).
ix OICS, *Assaults on Staff in Western Australian Prisons* (September 2014).
x OICS, *Recidivism Rates and the Impact of Treatment Programs* (October 2014).
xi The Department initially rejected our recommendation: see OICS, *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 89 (February 2014).

BANDYUP 2014

In 2011, the contrast between the poverty of Bandyup's conditions and the level of new investment at six male metropolitan prisons (Casuarina, Hakea, Acacia, Wandoo, Wooroloo and Karnet) was unacceptable. It is even more so now. The issues Bandyup faces include the following:

The Most Overcrowded Prison

Bandyup has an 'operational capacity' of 259 (a term which includes bunk beds installed in cells that were never intended for two people). In my view, given the prison's size and services, a decent population level, and one that would allow improved interventions to reduce recidivism, would be 200–230.

Recently, numbers reached 312 and they are consistently at or over 300. No other prison is this overcrowded. Women who do not have a bed must sleep on mattresses on the floor, often with their heads adjacent to a toilet. The situation is unhygienic, lacking in privacy and totally unacceptable. It does not happen in male prisons.

The Most Complex Prisoner Profile

Men's prisons are based on the premise of separating functions and a degree of specialisation. Thus, for male prisoners, there are a range of maximum-, medium- and minimum-security prisons and also a prison dedicated to remand and assessment. Bandyup, by contrast, must house sentenced and remand women of every security classification, including some mothers with young babies.

Only 10 per cent of Bandyup's population is maximum-security and yet it must function as a maximum-security prison. This leaves minimum-security women seriously disadvantaged. It has also been poorly equipped to perform the remand function: its resources and facilities are poor and lawyers universally say that contact with clients has been compromised and compares poorly with metropolitan male prisons.

Complexity also has another dimension. It is universally acknowledged that women prisoners have higher needs than men: as women, as mothers, as health/mental health 'consumers', and in other ways. Using these measures, the complexity of Bandyup's 'average prisoner' has increased over recent years because generally speaking, only settled sentenced women who do not have significant mental health issues can access prisons such as Boronia, Greenough and West Kimberley. This means that every woman with behavioural or mental health issues must be held in Bandyup's stressed and stressful environment. This has exacerbated Bandyup's problems but has not been reflected in additional resources or investment.

A Crowded, Disorganised and Run-down Site

Bandyup's organisation and layout are complicated and irrational. This is partly the result of additions over the years, some of which are excellent, but some of which have been ad hoc and poorly planned. The prison reflects not only different architectural eras but different philosophies of custodial management and there are confronting contrasts,

with some impressive modern additions (such as the gatehouse and Unit 5) alongside decrepit and out-dated buildings. There is also a visible racial divide, with the ‘best’ parts of the prison dominated by non-Aboriginal women and the more decrepit parts dominated by Aboriginal women.

The layout of the prison, combined with the supervision arrangements and movement controls in place at the time, had generated some chaotic movement patterns, a noisy confrontational environment, and some unsafe interactions. These required more proactive monitoring than was occurring. Fortunately, local management accepted our criticisms and is examining ways to address the issue.

Compared with male prisons, most of Bandyup lacks space. Unlike the male prisons, there is no oval and too many people are compressed into too small a space. The gardens are generally well-maintained but it was unforgivable that some potential spaces (such as an area previously used as a tennis court and the small walking track) were either out of bounds or run down and barely used.

Inadequate Health and Mental Health Services

Generally speaking, Bandyup staff do what they can with what they have to provide services to prisoners, and we were impressed with what some areas (such as education) were achieving within limited space and stretched resources. However, most areas are under too much pressure. The most obvious example is health and mental health services.

The Health Centre at Bandyup is too small and this presents both health and safety concerns. General health services are over-stretched and mental health services are wholly inadequate to meet demand. Bandyup houses a large and increasing number of women with serious mental health needs and whilst the level of psychiatric services into the prison has increased since 2011 it falls far short of what is required. In many parts of Bandyup, the levels of mental illness or impairment are palpable and distressing. It is no surprise that it has a high level of assaults and other serious incidents, a large proportion of which are linked to mental health issues.

This is, of course, an issue that needs action beyond corrective services. The state suffers from a paucity of secure forensic mental health beds in a hospital setting and prisons become the default placement – something they are not designed or equipped to do. Staff often do a very good job in difficult circumstances, but they are not recruited as mental health experts and feel inadequately trained.

Visits and Visitors

As in 2011, one of the most telling shortfalls at Bandyup relates to visits. Despite paper commitments to recognising women as mothers and primary caregivers, both the external Outcare facility (which social visitors attend on arrival) and the main internal visits area are the worst of any prison in the state and unfit for purpose. This has been accepted for years but never addressed, even though large amounts have been invested to upgrade visits centres at male prisons.^{xii}

xii See: [6.43]–[6.54]; and OICS, *Report of an Announced Inspection of Bandyup Women’s Prison*, Report No. 73 (August 2011) Chapter 6.

