

West Kimberley Regional Prison: Performing well but still not part of an integrated Kimberley custodial plan

This is the report of our first formal inspection of West Kimberley Regional Prison in Derby ('WKRK') and our sixth report on Broome Regional Prison ('Broome'). Broome is now officially an 'annex' of WKRK 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.

WKRK 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.

WKRK: time to consolidate after an impressive start

As a physical facility, WKRK 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, WKRK 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 WKRK are more proactive and engaged than at most prisons, and local recruitment and training have significantly contributed to this.

WKRK 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 WKRP 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.¹

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.

¹ OICS, *Female Prisons in Western Australia and the Greenough Women's Precinct*, Report No. 91 (October 2014).

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 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,² 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.³

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

² OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 93 (October 2014).

³ 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.

attend the funerals of those who are close to them; and developing more outside-prison activities under section 95 of the Prisons Act.

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.⁴ 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.

⁴ 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.⁵

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.

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⁵ See OICS, *Report of an Announced Inspection of Work Camps in Western Australia*, Report No. 95 (in press).