



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION
OF HAKEA PRISON

102

APRIL 2016

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Report of an Announced Inspection of Hakea Prison

Office of the Inspector of Custodial Services
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Inspector's Overview

HAKEA PRISON: RESILIENT UNDER PRESSURE BUT TOO MUCH CHANGE,
TOO MUCH CONFLICT, AND TOO MANY MISSED OPPORTUNITIES.

INTRODUCTION

In late July/early August 2015, the Office of the Inspector of Custodial Services conducted its sixth inspection of Hakea Prison, the metropolitan receiveal centre for men established in 2000. This latest inspection was conducted with all the rigour and energy of other inspections, with 10 in-house Inspectors and three co-opted experts on site over a 12-day period, pre-inspection surveys with staff and prisoners, consultation with service providers, meetings with various groups of staff and prisoners, discussions with managers, examination of myriad documentation, and analysis of data. Initial findings were shared with staff and management at an exit debrief in the hope that issues identified could be addressed at an early stage.

Our overall view is that there can be no doubt that Hakea is a prison under enormous stress and pressure. We see little on the horizon to suggest that this situation is likely to change anytime soon. The total prison population is rising at an alarming rate across the entire estate (an increase of 66% in total population over the past nine years) and the remand population is growing at almost double that rate (129% in the same period). Hakea is chronically full, having to pass on more remand and sentenced prisoners to other facilities, primarily Casuarina Prison, every week to make space for anticipated further court receivals. It is also crowded, with a large majority of cells designed for one but shared by two.

Hakea is also facing significant budget and resource pressures. Its operating budget for 2015/16 is just under 20 per cent less than the previous year's actual expenditure. Given that 75 per cent of the cost of operating the prison is found in staffing costs then the greatest opportunity to meet its operating budget must rest with finding savings and efficiencies in salaries and overtime. At the time of the inspection, management had been in discussion with the local branch of the WA Prison Officers' Union of Workers (WAPOU) for some time, seeking to obtain efficiencies in its staffing model. This effort has since been formally disputed and the industrial status quo been applied. This means not only the continuation for the time being of costly high staffing levels, but the disabling of efforts by the prison to contain its costs by applying an overtime reduction strategy.

This report sets out in detail our views and opinions on the sources of that stress and the impact that this pressure is having on both the day to day operations and strategic management of the prison, and also the safety and wellbeing of the prisoner population. While this inspection report contains many negative findings and matters requiring attention or improvement, the effective work undertaken by staff at Hakea to receive and manage a diverse group of people committed to custodial care cannot be overlooked. Some of these prisoners are very troubled, drug addicted, aggressive, or otherwise difficult to manage. For the most part people are treated with considerable skill and humanity. The prison operates as it does in large part due to the dedication and experience of its staff, from senior management right through to operational levels.

A MISSED OPPORTUNITY

As noted above, this inspection was a comprehensive exercise that examined evidence across the entire prison operation. Recommendations were crafted that addressed identified deficiencies or opportunities for improvement. As required by our legislation the draft report inclusive of our findings and recommendations was provided to the Department of Corrective Services on 23 December 2016. The purpose of this was to give the Department the right of reply. It was also an opportunity for the Department to challenge the evidence, dispute the logic of our analysis, or the basis for our findings and recommendations, and also to put forward a counter argument or fresh evidence; this was an opportunity the Department did not take-up.

A response is usually required within four weeks, but six weeks was allowed because of the holiday season. A further two week extension to 18 February 2016 was sought by the Department and granted, but the response was not forthcoming until 8 March 2016 [see Appendix 3].

We need not have waited for these 11 weeks. While all but three of the 29 recommendations were supported, none prompted specific time-framed action on the part of the Department. It was clear in many cases that the Department did not take seriously the findings of this inspection. For example, it was found that while newly received prisoners were assisted in making an initial call in reception, those unable to do so were often not assisted in completing that call when placed in a unit. In addressing Recommendation 2 concerning this finding, the Department supported the recommendation as an ‘existing departmental initiative’ and simply claimed it was current practice to follow up with such prisoners on placement in their unit. This completely ignored the fact that our evidence – not disputed by the Department – showed that this was just not happening. Having that first call home is a long standing and fundamental human right. There was similar disinterest in findings relating to prisoner rights to privacy (Recommendation 3), dignity (Recommendation 5), quality of contact with children (Recommendation 6), ability to prepare one’s legal defence (Recommendation 21), and religious expression (Recommendations 9 and 21).

