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WESTERN AUSTRALIA



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

MARCH 2015

REPORT OF AN ANNOUNCED INSPECTION OF  
WEST KIMBERLEY AND BROOME REGIONAL PRISONS

96

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**Report of an Announced Inspection of  
West Kimberley and Broome Regional Prisons**

Office of the Inspector of Custodial Services  
Level 5, Albert Facey House,  
469 Wellington Street,  
Perth WA 6000

[www.oics.wa.gov.au](http://www.oics.wa.gov.au)

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# The Inspector's Overview

## WEST KIMBERLEY REGIONAL PRISON: PERFORMING WELL BUT STILL NOT PART OF AN INTEGRATED KIMBERLEY CUSTODIAL PLAN

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This is the report of our first formal inspection of West Kimberley Regional Prison in Derby ('WGRP') and our sixth report on Broome Regional Prison ('Broome'). Broome is now officially an 'annex' of WGRP not a prison in its own right. However, this really is a tale of two prisons which are very different in terms of their culture, operations and sense of purpose.

WGRP opened in November 2012. Like every prison, there is room for continuous improvement. However, during the first two years of operation it has achieved everything that could reasonably have been expected, and in some respects it has exceeded expectations.

Broome, on the other hand, has gone backwards since our last inspection in September 2011, reflecting continuing uncertainty about its future, low prisoner numbers, declining services, and staff frustration/low morale. Some of Broome's problems reflect its physical infrastructure and history, but most come back to the failure to properly plan five years ago for how it would deliver some essential custodial services (including to the Broome courts) and poor communication with Broome prison.

### WGRP: TIME TO CONSOLIDATE AFTER AN IMPRESSIVE START

As a physical facility, WGRP is most impressive. Its basic design is outstanding, with high quality buildings that are appropriate to the region and designed with an eye to cultural need melding into a natural bush environment, including Boab trees and other flora. The design, combined with sensitive and intelligent local management practices, allows an appropriate separation of different prisoner groups, including male and female prisoners as well as prisoners from different areas and different skin groups.

However, good buildings are only one building block of a good prison. Good prisons are those which perform well in terms of security, safety, prisoner treatment and community safety, and the preconditions for this include a sense of direction, good values, and strong human relationships. Again, WGRP scores highly. It has a philosophy that is relevant both to the region and to the Department's corporate goals, and this is not just a paper policy but something that directly informs prison operations. The prison also enjoys good leadership and positive staff/prisoner relationships. Prisoners are busy, and actively engaged in positive skill-building activities and, contrary to the predictions of some sceptics, they have proved able to cope with the demands of 'self-care'. Staff at WGRP are more proactive and engaged than at most prisons, and local recruitment and training have significantly contributed to this.

WGRP is a prison and there is no room for complacency. Overall, however, it exudes a sense of stability, calm, respect and relevance. Physical and procedural security is generally sound and relational (or dynamic) security is very good. As the prisoners are 'in country' they are far more confident and settled than they are in southern prisons. 'Out of country' Aboriginal prisoners, whether from the Kimberley or other parts of the state, tend to be sad, to stand to one side and to look at the ground rather than engaging. At WGRP these very same prisoners are proud, engaged, and better connected to culture (see below). This creates a strong sense of 'cultural security'.

WKRP staff and management have a right to be proud of where they work, what they do, what they have achieved, and of laying such a positive foundation for the future. The Department of Corrective Services ('the Department') also has reason to be proud, and WKRP offers many learning opportunities for the system as a whole.

Nevertheless it is important to remember that the prison is in its infancy. There is some fragility to what has been achieved and it now needs time to consolidate and mature. At a time of rising prisoner numbers and of uncertainty about the future of Broome, the Department may feel pressure to increase numbers at WKRP. At some point down the track, this may be necessary, desirable and feasible. However, if WKRP's positive momentum is to be maintained, any expansion of numbers must be planned and carefully staged.

#### SOME POSITIVE STORIES FROM WKRP

This report highlights many positive examples from WKRP. For the purposes of this Overview I will just select three that stood out, and that capture the essence of the prison.

The first is the treatment of female prisoners. A positive balance has been achieved between buildings, risk management and human relationships. Unlike some regional prisons, the women have their own purpose-built area rather than a re-purposed male area. This means they are able to undertake a range of positive activities within that area. But more important still, the prison treats them as women (not men) and also as equals to the men rather than an unwelcome adjunct. This is evident in the prison's intelligent risk management of male and female prisoners, including allowing the selective and well-supervised mixing of male and female prisoners during recreation and other activities. This is far preferable to the negative interactions that typify segregated prisons such as Greenough.<sup>i</sup>

The second example is the story of a young man I met in the prison. On the Monday we had been into the house that he shared with other prisoners. The house was peaceful, food was cooking on the stove, and the TV was on at a low volume. On the Tuesday we went into the same house. Again, it was unlike most prisons; there were no TV's or radios blaring, and none of the anxiety or aggression driven noise that is so common. We thought that perhaps the house was empty, but knocked on one of the doors. A young man answered. He was smiling, stood tall and greeted us confidently and politely. He showed us his room which was spacious and clean. There was a desk in the room which was covered in homework and books for his basic literacy course. He also told us, that he had cooked the food that we had seen the day before for the whole house. His self-esteem, pride and respect shone through. He felt physically and culturally safe, was engaged in positive activities, and had hope.

The third example is the mental health of prisoners. Prisoners as a whole are recognised as having high mental health needs, and the Kimberley region in particular is acknowledged to have high rates of mental illness and mental impairment (including Foetal Alcohol Spectrum Disorder). This has manifested itself in tragically high rates of suicide and self-harm in

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

the community, especially among young people. Before we went to WKRP, I was concerned that psychiatric service provision appeared to be limited and sporadic. On the other hand, the common denominators of unresolved mental health issues in prisons were largely absent. For example, unlike Bandyup Women's Prison in Perth,<sup>ii</sup> the rates of self-harm, assault and the use of crisis care and management cells were low. In order to understand this better, I therefore asked Dr Edward Petch, Director of the Frankland Centre in Perth, to join the inspection. His words are telling:

If people open their eyes and minds, there is so much to learn here in terms of designing and managing secure mental health facilities as well as prisons. People are living well. That is something very rare and very important in prisons.

#### WKRP: AREAS FOR IMPROVEMENT

##### Infrastructure

Although the basic design of the prison is first rate, there are also some anomalies and risks. Some of these relate to the fact that the prison incorporates some complex technology which, given its location, was always going to present maintenance problems. These problems have been compounded by some areas of poor build quality and/or poor quality fittings. For a new prison, there were a remarkable number of maintenance issues, on an almost daily basis, and these were severely stretching the small security team.

I am particularly concerned that the Department has rejected a recommendation to install fire doors in the women's accommodation units. It says that the units comply with requisite building codes. However, the Department has actually identified the absence of such doors to be a risk. The prison told us that in the event of a fire, if access to the one door was blocked, a battery-operated angle grinder would be used to cut out a window. However, this strategy was untested and few people would entrust their safety to rechargeable tools. Nor was I persuaded that use of such tools would be feasible or successful in the event of a fire.<sup>iii</sup>

Other examples that needed to be addressed included one of the 'safe cells' and the cultural centre. The cell was anything but safe, with a glass mirror on the wall and a handrail by the toilet. Bizarrely, the cultural centre had been built with little or no consultation with local people: in design and location it was inappropriate and was unused.

##### Services

The report also identifies a number of other areas that need to be addressed, but many of these reflect system-wide rather than local issues, and require better Kimberley planning. They include more innovative approaches to prisoner transport; allowing appropriately assessed prisoners to attend the funerals of those who are close to them; and developing more outside-prison activities under section 95 of the *Prisons Act 1981*.

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ii OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 93 (October 2014).

iii Although the Department did not mention this in its response to the draft report, I have recently been informed that after we raised our concerns, the prison conducted a test and the tools failed. A petrol powered grinder has now been acquired. The appropriate solution is still a second door.

### BROOME: A DEPRESSING DEMISE

Broome has few prisoners, few services, and little or no sense of purpose or future direction. It is also, by some way, the most expensive prison per head in the state.<sup>iv</sup> A team from this Office conducted an inspection of the prison shortly before the WKRP inspection and I visited Broome immediately after WKRP. The negativity and listlessness of Broome was a depressing contrast to WKRP.

Broome has long been a problematic prison and its days of operating as a full-service prison were numbered as soon as the decision was made in 2007 to build the new prison in Derby not Broome. This called for advance planning and proactive engagement by the Department alongside other government departments, including the Department of the Attorney General. Our 2011 inspection identified some improvements since 2008, with over \$11 million spent on infrastructure and some signs of improved staff culture and accountability. However, the prison was clouded by uncertainty. Despite the pending opening of WKRP, head office seemed to have no clear plan for Broome and had not engaged with its staff. At that time, staff believed, with some justification, that the prison faced imminent closure or drastic downsizing to save money.

In 2011, we argued that in order to repay its decision to invest over \$11 million, and to meet the legitimate concerns of its staff, the Department needed to proactively manage Broome either to full closure or to a new role. We recommended that the movement of women to WKRP should be prioritised when that prison opened, a suggestion the Department adopted. We also suggested that Broome could fulfil four main roles during the remainder of its life: (i) a short term remand facility for the Broome courts; (ii) a short term holding facility for prisoners who needed to visit Broome for family or compassionate reasons; (iii) a longer term facility for local, minimum-security men; and (iv) a longer term facility for minimum-security Indonesian prisoners, large numbers of whom were being held in southern prisons.

With appropriate leadership and direction from Perth, these options offered the opportunity for the facility to be maximised over its remaining life and for staff to plan, if necessary, for their transition to other prisons or other jobs. Although there was some pressure for an earlier closure, in August 2012 the Minister of the day, Hon Murray Cowper MLA, announced that Broome would not close in the short term but would transition to closure at the end of 2015.

As is well-known, the Department underwent major upheaval in 2013. For much of 2013, it was essentially in a 'holding pattern' before the first tranche of the new leadership was appointed in the last quarter of that year. They immediately faced some very pressing priorities. Predictably, in September 2014, we found little evidence that Broome was being proactively managed to closure: it was simply spiralling inexorably down.

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iv Economic Regulation Authority Western Australia, *Inquiry into the Efficiency and Performance of Western Australian Prisons: Issues Paper* (November 2014): <<https://www.erawa.com.au/inquiries/industry-and-resources-inquiries/prisons-inquiry-2014>>

## PLANNING FOR THE FUTURE

The 2007 decision to build in Derby should have prompted strong planning for the future of Broome and for the Kimberley as a whole. For example, the courts are still based in Broome, will not be moving to Derby, and still need to be serviced. Furthermore, a new court complex (potentially with short term accommodation built in) remains some way off.

The fact that WKRP has bedded in very well does not alter the fact that planning for custodial services across the Kimberley has been disjointed and diffident since 2007. In addition to the problems faced at Broome, the Department's other main custodial facility, the Wyndham Work Camp is severely under-utilised.<sup>v</sup>

The Department has recently released its new Strategic Plan 2015–2018. It has also said, in response to our recommendations, that it has completed a preliminary investigation into the future of Broome, and that this will form part of a Kimberley plan. Hopefully their plan will be available around the time this report is released, and will lead to WKRP becoming what it should always have been – one element of a fully integrated Kimberley strategy. Until then, it will not reach its full potential.

Neil Morgan

8 March 2015

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v See: OICS, *Report of an Announced Inspection of Work Camps in Western Australia*, Report No. 95 (in press).

# Fact Page – West Kimberley Regional Prison

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## NAME OF FACILITY

West Kimberley Regional Prison (WGRP)

## ROLE OF FACILITY

West Kimberley Regional Prison was built to relieve pressure on Broome Regional Prison. The restriction of space at Broome Regional Prison and an increasing prisoner population resulted in overcrowding and many Kimberley prisoners being transferred to other prisons further south in the state. West Kimberley Regional Prison was built to increase the number of prisoners from the Kimberley region who could be kept in their own country while in prison.

## LOCATION

West Kimberley Regional Prison is located 2240 kilometres from Perth and seven kilometres south of Derby.

## BRIEF HISTORY

WGRP was opened on 1 November 2012.

## CAPACITY

West Kimberley Regional Prison was originally designed to house 150 prisoners consisting of 120 males and 30 female prisoners.

## NUMBER OF PRISONERS HELD AT TIME OF INSPECTION

135

## DESCRIPTION OF RESIDENTIAL UNITS

WGRP has been uniquely designed and managed giving consideration to the Aboriginal peoples of the Kimberley and embracing their culture and practices. The prison is open, spacious, and occupies approximately 25 hectares within a 100 hectare parcel of natural bushland. Buildings are built in materials, styles and colours that depict the Kimberley. The perimeter fence allows for vision of the natural bushland outside the prison and the internal grounds have retained the natural bushland scape as much as possible.

Prisoner accommodation consists of houses which have been built in a residential style and are all air-conditioned. Each house accommodates six to seven prisoners and has a kitchen area where prisoners cook their own meals.

The houses are designed so that prisoners can sleep in their rooms or outside their room on a mesh-enclosed veranda or breezeway area. As the rooms do not have toilets or showers the prisoners are not secured in their cells at night but are secured in their houses.

The female section is similar and is in a separate area surrounded by a security fence. The female section has been designed to operate independently of the male sections of the prison. Interaction between male and female prisoners is permitted under supervision.

# Fact Page – Broome Regional Prison

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## **NAME OF FACILITY**

Broome Regional Prison (BRP)

## **ROLE OF FACILITY**

Broome Regional Prison is predominantly a minimum-security facility which also caters for short term medium- and maximum-security prisoners, both male and female.

## **LOCATION**

Broome Regional Prison is located approximately 2174 kms north of Perth in the main street of Broome.

## **BRIEF HISTORY**

Broome Regional Prison is the oldest operating prison in Western Australia and was opened in 1945. In August 2012 it was announced that Broome Regional Prison would close in December 2015.

## **LAST INSPECTION**

September 2011

## **DESIGN CAPACITY**

The design capacity of Broome Regional Prison is 66 however the number of prisoners held at Broome has been reduced and kept to a minimum as it transitions toward closure. At the time of the inspection the Department had set the operational capacity of Broome Regional Prison at 32 prisoners.

## **NUMBER OF PRISONERS HELD AT TIME OF INSPECTION**

At the time of the inspection there were 23 Prisoners in Broome Regional Prison.

# Chapter 1

## EVOLUTION OF WEST KIMBERLEY REGIONAL PRISON

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### PLANNING THE PRISON

- 1.1 When Wyndham Regional Prison was closed in 1993, following an adverse report by Amnesty International, Broome Regional Prison (BRP) was left the sole prison for the entire Kimberley.<sup>1</sup> With only one prison in the Kimberley, a region that covers over one-sixth of the State and 421,521 square kilometres,<sup>2</sup> many prisoners had to be housed ‘out of country’ and were sent to prisons further south.
- 1.2 It was not until March 2001 with the opening of the Bungarun Work Camp<sup>3</sup> that any alternative facility became available to house prisoners in the Kimberley, followed by the Wyndham Work Camp in March 2002. These camps aimed to ensure that prisoners, in particular Aboriginal prisoners, were able to retain connections with their families and communities.<sup>4</sup> It was also hoped that the work camps would alleviate some of the pressure of overcrowding in BRP. This did not eventuate, however. Prisoner numbers continued to grow, overcrowding remained, and large numbers of prisoners from the Kimberley continued to be transferred to southern prisons.
- 1.3 In 2000, the West Australian Government proposed a new 200 bed prison to be built in the Broome Shire. Eight days after the first inspection of BRP,<sup>5</sup> on 7 July 2001, the then Justice Minister announced the construction of a new \$50 million prison for the Kimberley.
- 1.4 The Minister for Justice appointed the Kimberley Aboriginal Reference Group who, after consultation with communities in the Kimberley, put forward two reports in October 2005 and February 2006. These reports contained recommendations for two facilities in the Kimberley: one in Wyndham in the East Kimberley and one in Derby in the West Kimberley. It was also recommended that BRP be closed.
- 1.5 At approximately the same time this Office conducted a Directed Review which recommended that:<sup>6</sup>

The planning, development and implementation of the Kimberley Custodial Management Strategy should proceed on the basis that the East Kimberley and the West Kimberley have equal service needs and each requires full custodial and related services ...

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1 Amnesty International published a report in April 1993 which commented that the cramped dormitory with bunk beds at Wyndham Regional Prison, where there was virtually no privacy or space for personal belongings, was balanced by prisoners being relatively free to move about the prison compound during the day with many more being employed outside the prison itself. However, Amnesty also went on to condemn the cultural suppositions [which were] used as an excuse to provide grossly inadequate, overcrowded or degrading communal accommodation specifically for Aboriginal people. (Amnesty International, *Australia: A Criminal Justice System Weighted Against Aboriginal People* (January 1993) 10–12.)

2 Department of Justice, *Statement of Philosophy and Planning Brief for Regional Prisons Facilities and Services* (December 2003) 14.

3 Bungarun Work Camp was situated approximately 27 kms south of Derby, Western Australia.

4 Department of Justice, *Statement of Philosophy and Planning Brief for Regional Prisons Facilities and Services* (December 2003) 9; Department of Justice, *Prisons Division Strategic Plan for Aboriginal Services 2002–2005* (undated) 15.

5 OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 6 (June 2001).

6 OICS, *Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005) 94.

- 1.6 It was not until the 2007/2008 Budget that the Government firmed up its plans and announced \$93 million funding over four years for a 120-bed prison in the Shire of Derby in the West Kimberley. This was to be a mixed security (maximum, medium and minimum) and mixed gender prison. An additional \$10.8 million for a new work camp in the East Kimberley was also announced at this time.
- 1.7 An architectural firm was engaged in December 2007 and construction of the prison was expected to be completed in 2012 and the cost was revised up to \$150 million. The build was completed and the site handed over to the Department of Corrective Services ('the Department') on 31 July 2012. The prison received its first prisoners on 23 October 2012 and was officially opened on 1 November 2012. The prison is called the West Kimberley Regional Prison (WGRP). The new Wyndham Work Camp had opened in June 2011.
- 1.8 The recruitment of an Aboriginal superintendent in July 2010 was a good initiative. Disappointingly, however, until the last quarter of 2012, the Superintendent was in effect the project manager for the build, rather than getting a head start on developing the new prison's operational philosophy and policies. This failure was particularly significant for a prison that was intended to operate differently to others in the state, with a focus on the particular needs of the Aboriginal people it would mostly hold.

#### INSPECTING THE PRISON

- 1.9 As part of this Office's continuous inspection methodology, staff visited the site seven times during the prison build, engaging with local community agencies during these visits and issues identified during these visits were forwarded to the Department.
- 1.10 Since the prison opened in November 2012, Inspectorate staff have visited WGRP a further six times. These liaison visits ensured that the Inspector was kept fully informed of how the prison was progressing but after almost two years of full prison operations, it was appropriate to undertake a full announced inspection. This took place from 13–18 July 2014.
- 1.11 This Report not only details the findings of the first inspection of WGRP but also provides a benchmark for future inspections. As WGRP is also responsible for BRP and Wyndham Work Camp an on-site inspection of BRP was undertaken from 2–4 July 2014 (see Chapter 8).
- 1.12 Pre-inspection surveys of staff and prisoners at WGRP were conducted in May 2014. There was a good response rate to the surveys and they provided a valuable source of information. The Department was also requested to provide a presentation and supply specific documentation. The Department provided the requested documents but did not provide a presentation. However, the Superintendent and his team did provide an informative presentation at the prison on the first day of the inspection.

- 1.13 The inspection team included experts in three areas: prison architecture, design and build; education and training opportunities; and health and mental health. The Inspector concluded the on-site phase of the inspection by presenting an exit debrief to management and staff on Friday 18 July 2014. His overall message was very positive:

Well done, congratulations, and drive ahead.

#### A NEW PHILOSOPHY AND A NEW DESIGN

##### Philosophy

- 1.14 The philosophy of WKRP is unique in that it was driven by the cultures and values of the Aboriginal people living in the Kimberley. The philosophy is driven by five guiding principles which were developed in consultation with local Aboriginal groups and leaders (in the form of the Kimberley Aboriginal Reference Group). These principles provide the framework within which all organisational (policy, operational) decisions are to be made. They aim to ensure that the culturally embedded way of life of the (predominantly) Aboriginal prisoners at WKRP is appropriately modelled and respected.



*Photo 1 : The Derby Prison Tree. Things have progressed a long way from when prisoners were held in carved out Boab trees.*

- 1.15 This inspection assessed design, practice and attitude at WKRP in the context of its philosophy and guiding principles. The five principles are as follows:<sup>7</sup>
1. *Custodial proximity to land and family* – new custodial facilities must guarantee the location of Aboriginal prisoners close to their land and family.
  2. *Cultural responsibilities* – traditional law and cultural obligations must be recognised and respected, and prisoners must be supported in maintaining and fulfilling their cultural obligations and responsibilities.
  3. *Spiritual relationship to land, sea and waterways* – the deep cultural and spiritual connection to country of Aboriginal people must be recognised.
  4. *Kinship and family responsibilities* – familial responsibilities are central in Aboriginal society and recognising and accepting this is critical to the wellbeing of the community and its people; customary protocols that link kinship ties with reciprocal obligations must be acknowledged.
  5. *Community responsibilities* – the broader Aboriginal community also has responsibilities in addressing issues faced by Aboriginal people, and prisoners in particular, with a specific role to play in assisting prisoners who return to their communities.

#### Model

- 1.16 The specific model of prison life in WKRP is innovative, particularly for an Aboriginal prison. It is one of self-care supported by a community style of living and it has been well-articulated by the prison:<sup>8</sup>

The primary goal of self-care is to reduce prisoners' dependence on institutional care and provide skills for independent living. WKRP's self-care model is supported by a community style of living within the prison environment.

The model's overarching aim is to improve rehabilitation outcomes and reduce reoffending for the benefit of offenders and the wider community. WKRP integrates offender services, prison industries and external partnerships to engage prisoners in life skills development. This model encourages prisoners to demonstrate self-determination and take personal responsibility for accessing available services and support.

- 1.17 The term 'life skills' is widely used across the prison, and two full-time positions are dedicated to monitoring, nurturing and improving prisoners' life skills. A life skills officer (an Aboriginal female Vocational Support Officer) fulfils this function for the male prisoners and a Women's Support Officer (WSO) for the female prisoners.
- 1.18 Achieving a basic level of 'life skills' is essential, not only for the success of the self-care model at the prison itself but also for improving prisoners' self-esteem, and for enhancing their prospects of successfully reintegrating into, and contributing to, the communities to which they return. The life skills guidance provided by the Life Skills Officer and the WSO includes a focus on personal hygiene and self-determination, as well as basic cooking, cleaning and budgeting skills.

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7 Department of Corrective Services (DCS), *West Kimberley Regional Prison Philosophy* (December 2012).