The official visits area, used by lawyers and others, is too small and unfit for purpose. Many service providers also complained that Bandyup compared poorly with other prisons in terms of customer service, attitudes to visitors, and facilitating contact.

Management and Staff

During 2012 and much of 2013, management/staff/union relations reached a new low at Bandyup. To some extent this was inevitable because neglected workplaces tend to generate pressures and breed conflict. I have no intention of raking over these events but it is most unfortunate that issues and relationships deteriorated to the extent that the WA Prison Officers Union considered it necessary to mount a postcard campaign alleging bullying by management. The long-serving Superintendent left shortly afterwards in undignified circumstances. In my view, head office should have provided stronger, documented central support to the prison (through both its HR and operational divisions) during this difficult time.

By March 2014, staff/management relations had become less fractious but the Acting Superintendent still faced significant ongoing challenges. The management team as a whole had been affected by events and the general staff culture had declined since 2011. As I have said earlier, a large number of staff have stayed engaged and have continued to do their best in trying circumstances. However, we encountered too many examples of negative staff attitudes: negative towards the job, negative towards the women who are prisoners at Bandyup, and negative to colleagues and management. Clearly this needs to be addressed.

DEVELOPMENTS SINCE MARCH 2014

Every inspection concludes with an 'exit debrief' in which we outline our key findings to staff, local management and head office personnel. Copies of the exit debrief are also sent to the Minister and to the Public Administration Committee. This is an extremely important stage in the inspection process because it allows all parties to be informed and the Department to start to address issues immediately rather than awaiting our report. In addition, we undertake regular inspection/liaison visits to all prisons, and this allows us to get a sense of progress.

Since the exit debrief, there have been some practical and intelligent improvements at Bandyup. These do not in any way solve the systemic problems of women's imprisonment or Bandyup's bigger problems, and progress has not been swift. However, they do stand in contrast to the inertia and passivity of earlier years and reflect positively on local management and head office.

These developments include the following:

- In order to eliminate women sleeping on mattresses on the floor, a number of bunk beds have been installed and approval has been given for more. Also, in a number of cells, trundle beds are being used. However, trundle beds are not an acceptable solution, and still leave heads next to toilets. In any event, at the time of writing, more than 30 women are still sleeping on mattresses on the floor.

- Local management has been actively working with head office to develop plans to improve amenities and services in Unit 1 A-wing, which houses a large number of women with mental health issues. However, approval is still pending for some of the improvements.
- The ablution blocks in Unit 1 have been repainted and repaired.
- The small walking track, which was in an appalling condition in March, has been resurfaced
- The tennis court area and the areas around the running track will be repaired and made multi-functional.
- There have been initiatives to reduce tension and bullying between prisoners during recreation times.
- Case management, which had fallen well behind on its work, is now back on track.
- An old archives room has been cleared and will be converted to a new official visits and Skype facility.
- Water fountains and additional phones are being installed in some units.
- Management is promoting mechanisms to improve communication and engagement between staff and prisoners.

CONCLUSION

The small and generally inexpensive changes made post-inspection have had a positive effect but they do not change the fundamental issue: women's imprisonment is in crisis and Bandyup is the most complex and most neglected prison in the state.

But prison performance can move up and down and Bandyup is testimony to this. In the early 2000's, it was not functioning well.^{xiii} Over the next few years, a combination of a strong strategic focus, political and corporate drive, and a supporting organisational structure led to tangible improvements, but by 2008 momentum was slowing.^{xiv} By 2011 Bandyup was in serious difficulty. The prison, staff and prisoners were expected to tolerate conditions, service deficits and resourcing limitations that would generally not be tolerated at men's prisons and were having to 'make do' compared with their male counterparts.^{xv}

Bandyup has continued to pay a high price for the neglect and indifference. While there is no suggestion that the sidelining of women's needs has been intentional, the effect of policies and priorities has been for women to be disadvantaged. In 2014 structural inequality is even more marked than in 2011.

xiii OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 13 (June 2002).

xiv OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 36 (June 2006);
OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 57 (January 2009).

xv OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 73 (August 2011) vi.

The Department no longer has a high level position dedicated to driving improvement in the treatment of female offenders. However, if it can now truly sharpen its focus on women, and develop additional appropriate accommodation that meets women's specific needs, it should be able to revitalise Bandyup. That is something that can, and must, be done, and I look forward to tracking progress.

Our next inspection will be in March 2017, earlier if necessary.

Neil Morgan

14 October 2014