A number of other recommendations were concerned with reducing various kinds of risk, including those relating to self-harm and suicide, health, safety, and security (Recommendations 2, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, and 27). The second inspection report on Hakea in 2004 was focused on deaths at Hakea; the Department of the day implemented a suicide prevention strategy which is still embedded in practice at Hakea and throughout the WA prison system. An important element in this strategy is the peer support system. We found that despite having over 280 Aboriginal prisoners at Hakea, and despite the known issues of suicide among young Aboriginal men, there was very little Aboriginal representation on the peer support team (indeed only one attended the peer support team meeting that was held during the on-site inspection) and none in either reception or orientation. This was addressed in Recommendation 17 to which the Department responded ‘it is important that prisoners want to fulfil the role, and is not simply placed into the role to increase diversity’. The recommendation had nothing to do with diversity; it was about the

obvious and well documented risks and vulnerabilities faced by Aboriginal prisoners, particularly on entry to prison. The Department's own *Reconciliation and Action Plan 2015–2018* includes as an action: 'Manage suicide and self-harm related risks in WA prisons and detention centre', which makes its response to this recommendation all the more unfathomable.

The need for appropriate interview facilities for prison counsellors who play an essential role in the At-Risk Management System for prisoners at risk of self and suicide was addressed in Recommendation 15, but unfortunately the Department deferred its consideration to a much broader reform project with no target date.

Prisoner health and welfare was at stake in recommendations relating to food (Recommendations 4 and 11), scheduling of medical appointments (Recommendation 10), disease control (Recommendation 12), and smoking reduction (Recommendation 13). Of significant interest was Recommendation 12 which addressed the risk of transmission of blood-borne viruses through sharing of needles and other sharp instruments used for drug use and tattoos, something that was also raised in the 2012 inspection. Due to the concentration of people in prison already infected by hepatitis C, the risk of transmission in prison from this practice is very high. And, as a result, so is the potential burden to individual and public health. Many in WA would consider a needle exchange for prisoners a step too far and we understand that prison staff have resisted the issuing of bleach as too risky. But bleach can now be issued in a safer tablet form and other less corrosive fluids are also available for cleaning needles, so we recommended that an effective agent be made available for the cleaning of sharps. Again, the Department was non-committal, promising only to 'continue to explore specific strategies to minimise the spread of blood-borne viruses'.

The Department's responses to these recommendations are almost exclusively concerned with inputs, that is whether the Department has defensible policies or processes in place, without regard to actual outcomes, for prisoners and staff on the ground. These responses suggest a concerning level of complacency about prisoners' rights, health, welfare, and safety.

Given our degree of concern regarding these responses we opted to give the Department further opportunity to respond to our recommendations. Two and half weeks later, we received additional commentary relating to three of this report's 29 recommendations [see Appendix 4].

LOOKING BACKWARDS, LOOKING FORWARD

Hakea Prison has had a difficult journey since the 2012 inspection when the Inspector noted that the prison had long suffered from a negative and divided workplace culture which needed to change. The key ingredients of that change included careful planning, a clear and shared sense of direction across management and staff, respectful relationships, strong local leadership, and appropriate direction and support from Head Office.

HAKEA PRISON: RESILIENT UNDER PRESSURE BUT TOO MUCH CHANGE,
TOO MUCH CONFLICT, AND TOO MANY MISSED OPPORTUNITIES.

There was initial optimism when a new management team was installed. By early 2013, security modifications in the two new units 11 and 12 were finally complete, but very soon afterwards, those units had to be used to accommodate youth from Banksia Hill for almost nine months following a riot at that facility on 23 January 2013. In the second half of 2013 and early 2014, asbestos works in six units and certain administrative units required whole units to be vacated and resettled. These events were very stressful for the prison and derailed the momentum for change brought by the new management team. 2014 was also a difficult year with the management team depleted through retirements and secondments out from Hakea. By early 2015 yet another management team was in place.

On 15 December 2014, the day that a critical report from this Office on Bandyup Women's Prison was released, the Minister of Corrective Services announced that Units 11 and 12 would be used to establish a 256-bed women's remand facility at Hakea Prison. Expressions of interest would be sought from both the public and private sectors to help develop and operate the facility. The Economic Regulation Authority had also been also been tasked in October 2014 to undertake an inquiry into options to improve the efficiency and performance of public and private prisons, and its early discussion papers and draft report proposed a commissioning model, potentially allowing further privatisation. Anxieties about privatisation and the future of Hakea were at the forefront in the minds of many staff at the time of the inspection.