8 DCS, *West Kimberley Regional Prison Self-care Model* (undated). Document provided by the West Kimberley Regional Prison senior management team to the inspection team during the on-site inspection.

## EVOLUTION OF WEST KIMBERLEY REGIONAL PRISON

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*Photo 2 : Aerial photo of West Kimberley Regional Prison.*



*Photo 3 : West Kimberley Regional Prison entrance.*

### Design

- 1.19 At first glance the design of WKRP appears nothing out of the ordinary; that is, if you were standing in a residential rural setting of half acre blocks not in a prison. The prison is open, spacious, and occupies approximately 25 hectares within a 100 hectare parcel of natural bushland. All buildings have been designed in materials, styles and colours that depict the earthiness and ruggedness of the Kimberley, and the perimeter fence allows for vision of the natural bushland outside the prison, further reducing the feeling of enclosure and restriction. The designers followed the brief given: to develop a prison designed and structured to promote and facilitate Aboriginal wellness.<sup>9</sup>
- 1.20 The site is split into zones positioned around a central football oval. The zones consist of an accommodation area; a maximum-security area; a female prisoners' accommodation area; a recreation/workshop/education/visits/programs area; an administration/reception/management area; and the front gatehouse and external stores.

### *Accommodation*

- 1.21 Prisoner accommodation consists of 22 houses with a ring road that feeds into each building. The houses are built in a residential style suitable for the extremes of weather that characterise the Kimberley, and are all air-conditioned. The houses are predominantly of domestic quality except those requiring a more secure environment. Each house accommodates six to seven prisoners. The accommodation area also includes a separate maximum-security section, which is currently being used as an orientation area, and a separate female section. The prison is designed to house 120 male and 30 female prisoners. The houses are situated within the natural bush, providing a sense of privacy and seclusion for each house.
- 1.22 The general (male) accommodation area consists of 14 houses. This allows flexibility in placing prisoners according to family ties, skin groups, language, or behaviour. The houses are designed so that prisoners can sleep in their rooms or outside their room on a mesh-enclosed veranda or breezeway area. As the rooms do not have toilets or showers the prisoners are not secured in their cells at night but are secured in their houses.
- 1.23 The original intention was to accommodate minimum- and medium-security prisoners in separate houses, but local management has intelligently chosen to locate prisoners by behaviour and cultural protocols not security rating.
- 1.24 The maximum-security section, which is also used as an orientation unit by the prison, is in a separate area surrounded by a security fence. It has three houses of a slightly more robust and more secure build. From the outside the houses appear similar to those in the medium and minimum-security areas of the prison but internally they have more secure cell-like bedroom doors (which can be secured with keys) and stainless steel toilets in the bedrooms. While these rooms do not have showers they do have toilets, and prisoners can therefore be secured in their rooms for longer periods of time should this be necessary.

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<sup>9</sup> Aboriginal wellness is described as the attainment of harmony between physical, emotional, social, spiritual and cultural components of the individual and the community as a whole. TAG Architects and Iredale Pedersen Hook Architects (Architects in Association) – West Kimberley Regional Prison Project – 2008-01 West Kimberley Regional Prison – Project Information Sheet.

- 1.25 The female section is similar to the maximum-security section in that it is in a separate area surrounded by a security fence. The female section has been designed to operate independently of the male sections of the prison and to have separate access to health, education, programs, recreation and canteen. The five houses in the female section are similar to those in the general male accommodation areas. The women are able to move their mattresses and sleep in the houses' enclosed verandas and breezeways.

#### Design Issues

- 1.26 Given the nature and size of the WKRP build it is not entirely unexpected that a range of design flaws have emerged. However, some are so basic that they should have been avoided, such as insufficient storage. Furthermore, some are totally inexplicable in terms of risk and duty of care, including glass mirrors which turned a purpose-built 'safe cell' into a profoundly 'unsafe cell'. Defects of this sort can interfere with the daily routine of the prison and in some cases put staff and prisoners at risk. Despite there being costs associated with remedying the deficits, there is no budget specifically allocated for this.
- 1.27 Other design issues appear to reflect inadequate consultation with Aboriginal people at the appropriate time. The Spiritual Centre is best described as a 'white elephant': a pleasant enough building, it had remained unused since the opening of the prison. Kimberly prisoners told us it was a 'white man's building' with no cultural meaning. The Superintendent has recognised this and at the time of the inspection had begun the process of turning the building into a music and art centre. WKRP also needs to support and facilitate its prisoners in designing and building an appropriate Spiritual Centre.
- 1.28 Officers also felt let down by elements of the prison's design. For example, they do not have an area outside of the units to prepare and eat meals. The Superintendent had converted the court room into a lunch area but it was not really fit for this purpose and he informed the inspection team that he was sourcing another building. Another omission was general storage capacity, such as broom cupboards and space for section 95 workers to store equipment outside the prison.<sup>10</sup>

#### Effects of Design on Prisoners

- 1.29 As WKRP involved a new design concept and a new philosophy, the inspection team included an expert in justice planning and design. While it is difficult to measure the precise effect of prison design on prisoners at WKRP, there was certainly a marked difference in their physical demeanour and attitude compared with when they are at prisons 'out of country'. As discussed in chapter three, 'cultural security' is a core element of safety and security at the prison, and location and design are critical to this.
- 1.30 Kimberly prisoners in southern prisons are often hard to engage with. They generally stand aside from other prisoners, slumping their shoulders, hanging their heads and looking at the ground. They tend to mumble in response to questions and appear ill at ease and sad. Put another way, they are spiritually and culturally weakened.

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10 *Prisons Act 1981*, section 95 –The Minister may approve prisoners to attend programmes outside the prison for many purposes including work and recreation.

- 1.31 At home in WKRP, however, these same prisoners were like different people. They were upright in appearance and engaging, often offering a firm handshake and approaching Office staff. They would look you in the eye when communicating and displayed a genuine sense of pride in themselves and their environment. They were keen for others to learn about their culture and displayed a sense of spiritual strength and wellness that they do not have in southern prisons. Prisoners spoke of the bushland inside the prison and said that being back in country (or close to it) made them feel good, strong, relaxed, and safe.
- 1.32 The prison was generally peaceful, unlike almost every other prison in the state. There were no raised voices, no loud radios or televisions. In fact, the inspection team upon entering one house did not realise there was anyone there because it was so quiet. It was by chance that they observed a young prisoner sitting quietly in his room studying. He had his books spread over the desk and there was no TV or radio on. His housemates were also engaged quietly in positive activities. Not only was it good to see a prisoner of a young age so conscientious about his study, it was also rare to see prisoners enjoying the quiet of their surroundings.
- 1.33 The Office engaged a Director/senior psychiatrist from the State Forensic Mental Health Service as an expert health and mental health adviser for this inspection. His findings complemented the broader findings relating to the impact of design. He said that the design, environment and management of the prisoners at WKRP were models that could be used for any new build of a mental health facility in the future. He also found that it had reduced the number of incidents normally related to mental health issues and the general behaviour of those with mental health issues was said to be good.<sup>11</sup>
- 1.34 In conclusion, the design of accommodation, bushland and philosophy of the prison coupled with the prisoners being located in or near to country certainly is something in which the Department should take pride and from which it should learn for future prison builds and for creating a more positive environment in its existing prisons, not only in regional areas but also in the metropolitan area.

*Recommendation 1*

*Incorporate examples of good design and practice found at WKRP at other prisons and in future building programs.*

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11 See Chapter 7.

## Chapter 2

### BUILDING AND MAINTAINING THE NEW PRISON

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#### THE BUILD

- 2.1 West Kimberley Regional Prison (WGRP) is located 2240 kms from Perth and has been built in pindan woodlands virtually opposite the Derby Airport, seven kms out of Derby town. The builders not only had virgin bush to consider but also the protection of a number of plants and trees. The site plan was overlaid on the area and space for buildings was marked so as to require as little removal of trees as possible. Eventually the builders had to remove and relocate approximately 80 boab trees. The area taken up by the perimeter fence and sterile zone, a strip approximately 60 metres wide, had the greatest impact. Many of the boab trees were relocated in various spots in the Derby township. Further relocation and transplanting took place to make way for the entry road, the car park and buildings inside and outside the prison.



*Photo 4 : Boab trees that have been relocated into Derby town site.*

- 2.2 Before and during the construction phase we visited the site on seven occasions, and noted the absence of a project team to manage the build. Without such a team the Superintendent was effectively a project manager not only for the build of the prison but also for other critical work that needed to be done to prepare for operational readiness. It was surprising and disappointing that the Department did not provide a project management team for such a significant high value investment in a relatively remote area. The project did not only involve building a prison: it required significant development within the local community to ensure that sufficient accommodation was built for prison staff and their families.

- 2.3 By the third quarter of 2011 it was very clear to this Office that the project was falling behind schedule and that opening in 2012 as intended would be very risky. The Inspector raised his concerns with the then Commissioner and in September 2011 the Department appointed a team and project manager to bring the project back in line and back on time. This was an experienced and dedicated team which made a marked difference and gave the project the support it should have received from the outset.

#### A HIGH MAINTENANCE HIGH-TECH PRISON

##### Issues

- 2.4 Maintenance was always going to be an issue for a prison of the size, complexity and location of WKRP, and the early years should have seen the appointment and training of key personnel. This Office cannot understand why staff such as a facilities manager or maintenance officer were not employed from the start of the project to learn the operation of all systems installed in the prison. In the absence of these positions, the maintenance portfolio had fallen primarily to the Business and Security Managers and it was distracting them from their core responsibilities. It is hoped that the Department will learn from this for the new prison in Kalgoorlie.
- 2.5 Given the geographical isolation of WKRP, it can take days, sometimes weeks, for maintenance problems to be resolved, particularly if expert personnel and/or equipment are required from Perth. The problems were compounded by the large number of unexpected issues that had occurred since the prison opened. These included the need to replace locks throughout the prison (due to their early failure), and ongoing issues with the fire system (including at least 42 instances of burst pipes since opening, and the need to replace the system's pumps).



Figure 1 :  
Map of Western Australia  
showing the remoteness of  
West Kimberley Regional Prison  
and Broome Regional Prison.

### Technology

- 2.6 The prison has a number of new technologies that have not been previously used in prisons in Western Australia, and as such is something of a testing ground. Some people suggested that WKRP would be a good testing ground as the physical environment is characterised by extremes – high temperatures, dust, humidity, flooding, electrical storms and cyclones. If electronic technology can operate successfully in this environment it could probably operate anywhere. However, this Office was always concerned at the risks of using/trialling high-tech approaches in the Kimberley and these concerns have proved well-founded: to date, too much of the technology has been failing in the extreme conditions, sometimes creating security and safety concerns.

### *Fire Alarms*

- 2.7 The fire alarm system is located in master control but staff questioned during the inspection could not match the codes that appeared on the alarm with the area of the prison. They spoke of having to get staff inside the prison to check all areas as there was no identification chart to show where the alarm was signalling.

### *Reticulation System*

- 2.8 During the inspection the oval and other grassed areas both inside and outside the prison were brown. This was the result of a failure with the reticulation system. Blackwater pumps had burned out numerous times and the reticulation system was so complicated that staff did not know how to re-set it.



*Photo 5 : Brown oval caused by reticulation issues.*

### *Security Systems*

- 2.9 The prison is hit by lightning strikes on a regular basis through the wet season, and the Superintendent said that on one day 27 strikes had been recorded. Some of these strikes affect the security systems, often creating issues that take some days to rectify. The first lightning strike to hit WKRP caused major damage and cost \$250,000 to rectify.

*Personal Alarms*

- 2.10 The Personal Alarm Device ('PAD') is vital to the safety of prison staff and visitors.<sup>12</sup> On one occasion the inspection team was asked, as per normal, if they wanted a PAD. The officer asked this with a wry smile: the system was not working, and the prison could not guarantee that it would be back on line that day. Repairing the PAD system required technicians to fly from Perth to Derby to re-set them, at an estimated cost of \$10,000.

*Air-conditioners*

- 2.11 Given the extreme range in conditions it was a relief to find that the Department had built climate control into the design of the prison for both prisoner and staff areas. The climate control system throughout the prison has been set at 26 degrees Celsius (except the dispensary in the medical centre which is set at 24 degrees). However, the centralised control system was sometimes proving erratic and there were times when natural airflow would have been appropriate and preferable.

**LESSONS LEARNED**

- 2.12 As WKRP was a new design concept based on a new philosophy, the Office was expecting a few design faults and technological hiccups. However, there were an extraordinary number of these found during the inspection and some were posing significant risks, challenges and costs. There are a number of lessons to be learned:
- There was a good deal of evidence to indicate that different parts of the Department were not communicating well during the project. In future builds, it is vital for the assets arm of the Department to work collaboratively and positively with operational managers and staff. Simple design faults, such as the general lack of storage and the lack of dining facilities for staff would have most likely been picked up by those with operational expertise.
  - A good deal of the technology appears to be unnecessary, over-complex, and too unstable for the environment in which it is being used.
  - The Department should provide a full project team to manage each stage of future projects. While there was a project team in the planning and the design stages, no such team was engaged at the building stage until concerns were raised by this Office.
  - The lack of a facilities manager or maintenance officer has cost the Department financially and in terms of risk. At least one person, preferably more, should have knowledge and expertise in the technology and workings of the prison.

*Recommendation 2*

*Ensure that the total project management arrangements for future prison builds are more robust, collaborative and proactive than was the case at WKRP.*

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12 A Personal Alarm Device when activated alarms in the control room and indicates the location of the alarm and thus the person activating the alarm. Staff are then directed to attend this location.

# Chapter 3

## SAFETY AND SECURITY

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### SAFETY

- 3.1 The footprint of West Kimberley Regional Prison (WGRP) is very large and the design creates large areas of space. Coupled with the philosophy of the prison this produces a relatively relaxed atmosphere. Both prisoners and staff spoke of less stress at WGRP than at other prisons. People are able to get away from each other when they require time alone and the physical environment allows for quiet contemplation.
- 3.2 The open space and the design layout of houses and paths means that prisoners can almost always get to where they need to go without having to encounter prisoners with whom they may have issues, or whom they must avoid for cultural reasons. This necessarily increases prisoners' sense of personal safety around the prison.
- 3.3 Prisoners certainly reported feeling safe, with 50 out of 61 respondents to the pre-inspection prisoner survey reporting that they feel safe most of the time. Of the 33 prisoners who included a reason for feeling 'mostly safe', 32 felt that being in country, being with family and community, and being able to practice their culture were key factors.
- 3.4 Staff also reported feeling safe, with 65 out of 68 respondents to the staff survey stating that they 'mostly' or 'always' felt safe. These findings are positive but must be accompanied by a cautionary note: in a relaxed and calm physical environment such as WGRP, officers must guard against becoming complacent. For example, it appeared that some staff were attending prisoner houses by themselves without letting other staff know where they were going or when they would be back. Although this report does not make a formal recommendation on this, the prison must continue to reinforce and address such issues.

### SECURITY

- 3.5 Prison security is generally said to have three components: relational security (also formerly referred to as dynamic security), structural (or physical) security and procedural security. At WGRP, a fourth element is in operation, namely, cultural security.

#### Cultural Security

- 3.6 'Cultural security' is a guiding principle that ensures respect for cultural difference.<sup>13</sup> It requires services to be mindful and inclusive of cultural differences which may (or may not) require additional service considerations. Cultural security expands on cultural awareness in that organisations and individuals need to make a positive shift away from changing their attitudes and values, and move towards changing actual behaviours and practices, both organisational and individual.<sup>14</sup>

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13 Wilkes, E., Gray, D., Saggars, S., Casey, W. & Sterne, A. (2010) Substance Misuse and Mental Health among Aboriginal Australians. In N. Purdie, P. Dudgeon & R. Walker (Eds.), *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice* (pp. 117–133) Barton, ACT: Commonwealth of Australia, 126.

14 Farrelly, T. & Lumby, B. (2009) A Best Practice Approach to Cultural Competence Training, *Aboriginal & Islander Health Worker Journal*, 33(5). Retrieved from <[http://www.ccca.com.au/upload/documents/bestpractice\\_culturalcompetence.pdf](http://www.ccca.com.au/upload/documents/bestpractice_culturalcompetence.pdf)>

- 3.7 Cultural security was readily apparent at WKRP. During the inspection prisoners were observed to be enjoying sharing their culture with pride and good humour, both with WKRP staff and with the inspection team, and there had been a very high participation rate in the recent NAIDOC week activities. As previously noted, the Kimberley prisoners were also more content, confident, and engaged at WKRP than they were in southern prisons.
- 3.8 Cultural security has contributed to prison security overall. This does not happen by accident or just because the prisoners are back in country: it happens because the facility has modified design and practices to reflect, accommodate and build on culture. This also enables the prison to focus on relational security practices, emphasising talking things through, mediation, supporting reintegration, and rarely resorting to force. In turn, interaction and dialogue between officers and prisoners helped to support the collection of intelligence and to assist security and management to run the prison with a low rate of incidents and risks.
- 3.9 The 'Kimberley way', with its strong focus on cultural and relational security as well as structural and procedural security, required a change in perspective and attitude for many of the custodial staff who came from prisons with more regimented daily routines and a reliance on barrier control and use of force. For some, this was proving to be a major challenge and a minority of staff called for stronger structural and procedural security, including a 'tougher' approach to prisoners. However, the majority expressed satisfaction with the balance.
- 3.10 Staff from different backgrounds are necessary to maintain the security balance in any prison and, if necessary, to highlight familiarisation and complacency among the staff. However, it is also important to ensure that WKRP staff continue to be selected who support the prison's ethos. To date this has been achieved, in part by the preselection of staff considered suitable in the early stages of the prison's development. Mechanisms should be put in place to maintain the balance and the ethos of the prison.
- 3.11 WKRP provides custodial officers with training that enhances their understanding of the social and cultural background of the prison's Kimberley residents, and therefore enhances their ability to manage prisoners respectfully and safely. This includes cultural diversity training with a local Kimberley based training provider (Uptuyu)<sup>15</sup>, community engagement training, mental health first aid, and a course helping officers to understand people suffering from Foetal Alcohol Syndrome Disorder (FASD).

### *Recommendation 3*

*Implement appropriate screening and training processes for staff wishing to transfer to WKRP.*

### Relational Security

- 3.12 Relational security is an integral part of maintaining the good order of the prison. It was observed throughout the inspection that many officers interacted well with prisoners and most prisoners did not hesitate to talk to officers. Staff were observed walking around the prison talking to prisoners and their conversations appeared to be positive and engaging.

15 <[http://www.uptuyu.com.au/consultancy/cultural\\_awareness.phtml](http://www.uptuyu.com.au/consultancy/cultural_awareness.phtml)>

- 3.13 The Assistant Superintendent Security and other managers indicated that significant intelligence was coming from officers, but there was some concern as to the quality and quantity of the information. There had been no training for officers in intelligence gathering or reporting. With extra training it is feasible that more intelligence and possibly of a higher quality would be gathered and reported.
- 3.14 Chapter 2 of this report examined the design, build and maintenance issues facing WKRP, and noted the absence of a facilities manager. This has impacted on the Security Manager who has had to assume many of the responsibilities which would otherwise be for a facilities manager. Recent advertising of the positions of maintenance officer and facilities manager should resolve this issue.<sup>16</sup> All credit, however, is due to the Security Manager and his team who had continued to provide a good service with regards to maintaining a safe and secure environment while having to divide their attention to the maintenance of the prison and its systems.

### Structural Security

#### *Perimeter*

- 3.15 The Department did not use razor wire on its perimeter at WKRP but still has a fence that offers maximum-security qualities. The use of cowling on top of the perimeter fence is an effective and safer substitute for razor wire. Behind the main perimeter fence there is a sterile zone followed by an internal security fence. The sterile zone is protected by electronic detection systems.
- 3.16 The internal security fence is charged with electricity of up to 10,000 volts. This is unique in Western Australia. This charged fence plays a significant role in perimeter security and although it has been knocked out by lightning, it appears that in most cases it reboots itself a short time later. In fact, there were occasions where the fence was left as the only technological security system in place until the others could be repaired.
- 3.17 At the time of the inspection there was a smaller demarcation fence running around the rear of the accommodation houses before a person could access the charged fence. However, it did not go all the way around the prison and did not have warning signs depicting that the next fence was electrified. Furthermore, current signage on the charged fence itself is small and cannot be seen from a distance or from close quarters unless directly in front. In our view, while not the subject of a formal recommendation, the demarcation fence should run the entire perimeter and larger pictorial signage should be used to warn of the charged fence. The Department has assured the Office that the charged fence does not threaten the life of a healthy adult. However, there is a risk of visitors, especially children, running to, and touching the fence. This risk can be easily and cheaply remedied.
- 3.18 Internally there are two other security fences within WKRP, one around the maximum-security section, and the other around the female section. These fences are not electrified. These fences are constructed of anti-climb mesh with a large cranked section at the top.

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16 Maintenance officer position filled 21/07/2014 and Facilities Manager position filled 06/10/2014. Facilities Managers position covered by secondment from 04/02/2014 to 30/05/2014.

- 3.19 These fences are predominantly designed to prevent/slow down prisoners trying to enter or exit these areas. However, the fence around the maximum section has been scaled by a prisoner in only a few seconds and the female section fence had no concrete plinth, meaning it could be bypassed by digging under the fence. WKRP administration stated that they were aware of this and were organising for a concrete plinth in the near future.

#### *Houses*

- 3.20 Drop bolts are used to secure room doors in the houses. They can be operated individually to secure one or all of the rooms but are rarely used in the general accommodation areas as the rooms do not have toilets. Empty or damaged rooms are secured by staff by using the drop bolt system.
- 3.21 External doors of the house can be electronically or manually secured and are alarmed. A video motion detection system is fitted to all houses but is rarely set as there is usually too much movement within the house (prisoners are permitted to move around in their houses at night). If the external door alarm activates, master control is notified of the movement.
- 3.22 The external doors of the houses and their 'crim mesh' like screens do not present an insurmountable challenge to a prisoner who is determined/desperate to get out. However, they would slow the attempt down and this should allow officers sufficient time to respond to alarms.

#### *Maximum-security Section*

- 3.23 The houses in the maximum-security section of the prison are differently designed in that each room has its own toilet and a door that can be secured from the outside, allowing prisoners to be secured in their cells at any time if need be.

#### *Cameras*

- 3.24 Due to the design and the retention of internal bushland, not all areas across the site are covered by camera surveillance. However, staff spoken to during the inspection had a good understanding of where the blind spots were and of how to manage these areas. Given the number of blind spots and obscured views, the onus falls back on officers, and self-awareness, good management strategies and guarding against complacency are vital to prisoner and officer safety.
- 3.25 With the growth of trees, there may be a need for additional cameras around the centre in the future. At present, officers in master control who have a good knowledge of camera locations and capabilities can follow an officer or prisoner as they walk through the prison with only a few areas of blindness. This is quite an achievement when the size of the prison is taken into account.
- 3.26 There were 225 CCTV cameras on the site but less than 25 per cent of them recorded continuously. This was a gap in the prison's overall security and one that was also identified in a review by the Department's Emergency Support Group (ESG). As a result, some cameras have been upgraded to continuously record.<sup>17</sup>

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17 DCS, *Review of West Kimberley Regional Prison Master Control Room* (undated, conducted 7–9 August 2013).