During the 2015 inspection many staff members were very negative about their workplace, prison management, and the Department, telling us that things were the worst they had ever been. In written comments for the staff survey, the most stressful things for staff were management issues and issues relating to other staff. Prisoners barely rated a mention. Staff appeared unable to recognise the positives in their workplaces, or to express pride in their achievements. This was most unfortunate as most staff deserve credit and thanks. And the responses to the staff survey suggested that in fact there had been slight improvements in staff perceptions of their quality of working life and in confidence in management.

At the time of the inspection the new Superintendent was focused on a range of strategic imperatives and was only occasionally seen at large in the prison. Staff felt safer because he had made chemical agents more readily accessible to unit staff, but some were unhappy about changes to unit roster assignments and the imposition of what staff perceived as an unsafe recreation matrix. We considered that management visibility and communication needed improvement. There also needed to be more clarity, consistency, and collaboration with staff.

But staff also need to engage in a positive way with a willingness to help develop solutions and the grace to accept decisions of management properly made. Together staff and management need to develop a new culture of open communication, positivity, respect, and collaboration, with capacity to plan effectively, seek excellence, develop agility, and embrace change. This is imperative if Hakea is retain the confidence of the state of WA and be allowed to operate under current management and staffing arrangements.

PRISONER NUMBERS

The rise in prisoner numbers in WA has been unrelenting especially of those on remand. On 27 July 2015 as the inspection started, there were 5,530 prisoners (including 1,328 on remand) in WA of whom 908 were resident at Hakea. On 28 March 2016 as I write, there are 6,082 prisoners (including 1,790 on remand) of whom 935 are in Hakea. Hakea can no longer contain most male remandees. On 27 July 2015, there were already 205 remandees resident at Casuarina Prison. On 28 March 2016 there are 467 remandees at Casuarina Prison, swamping its sentenced prisoner cohort of 415. Spare capacity in the system is now almost entirely confined to special purpose accommodation reserved for prisoners on management regimes and work camps. The system will struggle to find short-term solutions other than installation of additional bunking in existing facilities. The opening of a new facility at Eastern Goldfields Regional Prison will bring only limited relief.

Unless major initiatives are taken to divert people from prisons, the need for commissioning a major new metropolitan facility for men is incontrovertible. As provided in our first recommendation, this should be a remand facility that embeds a regime based on the particular rights and needs of people who are as yet unconvicted of a crime, including accommodation requirements, welfare needs, safety concerns, visit requirements, official visits facilities, video link facilities, legal library resources, education, work, and recreation opportunities. If Hakea remains as a receiving and short-term remand facility, it must be allowed to downsize to design capacity (or much closer to design capacity), and undergo a significant modernisation.

In the meantime, the present report provides detailed findings and recommendations that deserve attention. Failing to address the issues – many of which involve little or no financial cost – will increase risks and will also reduce the capacity of Hakea, and the prison system as a whole, to achieve improved efficiencies and performance. Prisoners and their families deserve better. So do people working in that environment.

Eamon Ryan
Acting Inspector
30 March 2016

Fact Page

NAME OF FACILITY

Hakea Prison

ROLE OF FACILITY

Hakea is the reception prison for male persons remanded in custody by a court and those who have just been sentenced. The Hakea assessments centre has responsibility to assess newly sentenced male prisoners, whether held at Hakea or other metropolitan facilities. Hakea also holds some sentenced prisoners for dispersal reasons.

LOCATION

Located on Nicholson Road, Canning Vale, Hakea Prison is situated 19 kilometres south of Perth. The traditional owners of the land are the Noongar people.

BRIEF HISTORY

Hakea Prison incorporates the former Canning Vale Prison and the CW Campbell Remand Centre which were merged in a \$26 million capital works project in November 2000.

THIS INSPECTION

26 July – 7 August 2015

LAST INSPECTION

18 – 31 May 2012

ORIGINAL DESIGN CAPACITY

649

DOUBLE-BUNKED CAPACITY

973

NUMBER OF PRISONERS HELD AT TIME OF INSPECTION

908 (on 27/07/2015)

Note: Shortly before the 2015 inspection, Units 11 and 12 were closed in preparation for their inclusion in a new Women's Remand and Reintegration Facility, so they are not included in these capacity figures.

RESIDENTIAL UNITS – PURPOSES AND CAPACITIES

| No. | Purpose | Cells | Beds |
|-----|-----------------------|------------|------------|
| 1 | Management unit | 59 | 77 |
| 2 | General unit | 62 | 90 |
| 3 | General unit | 63 | 90 |
| 4 | General unit | 63 | 90 |
| 5 | Protection unit* | 58 | 72 |
| 6 | Induction unit | 71 | 81 |
| 7 | General unit | 86 | 121 |
| 8 | General and enhanced | 48 | 96 |
| 9 | General unit | 64 | 121 |
| 10 | General and methadone | 64 | 120 |
| CCU | Crisis Care Unit | 11 | 15 |
| | Total | 649 | 973 |

* Since the inspection, 18 additional bunks have been installed in Unit 5 taking its capacity to 90, and the total facility capacity to 991.

List of Recommendations

Recommendation 1:

The WA Government and the Department of Corrective Services prioritise and fund the construction of a new purpose-built remand facility for the Perth metropolitan area that incorporates aspects of design that will facilitate best practice and technology in remand prisons, and meet international obligations with regard to meeting the rights of unconvicted persons in custody.

Recommendation 2:

Ensure that every new prisoner is provided contact with a family member or other community contact person during reception or, if unsuccessful, upon placement in their Unit.

Recommendation 3:

Create privacy booths or shells for people using the Prisoner Telephone System.

Recommendation 4:

The Department review prison catering at Hakea Prison against the 2013 Australian Dietary Guidelines, and implement a system of meal choices in line with the prison's role as a remand facility which houses people with diverse health and cultural needs.

Recommendation 5:

Hakea Prison should provide facilities that allow all prisoners to properly wash and dry their own undergarments.

Recommendation 6:

Hakea Prison should provide regular and frequent opportunities for fathers to have visits with their children in a normalised environment, following appropriate risk assessments.

Recommendation 7:

The Department should implement Skype or other telepresence technologies as a way to facilitate social contact in all prisons, and should trial community-based 'e-visit centres' where families can attend for such visits.

Recommendation 8:

Hakea management to consult and collaborate to implement a recreation program that is safe and accessible to all prisoners.

Recommendation 9:

Within security requirements, Hakea should ensure that prisoners of all faiths have regular, routine, and equitable access to religious, pastoral, and cultural services.

Recommendation 10:

Hakea health centre should proactively follow up with prisoners in relation to pending appointments and extra patients should be scheduled for each GP session to ensure that the services of medical staff are not wasted by non-attendances.

Recommendation 11:

Ensure that food safety training is consistently delivered to all food handlers in the kitchen and accommodation units regardless of the presence or absence of particular members of staff.

LIST OF RECOMMENDATIONS

Recommendation 12:

Provide access to effective cleaning agent to all prisoners for the purpose of reducing transmission of blood-borne viruses through the sharing of tattooing instruments and needles.

Recommendation 13:

The Department should implement a concerted, sustained, and multi-pronged campaign to reduce smoking among prisoners and should eliminate unwanted cell sharing by non-smokers and smokers.

Recommendation 14:

Re-establish a suitable alternative placement within Hakea Prison for people needing extended support and monitoring under the SAMS program.

Recommendation 15:

Prioritise the creation of appropriate interview facilities to facilitate assessment and counselling of prisoners.

Recommendation 16:

Ensure all protection prisoners, regardless of accommodation placement, are given equal access to all services provided to mainstream prisoners, including recreation and education.

Recommendation 17:

Revise incentives to ensure that Aboriginal prisoners are strongly and appropriately represented within the peer support team at Hakea Prison, including reception and orientation.

Recommendation 18:

Based on staff and prisoner consultation, Hakea management should develop a new system of meaningful, achievable, and reliable prisoner incentives.

Recommendation 19:

Construct a new purpose-built Management Unit within Hakea Prison that can safely administer the full range of services and regimes currently required by Unit 1.

Recommendation 20:

The Department of Corrective Services and the Department of the Attorney General better communicate and coordinate court services to ensure more efficient, effective, and predictable video court operations across the state.

Recommendation 21:

The Department of Corrective Services must meet its legal obligation to provide adequate access to appropriate legal resources, materials, and equipment to enable all remand and appeal class prisoners to fully participate in their cases, should they wish to do so.

Recommendation 22:

In line with the findings in this report, the Department should improve the welfare component of Unit Management at Hakea.

Recommendation 23:

The Department's self-paced learning project should be transferred out of Hakea to become a head office project, and the existing staff should re-establish a broad range of education and training courses.

LIST OF RECOMMENDATIONS

Recommendation 24:

Initial Individual Management Plan assessments should be undertaken by staff based at the facility in which the prisoner is accommodated, not remotely from the Hakea Assessment Centre.

Recommendation 25:

Monitoring and recording systems in control should be upgraded, system maintenance prioritised, and CCTV coverage extended to minimise blind spots.