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*ESG Review of the Master Control Room*<sup>18</sup>

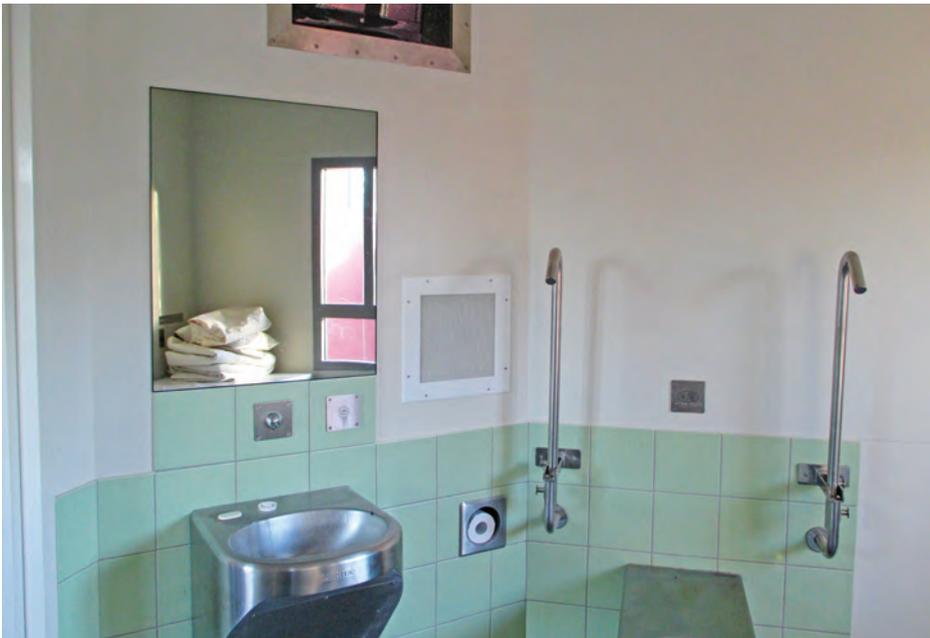
- 3.27 At the end of the inspection, the inspection team obtained a copy of a review of the Master Control Room conducted by the ESG in August 2013. This review was thorough and highlighted issues affecting the operation and functionality of the area. It also reviewed the associated security systems and the interrelation of these systems to gatehouse operations and security in the accommodation units.
- 3.28 The review produced 15 technical recommendations and a further four prison based recommendations. These recommendations were costed at approximately \$350,000 and the prison has already progressed some of the recommendations. The inspection team supports the recommendations in the ESG review.

*Recommendation 4*

*Implement the recommendations identified in the Emergency Support Group review of the WKRP master control room.*

**Management Unit**

- 3.29 The Management Unit provides accommodation for prisoners serving punishment, prisoners in isolation, and prisoners who are vulnerable or at risk. These areas are separated from each other. Like the rest of the prison, the unit is experiencing issues with technology. The team also identified a significant risk in the safe cells: glass mirrors had been fixed on the walls turning it into a most unsafe cell. WKRP needs to identify, remove and remodel any items that may present a risk.



*Photo 6 : Management Unit safe cell with glass mirror and protruding fittings.*

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18 Ibid.

- 3.30 There appears to be a lack of understanding of the angst and stress that prisoners may experience when placed in such cold, enclosed, sterile concrete cells. Prisoners at risk are taken from what is a warm and comfortable environment that has been specifically designed to reflect cultural security and are then placed in isolation with little stimulus and no ‘softening’ of the environment. Prisoners who had experienced it were certainly very negative about the experience, one stating it was the worst thing he had experienced in his life. The unit is at odds not only with the rest of the prison but also with any reasonable notion of a therapeutic environment. It may well compound rather than reduce stress and risk levels.
- 3.31 In summary, while the general environment of the prison seems to be working positively, the areas utilised to accommodate vulnerable prisoners need to be enhanced. This can be achieved through cultural designs and additional forms of stimuli for these areas.

*Recommendation 5*

*Enhance the physical environment of the management units to provide space that is safe and conducive to settling and treating vulnerable prisoners.*

**Procedural Security**

*Discipline and Punishment*

- 3.32 WKRP had achieved an appropriate balance between positive support for constructive engagement and reintegration, and fair and effective practices for disciplining and punishing prisoners. Measures of discipline and punishment were being run in line with the prison’s emphasis on talking things through and mediation, thereby corresponding to the philosophy of encouraging self-responsibility.
- 3.33 There was a low rate of prosecutions at WKRP with only 34 prosecutions in the first half of 2014. Many of these were for substance abuse (mostly cannabis, and some alcohol). This achievement reflects the success of the design of the prison, the prison’s operating philosophy, and the selection procedures for prisoners, which generally prevents prisoners with a history of poor behaviour or from outside the Kimberley region from transferring to the prison.
- 3.34 Although there were few charges, there was arguably still room for some of those who were charged to have been dealt with through loss of privileges (LOPs), and prison management was directing officers to make more use of these informal punishments in the future. The prison also encouraged prisoner self-responsibility and allowed prisoners to set some of their own rules. For example, the prisoner rule for fighting while participating in a game of football was a three month ban from football. This was a very strong incentive.
- 3.35 Prisoner hearings before the Visiting Justice were being held by video-link, usually with a Casuarina Visiting Justice. At the time of the inspection the prison was about to get its own Visiting Justice, an experienced local Justice of the Peace.

### Complaints and Grievances

- 3.36 WKRP has had a low level of complaints. Only seven complaints, and no grievances, were lodged by prisoners from 1 July 2013 to 31 March 2014.
- 3.37 The Security Manager stated he encouraged prisoner use of ACCESS<sup>19</sup> as this is a verbal process and therefore suitable for the WKRP population, many of whom have low literacy levels. The inspection also found that prison staff proactively engaged with house spokespersons<sup>20</sup> to address issues before they escalated to become complaints. Minutes of fortnightly precinct meetings at which the unit spokesperson and other prisoners met with precinct senior officers and unit officers indicated that prisoners were able to raise issues and have them addressed. For example, prisoners requested that house spokespersons be consulted on the placement of prisoners in units, and officers committed to engaging in ongoing consultation with prisoners on this.
- 3.38 At the time of the inspection new confidential mail boxes were being put up for prisoners to post complaints to external bodies like the Ombudsman. Unfortunately, prisoners had to request the envelopes from the officers in their unit office. This did not allow for sufficient privacy in the external complaints process.
- 3.39 The prison had three grievance officers for staff grievances. The preferred process was for informal discussion mediated by the grievance officers. If this failed, officers were supported to make a formal complaint. In the staff pre-inspection survey, 38 out of 54 respondents stated that staff were able to express and resolve work-related grievances at WKRP, but 16 (25%) felt that they were not able to do so. This suggests that further work may need to be done to enhance the credibility of the various processes.

### Hierarchical Management, Difficult Prisoners, and the Use of Force

#### *Hierarchical Management*

- 3.40 In the three months preceding the inspection WKRP had experienced very few prisoner management problems. This suggests that a good balance is being struck between incentives and disincentives.
- 3.41 The orientation unit (AN3) is used as a form of regression when prisoners need re-training in adequate behaviour and constructive engagement. Regressed prisoners are supported to re-work through some of the orientation process. This provides a useful supplement to the formal processes and more restricted regimes in the management unit. Prisoners who did not wish to participate in the self-care model were also housed in this area until their attitude or abilities changed to a point that they could be returned to the mainstream prisoner population.

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19 ACCESS is the Department of Corrective Services prisoner complaint system that can be accessed through the prisoner telephone system at no cost to the prisoner.

20 Each house is represented by one prisoner known as the house spokesperson through which prisoners and staff communicate.

- 3.42 In line with its philosophy the prison encourages prisoners to take responsibility and engage with the self-care model. WKRP tailors punishments to fit this aim. For example, prisoners held in management for less serious charges (3 days or less) are allowed to return to their original house rooms. Prisoners sent back after seven days or more lose their rooms and are allocated any spare rooms available upon their return to mainstream prisoner population.

#### *Managing Difficult Prisoners*

- 3.43 WKRP was holding a small number of complex needs prisoners who presented as difficult to manage, partly through their unpredictable volatility and violence. Difficult to manage prisoners were sometimes kept for months in the orientation/maximum unit, as they could not be managed in the mainstream houses because their presence would disrupt the self-care model.
- 3.44 For such prisoners, the prison had developed a multi-discipline individual management and behaviour plan which involved officers keeping a daily running sheet and providing a daily synopsis. These plans and procedures were safe, constructive, and respectful. As a result, WKRP was successful in holding some difficult to manage prisoners in country. In turn, the fact they were in country meant they were more manageable than they would have been in other prisons. The prison only needed to resort to use of its management unit in exceptional cases.

#### *Use of Force*

- 3.45 WKRP enjoys a low rate of incidents. There had been only two critical incidents in the previous year, both of which had been caused by climatic emergency rather than prisoner behaviour. WKRP's approach is to encourage talking and mediation, and staff only intervene physically if a prisoner seems liable to self-harm, or to harm another.
- 3.46 The security staff had reviewed the use of restraints at WKRP and as a result all prisoners being transported to the management unit were placed in restraints until they were placed in cell. They were then un-shackled through the hatch as soon as possible (with the door closed). At the time of the inspection most staff had received training in the use of restraints but there was still a shortfall to be made up. No staff were recorded as having had training in cell extraction.<sup>21</sup>

#### *Emergency Management*

- 3.47 The inspection found that WKRP was up to date with emergency exercises, but that Broome Regional Prison (BRP) was a little behind. However, the emergency exercises were being progressed by the Senior Officers at BRP to bring them up to date. The police and voluntary fire brigade had been in to familiarise themselves with the site. The prison had run ambulance tests and enjoyed good communication with the ambulance service. The police had also provided live emergency exercises in fire and death in custody.

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21 The Department of Corrective Services, inspection documentation, Resources & Systems, 1.8 West Kimberley Regional Prison Training Master Spreadsheet.

Gatehouse, Control Room, and Sally Port Facilities

*Control Room*

- 3.48 The control room is the nucleus of the prison, controlling and monitoring all things happening in the prison. Control room positions are arguably the most important and busiest positions in the prison.
- 3.49 WKRP control staff have to deal with a large number of alarms. Many of these are false alarms and some are due to build problems but there is no reference system for indicating how serious the events are. Fire alarms provide a good example. There are a large number of false fire alarms and when such an alarm goes off, not only do control staff have to respond but if the fault is repetitive, external contractors must be called to fix the fault.
- 3.50 Many officers felt that they needed specific control room training as the prison had only run a refresher course. Unofficial ‘training’ appeared to be occurring at handover of shift, one officer showing another how to operate everything. Such ad hoc practices may work for a short time but the inspection found that some officers in the control room were not confident in their ability to respond appropriately to all types of alarms. Improved training and simple ‘cheat sheet’ instructions are required.
- 3.51 The prison does not have regular use of drug detection dogs due to distance. Security therefore uses an Ion Mobility Spectrometer<sup>22</sup> to detect traces of drugs on visitors. While this is a sensible measure only a handful of senior officers were trained in its use. At the time of the inspection the security officers were the only people operating the machine to ensure it was used properly, and to allow them to demonstrate to other staff how to approach visitors when using the machine.
- 3.52 The security team accepted that the searching of visitors by some staff was sometimes carried out in a manner that was not sufficiently respectful. For this reason, security officers tried to be in attendance when targeted visitors were expected to attend visits, but there were not enough senior security officers to cover all visit sessions. Security suggested that an additional Senior Officer position in security would enable them to attend most visit sessions and oversee all aspects of the searches.
- 3.53 Overall, the security team has been stretched and it is this Office’s belief that the work across all areas of security could be enhanced by an additional position in security. This position may not necessarily need to be a Senior Officer position and could incorporate the role of Intel Collator along with other functions.

*Recommendation 6*

*Provide an additional position in the WKRP security team.*

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22 Ion Mobility Spectrometer – Portable machine that detects drugs through the collection of drug residue from clothing and items of the visitor by wiping the corresponding items with a treated filter and then placing the filter into the machine for a reading. These are similar machines to that used in airports throughout Western Australia and are non-invasive in their use.

*Gatehouse and Under Vehicle Security System*

- 3.54 Shortly before the inspection the security team had revised guidance for security for contract services into the prison. This resulted in all contractors undergoing re-orientation, new photographs and criminal checks. A file containing their photographs and confirmation of clearance was held in the security office and at the front gate. Contractor's vehicles were subject to searching by staff on entering and exiting the prison and the searches were documented.
- 3.55 However, vehicles were entering and exiting the prison without being thoroughly scanned or having its underbody checked. The sally port has an Under Vehicle Security System (UVSS) that should scan the underbody of vehicles entering and exiting the prison. The system is activated by the master control room operator when a vehicle drives over the top of the scanner. However, during the inspection, the UVSS was not working and no under vehicle searching was observed. It also appears that the UVSS had not been operational for some months and that under vehicle checks had not been occurring throughout this time. It was also noted that there was no mirror trolley or other means of checking underneath the vehicles.
- 3.56 Clearly, the UVSS system should be made operational and if it is not, alternative 'old-school' technology should be made available and should be used. Consideration should also be given to providing officers in the sally port with an identical set of controls to those in master control so that scanning can be controlled and seen from the sally port when the master control officer is busy.
- 3.57 The inspection team was also concerned that not all officers were confident of what to do if an item was detected by the use of the UVSS. Opinions varied as to whether they were to jack the vehicle up and remove the item, turn the vehicle away or call in the bomb squad. The prison must implement clear and precise instructions as to what steps should be taken in various scenarios.

# Chapter 4

## STAFFING, MANAGEMENT AND RESOURCES

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### RECRUITMENT

#### Initial

- 4.1 Prior to the opening of the West Kimberley Regional Prison (WGRP) the Department indicated that it was attempting to recruit the majority of staff from the local area and, in particular, Aboriginal staff. It set stretch targets, hoping for a high percentage of the total staffing to be recruited locally and 50 per cent to be Aboriginal.
- 4.2 An initial local recruitment drive for prison officers attracted a number of applicants from which 13 were selected. A training course was conducted in Derby with the Department's Training Academy sending up lecturers and trainers to Derby to deliver the course. This meant that the recruits did not have to travel to Perth for training where they would be 12 weeks away from their families.
- 4.3 Although the initial recruitment drive and local training created a lot of community interest, the Department fell behind its timeline for recruitment and did not conduct another local recruitment drive before the opening of the prison. Expressions of interest were therefore put out to staff around the state. Initially the Superintendent was able to select those staff suitable, in line with the ethos of the prison, but time constraints then dictated that a transfer list be established, with officers able to transfer in as a vacancy occurred.
- 4.4 Meetings held with staff confirmed that some officers had seen the opportunity to transfer to Derby less as a professional development opportunity and more as an opportunity to increase their base pay level (through entitlements such as the zone allowance) and to enhance their superannuation.
- 4.5 There was another local recruitment drive around the time of the inspection, although it was not known if the training school would be held in Derby. Academy representatives stated that it was more expensive to facilitate training in the regions than having the applicants attend the Academy in Perth, but did not rule out a training school being held in Derby in the future. Consultation with Aboriginal staff during the inspection, and Aboriginal people in the community, overwhelmingly supported the notion of local officer training over Perth-based training. Having to travel to Perth for the 12-week training course was too long to be away from home for the Aboriginal people we interviewed. They also said that this would be enough to dissuade them from pursuing a career as a prison officer at WGRP. It is important to maintain the philosophy of WGRP and local recruitment, especially of Kimberley Aboriginal people, is critical to this.

#### Aboriginal Staff

- 4.6 WGRP had 18 Aboriginal staff at the time of the inspection including an Aboriginal Superintendent (approximately 15% of staff). Aboriginal people held positions in administration, programs, education, recreation and as prison officers but there were still a few gaps and opportunities.

- 4.7 The Aboriginal staff suggested that one strategy to increase Aboriginal employment at the prison would be to promote the idea of prison officer as a career choice to year 12 students at Derby high school. They also suggested traineeships for local people not dissimilar to those that have been introduced by the police. This Office supports these ideas but also believes that recruitment strategies should explore all avenues of recruiting local people of all ages and races. Additional support mechanisms for Aboriginal people to develop skills towards accessing careers in corrective services should also be developed.
- 4.8 In 2005 the Department developed an Aboriginal Employment Strategy<sup>23</sup> which was endorsed by the Commissioners' Executive Team in 2006. Part of the strategy was to develop and implement an Aboriginal Pre-Employment Program. This was piloted in 2009 and as part of its content included a TAFE training program.
- 4.9 The program was evaluated by the Department<sup>24</sup> and it was found to be very successful. Of the 17 Aboriginal people participating, 12 participants subsequently gained employment with the Department of Corrective Services. The evaluation resulted in six recommendations for future Pre-Employment Programs<sup>25</sup> and found that there was sufficient support for the continuance and expansion of the program. However, no evidence could be found that this has occurred. It appears that the Department has not progressed beyond the pilot program.

*Recommendation 7*

*Ensure that staff recruitment and training practices maximise the opportunities for the local population, particularly Aboriginal people, to obtain employment at WKRP.*

**Managing the Prison**

- 4.10 This inspection found that WKRP was underpinned by a refreshing ethos of appropriate prisoner management and led by a well-functioning and stable management team. The senior management team is one of very few in the Western Australian prison system where all the top positions are permanently filled. This provides a sense of permanency and stability, and empowers managers to provide leadership, to manage, to take decisions, and to implement change.
- 4.11 The cohesive and supportive management team was important not only for WKRP, a new prison with some significant infrastructure and environmental challenges, but also because WKRP management is also responsible for managing staff and operations at Broome Regional Prison (BRP) and Wyndham Work Camp. This is a big ask: BRP is over 220 kms by road south and Wyndham is over 920 kms by road north-east.

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23 DCS, *Aboriginal Employment Strategy, 2005–2010*.

24 DCS, *Aboriginal Pre-Employment Training Program-Pilot Project – Evaluation Report*.

25 *Ibid.*, 3.

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## MANAGING RESOURCES

### Roster

- 4.12 The roster for custodial staff took over 14 months to be fully implemented and approved. Until then it was operated manually. Overall the inspection found an amicable working relationship between the human resource staff responsible for preparing the roster and the custodial officers who work the roster. This is in itself a positive inspection finding; more often than not, inspections uncover inconsistencies and difficult working relationships between those who administer rosters and those who have to work the shifts dictated by the roster.

### Personal and Other Leave

- 4.13 The inspection team was impressed to discover that, so early on in the prison's operations, the Business Manager and her team had already instituted a process for auditing personal leave. This involved reviewing the leave patterns of a random selection of prison employees, both custodial and non-custodial. This is the first in a process of leave audits that will occur every six months at WKRP.
- 4.14 The audits had examined data relating to overtime, absences (including due to illness) and shift swaps, as well as the different types of leave including: annual leave, cultural leave, bereavement leave, personal leave, long service leave, and leave without pay. A comprehensive analysis of each individual's leave use was provided, with recommendations for action when appropriate (such as recommendations to reduce leave liability and to monitor night shift working patterns).
- 4.15 The use of personal leave, especially among prison officers, has often been a contentious issue during inspections.<sup>26</sup> Positively, though, the WKRP audits found no significant patterns of over-use of leave. While some individuals had used excessive amounts, there was no evidence of a broader culture of abuse of leave. This is a good outcome. The intention to replicate these audits using a random sampling methodology across all work areas every six months is also very good practice.

### Managing Overtime

- 4.16 The variance between the actual spend on overtime for the 2013/14 financial year and the amount budgeted was \$490,364, out of a total budget of \$974,970. Between March 2014 and June 2014, the over-spend on overtime was in excess of \$50,000 each month.
- 4.17 There had been large over-spends to cover shifts for officers taking annual and personal leave (\$233,000 and \$351,000 respectively). This is common across the system. Less usual were the overtime shifts required at WKRP to staff the management unit, to perform internal escorts for external contractors, and to cover vacant positions.
- 4.18 The inspection's discovery of overtime being used to cover internal escorts was unexpected. This requirement arose because, as discussed earlier, ongoing problems made it necessary for contractors to come and go in and out of the prison on a daily basis. These contractors all need to be escorted by prison officers. There was no over-supply of prison officers so these escorts all needed to be done by officers on overtime.

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26 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011) 8.

#### Key Vacant Positions

- 4.19 At the time of the inspection 11 uniformed positions were vacant: one Principal Officer, two Senior Officers, two general prison officers, and six Vocational Support Officer positions. Since the prison opened in late 2012, three Government-imposed recruitment ‘freezes’ have made it difficult to fill vacant positions. The most recent ‘freeze’ ended on 1 July 2014, two weeks before the commencement of the on-site inspection, and senior managers at the prison were hoping to fill the vacant positions.
- 4.20 Two positions that are crucial to the prison’s operations, and which had only partially been filled are the Principal Officer, and the Facilities Manager. The role of Facilities Manager was filled by a secondment for six months when the prison opened. However, the position holder had to return to their substantive position after this period, and due to the recruitment ‘freeze’, the prison had not been able to fill the position permanently. The Office was told that this position had been advertised at the time of the inspection.
- 4.21 In the interim, the Facilities Manager role had been performed by the Security Manager. As previously discussed, given the duties of a Security Manager it is difficult to comprehend how either role could have been properly undertaken by one person performing both roles simultaneously. This is not in any way a reflection on the individual, but a comment on a most unsatisfactory arrangement.
- 4.22 The role of the Principal Officer had also been underdone since WKRP opened. The first position holder was a union delegate which meant that he spent the best part of a week each month away from the prison attending to union business. He had then vacated the role, and it was being temporarily filled by another officer. At the time of the inspection, that officer was away on leave. These individuals were entitled to take leave and to undertake union duties. However, it is also quite understandable that officers, when asked about the role of the Principal Officer, responded negatively. Some even said they were not even aware that the position existed.
- 4.23 The role of Principal Officers in WA prisons has been evolving and at times has been unclear. However, they should be an important link in the prison officer to superintendent chain of command. They represent the operational connection between the senior management of a prison and the officers on the ground.
- 4.24 WKRP only has one Principal Officer position assigned to its staffing model. Given that this position is also responsible for Broome Regional Prison and Wyndham Work Camp it would be appropriate to consider a second Principal Officer position as part of the overall WKRP staffing complement.
- 4.25 The main obstacle to permanently recruiting a Principal Officer at WKRP appears to be head office. Although there is a generic Principal Officer job description form (JDF) which has been in effect since December 2012, it has been under review since before WKRP opened.<sup>27</sup> Until this review is complete the WKRP cannot advertise the position as permanent and the position can only be filled via an expression of interest

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27 Since the Inspection and prior to this report being completed the Department of Corrective Services has completed the review of the Principal Officer JDF and has endorsed it as from January 2015.

for three months at a time. In effect WKRP has been without a consistent full-time Principal Officer for most of its existence. The position must be filled on a permanent basis as quickly as possible.