Recommendation 26:

The Department should examine the security benefits and cost-effectiveness of providing public access to the Women's Remand and Reintegration Facility from Warton Road, and of installing a boom gate to better control access to staff car parks and other service areas alongside the Hakea Prison perimeter wall.

Recommendation 27:

The Department should consider additional non-invasive solutions for detection of contraband in prisons, for use with visitors, staff, contractors, and prisoners.

Recommendation 28:

The Department of Corrective Services should ensure that accounts are paid in accordance with *Treasurer's Instruction 323* which requires that 'all commercial payments shall be paid within 30 days of the receipt of the creditor's claim'.

Recommendation 29:

The process associated with the Commissioner's Vacancy Approval Checklist be amended, so the Department of Corrective Services adheres with Section 7 of the *Public Sector Management Act 1994* that 'public sector bodies are to be so structured and administered as to enable decision to be made and action taken, without excessive formality and with a minimum of delay.'

Chapter 1

STRATEGIC BACKGROUND

THE 2015 INSPECTION OF HAKEA

- 1.1 The sixth inspection of Hakea Prison was undertaken over a 12 day period between 26 July and 7 August 2015. As Western Australia's main receiveal and remand facility for men, it is a large, complex, and busy institution. We had a long list of themes to explore: the prison's strategic direction, management of the facility including human resources, the quality of life for prisoners, services for remandees, assessment and its sustainability at Hakea, welfare and community reintegration of remandees, protection, behaviour management, security, Hakea's role within the Department of Corrective Services (the Department), the health care system, special needs prisoners, and cultural security.
- 1.2 The Inspector was assisted in this task by nine of his staff and three external experts in education and training, environmental health, and infection control and health [see Appendix 5]. The Office conducted pre-inspection surveys in which 161 prisoners and 134 staff members took part. A forum was also held which gave service providers and other interested groups an opportunity to discuss Hakea both at operational and strategic levels. During the inspection period, team members met with prison managers, staff groups, prisoner groups, and spent time observing and talking to people in every part of the jail. Written records, data sets, and submissions were examined. This Office acknowledges and appreciates the participation of all of these people in our inspection, and the contribution of the Department in providing requested information, verbal briefings, and a submission.

PREVIOUS INSPECTION

- 1.3 The fifth inspection of Hakea Prison was conducted in late May, early June 2012. Prisoner numbers had surged in early 2012 and the prison was under pressure. The inspection 'identified many examples where staff, in their own work areas, were getting on with the job in a pragmatic and resourceful way, sometimes in the face of significant infrastructure challenges' (OICS 2012, iii). However, the Inspector also noted that the prison had long suffered from a negative and divided workplace culture which needed to change. The key ingredients of that change included careful planning, a clear and shared sense of direction across management and staff, respectful relationships, strong local leadership, and appropriate direction and support from Head Office.
- 1.4 The Inspector had recommended that Units 11 and 12 be opened as soon as possible and that the role of those units be articulated to meet the challenges and needs posed by the prison's diverse prisoner group. Unit 11 was occupied in early April 2012 on a 'trial basis' as population numbers surged. Identical units at Casuarina and Albany were already occupied and utilised successfully, but soon after the inspection, pressure from Hakea's delegates of WA Prison Officer's Union of Workers (WAPOU) about security concerns relating to the design of the new units forced the Department to undertake an expensive retrofit of security grilles and other security modifications in all five new units.
- 1.5 In October 2012 a new management team was installed at the prison and the new Superintendent decided to reform the utilisation of units across the site, with Units 11 and 12 to be set aside as Enhanced Privilege Units to strengthen the hierarchical system

STRATEGIC BACKGROUND

of accommodation at the prison. As part of this decision, self-care and enhanced status prisoners in Unit 5 were to be relocated to Unit 11. It was also intended that older units be progressively closed for essential repairs and renovation work. On Friday 18 January 2013 self-care prisoners were moved from Unit 5 to Unit 11. The refit in Unit 12 was not quite complete at that time but it was due to be occupied by prisoners on 8 February.

YOUTH AT HAKEA

- 1.6 On the evening of Sunday 20 January 2013, a riot occurred at Banksia Hill Juvenile Detention Centre in which 61 detainees escaped from their cells and caused extensive damage to buildings, including 106 cells (OICS 2013). Consequently, in the early hours of 21 January, 73 detainees were transferred to Hakea, with 53 being placed in the now vacant Unit 5, and 12 others placed briefly in Unit 12 before joining the others in Unit 5 when shared cell placements were risk-assessed. Two were briefly managed in Crisis Care.
- 1.7 The Department soon realised that the repairs required at Banksia Hill were extensive, and it was decided to establish Units 11 and 12 as the Hakea Juvenile Facility to accommodate detainees while these were undertaken. On 4 February, the 68 youth remaining in Unit 5 transferred to Unit 12 and the adults returned to Unit 5 from 11. On 7 and 8 February, another 71 youth transferred from Banksia Hill to Unit 11 at Hakea. In establishing this facility, works were commissioned to securitise internal fences and roofs with razor wire, to commission the oval, create management cells, and install demountable buildings for additional classrooms and services.
- 1.8 The presence of the juvenile facility was a considerable burden to the management of Hakea, who had to facilitate many of the services needed by youth at the same time as operating an already crowded adult facility. The prison had to be locked down for considerable periods to allow movements of contractor vehicles and of youth, until works were completed and new routines were established. This impacted on Hakea staff and many did extra overtime to help both in the Hakea Juvenile Facility and at Banksia Hill. The juvenile facility was decommissioned in late October 2013 when youth finally returned to Banksia Hill, after almost nine months. These events stressed the prison and derailed the momentum for change brought by the new management team.

ASBESTOS REMEDIATION

- 1.9 In April 2013, occupational safety and health (OHS) representatives at Hakea served four Provisional Improvement Notices on management at Hakea claiming a significant asbestos risk from ceiling panels in a number of the older units and administration areas at the prison. The Department responded expeditiously to the notices, commissioning a report on the matter from an independent expert, and committed to a treatment plan initially to remediate the six affected units, and eventually other administration and service areas as well. Work commenced in August, with each unit having to be vacated for works for two to three weeks, exacerbating crowding in other areas, and concluded in February 2014.

DEPARTMENTAL CHANGES AND A REGULATORY REVIEW

1.10 Following the state election on 9 March 2013, WA had a new Minister of Corrective Services, the Hon. Joe Francis MLA. The following month, on 25 April 2013, Mr Ian Johnson, the Commissioner of Corrective Services resigned. On 24 September 2013 James McMahon was announced as the new Commissioner. He subsequently initiated a reform program for the Department led by a new Office of Reform which included a high level structural review and a Vision Mission Values statement promulgated in September 2014. Progressive appointments were made of a new senior management team and functional reviews were commenced in all directorates. In March 2015, the new administration produced its first strategic plan entitled *Creating Value Through Performance – Strategic Plan 2015-2018* (DCS 2015b).



Figure 1: Hakea Prison now boasts a fine ANZAC memorial for staff.

1.11 In October 2014, the WA Treasurer, the Hon. Dr Mike Nahan MLA, tasked the Economic Regulation Authority (ERA) to undertake an inquiry into options to improve the efficiency and performance of public and private prisons, including economically based advice on the design of appropriate performance standards, incentives, and performance monitoring processes for the prison system. The centrepiece of its proposal in a discussion paper released in March 2015 was the introduction of a commissioning approach by which public or private entities could tender to operate prison facilities or supply other prison services (ERA 2015a). This approach was further elaborated in the ERA's draft report released on 9 July 2015, only a fortnight before the present inspection (ERA 2015b).

WOMEN, HEALTH AND FEARS OF PRIVATISATION

- 1.12 In a media release that coincided with the public release of an inspection report from this Office on Bandyup Women’s Prison on 15 December 2014, the Minister of Corrective Services announced that ‘State Cabinet has approved the establishment of a 256-bed women’s remand facility at Hakea Prison...’ and that ‘the plan involved converting units 11 and 12 at Hakea ... into a stand-alone remand prison at an estimated capital cost of \$20.2 million’ (WA Government Media Statements 2014).
- 1.13 On 23 June 2015, the Minister announced that Expression of Interest documents would be released to identify potential private sector operators for the women’s facility at Hakea. An internal costing model would also be developed for which FutureWise, a consulting firm from New South Wales, was engaged. A briefing was provided to all staff at Hakea shortly before the inspection which included messages about inefficiencies and high costs in existing operations at Hakea.
- 1.14 KPMG was also engaged by the Department in late 2014 to undertake a review of service delivery options for health services in WA custodial facilities. The report of this review is subject to cabinet confidentiality, but staff in health and related services believed that outsourcing was under active consideration.
- 1.15 Thus at the time of the inspection, staff in all areas were highly concerned about the prospect of further privatisation, not only for the new Women's Remand and Reintegration Facility, but also for operations and services in the main prison at Hakea.

POPULATION NUMBERS

- 1.16 The following table tracks changes in the Hakea and WA prison populations over a nine year period from 2006 to 2015 (data downloaded from TOMS). For simplicity, snapshot data for 30 June is shown for every third year, which coincides with the years in which inspections were undertaken.