*Recommendation 8*

*Permanently fill vacant Principal Officer positions across the state.*

### Performance Management

- 4.26 One of the main responsibilities of Principal Officers is to manage the Department's Performance and Development System (PADS). The inspection team heard of an innovative and very sensible approach to PADS by WKRP's acting Principal Officer.
- 4.27 The usual practice is for senior officers to conduct PADS interviews one-on-one with prison officers. The timing of the PADS process dictates when the interviews are to be conducted and the prison roster dictates which prison officers and which senior officers are on shift at the time. There are some inherent problems with this: the Senior Officer conducting the interview may not even know the officer he or she is interviewing, or they may not have worked together for a long time. Alternatively, the Senior Officer and the prison officer may be friends or may not get on well. In such circumstances, neither party is likely to feel confident in the objectivity and robustness of PADS.
- 4.28 The approach used at WKRP in the first PADS cycle of 2014 (which ended in March 2014) involved coordinating a panel of senior officers to conduct the interviews. The panel approach provided more opportunity for objectivity as the assessment of an officer's performance was the result of a combination of different views rather than the views of only one person. Although PADS remains a rather flawed system,<sup>28</sup> the inspection team found that this approach had increased officers' confidence in the system. Other prisons should consider a similar practice.

### TRAINING

- 4.29 At the time of the inspection, West Kimberley Regional Prison had been without a satellite trainer for over six months.<sup>29</sup> Very little training had occurred in their absence, and cost and under-staffing prohibited officers from accessing training in Perth. Basic training requirements, including emergency management, were not being met, putting staff and prisoners at risk.<sup>30</sup> Not surprisingly, gaps in training were of major concern to officers. However, if, as planned, the prison obtains a Satellite Trainer, then it should be able to rectify the emergency training delays and omissions.

*Recommendation 9*

*Remedy basic training gaps and fill the satellite trainer position at WKRP.*

28 OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No 93 (October 2014) Recommendation 4.

29 Satellite trainers are officers seconded from the Department's Training Academy in Perth and stationed in the prison.

30 The Department of Corrective Services, inspection documentation, Resources & Systems, 1.8 West Kimberley Regional Prison Training Master Spreadsheet.

- 4.30 During the inspection, we were advised that the immediate gap in training was going to be addressed by an internal expression of interest for a training position and that a prison officer interested in performing this role had been recruited. The Human Resources Coordinator had dedicated considerable time to scheduling training prior to expressions of interest being sought. Upcoming training that had been planned included working with female offenders, incident management, CPR, Breathing Apparatus, and advanced and senior first aid training with a view to training some officers to become first aid trainers so that this can in future be provided in-house.
- 4.31 Further exploration as to the provision of personal development training to staff should be undertaken so as staff located in remote prisons are not disadvantaged by not being able to attend courses in Perth. This issue has been reported during other inspections including the recent inspection of Roebourne Regional Prison.<sup>31</sup>

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31 OICS, *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 89 (February 2014) 87.

# Chapter 5

## PREPARING FOR A 'FRESH START'

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### SETTING AND CULTURAL WELLBEING

- 5.1 The environment of a prison heavily influences prisoners' behaviour. If prisoners are engaged, less stressed, and confident, as they are at West Kimberley Regional Prison (WGRP), it stands to reason that they will absorb more through programs, communicate more effectively with staff and more clearly articulate their issues, thus improving their preparation for release. Prisoners at WGRP also said that they know that most staff respect their cultural practices, traditions and beliefs.
- 5.2 This chapter confirms what was said in earlier chapters: the importance of the environment and cultural wellbeing in preparing prisoners for release should not be underestimated or undervalued. Maintaining this environment should be paramount.

### CASE MANAGEMENT AND INTEGRATED OFFENDER MANAGEMENT

#### Case Management

- 5.3 When a prisoner enters the custodial system, either sentenced or non-sentenced, they attend a Management and Placement (MAP) assessment interview to identify their security classification and placement options. This process is required to take place within the first 72 hours of the individual's imprisonment, and collects information regarding their medical history, outstanding court matters and more.
- 5.4 Prisoners serving an effective sentence of greater than six months take part in a secondary assessment, which results in the development of an Individual Management Plan (IMP). This process must occur within 28 days of the prisoner receiving their sentence. The IMP assessment process collects a broad range of information relating to the prisoner's background and profile, covering education needs and identifying programs that may address the individual's offending behaviour.
- 5.5 Prisoners are then allocated a case manager, usually a custodial officer based in the prisoner's unit. The case manager's role is to support the prisoner and inform them of each stage of the prisoner management and release process. This involves the officer supporting and developing regular communication with the prisoner, monitoring their progress and assisting them towards addressing their needs for re-entry. Traditionally, the case manager would also complete a 'tick a box' contact report that contains information about how the prisoner is progressing with their offender programs, their rehabilitation and reintegration needs and some commentary about the prisoner's behaviour.<sup>32</sup> These contact reports are limited in scope and rarely reflect the actual needs of a prisoner.
- 5.6 A case management review at Greenough Regional Prison identified significant shortfalls in case management process, notably that the prisoner assessment and case management practices across the state do not include the reintegration needs of prisoners.<sup>33</sup> Inspections by this Office have also revealed that the traditional case management process is problematic.<sup>34</sup> It has been difficult for officers to establish relationships with prisoners when they rotate through rosters, and in some prisons the case management system has been failing.

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32 See: Contact Reports in Total Offender Management Solutions (TOMS).

33 DCS, *Post Pilot Review*, Greenough Regional Prison Integrated Offender Management Committee (24 January 2014) 4.

34 For example: OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 93 (October 2014).

### Integrated Offender Management

- 5.7 When WKRP opened, the Department introduced a new pilot Integrated Offender Management program which was intended to provide a more seamless and comprehensive case management service to prisoners.<sup>35</sup> This meant that case management officers no longer completed contact reports and instead completed more detailed and holistic offender notes. The information from offender notes guided reintegration conferences, where staff from education, employment, programs and mental health services reviewed each prisoner's case and decided on the most appropriate method to support their re-entry needs.
- 5.8 Integrated Offender Management was still being trialled at WKRP. It was positive to see that as the inspection team spoke to prisoners, most of them knew their case manager by name, a testament to the positive staff/prisoner relationships. However, with officers rostered to different areas each day, the prison still faced the problem of case managers not being in a position to build strong relationships with the prisoners they are case managing. Officers themselves raised this concern with the inspection team. It is clear that if the benefits of Integrated Offender Management are to be maximised and the system rolled-out in larger prisons, a strategy to build stronger relationships will need to be implemented.
- 5.9 The Case Management Coordinator also reported that the quality of offender notes varied depending on the case manager. Without a standard template, case managers were reporting on as much or as little as they liked about the status of the prisoner. More training should be provided to case managers to ensure the quality of information is consistent across the site.
- 5.10 Both staff and prisoners complained about the lack of appropriate interview spaces for private case management discussions. The central interview rooms, while appropriate, were rarely used because, according to staff, there were often not enough officers to escort prisoners there. Instead, case management officers were interviewing prisoners in unit offices, often without enough privacy.
- 5.11 WKRP is also responsible for case managing prisoners at BRP and the Wyndham Work Camp. The process is essentially the same: case managers update offender notes at each site and the information is fed into reintegration conferences at WKRP. Although the inspection team was told that distance and a lack of appropriate staffing at both sites were causing delays, a review of prisoner files demonstrated that WKRP was on track.<sup>36</sup>

## PROGRAMS, EDUCATION AND EMPLOYMENT

### Offender Programs

- 5.12 In a media statement on 12 August 2014, the Minister for Corrective Services said Western Australia's recidivism rate was 'far too high' and greater access to prison programs would reduce the likelihood of a prisoner reoffending.<sup>37</sup>

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35 DCS, *Future Directions 2011–2031: Integrated Offender Management (IOM)* 9.

36 The inspection team randomly sampled a selection of prisoner files which demonstrated that case management at West Kimberley Regional Prison was up to date.

37 Ministerial Statement: Corrective Services Minister Joe Francis (12 August 2014). <<http://www.mediastatements.wa.gov.au/pages/StatementDetails.aspx?listName=StatementsBarnett&StatId=8539>>

5.13 A recent review undertaken by this Office revealed that WKRP had the second highest proportion of unmet treatment needs in the state due to program unavailability.<sup>38</sup> In 2013, half of all WKRP prisoners were released without meeting their treatment needs because the program was unavailable or no suitable program existed. This was much higher than the state average, where only a quarter of prisoners are released without having their treatment needs met.

Prison	Unmet Need (Nearest %) <sup>39</sup>
Eastern Goldfields Regional Prison	52
West Kimberley Regional Prison	50
Greenough Regional Prison	47
Broome Regional Prison	39
Roebourne Regional Prison	37
Bandyup Women's Prison	29
Hakea Prison	29
Acacia Prison	26
Casuarina Prison	25
Wandoo Reintegration Facility	21
Bunbury Regional Prison	20
Pardelup Prison Farm	18
Albany Regional Prison	16
Wooroloo Prison Farm	16
Karnet Prison Farm	13
Boronia Pre-Release Centre	5
<b>State Average</b>	<b>25</b>

Table 1: Unmet demand for programs by prison and program

5.14 The Department's standard suite of offender programs was developed and approved by its Clinical Governance Unit (CGU). In the 18 months prior to March 2014, WKRP had only delivered offender programs to 50 prisoners. The programs were: Pathways, Building on Aboriginal Skills, Cognitive Brief Intervention, and Indigenous Family Violence. The Indigenous Men Managing Anger and Substance Abuse program was scheduled for delivery in 2014.

38 OICS, *Recidivism Rates and the Impact of Treatment Programs* (August 2014) 28.

39 Percentage of prisoners released without fulfilling their program requirements.

- 5.15 This Office's report on the 2011 inspection of Broome Regional Prison, recommended the Department 'develop a range of Kimberley-specific offender programs in anticipation of the opening of the new Derby prison'.<sup>40</sup> In submissions for this inspection, the Department claimed it had achieved this recommendation by providing a suite of programs tailored for the state's general Aboriginal male prison population. In this Office's opinion, the recommendation has not yet been met: there is little or no evidence that the programs meet the specific needs of Kimberley prisoners.

*Pathways*

- 5.16 Between July 2012 and March 2014, a total of 20 prisoners completed the Pathways program. Pathways is an intensive substance abuse diversion program for adults with a history of criminal conduct and alcohol and other drug use problems. In 2010 it was evaluated by the CGU and found to be ineffective for Aboriginal participants, particularly for those with low literacy levels.<sup>41</sup> CGU have been working on a modified Pathways program to suit Aboriginal prisoners, however, it appeared that their efforts failed to fully appreciate the cultural and educational requirements of Aboriginal prisoners from the Kimberley region. For example, to address low literacy levels at prisons such as WKRP, CGU has developed an illustrated handbook containing pictures that Prison Counselling Service staff at WKRP consider inappropriate for Kimberley prisoners.

*Building on Aboriginal Skills (BOAS)*

- 5.17 BOAS was a culturally appropriate program designed as an introduction to life review, self-management, social awareness and ongoing learning. A 2011 review of BOAS by CGU found that it had no impact on recidivism and was of a much lower intensity than the risk profile of the population. The program was therefore withdrawn. However, some prisoners at WKRP had been scheduled to undertake the program years in advance. For this reason the BOAS program was still being delivered after it was deemed ineffective.

*Cognitive Brief Intervention (CBI)*

- 5.18 CBI is designed to provide participants with greater awareness about themselves, others and the world, while addressing their offending behaviour. CBI was the program delivered most frequently, and to more prisoners at WKRP.

*Indigenous Family Violence (IFV)*

- 5.19 The IFV program was an Aboriginal-specific program designed to address violence within Aboriginal families. The IFV program had been withdrawn at the time of the inspection and was in the process of being replaced by the Aboriginal Stopping Violence program for which trials had been undertaken with men from the South West. Programs staff at WKRP were concerned that the program might not be suitable for Kimberley prisoners.

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40 OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 77 (March 2012) Recommendation 4.

41 DCS, *Summary of Pathways Questionnaire and Focus Group Findings for Prison Groups 2008 to 2010* (April 2010) 3.

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*Indigenous Men Managing Anger and Substance Abuse (IMMASU)*

5.20 The IMMASU program was designed to address violence and substance abuse among Aboriginal offenders. The program used an old VHS videotape, giving some idea of its antiquity. Staff at WKRP were of the opinion that the current resources were inappropriate for Kimberley men and were intending to use more appropriate, newer films when the next program commenced in the third quarter of 2014.

*Offender Programs for Women*

5.21 Women in prison have very different needs from men. A survey of women prisoners in Western Australia revealed that 96 per cent had a history of mental illness, substance abuse or were victims of abuse.<sup>42</sup> Aboriginal women were found to be particularly disadvantaged. The criminal offences of women also tend to differ from those of men, with women more likely to be charged with drug, theft and fraud offences.<sup>43</sup> Interventions for women therefore need to reflect the biological, social and cultural distinctions of women prisoners.

5.22 The suite of programs offered to men, particularly the CBI program, was criticised by WKRP staff who claimed that the CBI course was unsuitable for traumatised women, many of whom had been both victims and perpetrators of interpersonal violence in Kimberley communities.

5.23 Unfortunately, program availability for women at WKRP was also very limited, with the short CBI program having been delivered only once to women and unlikely to be delivered again. This meant that women were routinely sent to other prisons to complete required programs. This Office was advised that Kimberley women who were transferred to other prisons to complete programs were typically overwhelmed by the literacy demands, and tended to withdraw. Being transferred 'out of country', away from family, and to highly stressed prisons such as Bandyup Women's Prison was also causing great distress.<sup>44</sup> This Office seriously doubts whether, in such circumstances, the benefits of programs could outweigh the problems caused by displacement.

*Recommendation 10*

*Deliver programs at WKRP for Kimberley women.*

*Education and Training*

5.24 WKRP's education and training was off to an excellent start. The prison was maximising the allocated Kimberley Training Institute hours and working well with service providers such as Edge of Nowhere and Djaringo. Between 1 July 2013 and 31 March 2014, on average 15 per cent of the total prison population (197 out of 1349) was actively enrolled in accreditation courses at WKRP.<sup>45</sup> The education courses available included art, music,

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42 Western Australia Department of Justice, *Profile of women in prison: Main findings of the prisoner characteristics and needs survey of adult female prisoners in Western Australia* (June 2002).

43 Australia Bureau of Statistics, *Prisoners in Australia* (December 2011) 4517.0.

44 OICS, *Female Prisons in Western Australia and the Greenough Women's Precinct*, Report No. 91 (July 2014); OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 93 (October 2014).

45 The Department of Corrective Services Document Request: 5.2 Details of education programs operating at each prison.

reading/writing, numeracy, horticulture, hospitality, computers and aged care. A few short courses had also been offered, including a chainsaw course and a White Card<sup>46</sup> course.

- 5.25 Eighty per cent of prisoners at WKRP were assessed as having poor or basic literacy upon entry and 84 per cent as having poor or basic numeracy skills. To address literacy needs WKRP introduced the Sound Way to Spelling Writing and Reading program. At the time of the inspection, the first group to undertake this course were about to finish, with four of the original six still remaining in the program.
- 5.26 The program is facilitated by an Aboriginal Education Worker who worked hard to ensure all students understood the content. When students struggled to understand the accent in the videos used during the program, the facilitator stopped the video and assisted as needed. The inspection team observed prisoners committing a significant amount of their recreation time to complete homework, and they appeared to appreciate the opportunity to take work back to their residence. While still in its early stages, the Aboriginal Education Worker's willingness to intervene and offer explanations to supplement the video and the students' willingness to commit large amounts of extra time to the program seem to be indicators of success.

#### *Challenges*

- 5.27 The Department's Education and Vocational Training Unit had set a target for six prisoners at WKRP to undertake traineeships over the financial year but the prison had faced a number of challenges trying to secure traineeships. The prison claimed that they had difficulty identifying prisoners with sentences long enough to complete traineeships. They also claimed that they were finding it difficult to identify and recruit staff in the Kimberley area with adequate skills to provide both off and on-the-job training to prisoners. A third challenge was trying to provide enough on-the-job work experience to satisfy traineeship requirements. Despite these obstacles, WKRP had submitted two traineeship proposals to the Department which were awaiting approval. The most likely traineeships for WKRP are in Kitchen Operations and Horticulture.
- 5.28 Mowanjum Driving Academy delivers education to help applicants obtain a driver's licence. Between 1 July 2013 and 31 March 2014, 73 applications for driver education were submitted. Of these, 26 were ineligible and 15 were under fines suspension, leaving only 32 eligible applicants. Two prisoners had obtained their learner's permit but no prisoners had obtained their actual licence. WKRP had experienced difficulties arranging for prisoners to undertake their 25 hours of supervised driving practice, because prisoners who were cleared to undertake external activities were usually transferred to Wyndham Work Camp. A follow up on these prisoners transferring to Wyndham Work Camp should be undertaken and a memorandum of understanding (MOU) signed with appropriate agencies to facilitate the continuance of the driver training at Wyndham.

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46 Western Australian industry requires every worker to hold a construction induction card (White Card formerly known as a Blue Card) which needs to be renewed every three years.

### Developing Life Skills

- 5.29 WKRP has been specifically designed to provide self-care accommodation for all medium- and minimum-security prisoners. The WKRP operating model reflected the intent of the Department's West Kimberley Conceptual Framework,<sup>47</sup> to acknowledge disadvantages experienced by Aboriginal prisoners and provide improved life skilling opportunities in a Kimberley-specific design. The WKRP management team reported that the self-care model worked.
- 5.30 The introduction of a prisoner to self-catering was staged and the prison provided oversight of the cooking facilities and the quality of meals prepared. The kitchen offered training to educate prisoners how to prepare meals on a budget and interpret kitchen safety signs.
- 5.31 As the position of life skills officer was vacant, the prison utilised the recreation officer to fill this position. The life skills officer position was not only assisting the male prisoners in the mainstream section of the prison but was also assisting the WSO in the women's section when needed. The inspection team were told that in the future the life skills officer would also be assisting in the maximum/orientation section. The prison rightly focuses on a self-care model and the Department also has a duty of care to ensure appropriate hygiene and food quality standards are met. Given the number of houses in the prison, one life skills officer is not enough.

#### *Recommendation 11*

*Provide more life skills training for WKRP prisoners.*

### Employment/Structured Day

- 5.32 WKRP has very high internal employment levels, with almost all prisoners engaged in some sort of employment. At the time of the inspection, only five out of 145 prisoners were unemployed.<sup>48</sup> Prisoners can work in areas such as maintenance, kitchen, gardens, laundry, cleaning and canteen and prisoners appeared engaged and keen to work. However, some of the work did not appear to contribute to developing relevant skills for the community. In fact, 24 per cent of prisoners were employed as unit workers and a further 21 per cent in garden maintenance. The role of a unit worker is undeniably important for maintaining tidy and hygienic living areas, but it is excessive to employ one-quarter of the prison population as unit workers. Feedback from prisoners also suggested that there is not enough actual work for all employed prisoners and many prisoners end up just 'standing around' all day instead of working.

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47 The Department of Corrective Services, Strategic Asset Services – West Kimberley Conceptual Framework full version – 4 September 2007.

48 West Kimberley Regional Prison Pivot Tables based on TOMS data extracted on 10 July 2014.

- 5.33 In February 2014, following the escape of a prisoner participating in an external section 95 program in Perth, the Department tightened up the assessment process, making it more difficult for prisoners to participate in external activities. At WKRP this had led to the cancellation of a number of section 95 permits, and had shifted the focus away from promoting rehabilitation and reintegration outside of the prison gates. At the time of the inspection, just seven prisoners were employed under section 95, maintaining the grounds outside the fence line and in the stores building just outside the gate. The Department advised this Office that prisoners under the section 95 program had, in the past, participated in roadside rubbish pick-up and grounds maintenance.
- 5.34 It was very disappointing that events far away in Perth had impacted so negatively on WKRP. Prisoners who had earned section 95 status were not engaging in meaningful employment and while the prison had established some positive potential partnerships in Derby, it had not yet commenced working with these partners.

#### Pre-release Preparation

- 5.35 Unlike most prisons WKRP has no Transitional Manager. Usually the Transitional Manager coordinates pre-release preparation activities tailored to individual prisoner requirements. At WKRP, release preparation fell to the Employment Coordinator in conjunction with Men's Outreach, a Broome-based non-government organisation (NGO) with strong communication connections across the Kimberley.
- 5.36 Statewide, the Employment Coordinator's role focuses on employment after release. To help prisoners become employable, Employment Coordinators help prisoners to obtain birth certificates and driver's licences and to connect them to appropriate employment prospects. Employment Coordination in the Kimberley needs to take account of the fact that on release many prisoners are likely to return to their family home, to remote communities where few if any employment options are available. Instead of focusing so much on employment opportunities, the Employment Coordinator role probably needs to be developed more holistically, to include community engagement and culturally appropriate approaches to reducing substance abuse and reoffending.
- 5.37 The Men's Outreach re-entry program works with prisoners 12 months prior to release and after release. They traditionally provide services to male prisoners, however, they have one female staff member operating through an MOU with the Ngunga Women's Resource Centre to service the female prisoners at WKRP. All staff are well versed in Indigenous cultural matters and, in particular, issues surrounding the structure and social issues of Indigenous communities in the Kimberley.

- 5.38 Men's Outreach appeared to be linking well with both WKRP and the community. They were very active in the prison, developing employment strategies, arranging transportation home and helping prisoners with their self-esteem, self-confidence and anxiety. They also assisted with organising essentials such as identification, housing, child support, negotiation with family and fines enforcement.
- 5.39 Men's Outreach run a voluntary Community Transition Program, consisting of eight modules delivered over four weeks. The program deals with relationships, communication, employment and preparing for change after prison. Men's Outreach informed this Office that the delivery and content of the program had been well accepted by participants. Attendees regularly turn up early for the program without being called to attend and the program has had a continued full complement of participants.
- 5.40 Centrelink interviews prisoners who are about to be released, prepare new claims and issue Electronic Benefit Transfer (EBT) cards containing a one-off crisis payment. Unfortunately, Centrelink had not been able to process all prisoners' EBT cards prior to release, meaning that some prisoners were remaining in Derby after release.<sup>49</sup> Staff at the prison claimed Centrelink could not keep up with demand because they were not adequately staffed, while Centrelink claimed the prison is sometimes unable to facilitate weekly visits because it is short staffed. Either way, the problem must be addressed.

#### Remandees and Legal Aid

- 5.41 Since opening, WKRP has had as many as 32 remandees at any one time, and was holding between nine and 11 at the time of the inspection. The prison aims to include remandees within the prison's re-entry philosophy, including them in life skills courses and offering them work. Although remandees are not required to work in WA prisons, the Superintendent reported that most want to work and sign appropriate waivers.<sup>50</sup>
- 5.42 As stated earlier, WKRP manages its population on the basis of assessing behaviour, family relationships and cultural boundaries rather than just security ratings. This practice extended to remandees who were well-integrated with mainstream prisoners, and enjoying access to short courses and programs. For example, one remandee who had been at WKRP for three months had already completed four short courses, including Certificate IV in Hospitality, and was working in the kitchen.
- 5.43 Remandees were critical both of their access to legal services and of the quality of legal services. They complained that phone calls to lawyers were limited to 10 minutes and that this was not long enough to explain themselves or discuss the case in depth. They said they would much prefer face to face contact but that legal representatives rarely come to the prison. They also felt that pre-court processes were too rushed.<sup>51</sup>

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49 In March 2014, only two out of eight discharges were processed by Centrelink prior to release.

50 OICS, *West Kimberley Regional Prison Liaison Visit Report* (26 February 2014).

51 The Aboriginal Legal Service was struggling under the pressure of severe funding cuts. See: National Aboriginal and Torres Strait Islander Legal Services, *Government to Defund Aboriginal Legal Services Peak Body and all Law Reform and Policy Positions*, media release (17 December 2013).

### Visits

- 5.44 The visits area of WKRP is again conducive to the environment, with Kimberley cultural practices taken into account. The inside area is reasonably big and large glass doors open to the outside visits area. Visitors and prisoners can look into the prison bush land and the doors can be opened to allow breezes to flow through the inside visits area. The outside visits area is grassed and has some bush elements including a boab tree and small shrubs. The fence around this area is similar to a pool fence and does not detract from the ambience.



*Photo 7 : Outside visits area viewed from inside visits area.*

- 5.45 As the Kimberley is so vast, families and friends may have huge distances to travel when visiting prisoners in WKRP. Prisoners were pleased that they were able to have extended visits on weekends for such visitors. However, there was no public transport from Derby and the taxi fare was reportedly about \$30. The walk from Derby to the prison is six to seven kms and the Kimberley climate makes this an arduous task most days. The lack of any public transport represented a difficult obstacle for many potential visitors. The Superintendent was aware of the situation and stated that he was working with a number of stakeholders to try and rectify the situation. However, he said this would not happen quickly.
- 5.46 Although prisoners generally spoke positively regarding visits, they noted that no visits are scheduled for sentenced prisoners on week days. If a prisoner wanted a visit during the week they had to arrange a special visit through staff. They said that this was not always easy to do.

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- 5.47 The Office was also aware that some visitors, who had not booked a visit, were turned away after having travelled some 600 kms. Clearly it is best if visitors do book, but sometimes the Kimberley reality is that this does not happen. The Superintendent agreed that concessions should be made in such circumstances and assured us that he had addressed the issue.

## FUNERALS AND OTHER COMPASSIONATE LEAVE

### Attendance

- 5.48 WKRP was providing an exceptional environment within the prison. It was supporting the cultural beliefs and practices of prisoners, and was committed to assisting them re-enter the community. However, the balance was fragile. The management of permits for absence, in particular for funeral applications, was a major issue for staff as well as prisoners.

This Office understands that not every prisoner can go to a funeral and that funerals should be restricted to those who were most important in a person's life. However, current practices are out of line with the Department's guiding principles for the prison, including cultural responsibilities, spiritual relationships, kinship and family, and community responsibilities. Of the 70 funeral applications proceeded with at WKRP between January 2013 and July 2014, only seven were approved. The reasons for denial are generally that the relationship does not meet the criteria<sup>52</sup> and/or the issue of cost.<sup>53</sup>

### Relationships

- 5.49 Policy Directive 9 (PD9), which governs permits for absence, does not reflect a good understanding of the cultural obligations and family connections of Kimberley Aboriginal people. PD9 permits absence for compassionate leave to be considered only in the situation of immediate family, or where the relationship is considered to be exceptional. 'Immediate family' is defined as relating to biological/legal parent, sibling, child etc., and not a nephew/niece, cousin, uncle/aunt, while an 'exceptional relationship' is defined as generally limited to a primary caregiver relationship only.<sup>54</sup>
- 5.50 These definitions simply do not reflect Kimberley cultural reality. Staff spoke of applications that they had written where they had established a very strong connection between the prisoner and the deceased (in some cases the deceased had raised the prisoner) and yet the application was denied due to the relationship not being immediate family.
- 5.51 PD9 reflects a form of cultural racism. It contravenes the Department's own substantive equality obligations and is totally at odds with its commitments in the prison philosophy. It fails to meet this Office's standards for the treatment of Aboriginal prisoners and to meet a recommendation in our recent review into funerals which was supported in principle by the Department.<sup>55</sup>

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52 Department of Corrective Services – Policy Directive 9 Permit for Absence. Compassionate Leave: 11.4.1 Immediate family includes biological/legal parent, sibling, child etc, NOT nephew/niece, cousin, uncle/aunt.

53 Department of Corrective Services – Policy Directive 9 Appendix 1. Security limitation – no more than four to attend. Financial limitation – cost limit Local community \$2,000. Remote community \$6,000. Total cost per funeral – not more than \$12,000.

54 Only the Assistant Commissioner Custodial Services or a higher approving authority can approve an absence permit for this type of relationship after recommendation by Sentence Management.

55 OICS, *Funeral attendances by incarcerated people in WA* (October 2013) Recommendation 1(a): '[D]evelop a revised funeral policy that enables prisoners to attend funerals where there is a kinship or extended familial relationship, as well as when there is a direct family relationship.'

*Cost*

5.52 Funerals and other compassionate leave were frequently denied on grounds of cost.

The following example is typical:

A prisoner at WKRP applied to attend Wyndham Hospital to visit his mother who was dangerously ill. If conducted by the normal contractor, this would have required chartering a plane and flying two officers and the prisoner to Wyndham Hospital and back. The application was denied on the grounds of cost.

An appeal was lodged and a considerably cheaper quote, involving the prison undertaking the escort was submitted. The appeal was denied due to cost yet the relationship was close, time was not an issue, the second quote fell within the allowable costing amount and the prison had recommended that it go ahead.

The Department dismissed the appeal on the basis that it had a contracted transport provider, that quotes for transport obtained outside this contract could not be considered, and that the contractor's quote was prohibitively expensive.

The prisoner's mother died less than one month later. He was also denied permission to attend the funeral.

5.53 This Office cannot understand why the prison could not have conducted the escort.

The contract does not prevent the Department conducting the escort itself when the contractor cannot deliver the service or the Department can deliver the service cheaper. Nor does it prevent the Department using a different contractor.

5.54 Staff and management at WKRP expressed concern at the lack of understanding by the decision makers in Perth and a strong interest in taking on the transport of prisoners to funerals and other compassionate leave. They felt this would reduce costs and would also increase the chances of prisoners attending critical cultural events. Prisoners and staff were also very concerned that denial of permission to attend funerals was causing depression and grief. The Prison Support Officer (PSO) had taken to assisting prisoners to write sympathy cards to ease their grieving.

5.55 In summary, prisoners who apply to attend funerals or other compassionate leave in remote areas of Western Australia are highly disadvantaged by the maximum cost figure used by the Department. If they are transferred south because of a lack of capacity at WKRP they are further discriminated against.

*Recommendation 12*

*Allow prisons to conduct their own escorts when the contractor's quote is more expensive than that of the prisons, or when the contractor is unable to provide the requested service.*

5.56 Aboriginal staff at WKRP also objected strongly to the Department practice of allowing only 24 hours to appeal against a funeral decision. Staff considered this insufficient time to prepare a case. Often a prisoner had to contact family in remote areas (hard to get hold of) before mounting an appeal against the decision.

*Security When Under Escort*

- 5.57 As a result of policy changes driven by a series of escapes in other parts of the state in 2013/2014,<sup>56</sup> the Department requires restraints to be used for all prisoners attending funerals irrespective of their security rating.
- 5.58 Both staff and prisoners said that prisoners were ashamed to attend funerals in handcuffs and shackles. There was also strong evidence that prisoners and communities related this experience to the infamous 19th century photographs depicting Aboriginal prisoners in chains across the Kimberley and at the nearby 'Boab Prison Tree'. Some prisoners had contemplated not applying to attend a funeral because of this, and despite the fact that cultural and family obligations required they attend.
- 5.59 The change of practice by the Department for all prisoners to be restrained when being escorted outside a prison is nothing more than a knee-jerk reaction to opportunistic escapes by prisoners in circumstances far removed from the Kimberley and not remotely related to funeral attendance.
- 5.60 The change of policy also has a deleterious impact well beyond funerals. Minimum-security prisoners across the state (not just at WKRP) are finding themselves in the situation where they are section 95 approved and work in the community unsupervised, and yet when they need to be escorted to a medical appointment or a funeral they are placed in restraints. It is most unlikely that a prisoner enjoying this degree of trust, and with ample opportunities to abscond, would choose to escape when at a funeral or a medical appointment.
- 5.61 It is understandable that policies may be tightened up in response to escapes. However, it is time for the Department to revisit the blanket scope of its current policies.

*Recommendation 13*

*Revise the blanket policies which require restraints to be used on all prisoners attending funerals and medical treatment, adopting a more nuanced approach to risk management, including recognition of minimum-security status or section 95 approval.*

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56 DCS, *Assistant Commissioner Custodial Operations Notice 17/2014*.

# Chapter 6

## WOMEN IN WKRP

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### THE PHYSICAL ENVIRONMENT

- 6.1 Female prisoners are accommodated in a separate, 'self-contained' section of the prison. The women's unit comprises five houses, each accommodating six prisoners. On the first day of the on-site inspection, there were 27 women at WKRP.
- 6.2 The accommodation units in other parts of the prison all have a door located at the rear of the house. This serves as an alternative entry point if needed, but also as an alternative exit point in the case of fire. Houses in the female section do not have this second door. This appears to be a major oversight in the planning and design and places staff and prisoners at risk. It must be rectified.<sup>57</sup>

#### *Recommendation 14*

*Fit fire doors to the houses in the women's section.*

- 6.3 In a mixed gender prison it is necessary to ensure sufficient privacy. As a design feature, there has been a large mound of dirt placed between the maximum-security section and the female section. This prevents a direct line of sight between these areas and the mound's shrubs and trees further enhance the environment and the privacy. The mound area was sealed off by fences running between the maximum and the female sections thus preventing prisoner access. However, the front fenced area of the female section had generated some privacy problems. This was being addressed with a new wall, inside the fence, to screen off the view.
- 6.4 Like the rest of the prison the physical environment of the women's section is very pleasant and comes as close to resembling a home environment as is possible in a prison setting. The women had been able to utilise areas of open space by planting vegetable and flower gardens. This developed into a positive life skilling opportunity for the women with the involvement of Edge of Nowhere, a non-government organisation, providing training in horticulture and market gardening. Edge of Nowhere attends the prison one day each fortnight and works with 28 women and 10 men.
- 6.5 The women's unit has its own designated rooms for education, complete with a good number of computer workstations, and a small, but appropriately stocked library. Recreation options for the women within the unit include table tennis, a pool table and basketball/volleyball court.

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57 At the time of the inspection it was suggested that a battery operated angle grinder would be able to cut out a window of the house and retrieve the women if necessary. However, this was untested and would appear unfeasible in an emergency such as fire.

- 6.6 Shortly before the inspection, some outdoor, fixed gym equipment was installed in a shaded outdoor area in the women's section. This equipment is of the same kind as that found along communal footpaths in many suburbs in and around Perth.



*Photo 8 : Outdoor gym equipment in women's unit.*

- 6.7 Life for the women at WKRP follows the same self-care model that is in place for the majority of the male prisoners, excluding those participating in the orientation program and those rated maximum-security.<sup>58</sup> There is a canteen/supermarket in the women's section solely for their use, from which they can purchase canteen 'spends' and household food.
- 6.8 The longer term aim is for the women to be allocated a weekly shopping budget and to shop at the supermarket according to a traffic light, healthy choice system. This system has been explored in detail in recent reports on Bunbury and Boronia.<sup>59</sup> Currently, however, the women are issued with weekly supplies by the canteen officer. The introduction of this system at WKRP will significantly expand the range of life skills the women can acquire. They would need to work as a group within each house to plan meals and budget to purchase the necessary goods each week. This Office looks forward to seeing this system in place.

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58 These prisoners are accommodated in houses that are fitted for self-catering but it is not in place.

59 See: OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011); OICS, *Report of an Announced Inspection of Boronia Pre-release Centre for Women*, Report No. 79 (July 2012); OICS, *Report of an Announced Inspection of Boronia Pre-release Centre for Women*, Report No. 62 (November 2009); and OICS, *Report of an Announced Inspection of Boronia Pre-release Centre for Women*, Report No. 42 (April 2007).

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#### WOMEN'S SUPPORT OFFICER (WSO)

- 6.9 The WSO's work was predominantly directed towards ensuring that the women were equipped with the life skills they needed to live in the self-care environment of WKRP. The WSO compiled weekly rosters for each house indicating responsibilities for cooking, cleaning and other necessary household activities. The rosters changed frequently so each woman got the opportunity to practise life skills in different areas.
- 6.10 The WSO met with the spokespersons for each of the women's houses every morning. This was an opportunity for her to receive feedback about how each house was travelling – how the rosters were working, whether there were any problems in the house that need addressing and so on. If problems were identified in a particular house or houses, the WSO allocated times in her schedule to spend time in the house/s to assist the women to resolve the issues. So, for example, on Tuesday and Thursday afternoons, the WSO assisted with preparing the evening meal in houses that had been identified as requiring support with this particular life skill.
- 6.11 The WSO also arranged for external agencies to attend the prison specifically for the women, although due to the high level of engagement of the women in education, the WSO explained that she was often only able to facilitate these external agencies to attend during school holidays. The WSO made time in her schedule for the women to approach her about any family or community liaison issues, including matters relating to their children who may be in state care. Finally, the WSO coordinated passive recreation activities for the women, the most popular of which was jewellery making.
- 6.12 Although the WSO had been employed at the prison since it opened she had only been in the position she was actually employed in (the WSO position) for about eight months. When she first arrived to take up the WSO position she was told that she had to perform the canteen officer function in the absence of a canteen officer at the time. This predicament had been remedied at the time of the inspection but it is bad practice to force people to perform roles other than those for which they were employed. In this case, the WSO was not comfortable with having to do the canteen officer's job and for over 12 months was unable to provide appropriate services to the women she was employed to support.

#### ACTIVITIES FOR THE WOMEN

- 6.13 The 27 female prisoners at WKRP at the time of the inspection were well-engaged in a range of activities. Only three were not working. The employment activities included: recreation, the canteen in the women's section, grounds maintenance, laundry, cleaning, and unit work. Further, a number of the women were involved in education, some of which was integrated with the male prisoners.
- 6.14 There were also a range of recreation options available for the women. The recreation officer was proactive in arranging activities for the women as well as for the male prisoners, including mixed (male and female prisoners) volleyball matches. There was also a walking program in place for the women, three times a week, during the recreation period. Those women interested in the walking program could walk around the oval at the same time as the male prisoners are recreating on the oval.

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- 6.15 The most common complaint the women raised with regard to recreation was the lack of shade over the basketball/volleyball court. This meant that the area got little if any use in the hotter months of the year and had no protection from rains during the wet season. Some form of shade/cover over the basketball court would not only allow maximum use of this facility as a basketball court but would also allow the area to be used for a range of other activities throughout the year.
- 6.16 The recreation officer was aware that the male prisoners had more options than the women, and hoped to improve this situation. It was refreshing for the inspection team to hear this, as too often women in a predominantly male facility are a forgotten minority.

#### INTEGRATION

- 6.17 This Office has long been frustrated with the contradictory approaches taken by the Department at different prisons with regard to the mixing of male and female prisoners. Over the years these approaches have ranged from a strict no mixing policy (invariably adopted at Greenough Regional Prison), to a severely restricted mixing policy (Broome and also, at times in the past, Eastern Goldfields Regional Prison), to a somewhat more relaxed, yet appropriately supervised approach (seen at Roebourne in the past and at Eastern Goldfields).
- 6.18 This Office's recent report on women's prisons and the Greenough women's precinct, argued as follows:<sup>60</sup>
- This Office has always acknowledged the complexity of managing the relationships and association between men and women in mixed prisons. On the one hand, strict separation frequently has a negative impact on service access and also denies the opportunity for prisoners to engage in normal social relationships as they would in the community. On the other hand, many women come from backgrounds of domestic violence and poor relationships, and exposure to male prisoners can be a cause of further trauma. *However, we take the view that for cultural and social reasons, and based on careful risk assessments, male and female prisoners should be given the opportunity to voluntarily mix under appropriately managed circumstances.*
- 6.19 WKRP had embedded exactly this approach, and was an exemplar of good practice in how to mix and manage males and females. Integration was being appropriately managed, with men and women undertaking some education classes together and having some mixed recreation opportunities. The prison was well aware of the need to ensure that women are not disadvantaged by being a minority in a majority male prison and to balance appropriately supervised integration with sufficient gender-specific activities.

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60 OICS, *Female Prisons in Western Australia and the Greenough Women's Precinct*, Report No. 91 (July 2014) 39 (emphasis added).



*Photo 9 : Interaction between male and female prisoners at the oval with appropriate supervision.*

#### RELATIONSHIPS WITH OFFICERS

6.20 The officers working in the women’s section do not work there permanently; rather they rotate through the area as the roster dictates. There are both advantages and drawbacks associated with this system. On the one hand, having different officers running the unit keeps officers ‘fresh’ and reduces the risk of difficult relationships between the women and the officers from festering. However, this does restrict the officers from getting to know the women and the regime in the unit. This can be destabilising, particularly if different officers apply the rules differently.

6.21 All staff working in the women’s section should have suitable training in working with female offenders. This means that all officers working at WKRP should receive this training since any officer could potentially roster through the women’s section. Some officers working at WKRP had been through the working with female offenders training course provided by the Academy. Many officers, however, had not received this training, mainly due to the absence of a satellite trainer at the prison (see also Chapter 3).

#### CONCLUSION

6.22 Following from critical reports by this Office, the Department has recently committed to revitalising its focus on women’s imprisonment. WKRP is an example from which it should certainly learn in terms of the general treatment of women.

- 6.23 WKRP also had the balance right in terms of allowing positive and appropriate mixing of male and female prisoners. The Department recently rejected a recommendation that voluntary, meaningful and respectful interaction should be allowed at all its mixed gender prisons, subject to individual risk assessments and appropriate supervision. It said the risks and safety issues ‘cannot be mitigated at certain sites’. However, it provided no details as to which sites or why.<sup>61</sup> It should revisit this stance or provide supporting evidence and detail.

*Recommendation 15*

*Learn from the way in which WKRP approaches the management of female prisoners and ensure that all the state’s mixed gender prisons allow integration, subject to appropriate individual risk assessments and supervision.*

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61 Ibid., Recommendation 10.

# Chapter 7

## HEALTH AND MENTAL HEALTH

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### THE HEALTH TEAM

- 7.1 The health team at West Kimberley Regional Prison (WKRP) comprised one full-time nurse manager; three full-time nurses; one comorbidity nurse; one full-time resource coordinator; one full-time senior medical receptionist; and a part-time medical officer. It was a motivated and close knit team which integrated well into the prison. Morale was good, and turnover of staff was low.
- 7.2 The WKRP health centre is not a 24-hour facility. Regardless of whether it should or should not offer a 24-hour service, health centre staff did indicate that they would prefer to work a different shift pattern in order to provide a more comprehensive service. At the time they were working eight hour shifts. They argued that changing to 10-hour shifts would not only improve coverage but also facilitate a better work-life balance.
- 7.3 The eight hour shift did limit some aspects of the delivery of health care to prisoners, in particular dispensing medications. In order to fit in with the nurses' shifts and the prison's regime, evening medications were being dispensed to prisoners quite early. This was problematic for those prisoners on sedative medications which would make them sleepy early in the evening and awake later at night.

#### *Recommendation 16*

*Review processes at WKRP to achieve a more appropriate and timely distribution of medications.*

- 7.4 Relationships with Head Office in Perth are good but it is difficult to manage a health care facility in Derby from Perth. Such distance demands a substantial degree of autonomy. However, this had not been a major issue and staff, including those relieving in positions, appeared to be capable of making well informed and good decisions. Access to the Department's senior nursing staff was said to be good.
- 7.5 Training was an issue throughout the prison at the time of the inspection and the health centre was no exception. It was found that even mandatory training at the centre was not up to date. This not only presents a risk to staff and prisoners but to nurses should an incident arise. Staff also complained of professional isolation; while staff in Perth had opportunities for continued personal training, these were not available to WKRP health staff, even via video link. Links had been made with the Derby Hospital and discussions were under way at the time of the inspection regarding a memorandum of understanding (MOU) allowing participation in local continuing professional development (CPD) activities and programs.

#### *Recommendation 17*

*Ensure that all medical staff are provided with timely opportunities to attend mandatory training.*

## THE HEALTH CENTRE

### Design

- 7.6 The health centre had been located as part of the perimeter of the female section. This allowed the female prisoners to enter the centre without coming into contact with male prisoners and vice versa. The centre was only open to patients when a uniformed officer was present. An officer was routinely present on weekdays from 7.00 am until 3.00 pm. After this time and during weekends roving officers covered this duty, but were sometimes unavailable due to other priorities. Weekends could be busy with football games and other activities. This had not been an issue, however, and it was rare for an appointment to be cancelled because an officer was not available.
- 7.7 The four consultation rooms appeared sufficient for the population of WKRP and of an appropriate size for general medical examinations and consultations. However, the consultation rooms did not have an observation window/outlet door and so, if an incident occurred, the officer outside the room would not be able to see or hear the incident and respond. As a result of an incident that did occur in the health centre, the door to the consultation room was being left ajar during all consultations, compromising confidentiality.
- 7.8 Staff made a number of positive suggestions to alter the layout of the area around the disciplinary officer's desk to maintain the officer's security function but to improve patient confidentiality. After the completion of the inspection, this Office was copied into an email from medical staff to the Superintendent of WKRP giving examples of ideas and outlining some small changes that had already been implemented.
- 7.9 While the centre was designed to be able to service both men and women at the same time while still keeping them separated and out of view, this required two officers to be in attendance (one on each side). As there is only one full-time equivalent (FTE) allocated to this area this could not be achieved. The practice at the time of the inspection was to run the men's and women's consultations at separate times. This arrangement appeared to work well although it did mean that the female section of the health centre (being the smaller side) was not being used at all.
- 7.10 While most of the WKRP has been designed well and suits the Kimberley weather and the Kimberley Aboriginal culture there appears to have been little or no consultation with Aboriginal people regarding the design of the health centre. The centre is very clinical and is not culturally welcoming. Staff had a number of good suggestions for simple alterations to improve this: the use of softer edges, curves, earthy colours, natural materials, and use of compact earth rather than concrete in outside areas.