Table 1: Population and remand numbers at Hakea and WA 2009–2015.

| Date | Hakea Prison | | | WA Prisons | | | Remands at Hakea (%) |
|------------------|--------------|------------|--------------|------------|-------------|--------------|----------------------|
| | Total | Remand | Per cent (%) | Total | Remand | Per cent (%) | |
| 30/06/2006 | 658 | 420 | 64 | 3350 | 570 | 17 | 74 |
| 30/06/2009 | 783 | 470 | 60 | 4295 | 711 | 17 | 66 |
| 30/06/2012 | 888 | 635 | 72 | 4839 | 951 | 20 | 67 |
| 30/06/2015 | 901 | 767 | 85 | 5553 | 1306 | 24 | 59 |
| Increase: | 37% | 83% | | 66% | 129% | | |

- 1.17 As can be seen, the WA prison population rose by 66 per cent in this period, with Hakea managing an additional 37 per cent. Hakea was already reliant on cell sharing in 2006 to accommodate the expanding population, given that its single cell capacity was 617, excluding cells reserved for special purposes, at times using mattresses on floors. Double-

STRATEGIC BACKGROUND

bunk installation was accelerated and essentially completed in 2010 to a capacity of 973. Completed in 2011, Units 11 and 12 added 128 cells to increase Hakea's design capacity to 777 (including special purpose cells) and 256 beds to take operational capacity to 1,229.

- 1.18 When Units 11 and 12 finally became available after the Hakea Juvenile Facility closed in October 2013, Hakea management could only staff one of the units by taking peak staff off other units and adding an overtime line to the Senior Officer's roster. Only in September 2014, when numbers in protection were too high to be managed in Unit 6, was the second unit finally occupied when protection prisoners and staff moved from Unit 6 to 12. Unit 6 remained closed while Units 11 and 12 were in use; the Department never fully utilised its additional capacity to reduce crowding of prisoners.
- 1.19 As shown in Table 1 above, the increase in remand numbers in WA over the nine-year period was 129 per cent, almost twice that of prison population overall. In this period, the proportion of WA prisoners who were remand status increased from 17 to 24 per cent. Importantly, the composition of the population of Hakea changed markedly over the last three years to the point that 85 per cent of residents were remand status, compared with 64 per cent at the start of the period. Just four weeks later, on the first Monday of the inspection on 27 July, 88 per cent of the population were remand status.
- 1.20 More remandees were also being held elsewhere, primarily at Casuarina, which had 205 on 30 June 2015, or (in the case of women) at Bandyup, which had 135. Numbers at six regional facilities accounted for another 195 remandees. This Office has further addressed burgeoning remand numbers in the WA prison population in a snapshot report: *Western Australia's rapidly increasing remand population* (OICS 2015b).

OTHER DEMOGRAPHIC FACTORS

- 1.21 On the Thursday before commencement of the inspection, Hakea had a population of 891. Of these, 22.8 per cent were in the 18–24 age group, a group increasingly recognised as having special needs. Of the total population, 287, or 32.2 per cent identified as Aboriginal people. We counted 72 of these as coming from remote and regional parts of the state or from interstate. Of the 18–24 year old age group, 41.4 per cent were Aboriginal.

NOT JUST A 'SHORT-STAY' PRISON

- 1.22 With 88.1 per cent of the population being on remand at Hakea, and high rates of receipts, transfers, and discharges, Hakea must handle many drug affected, mentally ill and otherwise unsettled men, sometimes for very short stays. Yet the population was by no means wholly transient. Looking solely at the remand population, we found that on the first Monday of the inspection, based on time held at Hakea to date:
 - 190 (24% of the remand population) had been there over 6 months
 - 108 (14%) over 9 months
 - 71 (9%) over 12 months
 - 35 (4%) over 18 months
 - 17 (2%) over 2 years

STRATEGIC BACKGROUND

- 1.23 Of course, this did not include any subsequent period these people may have been held on remand after that date or after any sentence if found guilty. The key point is that Hakea is not just a 'short stay' prison, despite being a remand prison. There should therefore be appropriate opportunities for education, work experience, short industry courses, other forms of training, and interventions regarding offending and substance use issues.

BUDGETARY CONCERNS

- 1.24 In 2015/16 the prison faced a budgeted reduction of \$7.1 million (14.6%). More significantly the prison's 2015/16 budget of just under \$42 million was 19.4 per cent (or nearly 20%) less than its 2014/15 actual expenditure, inflated as it was by overtime. Similar cuts were also made within the Department to other areas providing direct services at Hakea, including health, education, industries, and the Aboriginal Visitors Scheme.