*Photo 10 : Medical Treatment Room.*

## HEALTH CENTRE OPERATION

### Screening Processes

- 7.11 At WKRP (as with all WA prisons) there is a three-stage screening process:
1. On arrival every prisoner undergoes a standard assessment by a prison officer as part of the reception process. This standard assessment includes basic questions surrounding their current health, risk assessment of self-harm and other factors related to placement and future management of the prisoner.
  2. All prisoners are seen within 24 hours of arrival by a nurse. However, when asked for confirmation of this, no audit had been undertaken to prove all prisoners had been seen within the required 24 hours. A standard adult initial health screen is applied, and a basic examination (e.g. height, weight, blood pressure etc.) is undertaken.
  3. Blood tests are undertaken on a Tuesday, and flown to Perth for analysis. All results are reviewed by the General Practitioner (GP).
- 7.12 All prisoners should be seen by a GP within 28 days of arrival. However, no audit had been undertaken to verify if this occurred. Patients could be prioritised and seen earlier if required.
- 7.13 The initial screening tool is comprehensive but not specifically designed for Indigenous patients. There was no standardised mental health assessment undertaken, although this was 'covered' during the admission screening, and there was no standardised assessment of substance misuse history or withdrawal.

### Emergencies

7.14 The treatment room was large, airy, adequately equipped, and stocked with in date emergency medicines. There was a snake bite and spider bite emergency pack, and oxygen was available, in a cylinder, which was appropriately tethered to a trolley. Only two emergencies have occurred since the prison opened, and both of these involved staff. There is an electric cart parked outside the healthcare centre for the sole use of the healthcare centre, for the transportation of emergency medical equipment should it be required elsewhere within the prison. If an urgent transfer is required, patients can be transferred to Derby Hospital for stabilisation prior to being flown to Perth by the Royal Flying Doctor Service for medical treatment.

### Access to Primary Care

7.15 The appointment system at WKRP involves use of cards, prepared by healthcare and given to prisoners on reception at the prison. The card has the prisoner's name on the back and if they wish to see healthcare they put the card in a box in their nearby officer pod. The cards are collected twice per day. Alternatively the prisoner can inform an officer who will contact health centre reception, to make an appointment. The card is returned to the prisoner when they arrive for their appointment.

7.16 In general it appeared that prisoners had good and timely access to the nursing staff and the GP. GP sessions are offered four days per week and it appeared that this was sufficient for the number of prisoners at WKRP at the time of the inspection. However, any increase in numbers would strain resources.

### Specialist Input

7.17 The health centre offers a number of specialist clinics as listed below:

- podiatry: a clinic was held once per month, with each clinic booked out;
- dietician: a clinic is held once per month;
- ear nose and throat: a clinic is run at Derby Hospital and one session is available every three months; the prison is offered two appointments during each session (i.e. eight appointments per year);
- a physician (specialist) attends the prison once every three months and the cases are referred by the doctor at WKRP; and
- Tele-health,<sup>62</sup> while Tele-health is available it is not favoured by the Aboriginal community so is rarely used.

7.18 The Health Centre does not offer:

- audiology; and
- optometry, however, ophthalmology appointments can be obtained at Broome Hospital and reading glasses are made available.

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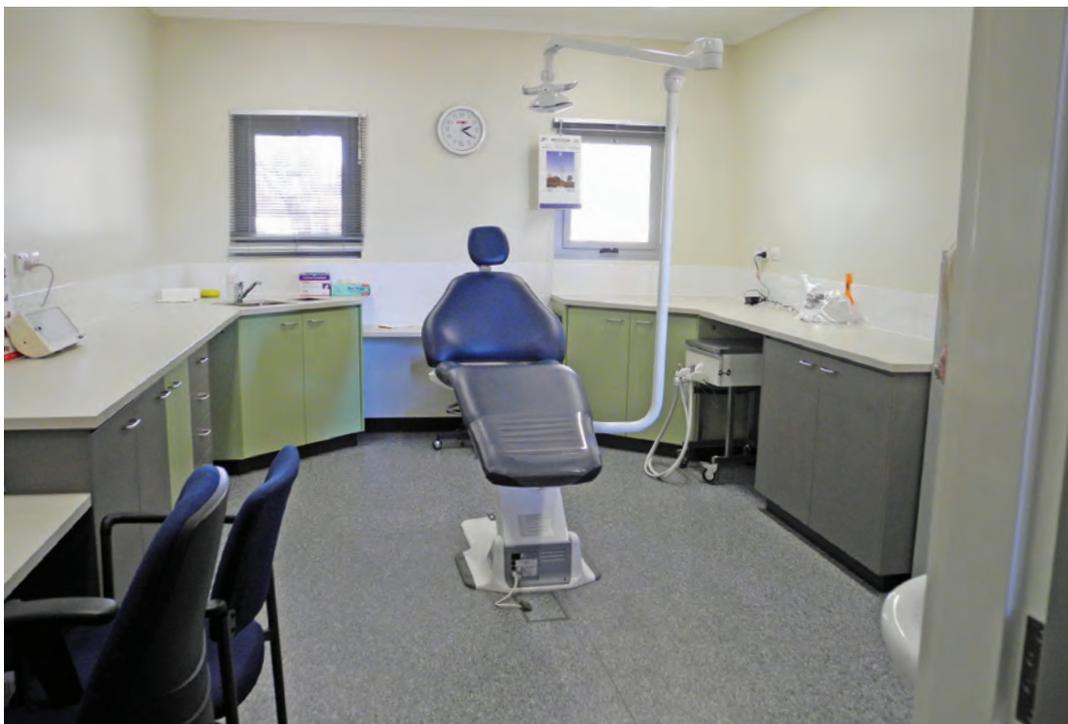
62 Tele-health is the use of telecommunication technologies such as videoconferencing.

### Appointments in Broome

- 7.19 Medical procedures that cannot be undertaken in the local hospital in Derby are provided in Broome. Serco was providing a transport service twice per week to Broome Regional Prison (BRP) and accommodated these appointments where possible. This meant that prisoners were transferred to BRP where they waited for their appointment scheduled in the coming days. After prisoners had attended their appointment they were returned to BRP to await the next transport back to WKRP.
- 7.20 BRP is only a short distance from the hospital but there had been some problems getting prisoners to the hospital as a result of other/over lapping commitments by Serco. In addition Serco could not provide a service on Mondays or Fridays. In these cases BRP endeavoured to facilitate the transport of prisoners to the hospital.

### Dentistry

- 7.21 It is generally accepted that the oral hygiene among prisoners is very poor and that the level of tooth decay and dental ill health is very high. There is a need in all prisons for the dental services provided in the prisons to be of equal if not higher standard than that of the community.
- 7.22 To address this WKRP has a fully equipped dental suite and a visiting dental service has recently been established. The dentist visits the prison accompanied by one dental nurse for one session per fortnight. This has significantly improved the number of patients who can be seen as previously only four per week could be seen. The dental appointments are triaged and there is a four week waiting list.



*Photo 11 : Modern well equipped dental facilities.*

### Prevention

- 7.23 The prison provides some formal health promotion and prevention programs, particularly in relation to Blood Bourne Virus transmission. There was also an active immunisation program run in collaboration with the Kimberley Population Health Unit.
- 7.24 While there were posters in the healthcare centre promoting sexual health and the use of condoms, condoms were only available upon request, and on release from prison. Prisoners should not be identifiable if they need a condom and there should be a mechanism such as a condom dispenser in toilet areas to prevent this from occurring.
- 7.25 In the community some clinics run the National Well Men program and Women Too program and are very successful in not only improving the health of those that attend but in educating people in identifying possible health issues, healthier sex practices and cover areas such as family planning, menopause and prostate issues. Unfortunately, there is no such clinic held at the WKRP.

### Chronic Disease Management

- 7.26 There are a large number of chronic diseases that could be included in any Chronic Disease Management Plan, however, it would be impracticable to try and actively cover all of these. WKRP actively covers the Blood Bourne Virus, Cardiovascular and diabetes portfolios. While 15–20 prisoners at WKRP are known to carry Hepatitis B virus, it is believed that none carry Hepatitis C. Screening is offered to all prisoners but is not compulsory.

### Pregnancy

- 7.27 PD10 requires that any pregnant woman in a regional prison must be transferred to Bandyup Women's Prison once she reaches 20 weeks.<sup>63</sup> The assumption is that all pregnant prisoners face a high risk of complications due to lifestyle factors, including substance abuse. During an inspection of Bandyup Women's Prison in March 2014,<sup>64</sup> staff advised that the policy was largely driven by the Women and Newborn Drug and Alcohol Services (WANDAS) at King Edward Memorial Hospital, which manages high risk pregnancies and which is where the women deliver.
- 7.28 At the time of the Bandyup inspection, a review of this Policy Directive was apparently under way due to the anguish it causes women separated from their support networks during pregnancy. This was particularly distressing for out-of-country Aboriginal women.<sup>65</sup> However, at the time of this inspection Department policy still required all female prisoners who are at 20 weeks of pregnancy to be transferred to Perth for obstetric care. Women were therefore sent to Bandyup Women's Prison where access to King Edward Memorial Hospital is easier.

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63 DCS, *Policy Directive 10 – Prisoner Mothers/Primary Carers and their Children* (2007).

64 OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 93 (October 2014).

65 The Department of Corrective Services has noted that if agreements can be reached with regional hospitals to provide similar services to those received through the current arrangement, then pregnant women could remain in regional prisons longer. This Office will continue to monitor efforts to achieve this outcome.

- 7.29 The Department has already supported in principle, the following recommendation and this Office will continue to monitor progress:

Update Policy Directive 10 to provide: (a) more flexible transfer criteria for pregnant women in regional prisons so that they are not routinely moved to Bandyup at 20 weeks and that transfers are based on individual risk assessment; and (b) enhanced opportunities for children to have overnight or day-stays with their mothers or other carers in Bandyup, subject to appropriate risk assessments.<sup>66</sup>

#### Indigenous Health Care

- 7.30 It would appear that relationships with the local Aboriginal Medical Service could be stronger. Although there is regular contact with the service at a clinical level, there is little strategic alliance or joint planning of services. There was also no local Aboriginal healthcare strategy
- 7.31 No Aboriginal healthcare staff are employed at WKRP, though the comorbidity team member is from a Maori community in New Zealand. WKRP healthcare staff have not received any formal cultural awareness training but expressed a keenness to do so. The healthcare staff do appear to be interested in learning about Kimberley Aboriginal culture and some have taken it upon themselves to learn more.

### MENTAL HEALTH

#### Mental Health

- 7.32 Rates of mental health in the prison appear to be lower than rates found in other prisons. This may be a function of the supportive ethos of the prison and the cultural sensitivities which have been taken into account in designing the prison regime.
- 7.33 Factors which commonly operate within prisons and which have the potential to adversely affect mental health include overcrowding, poor environmental conditions, poor quality food, inadequate health care, aggression (physical, verbal, racial or sexual), lack of purposeful activity, the availability of illicit drugs, enforced solitude, distance from family, lack of privacy. None of these are applicable in WKRP. This potentially reduces stress levels within the prison, and may not have the negative impact on mental health seen in other institutions.
- 7.34 The recent MOU developed between the Department and the Department of Health precluded the charging by the Department of Health for any health services provided. This may have had an impact on the level of service provision by local mental health services.
- 7.35 Should a prisoner require admission to hospital for mental health treatment, there are three authorised locked beds in Broome Hospital. If treatment could be provided in Broome (subject to appropriate security being in place), a lengthy and costly trip to Perth could be avoided. To date this has not happened. No agreement is in place whereby this could be arranged at short notice were it to become necessary.

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66 OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 93 (October 2014) Recommendation 31.

*Recommendation 18*

*The Department to initiate discussions with the Health Department and the Mental Health Commission to allow mentally ill prisoners from WKRP to receive inpatient treatment in a locked authorised bed in Broome Hospital rather than being transported to Perth.*

## Chapter 8

### BROOME REGIONAL PRISON AND THE WYNDHAM WORK CAMP

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#### WHERE HAS BROOME BEEN AND WHERE IS IT NOW?

- 8.1 On 22 August 2012 the then Minister for Corrective Services announced that Broome Regional Prison (BRP) would close in December 2015.<sup>67</sup> The announcement coincided with the impending opening of West Kimberley Regional Prison (WKRKRP). In line with recommendations made by this Office,<sup>68</sup> the Minister intended that the three year lead-in time to closure would allow the Department to plan how custodial-related services required in Broome could be maintained without a fully operational prison facility and for staff to be gradually transferred elsewhere. In the meantime, the Minister stated that the prison would focus on accommodating a critical mass of Indonesian national prisoners (108 being in the system at that time), remand prisoners required for court in Broome, and managing locally arrested accused.
- 8.2 At the time, BRP was the oldest operational prison in Western Australia, first being gazetted for operation in 1894. Located centrally on around 2.5 hectares in the centre of town, the prison's original buildings have been gradually replaced over the years, though one structure, the 'bull pen', a roofed, cage-like enclosure, remains in use. The current incarnation of the prison opened in February 1945.<sup>69</sup>



Photo 12 : Inside Broome Regional Prison.

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67 Hon. Murray Cowper MLA, *Broome Prison to remain open for three years* (22 August 2012).

68 OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 77 (March 2012).

69 DCS, 'Broome Regional Prison', <<http://www.correctiveservices.wa.gov.au/prisons/prison-locations/broome.aspx>>

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- 8.3 Discussions about the future of the prison have been ongoing for at least the past 15 years. Just eight days after the completion of our first inspection of BRP, on 7 July 2001, the Government announced the building of a new prison in the Kimberley. Newspaper reports at the time described BRP as ‘WA’s worst jail’, and the [then] Minister stated it was ‘chronically overcrowded and needed replacing’ and that the women jailed in Broome were ‘the worst treated prisoners in WA’.<sup>70</sup>
- 8.4 When the second inspection took place in May 2004 however, there had been little direct action to progress a new prison,<sup>71</sup> nor to address the problems identified at the prison in 2001.<sup>72</sup> This situation had still not changed when our next inspection of BRP commenced in March 2007. The uncertainty was finally resolved later that year when it was announced that a new ‘full service’ prison for males and females would be constructed in the Derby area.<sup>73</sup> At that time, however, a substantial amount of money was also committed to the refurbishment of BRP, and staff were assured that the prison did have a future in the custodial estate.<sup>74</sup>
- 8.5 The last inspection of BRP by this Office took place in September 2011. It found there had been gradual, although fragile improvements to operations along with around \$11 million of infrastructure works since 2007. Despite this, this Office remained concerned for its future viability given the limited ability to expand or further improve the prison’s infrastructure. It was recognised that ‘Broome’s future is inextricably tied up with the opening of the new prison at Derby’,<sup>75</sup> but there was no announcement about its future until the August 2012 Ministerial statement.
- 8.6 When WKRP opened, BRP was downgraded from an independent facility to an annexe of WKRP. This meant that responsibility and authority for its operations ultimately came from the Superintendent of WKRP, 222 kms away. All other operational management positions were also controlled from WKRP, with the exception of an Assistant Superintendent (BRP), who was located on-site and was responsible for the day to day operations of the facility.<sup>76</sup>
- 8.7 A member of WKRP’s senior management team visited BRP fortnightly to provide on-site support to the BRP Assistant Superintendent and to ensure BRP’s interests and needs were represented in the ‘big picture’ decision-making for the region’s custodial needs. Alternatively the Assistant Superintendent from BRP would visit WKRP for a day, but time restraints and lack of vehicle meant this occurred infrequently.
- 8.8 As a result of WKRP opening, the downgrading of BRP, and the decision to eventually close the prison, it was decided that prisoner numbers at BRP would be radically reduced. At the time of this inspection the Department had set its operational capacity at just 32 prisoners. While the Department’s website still stated that the prison was to accommodate

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70 Anne Burns, ‘\$50m to replace WA’s worst jail’, *The West Australian* (7 July 2001) 8.

71 OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 27 (March 2005) 2.

72 Ibid.

73 OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 46 (October 2007) ii.

74 Ibid., 4.

75 OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 77 (March 2012) iv.

76 See below.

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all security levels of male and female prisoners,<sup>77</sup> the prison told us that it was not supposed to hold female prisoners and had not been staffed to do so, even though it continued to do so at times. With the reduction in prisoners came a sharp cut to staff, both uniformed and non-uniformed, and the elimination of a number of services provided on-site.

- 8.9 BRP never fully realised the function envisaged by the Minister in 2012 of an accommodation hub for Indonesian born prisoners. Federal government policy changes saw such prisoners being processed outside Western Australia and charged with lesser offences that did not carry such long sentences. Those who had been sentenced over previous years gradually began to be released, shrinking the Indonesian prisoner population. At the time of this inspection BRP housed only three Indonesian prisoners.
- 8.10 Since its annexure, therefore, BRP's main functions have been as a receival facility for local arrestees, providing short term accommodation for remandees appearing at Broome Court, and as a transition point for prisoners moving north-south. Because each of these functions involved prisoner groups with high turnover rates, BRP was processing and receiving nearly the same number of prisoners as it had been prior to its downsizing, but with less staff.

#### LACK OF DIRECTION, LACK OF ACCOUNTABILITY AND LACK OF RESPECT

- 8.11 In preparation for this inspection in July 2014, the Inspector requested all documents and internal reports associated with the decision to close BRP in December 2015. The response was that no such documents or reports existed. Minutes from Commissioner's Executive Team meetings only showed that the proposal was considered and authorised.
- 8.12 The lack of detail and accountability displayed in the decision-making process to close the prison is staggering. There is no documented evidence that the Department gave proper consideration to how the custodial and justice needs left by the closure of BRP were going to be met in the future or, indeed, to the interests of its employees.
- 8.13 When the closure announcement was made, a communications group was initiated to ensure staff were kept informed and to feed suggestions and information into the process. After only three meetings over two months the meetings stopped without explanation. This left an information vacuum and left staff feeling disrespected and neglected.
- 8.14 Between the Ministerial announcement in August 2012 and this inspection in July 2014, the only evidence the Office was provided of action to clarify the situation for the West Kimberley community, Departmental staff and other key parties was a vague and rudimentary *Draft Business Case – Future of Kimberley Custodial Corrections*.<sup>78</sup> This business case had not involved any real consultation, had yet to be approved, and had been viewed by very few people within the Department, including the Acting Deputy Commissioner for Adult Justice.

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77 <<http://www.correctiveservices.wa.gov.au/prisons/prison-locations/broome.aspx>>. As at 10 September 2014, the webpage continued to contain a number of inaccurate statements about Broome Regional Prison and the services available, such as its focus on education and training, supervised community work outside the prison (both of which are no longer available) and that it manages Wyndham Work Camp (now a function of West Kimberley Regional Prison).

78 DCS, *Draft Business Case – Future of Kimberley Custodial Corrections* (2014, v20.1). See also [8.16]–[8.21].

- 8.15 At the time of the inspection, staff at BRP were still in the dark about their future. Departmental managers had not been to the prison to see them, to let them know what was happening, or to ask their views. Most had lived in Broome for a long time, had homes and children settled in the town, and needed to start planning what they would do if the prison did close in 18 months' time (or perhaps even sooner).
- 8.16 The Draft Business Case purported to address:
- existing Kimberley custodial facilities and their condition;<sup>79</sup>
  - transport services available in the region and generalised costs;
  - WKRP operations and focus;
  - identification of basic gaps in service, in particular options for those with short-term sentences; and
  - the need to accommodate prisoners close to country.
- 8.17 It provided a number of options to address the custodial needs of the region, all of which involved the provision of a new facility, either in Broome or Kununurra.
- 8.18 Obviously WKRP is pivotal to Kimberley custodial planning but the Superintendent reported only having one phone discussion during the drafting of the document, and had not been provided with any feedback after the initial conversation.
- 8.19 Other agencies and groups will be impacted by the closure of BRP and all of them have a stake in future planning. The courts rely on the prison to hold remanded accused required for court; police transfer custody of many arrested persons to the prison so they do not have to be detained for long periods in inappropriate police lockups; community organisations have provided services into the prison and have been supported by prisoners' work; and the wider community has benefited from prisoner and staff involvement. At the time of the inspection only the police had had any contact with the Department, and this had only occurred shortly before the inspection.
- 8.20 A meeting with the Broome Shire Council revealed that they had not been contacted at any stage about the closure and that they had only heard the news second hand. They were disappointed there had been no exploration of options or needs of local community. The loss of section 95 prisoners had had an impact, as prisoners had helped build the amenity of the community. The Council representative said that future population projections for the immediate region indicated that growth would continue and they hoped that this would be factored in when the Department was making any decision about service needs for the region.
- 8.21 On BRP's closure it may become necessary to arrange daily transfers of prisoners from WKRP to the court house in Broome, a distance of 222 kms, if they cannot appear by video. The cost of transport will need to be considered, in addition to the risk of constant long transfers in less than optimal conditions. The risks associated with long distance remote area travel, highlighted by the tragic case of Mr Ward, should not be forgotten.

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79 DCS, *Kimberley Custodial Facilities Review* (February 2012).

Another complexity is that transport contractor, Serco, does not presently provide coverage for this. The vehicles used in the Kimberley are also unsuitable as there is no ability to separate gender, age or protection needs.

- 8.22 An anticipated increased workload on police must also be considered, as arrestees will need to be accommodated within the lockup, or transported to WKRP. It will increase the risks to those being accommodated and increase demand for police to monitor and service those within the lockups. Again the tragic recent death of a young woman being held in a regional police lockup over three days for unpaid fines, should be a constant reminder of the need for appropriate facilities and services for those in short term custody.<sup>80</sup>

*Recommendation 19*

*The Department must finalise its planning for the closure of Broome Regional Prison and for the future of custodial corrections in the Kimberley, including genuine consultation with stakeholders and communication with its staff.*

**PRISON OR ANNEXE?**

- 8.23 Some operational confusion had been created by a lack of consistency regarding BRP's status: was it an independent prison or just an annexe of WKRP? At the time of the inspection the Department's electronic information system, TOMS listed and treated BRP as a fully functioning prison.<sup>81</sup> But it was not funded, staffed or operated as such.
- 8.24 This confusion created unnecessary work and bureaucratic red tape, the best example being the high number of transfers back and forth between BRP and WKRP. Each time a prisoner moved between the two places, it was treated as a move between two separate prisons, requiring a formal re-assessment and the filing of applicable paperwork. Significant improvements in efficiency could be achieved if the movement could be treated as a change of location within the one facility.
- 8.25 Another example was the need to reassess prisoners for section 95 suitability if they moved between the two prisons. If suitability for section 95 was assessed via a centralised section 95 approval process that applied statewide and was only redone if there was a change in circumstance for the individual prisoner, there would be significant savings system wide.

*Recommendation 20*

*Cease the practice whereby prisoners automatically lose section 95 status on transfer between prisons.*

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80 Ms Dhu, 22, died on August 4, 2014 after being locked up in the South Hedland Police Station in Western Australia over unpaid fines.

81 The Office of the Inspector of Custodial Services continued to view Broome Regional Prison as a separately operating facility on the TOMS until early September 2014, at which time it was removed and the Department viewed it as an annex of West Kimberley Regional Prison.

- 8.26 Regardless of how few prisoners a prison accommodates, there are certain functions and services that must be provided and procedures followed. The reduction in staffing and resources at BRP since its downgrading had placed the ability of management and staff to follow some required procedures and policies at jeopardy and had created a risk for prisoners. Staff identified a number of Policy Directives (PDs) that could not be followed with current staffing levels and distribution, but no formal exemptions from following the PDs had been given.
- 8.27 Managing any number of female prisoners was complicated as the prison only had three female uniformed staff on its roster. Management was also complicated by the social and cultural norms and rules of the often traditional Aboriginal women accommodated at the prison relating to their interactions with males (including male prison staff). It is also against many PDs for male officers to undertake certain tasks in relation to female prisoners, including strip searches.
- 8.28 Another example was in relation to the supervision of prisoners needing a transfer to hospital. Recent prisoner escapes resulted in changes to PDs concerning the restraint and supervision of any prisoner (regardless of security classification) when on escort, including hospital stays. The prison simply did not have enough staff on a daily basis to comply with the new PD without totally shutting the prison down. The low number of overall staff available also made it extremely hard to source staff on overtime to undertake these kinds of additional shifts.
- 8.29 Those working at BRP believe that many of the problems could have been overcome by better consultation prior to the downsizing. The disjoint between the way the reduction in services and staffing has been conducted and the practical operational needs and realities is apparent. At times it is only the goodwill of staff that has allowed some services to be accessible to prisoners and for the prison to function. Despite this, services for prisoners had decreased and were harder to access. For as long as Broome remains open, the Department needs to ensure it is adequately staffed (see Recommendation 21 below).

#### **WHO IS AT BROOME REGIONAL PRISON AND WHO SHOULD BE THERE?**

- 8.30 Over recent years, BRP has accommodated prisoners of all security classifications, both male and female. Prior to its downsizing, it predominantly accommodated minimum-security males, many of whom participated in work and other activities in the community. A smaller number of remand prisoners had been accommodated on-site, as well as higher security men returning to the region for visits with family. Women had also been accommodated.
- 8.31 On the first day of our inspection Broome was accommodating 28 prisoners. Since the downgrade to an annexe the population had generally fluctuated between 19 and 42; consisting of minimum, medium and maximum prisoners, both male and female.
- 8.32 Although the approved operational population of BRP is 32 prisoners, it may need to house an influx of arrestees and remandees at short notice. It therefore generally has permission to hold just 23 male prisoners (eight minimum and 15 maximum). Management and

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staff reported that this is the ‘bare bones’ number of what is needed in terms of minimum-security prisoners to enable the prison to function and provide necessary services. The reality is that this number is often inadequate and many prisoners undertake multiple roles to get things done. Staff estimated that around 20 minimum-security prisoners were really required.

- 8.33 BRP management reported that they regularly scour the prisoner population statewide to find minimum-security prisoners suitable for transfer to the prison just to ensure there are enough people to keep it functioning, including the laundry and kitchen. However, they said that if a good worker was found, it was difficult to attract them to transfer because of the limited facilities and services and the lack of education and training.<sup>82</sup>
- 8.34 Compared to the situation before its downsizing, BRP’s prison population is now mainly found in the maximum-security section that accommodates remand prisoners. This is the most contained area of the prison, but also the most difficult to service, and the most isolated. Policy and procedure are strict in requirements for escorting outside the secure area and for the delivery of services. As a result, the prisoners have extremely limited movement outside the small secure precinct for court appearances and to attend the doctor. As well as remandees, higher security prisoners may be kept here while on transit to or from WKRP, for the purpose of social visits, to facilitate local release, or to attend a medical appointment at Broome Hospital.
- 8.35 The transition project to an annexe saw the official position of the women’s section at BRP being closed. As such the facility is not allocated funding, resourced or supported to hold women prisoners. In reality BRP regularly accommodates women, whether remandees appearing in court, local arrests from police, or prisoners waiting on release. On the first day of the inspection three women were listed on BRP’s prisoner list.
- 8.36 BRP has always accommodated a significant number of prisoners detained in lieu of cutting out fines, and this continued to be the case. These prisoners were often only in custody for relatively short periods of time (often just a few days), and while they must be kept in the maximum-security section initially, once assessed they usually move onto minimum-security. Previously, staff at BRP could undertake assessments of these prisoners on-site and quickly get them out of maximum and into minimum. With new rules requiring more centralised assessment oversight, and BRP only being an annexe, the prison was no longer able to do this. To allow assessments to be done, in theory, they would have needed to be sent to WKRP. This was nonsensical so these prisoners were simply sitting in maximum yard at BRP for the entirety of their stay, highly restricted and at a higher nominal cost to the system than risk generally required.

## STAFFING

- 8.37 As a result of BRP’s downsizing, the number of approved full-time equivalent (FTE) employees at all staffing levels was reduced from 84 to 42: seven Senior Officers, 28 Prison Officers, three VSOs and four Administrative staff (including an Assistant Superintendent). The only other staff were three part-time clinical nurses.

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82 The issue of maintaining a sustainable population within a minimum-security facility is not one unique to Broome. Most minimum-security facilities, including work camps, have been impacted by the decline in the number of minimum-security prisoners.

- 8.38 All other management positions were based at WKRP with occasional visits to BRP by the Superintendent, Assistant Superintendent, Security Manager, Business Manager, and Medical Manager. In addition, all services other than medical, food and daily maintenance were moved off-site and run from WKRP. Education, peer support, prison counselling services, programs, re-entry and employment support all went. Some, such as education, simply became unavailable to prisoners. Others were supposed to be provided remotely on a shared basis with WKRP but in reality, distance and competing resource demands meant prisoners at Broome had little or no access.
- 8.39 Finding exactly the right staffing levels at a prison with so many roles and so few prisoners is an extraordinarily difficult task, and many are on a 'feast or famine' basis – that is, staff are either overrun with work or there is little to do. Staff reported that while on paper staffing levels match the allowable prisoner population, the reality of operating a prison was that often there were too few staff to meet the service needs of prisoners, especially if it became necessary to escort a prisoner off-site. This led to the cancellation or reduction of access to services (such as recreation, health centre access, or work) on a regular basis. As staff put it, 'it doesn't matter how many prisoners you have, there are certain things that just have to be done and you need staff to do them.'
- 8.40 All staff interviewed had concerns about access to services regarded as essential in every other prison, in particular peer support, counselling and psychological services. It was reported that prisoners who may have needed to be on SAMS (Support and Management System) or ARMS (At Risk Management System) could not be properly managed as conducting the required daily or regular reviews was sometimes impossible to coordinate when the relevant staff were spread over two sites.
- 8.41 Another risk identified by management was motivating staff to maintain dedication and standards given their feelings of marginalisation and neglect, and their concerns over the prison's inevitable closure. It was suggested that an additional Principal Officer position (to allow one to be on roster each day) would assist in this regard. Certainly the staffing group need better Departmental support and communication.
- 8.42 Staff also felt neglected by their lack of access to training. At the time of the inspection WKRP had no satellite trainer (the position had been advertised) and no training had been received for an extended period of time. Staff also stated that they had been told they could not be released to go to Perth for training as there was no capacity for overtime or backfilling with the staff numbers.
- 8.43 On a positive note, staff felt that over the eight months or so prior to the inspection the work environment at BRP had improved, and that day to day morale had improved.
- 8.44 BRP had all but two vehicles removed from its fleet when it was downsized, leaving it with one personnel carrier and one secure escort van. If one of the vehicles broke down (which had occurred) this restricted activities and meant that services were cancelled. It also meant that the BRP officer in charge had restricted face to face contact with management at West Kimberley as he could not drive to Derby when only one prison vehicle was available.

**HEALTH SERVICES**

8.45 Management and staff identified the provision of health services as the most problematic and highest risk area for BRP. The stripping back of staff at the health centre had reflected the drop in the daily population, but it had not taken proper consideration of the high number of admissions, transfers and assessments that continued to occur. Arrestees, prisoners on remand, new admissions and those who have undertaken long journeys pose a higher physical and mental health risk due to stress, detoxification and anxiety than more stable and settled prisoners. For this reason thorough, holistic, accessible health care is essential to minimise the risk of medical or self-harm incidents. The inspection team concluded that current low resources generate significant risk.

**Demand**

8.46 The nurse manager had collected statistics for admissions through the BRP health centre for the three months before the prison was downsized and the three months after that. There had been practically no change in the number of patients seen. While there was a decrease in the number of admissions to Broome itself, there had been an increase in those being transferred to other locations. Every prisoner going to or from WKRP or Wyndham Work Camp goes through BRP, and each is an admission that must be properly processed and assessed. This is a resource intensive activity.

<b>Prisoners entering and exiting the prison during the nominated period</b>	<b>01 Jan 2013 to 31 Mar 2013</b>	<b>01 Jan 2014 to 31 Mar 2014</b>
New admissions	173	125
Transfers in	140	146
Prisoners released	145	94
Transfers out	172	178
<b>Total</b>	<b>630</b>	<b>543</b>

*Table 2: Prisoners entering and exiting the prison*

8.47 Thus, the number of prisoners entering and exiting the prison dropped overall by 87 during the nominated dates. Calculated on the basis of 90 days for each period this is less than one prisoner per day less for the selected period.

8.48 Staffing levels of the health centre and available time to see prisoners (governed by prison officer availability) during the periods nominated were:

	01 Jan 2013 to 31 Mar 2013	01 Jan 2014 to 31 Mar 2014
BRP nursing FTE's	5	1.75
Available time (in hours) to see prisoners per day (approximate)	8	3

Table 3: Health centre staffing levels

8.49 It can be seen, then, that although the number of prisoners entering and leaving the prison dropped by less than one prisoner per day, the number of health staff available to see the prisoners has dropped by 3.25 FTE (a decrease of 65%) and the amount of time to see the prisoners has been reduced from eight hours per day to three hours per day (a decrease of 62.5%).

#### Staffing Levels

8.50 Prior to the reduction of prisoner numbers, the staff at the medical centre consisted of:

- full-time positions – 1 x manager; 1 x coordinator; 1 x receptionist; 1 x nurse; and
- part-time – 1 x nurse at 70 hour/fortnight; 1 x nurse at 60 hours/fortnight; 1 x nurse at 40 hours/fortnight.

8.51 After the reduction in prisoner numbers, staffing was changed to:

- part-time – 1 x nurse at 60 hours/fortnight; 1 x nurse at 42 hours/fortnight; 1 x nurse at 38 hours/fortnight.

8.52 This equates to a loss of four full-time positions, two dedicated to administrative tasks associated with health management (150 hours/fortnight) and two clinical positions (150 hours/fortnight) plus 30 hours per fortnight of part-time nursing hours. This equates to 180 hours per fortnight clinical time lost and all administrative support.

8.53 Reduced uniformed staffing levels compounded the problems. A disciplinary officer could not be allocated to the centre for a full day, and this had highly restricted the hours of contact work between health staff and prisoners. At the time of the inspection the uniformed officer was allocated to the centre for just two hours in the morning (8.00 am – 10.00 am) to facilitate medication distribution and overnight medical issues, and 30 minutes in the afternoons so staff could see any patients who had fallen ill during the day. If there were many new admissions on one day, they were often not seen until the next day.

#### Pressures and Risks

8.54 Nursing staff said they felt under pressure not to take up uniformed officers' time due to the demands of running the prison. This, combined with a general lack of availability meant they tended towards practices that would draw least on officers' time. This was inappropriate and a risk: health staff must be able to make health related decisions based

purely on health needs and considerations.

- 8.55 Health centre staff stated that given the time constraints placed on them, they had developed a system where they would see all new admissions but would not necessarily see prisoners entering BRP on transfer to another facility or who had come from another facility. These patients would have their files reviewed and would only be seen if deemed necessary.
- 8.56 The elimination of clerical positions within the health centre meant that the nurses were doing all the administrative tasks as well as the clinical work. The high number of admissions and transfers meant that a lot of paper work was generated and had to be processed and filed. This was adding additional strain.
- 8.57 All of the health staff interviewed stated that they had, on occasion, come into work in their own time (days off, arriving early and staying late) because they could not get the required work done in the time allocated. They stated they did not feel comfortable professionally with the risks to which they were exposed by their inability to meet the professional requirements of their role.
- 8.58 The limited hours available to health staff also led to uniformed staff having to undertake some practices that they were uncomfortable with. For example, as the transport usually left before the nurses' shift begun at 8.00 am, uniformed staff were commonly dispensing medications to prisoners being transferred. If uniformed staff did not do this, prisoners would not get their required doses and would be at risk.
- 8.59 Medical centre staff had been covering vacant shifts due to staff illness and absences to the best of their ability from January to June 2014 but there had been five days where the clinic was closed completely. There were a further five days when it was only staffed for a few hours with other nurses filling in for the sick staff members.
- 8.60 There is no nurse manager based on-site at BRP, rather the manager at WKRP also has responsibility for the centre. On a practical level, she had only been managing to visit the centre once a month. This was not the fault of the nurse manager who has a high workload at WKRP, but it left the BRP nurses feeling isolated and unsupported.
- 8.61 Like the uniformed staff, health staff were anxious about the future. They had no reliable or detailed information from head office on which to base their decision-making. Nurses, whose hours had reduced with the downsizing, were struggling to survive on their new hours, and as they were also expected to be available to backfill it was difficult for them to find supplementary employment. Many are at the point where they have had to look for a second source of income, so if relief is needed the prison will suffer.
- 8.62 Positively, it was reported that the e-consult system was working very well for the prison and was meeting the needs of the prisoners. Staff also reported feeling very well supported by their head office nurse manager.

*Recommendation 21*

*For as long as Broome Regional Prison remains open, increase custodial and medical staffing levels to provide appropriate basic services to prisoners.*

**FOOD**

- 8.63 Provision of regular healthy meals of a suitable quality has been an issue at BRP since the downsizing. The cook instructor was only on-site on weekdays from 8.00 am until 3.00 pm and had a limited workforce from which to draw. This meant that he sometimes had no prisoners with any experience in cooking, and often those in the pool had limited English language and social skills.
- 8.64 As a result, the instructor had undertaken a very large proportion of the work himself, delegating only very simple tasks to prisoner workers. He had become so stressed that he went on extended leave, making the task of feeding the prisoners even more difficult.
- 8.65 The biggest issue has been the provision of meals on the weekends with less staff available and prisoner workers with very limited skills. The instructor would try to leave meals that were easy to simply reheat, but the strict health and safety requirements with regard to handling of food left him with concerns that unsupervised prisoners could not properly follow these requirements, especially as some of the professional style of equipment in the kitchen is more difficult to operate than standard domestic appliances.
- 8.66 The situation had improved markedly in the weeks prior to the inspection with the transfer of a prisoner who has been in the system for some time, and who has extensive experience working in prison kitchens. It was hoped he would choose to stay at Broome rather than continue on his original planned path to the Wyndham Work Camp. The cook instructor and local manager were trying to facilitate his request to undertake some units of a trade qualification in the kitchen while in BRP as an incentive, but it was proving difficult with the lack of resources.<sup>83</sup>

**LIFE FOR PRISONERS**

- 8.67 The expenditure of about \$11 million on infrastructure over the preceding few years at BRP meant that the general day to day living environment has actually improved for prisoners. Reduced numbers also meant there was no overcrowding. What prisoners had lost, however, was access to services and amenities that come with a fully operational prison. Prisoners and staff rued the disappearance of external work in the local community, feeling that the prison had lost a great asset to its rehabilitative capabilities. The involvement and inclusion in the community was irreplaceable and highly valued internally and within the community itself.
- 8.68 Recreation had also been impacted for minimum-security prisoners who were once able to access and integrate into community based recreation activities. While recreation did still occur outside the prison from time to time, staff levels meant it was frequently cancelled. This restricted recreation inside the prison, and without a recreation officer there were no organised recreational activities.

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83 See Recommendation 20.

- 8.69 All minimum-security prisoners within BRP had employment, some with multiple jobs due to the need to ensure the delivery of essential prison services. As such, all minimum-security prisoners were receiving the highest level of gratuity possible. The Office was told that eight minimum-security prisoners had been determined by 'head office' as an adequate number to meet the ongoing service needs (such as laundry, maintenance, cooking) of the prison. However, all those interviewed unequivocally stated that eight prisoners was insufficient and presented risks.
- 8.70 In contrast to the high work demands placed on minimum-security men, any women being held at BRP were restricted to their own isolated compound and the only work available was to clean their unit area. Prisoners in the maximum-security area were also left with only cleaning duties to occupy their time. This left many hours of boredom for a number of Broome's prisoners.
- 8.71 There were no other activities available to prisoners at BRP. All education services had been eliminated (even on a remote basis from WKRP), there were no IMP based programs being delivered, and life skills or developmental programs were also unavailable. Training had also ceased, although at the time of the inspection some efforts were being made to secure access to a certificated course for the prison's main kitchen worker.

#### WYNDHAM WORK CAMP

- 8.72 The responsibility for Wyndham Work Camp (WWC) was moved from BRP to WKRP on 1 July 2013. WWC has a capacity of 40 prisoners but was staffed for 20. Recent changes to the process and criteria for prisoners to access placement at work camps has resulted in difficulties in maintaining full occupancy of the camp.
- 8.73 The pressure on WKRP to maintain numbers in WWC was also placing pressure on WKRP's own section 95 program as well as trying to maintain a working group of minimum-security prisoners at BRP. The WWC is fully discussed in a forthcoming report specifically on work camps by this Office.<sup>84</sup>



*Photo 13 : Inside Wyndham Work Camp.*

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84 OICS, *Report of an Announced Inspection of Work Camps in Western Australia*, Report No. 95 (February 2015).

# Chapter 9

## FUTURE FACILITIES

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### An East Kimberley Prison

- 9.1 In 2010, in an article stating that the West Kimberley prison was on track for 2012, the Broome Advertiser newspaper quoted the Department's then Director of Strategic Assets Services as saying that an East Kimberley prison was also needed as soon as possible to ease pressure on the region but Treasury was unwilling to pay for it.<sup>85</sup>
- 9.2 It is not clear whether the current Department's strategic asset planning will prioritise a new prison for the East Kimberley but this Office strongly recommends that it does so. There is already a demand, given the state's existing prisoner profile. More than 330 Kimberley prisoners, are currently being held in prisons across the state of which less than half are being held at WKRP. Furthermore, demand will grow if projected future increases in the state's prison population eventuate.
- 9.3 As discussed below, current practices with respect to remand prisoners and fine defaulters also strongly support the building of a new prison.
- 9.4 Unfortunately, given the current economic climate and a 'white elephant' in the form of the badly under-utilised work camp in Wyndham, Treasury seems very unlikely to endorse the building of a new prison in the East Kimberley for some years to come. However, it must remain a priority in Departmental planning and, in the interim, the Department and other agencies must find ways to improve services across the East Kimberley and to maximise the use of the Wyndham Work Camp (WWC), (see Recommendation 23 below).

### Remand Facilities: Broome and East Kimberley

#### *Broome*

- 9.5 Broome is the base for the main courts of the West Kimberley. It is most unlikely that this will ever change, and it will definitely not change before the scheduled closure of Broome Regional Prison (BRP). The decision to build the WKRP in Derby, whose court is only serviced on circuit by the Magistrate from Broome, was always going to present serious logistical challenges. It is remarkable that there is still no clarity as to the short and longer term plans.
- 9.6 The most likely outcome, at least in the short term, seems to be that, as with Roebourne Regional Prison and the Port Hedland court, prisoners will be increasingly transported between WKRP and the Broome courts. To that end, it has been suggested that a remand facility should be built at WKRP. However, moving prisoners in this way raises many issues in terms of duty of care and justice: the journey by road is long and is not without risk. Prisoners are also likely to be tired in court and less able to follow proceedings or give evidence. If this option is utilised, consideration will need to be given to the use of air transport.
- 9.7 There are, of course, options other than daily transfers from WKRP. One that has been suggested is to use the existing Broome police lockup or to carry out relatively minor structural alterations to this lockup. Having viewed the site as part of this inspection, this Office categorically rejects this option. The lockup is a lockup and nothing more:

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85 'MP's told Derby prison on track to open in 2012', *Broome Advertiser* (14 October 2010) 13.

## FUTURE FACILITIES

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it is stark, intended only for short stays, and wholly inappropriate for anything more. If the area around the police station is to be used (and there may be land available) it will require appropriate and significant investment to make it a stand-alone facility.

### 9.8 Other options include:

- Modifying BRP (or using part of the current site) to become a remand facility. This could be used to house the required numbers of prisoners until they can be transported to WKR. The facility could be staffed by either the Department itself or a private contractor. This option would also have the benefit of allowing visits and other short term stays by prisoners who come from Broome itself.
- Constructing the new courthouse in such a way as to include appropriate accommodation for stays of up to a week and staffing this with the private contractor staff responsible for the custody centre at other times.

### 9.9 In summary, the Broome courts must be serviced and justice must be served in the Kimberley. The challenges faced by locating the main prison 200 kms from the main courts should have been addressed at least three years ago. It is wholly unacceptable that there are still no plans. BRP cannot limp on as it is, and innovative thinking and intelligently targeted investment will be needed to manage the gap left by its impending closure.

#### *East Kimberley*

- 9.10 Without a prison, the East Kimberley is very poorly served in terms of justice facilities. There are also some high ‘knock-on’ costs, both financial and human, for remand prisoners, sentenced prisoners and fine defaulters.
- 9.11 As remand prisoners cannot be held in the East Kimberley they must be transported to BRP or WKR. While awaiting such transport, they are placed in police lockups. There is a ‘24-hour clearance’ arrangement, under which the company contracted under the Courts Security and Custodial Service Contract (currently Serco) must clear the lockup of people within 24 hours.
- 9.12 Currently Kununurra, Halls Creek and Fitzroy police hold sentenced prisoners from the courts on a short term basis, the contracted transport company again being required to ‘clear’ the lockup within 24 hours.
- 9.13 The lockup clearance arrangements are beneficial to the police but at times the costs to the Department and the human costs are high. A good example was witnessed by this Office during a liaison visit to BRP.

Mr X was arrested by Halls Creek Police on a Friday afternoon/night for the non-payment of fines totalling \$1,600. He was required to pay the fine or serve five days in prison. He asked Police to hold him at Halls Creek until Monday when the banks opened and he could pay the fine. However, Police arranged for the contractor to clear Mr X from their lockup on Saturday. The contractor then transported him to Broome Regional Prison. Mr X was given a bus ticket for the nine-hour journey home.

The cost of the transport alone for Mr X was over \$7,000, well over four times the outstanding fine. Recent figures put the cost per prisoner per day at BRP at over \$1,400. In other words, the total cost to the state for Mr X to cut out \$1,600 of fines was at least \$12,000.

- 9.14 Obviously lockups are not places for extended stays, the police are not custodial officers, and the Department cannot pay people's fines. However, the current situation is economically irrational and carries human risks and human costs. A recent Parliamentary Committee reached similar conclusions and argued for change.<sup>86</sup>

*Recommendation 22*

*The Department, in conjunction with Western Australian Police, to implement more efficient and cost-effective arrangements for the housing, transportation and care of prisoners in lockups across the Kimberley.*

- 9.15 In conclusion, nothing has changed in the past decade: the East Kimberley still needs a new prison. And until such time as there is a new prison, the Department needs to examine how it could better use the WWC and whether it is feasible to build a small short-term holding and assessment facility in Kununurra to allow prisoners to be held for short times and assessed without being transported to WKRP. They could then be sent directly to the appropriate prison on a normal scheduled transport day. It also seems clear that in some cases, it would be appropriate and feasible for low-risk offenders and fine defaulters to be sent directly to WWC.

*Recommendation 23*

*Develop and action a plan that includes a new prison in the East Kimberly, maximises the use of Wyndham Work Camp and examines the feasibility of a short term holding and assessment centre in Kununurra.*

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86 Community Development and Justice Standing Committee, *In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups* (November 2013); See: <[http://www.parliament.wa.gov.au/Parliament/commit.nsf/\(ReportsAndEvidence\)/8FF3C9C20571E6C048257C2F000FD173?opendocument](http://www.parliament.wa.gov.au/Parliament/commit.nsf/(ReportsAndEvidence)/8FF3C9C20571E6C048257C2F000FD173?opendocument)>

# Appendix 1

## THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

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Recommendation	Acceptance Level/Response/Nominated Action
<p>1. Incorporate examples of good design and practice found at WKRPP at other prisons and in future building programs.</p>	<p><b>Supported</b></p> <p><b>Response:</b> The Department takes great pride in the design of accommodation, incorporation of bush land and philosophy of West Kimberley Regional Prison and is keen on incorporating the examples of good design and practice in to all future build programs.</p> <p>The Department is developing its strategic asset plan to maximise the use of its existing infrastructure and to inform future asset requirements. Any new asset requirements will incorporate world class design practices within a balanced budget.</p> <p><b>Department's Nominated Action:</b> Ensure future building programs continue to utilise and research world class design and practice whilst maintaining a balanced budget.</p>
<p>2. Ensure that the total project management arrangements for future prison builds are more robust, collaborative and proactive than was the case at WKRPP.</p>	<p><b>Supported</b></p> <p><b>Response:</b> OICS observed that there have been a number of design faults and technological issues at West Kimberley and has cited a lack of communication between different areas of the Department during the project.</p> <p>The Department's vision is to be a leading world class corrective organisation that continuously learns and innovates. As part of the lessons learnt from previous builds, such as West Kimberley, project management arrangements will become more collaborative.</p> <p>The Department's shift to matrix decision making and collaboration between the directorates will enable all staff with relevant knowledge and expertise to be involved with projects in a way that increases integration and communication.</p> <p><b>Department's Nominated Action:</b> Ensure future prison build project management arrangements incorporate the principles of matrix based decision making.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>3. Implement appropriate screening and training processes for staff wishing to transfer to WKRP.</p>	<p><b>Supported In Principle</b></p> <p><b>Response:</b> OICS reported that the initial recruitment for West Kimberley attracted a range of people from diverse backgrounds that supported the prison ethos whilst maintaining the security balance. This was achieved partly by the pre-selection of staff considered suitable in the early stages of the prison's development. The Department's focus on human resources has been strengthened, with the introduction of a new human resources system focused on recruitment and training. A deliverable of the new Human Resources system is the development of workforce planning and management strategies that ensure the Department has the right number of work-ready staff now, and in the future. This will be achieved with the establishment of Workforce Plans for Prison Officers.</p> <p><b>Department's Nominated Action:</b> Ensure the Workforce Plans for Prison Officers suitably address the unique needs and philosophies of each facility.</p>
<p>4. Implement the recommendations identified in the Emergency Support Group review of the WKRP master control room.</p>	<p><b>Supported In Principle</b></p> <p><b>Response:</b> OICS reported that during the inspection they received a copy of a review of the Master Control Room that was conducted by the Emergency Support Group (ESG). They reported that they supported the review and the implementation of the recommendations. The Prison has commenced progressing the recommendations from the review conducted by the ESG of the master control room. One of the Strategic Plan's platforms is Risk Management. The Department has prioritised the development and implementation of contingency plans and emergency management procedures to ensure continued operations in the event of an emergency.</p> <p><b>Department's Nominated Action:</b> Implement the recommendations identified in the ESG review, subject to funding being approved</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
<p>5. Enhance the physical environment of the management units to provide space that is safe and conducive to settling and treating vulnerable prisoners.</p>	<p><b>Supported</b></p> <p><b>Response:</b> OICS observed that West Kimberley is a warm and comfortable environment that has been specifically designed to reflect cultural security. It also found that the management unit, used for treating vulnerable prisoners is cold and sterile, with little stimulus or softening.</p> <p>The Department acknowledges the comments and recognises the therapeutic advantages for vulnerable prisoners to be placed into areas that are enhanced with cultural designs and suitable forms of stimuli.</p> <p><b>Department's Nominated Action:</b> Investigate practical, cost effective ways of enhancing the West Kimberley Management Unit.</p>
<p>6. Provide an additional position in the WKRP security team.</p>	<p><b>Not Supported</b></p> <p><b>Response:</b> OICS made the observation that the security team resources at West Kimberley were stretched, especially at times when targeted visitors were expected to attend visits. Security attend visit sessions to oversee all aspects of searches.</p> <p>The Department is in the business of managing risk to ensure the safety and security of staff and prisoners. A focus on the security of prisoners is a key feature of the Department's new vision, mission and values, which will be delivered by all staff.</p> <p>A Staffing Review of West Kimberley Regional Prison was completed in December 2014 to review current and future staffing needs. The completed review was approved by West Kimberley management, the Western Australian Prison Officers Union and Adult Justice Services. It is noted that the 2014 review did not identify any additional security staff for West Kimberley.</p> <p><b>Department's Nominated Action:</b> No action necessary.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
<p>7. Ensure that staff recruitment and training practices maximise the opportunities for the local population, particularly Aboriginal people, to obtain employment at WKRP.</p>	<p><b>Supported – Existing Departmental Initiative</b></p> <p><b>Response:</b> OICS reported that the Department developed and piloted an Aboriginal Pre-Employment Program in 2009, which it concluded to be very successful with 12 out of 17 participants gaining employment. The program was not progressed beyond the pilot program.</p> <p>The Department recognises the importance of recruiting local people, including Aboriginal people, to corrections, particularly at regional locations. The Department has identified this in the Strategic Plan and will develop and deliver a Reconciliation Action Plan.</p> <p>The Department will be examining and revising the Training Academy’s model of training to ensure it aligns with the Department’s vision, mission and key deliverables. A key focus will be the establishment of Workforce Plans for prison officers to ensure it has the right number of work ready staff now and into the future.</p> <p><b>Department's Nominated Action:</b> Develop and deliver a Reconciliation Action Plan.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
<p>8. Permanently fill vacant Principal Officer positions across the state.</p>	<p><b>Supported – Existing Departmental Initiative</b></p> <p><b>Response:</b> OICS observed that West Kimberley does not have a permanent Principal Officer because there is no standard state-wide job description form, despite Principal Officers having been around for several years.</p> <p>The Principal Officer Job Description Form (JDF) was established in December 2012 and it was identified that several components of the JDF required updating. This has been recently completed in the context of broader Workforce Plans. Positions with a clearly identified need will be filled.</p> <p>The Department has prioritised Leadership and Culture in the Strategic Plan.</p> <p><b>Department's Nominated Action:</b> Ensure that the Workforce Plans include a facilities based perspective and identify the necessary roles, skills and attributes required to link senior management with officers on the ground.</p>
<p>9. Remedy basic training gaps and fill the satellite trainer position at WKRP.</p>	<p><b>Supported – Existing Departmental Initiative</b></p> <p><b>Response:</b> OICS identified that at the time of the inspection, West Kimberley had been without a satellite trainer for over six months, which was creating training gaps in many critical areas. West Kimberley were successful in recruiting a Satellite Training Officer who commenced in October 2014.</p> <p>The Department has identified areas of improvement and will be revising the Training Academy's model of training to ensure it aligns with the Department's vision, mission and key deliverables. This will include the development of an Operational Readiness Plan, which will include training and assessment packages and the implementation of an operational readiness badge.</p> <p>The development and implementation of Workforce Plans will ensure the Department has the right number of work ready staff now and in the future.</p> <p><b>Department's Nominated Action:</b> Ensure the current role of Satellite Trainers is included in the examination and review of the Training Academy's model of training.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>10. Deliver programs at WGRP for Kimberley women.</p>	<p><b>Supported</b></p> <p><b>Response:</b> OICS has made the observation that program availability for women at West Kimberley is limited, which meant that women were routinely sent to other prisons to complete required programs. The Department is committed to reducing re-offending and in order to achieve this requires an effective rehabilitation and reintegration program. There are a range of rehabilitative measures that the Department currently provides and these span:</p> <ul style="list-style-type: none"> <li>• Individual counselling and group based treatment programs.</li> <li>• Prison-based educational and vocational training programs.</li> <li>• Prison-based employment programs.</li> <li>• Post-release services.</li> </ul> <p>Adult Justice Services has a new branch dedicated to Rehabilitation and Reintegration (R&amp;R). The Department's reform agenda includes a review and evaluation of individual and group based treatment programs, the service delivery model and the business processes that support them in order to ensure programs meet the actual need and achieve rehabilitative results to reduce re-offending. This review will consider the needs of specific cohorts, such as regional women will be considered.</p> <p><b>Department's Nominated Action:</b> Ensure an analysis of gender and regional needs are incorporated into the review of programs and service delivery models.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>11. Provide more life skills training for WKRP prisoners.</p>	<p><b>Supported In Principle</b></p> <p><b>Response:</b> OICS note that the West Kimberley Operational Model is innovative and robust. The philosophy is unique and is driven by the cultures and values of Aboriginal people. Whilst there are two full-time positions dedicated to monitoring, nurturing and improving prisoners' life skills, all staff at West Kimberley contribute to the self-care model. The Department is reviewing the effectiveness of current rehabilitation and reintegration programs and will be modifying individual and group based programs on an evidence based assessment of what works.</p> <p>The need for more 'life-skills officers' can be considered as part of the Department's new Workforce Plans to ensure the Department has the right number of work ready staff.</p> <p><b>Department's Nominated Action:</b> Ensure an analysis of life skills training is included in the review of programs and service delivery models. Ensure that a facilities based approach is taken for the development of new Workforce Plans.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>12. Allow prisons to conduct their own escorts when the contractor's quote is more expensive than that of the prisons, or when the contractor is unable to provide the requested service.</p>	<p><b>Supported</b></p> <p><b>Response:</b> OICS reported that prisoners who apply to attend funerals or other compassionate leave in remote areas of Western Australia are highly disadvantaged by the maximum cost figure used by the Department.</p> <p>Currently, facilities have the ability, where appropriate, to facilitate escorts when the contractor is unable to provide the requested service.</p> <p>The Department has recently completed a mid-term review of the existing Court Security and Custodial Services Contract to ensure it is delivering the required service and achieving value for money.</p> <p>The Department has security and financial limitations in relation to a prisoner's attendance at a funeral or visit to a dangerously ill person. These limitations are identified in Policy Directive 9: Permits for Absence. The Department has commenced a project to review and consolidate operational policies and procedures, which will include Policy Directive 9.</p> <p><b>Department's Nominated Action:</b> Ensure all options for the cost effective, safe and secure transport of prisoners are explored.</p>
<p>13. Revise the blanket policies which require restraints to be used on all prisoners attending funerals and medical treatment, adopting a more nuanced approach to risk management, including recognition of minimum-security status or section 95 approval.</p>	<p><b>Supported – Existing Departmental Initiative</b></p> <p><b>Response:</b> OICS has observed that the Department has undertaken a range of policy changes in response to a series of escapes, which may have resulted in unintended consequences for low risk prisoners.</p> <p>The Department's new strategic plan has a focus on identifying and continually reviewing risks, which will see the development and implementation of a strategy for the safety and security of prisoners. Part of this strategy will require a review and consolidation of operational policies and procedures, including associated processes.</p> <p><b>Department's Nominated Action:</b> Apply a prisoner focused risk-based approach to the proposed safety and security strategy.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
<p>14. Fit fire doors to the houses in the women's section.</p>	<p><b>Not Supported</b></p> <p><b>Response:</b> OICS has observed that the male accommodation houses at West Kimberley all have a rear door; however the houses in the female accommodation area do not.</p> <p>All housing units at West Kimberley were built in accordance with the Building Code of Australia and the National Construction Code. The requirement stipulates that alternative exits are not required if the distance travelled is less than 20 metres. Based on this requirement the women's houses are compliant.</p> <p><b>Department's Nominated Action:</b> Ensure all future prison builds continue to be compliant with the Building Code of Australia and the National Construction Code.</p>
<p>15. Learn from the way in which WKRP approaches the management of female prisoners and ensure that all the state's mixed gender prisons allow integration, subject to appropriate individual risk assessments and supervision.</p>	<p><b>Supported In Principle</b></p> <p><b>Response:</b> A focus on security and safety is a key feature of the Department's new vision, mission and values. The management of risk is critical to ensuring the security and safety of staff and prisoners.</p> <p><b>Department's Nominated Action:</b> Ensure the Department's proposed strategy for increased security and safety of staff and prisoners includes consideration of opportunities at mixed gender prisons to promote positive and appropriate mixing of male and female offenders where practicable and appropriate.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
<p>16. Review processes at WKRP to achieve a more appropriate and timely distribution of medications.</p>	<p><b>Supported</b></p> <p><b>Response:</b> OICS has observed that the West Kimberley health centre is not a 24 hour facility. It is operated on an 8 hour shift pattern, which can limit some aspects of health care to prisoners, in particular dispensing medication.</p> <p>There is currently an internal audit being conducted on Medication Rounds which upon completion will provide the Department with a comprehensive view of issues in the dispensing of medication.</p> <p>An assessment of the Department's Health Services model is being conducted which may identify new or improved models for the delivery of health services.</p> <p><b>Department's Nominated Action:</b> Complete the internal audit on medication rounds.</p>
<p>17. Ensure that all medical staff are provided with timely opportunities to attend mandatory training.</p>	<p><b>Supported In Principle</b></p> <p><b>Response:</b> OICS identified that training was an issue with medical staff.</p> <p>The Department acknowledges that professional development for medical staff and integration with the wider health community can be problematic in a custodial environment, especially with the remote location of several of the Department's facilities.</p> <p>As part of the Department's new strategic plan and the focus on Right Structure, Right People – Trained Right, workforce planning and management strategies will be developed to ensure there is the right number work-ready staff, now and in the future.</p> <p><b>Department's Nominated Action:</b> Ensure Health staff professional development requirements and opportunities are analysed in the development of a workforce planning and management strategy.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
<p>18. The Department to initiate discussions with the Health Department and the Mental Health Commission to allow mentally ill prisoners from WGRP to receive inpatient treatment in a locked authorised bed in Broome Hospital rather than being transported to Perth.</p>	<p><b>Supported – Existing Departmental Initiative</b></p> <p><b>Response:</b> OICS reported that there were three authorised locked beds in Broome Hospital, where prisoners could receive mental health treatment; however, there was no agreement in place whereby these beds could be accessed at short notice.</p> <p>The Department has a Memorandum of Understanding in place with the Department of Health in which secondary and tertiary hospital based care for prisoners is to delivered by WA Health. This includes psychiatry.</p> <p>The Department has initiated a new work program to identify ways of giving effect to deliverables in the draft Mental Health Plan. This work includes demand modelling, infrastructure requirements and costing the provision of in-prison mental health services.</p> <p><b>Department's Nominated Action:</b> The Department will continue to work with the Mental Health Commission and the Department of Health to identify ways of improving the delivery of in-prison mental health services.</p>
<p>19. The Department must finalise its planning for the closure of Broome Regional Prison and for the future of custodial corrections in the Kimberley, including genuine consultation with stakeholders and communication with its staff.</p>	<p><b>Supported – Existing Departmental Initiative</b></p> <p><b>Response:</b> OICS observed insufficient detail and accountability in the 2012 decision to close Broome Regional Prison.</p> <p>The Department is planning for the future of custodial facilities in the Kimberley region by taking into consideration future demand requirements. A preliminary investigation of options into the closure of Broome is currently in progress. The investigation includes wide consultation with staff.</p> <p>Further work will include ongoing communication with staff and a comprehensive communication plan for the entire Kimberley region.</p> <p><b>Department's Nominated Action:</b> Develop a communications plan to facilitate any change decisions made.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>20. Cease the practice whereby prisoners automatically lose section 95 status on transfer between prisons.</p>	<p><b>Supported In Principle</b></p> <p><b>Response:</b> OICS identified that there appeared to be some operational confusion as to Broome Regional Prison's status, which created work and bureaucratic red tape. Prisoners transferring between West Kimberley and Broome lose their Section 95 approval and are required to be reassessed for suitability. OICS believe this should not happen because Broome is now an annex of West Kimberley. OICS suggests that a centralised Section 95 approval process applied state-wide would generate significant savings.</p> <p>The Department can report that Broome is now recorded as an annex of West Kimberley, and as a result has rectified the issue OICS has raised.</p> <p>A renewed focus on the security of detainees and prisoners is a key feature of the Department's new vision, mission and values.</p> <p><b>Department's Nominated Action:</b> Give consideration to a state-wide Section 95 approval system.</p>
<p>21. For as long as Broome Regional Prison remains open, increase custodial and medical staffing levels to provide appropriate basic services to prisoners.</p>	<p><b>Supported In Principle</b></p> <p><b>Response:</b> OICS has observed that a reduction in uniformed and medical staffing has created an inability to perform core functions at Broome.</p> <p>The Department has commenced a preliminary investigation into Broome custodial management options, which will include consideration of a range of key demographics including prisoner health needs. Appropriate staffing levels will be informed by an understanding of demand and health needs. This is intended to form part of a comprehensive Kimberley Custodial Plan.</p> <p><b>Department's Nominated Action:</b> Ensure the Kimberley Custodial Plan includes a focus on staffing levels demand, informed by demographics and health needs.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>22. The Department, in conjunction with Western Australian Police, to implement more efficient and cost effective arrangements for the housing, transportation and care of prisoners in lockups across the Kimberley.</p>	<p><b>Supported In Principle</b></p> <p><b>Response:</b> OICS have identified that the closure of Broome Regional Prison will require a greater number of prisoners to be transported between West Kimberley Regional Prison and the Broome courts. This will create logistical concerns for the Department and raise duty of care issues due to the long journey.</p> <p>Given the small number of Department facilities in the Kimberley and the distances involved it is inevitable that prisoners will occasionally be housed in police lock ups. Since the Royal Commissioner into Aboriginal Deaths in Custody and the death of Mr. Ward in 2008, the Department, in conjunction with Western Australia Police, has implemented a number of initiatives to ensure that prisoner transport and custodial facilities in regional locations are safe, effective and efficient.</p> <p><b>Department's Nominated Action:</b> The Department notes the recommendation and intends to work with Western Australia Police to review cost effective arrangements for housing, transportation and care of prisoners in lockups.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>23. Develop and action a plan that includes a new prison in the East Kimberley, maximises the use of Wyndham Work Camp and examines the feasibility of a short term holding and assessment centre in Kununurra.</p>	<p><b>Supported In Part</b></p> <p><b>Response:</b> OICS reports that there have been no changes to the custodial need in the East Kimberley as it still needs a new prison. OICS suggests that the option of sending low-risk offenders and fine defaulters directly to Wyndham Work Camp be explored.</p> <p>The Department acknowledges the need to develop a regional custodial plan for the Kimberley that will take into account all of the considerations within the East Kimberley in its focus on operational and infrastructure optimisation. Strategies to optimise the utilisation of the Wyndham Work Camp are being explored.</p> <p>The Department is implementing a population management plan for the corrective services estate. The Department does not believe there is sufficient population demand for a new prison in the East Kimberley. A number of issues affect decisions on investment in the East Kimberley;</p> <ul style="list-style-type: none"> <li>• Declining occupancy rates;</li> <li>• Understanding and addressing the needs of specific offender cohorts; and</li> <li>• The build cost associated with new facilities in regional areas.</li> </ul> <p><b>Department's Nominated Action:</b> Ensure that the Department's population management plan includes a focus on the distribution of low risk offenders to minimum security prisons and work camps; informed by the reviewed Assessment and Classification system.</p>

## Appendix 2

### THE INSPECTION TEAM

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Neil Morgan	Inspector of Custodial Services
Lauren Netto	Principal Inspections & Research Officer
Jim Bryden	Inspections & Research Officer
Charlie Staples	Inspections & Research Officer
Matt Merefield	Inspections & Research Officer
Joseph Wallam	Community Liaison Officer
Cheryl Wiltshire	Expert Adviser Curriculum Officer, Dept. Trade & Work Development
Lin Kilpatrick	Expert Adviser Justice Master Planner
Edward Petch	Expert Adviser Director, State Forensic Mental Health Services

## Appendix 3

### KEY DATES

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Formal notification of announced inspection	
• Broome Regional Prison	11 March 2014
• West Kimberley Regional Prison	11 March 2014
Pre-inspection community consultation	
• Broome Regional Prison	13 May 2014
• West Kimberley Regional Prison	15 May 2014
Start of on-site phase	
• Broome Regional Prison	2 July 2014
• West Kimberley Regional Prison	13 July 2014
Completion of on-site phase	
• Broome Regional Prison	4 July 2014
• West Kimberley Regional Prison	18 July 2014
Inspection exit debrief	18 July 2014
Draft report sent to the Department of Corrective Services	23 December 2014
Draft report returned by the Department of Corrective Services	12 February 2015
Declaration of prepared report	8 March 2015

*Inspection of prisons, court custody centres, prescribed lock-ups,  
juvenile detention centres and review of custodial services in Western Australia.*



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

[www.oics.wa.gov.au](http://www.oics.wa.gov.au)

Level 5, Albert Facey House, 469 Wellington Street, Perth, Western Australia, Australia 6000  
Telephone: +61 8 6551 4200 Facsimile: +61 8 6551 4216