SUMMARY OF FINDINGS

- 1.25 Hakea remains a complex facility in which considerable expertise and commitment is demonstrated by staff at all levels, in caring for people with many needs and managing many presenting problems and behaviours. However, we found that staff were still overly focused on the negatives, especially in relation to management. Management, which had turned over three times in three years, needed greater clarity of communication, a more collaborative approach, and greater visibility.
- 1.26 Hakea was facing many challenges and it was a time of great uncertainty. Past opportunities for capital developments had been lost and its newest two units were becoming part of a new women's facility. The residual men's prison had become more crowded and rundown than ever.
- 1.27 With operation of the women's facility out to tender and the opportunity for the Department to generate an internal costing model to compete with private suppliers, together with general budgetary pressures, pressure was on Hakea management to generate real efficiencies in its staffing model. It was struggling to achieve this with WAPOU, its industrial partner, and there was a real risk it would not achieve its current year budget reduction.
- 1.28 A number of matters came to attention that suggested an inadequate appreciation of human rights, especially those applicable for unconvicted prisoners. Prisoner privacy was infringed by the lack of privacy booths or shells when using the Prisoner Telephone Service. Inability of prisoners to wash their own underwear infringed the dignity of some. A security-driven requirement for persons wanting to attend religious services to register some days in advance was a potential infringement on their right to freedom of religion, especially for newly received prisoners. Muslim prisoners also lacked effective chaplaincy services.
- 1.29 And we were especially concerned to discover that those prisoners unable to complete a call home to advise their next of kin in reception were often not assisted to get that first call once transferred to a unit, something that particularly afflicted those from remote regions and from foreign countries. While it is regrettable that prisoners are forced to share a cell after their first few days, it is unacceptable that the wish of prisoners not to share with a smoker can be simply discounted.

STRATEGIC BACKGROUND

- 1.30 We also found that apart from the few able to access monthly Family Incentive Visits, the nature of family visits arrangements is likely to be detrimental to the quality of children's relationships with their father and to their development. Continued failure to extend the use of virtual visits represents a lost opportunity to help maintain family relationships that are important both for family members and the prisoner's rehabilitation.
- 1.31 There was a concerning level of violence impacting prisoners' lives, notwithstanding robust responses by staff when reported. Unfortunately this was not unexpected in a crowded environment. But the most serious threat to safety and wellbeing was the lack of meaningful and constructive engagement by most prisoners. Forty-nine per cent were unemployed and a majority who were employed had unit-based employment. Education has ceased to make an effective contribution to all but a few, and industrial training and short courses have all but ceased.
- 1.32 Recreation was seen by management as the basis of Hakea's constructive day, but efforts to allow more units more time for recreation were contested by staff who feared confrontation and disturbances from rival prisoner groups. Access to outdoor recreation, the gym, and the library were also unequal between units, with the protection unit only allowed such access for limited periods on the weekend.
- 1.33 We found that food safety training had ceased nine months earlier due to a vacancy in a single position, posing an unacceptable risk. Food provided was unfortunately less popular than ever, despite input through the prisoner council. It needed review against the 2013 review of the Australian Dietary Guidelines which highlight the need for variety. Remand prisoners should also be allowed to exercise some degree of choice over the meals they receive.
- 1.34 Access to basic health care was still overly extended, and it was concerning to discover many GP sessions were wasted due to prisoner patients not attending. Good plans have been created for forensic mental health services since the previous inspection, but nothing has yet commenced. Meanwhile the loss of Unit 8 as a Support and Monitoring System (SAMS) placement has impaired Hakea's capacity to manage some its most vulnerable prisoners. We were also concerned at the lack of a strategy to help prisoners quit smoking and the lack of a safe method for IV drug users to clean or replace their needles. IV drug use in prisoners is an important vector for the spread of hepatitis C and other blood-borne viruses.
- 1.35 Seventy-two of Hakea's 287 Aboriginal prisoners were from regional areas. The Aboriginal unemployment rate was 60 per cent generally and 70.1 per cent for those in the 18–24 year old group. There was very little by way of education, training, support services, or cultural recognition for Aboriginal men at Hakea, especially for the young men. Aboriginal Visitor Scheme (AVS) continued to provide effective support but their service was reduced. Nor were Aboriginal prisoners properly represented on peer support.
- 1.36 This inspection also draws attention to the inappropriateness of Unit 1 as the management unit, the inadequacies of the Video Link facility and the lack of interviewing facilities for prison counsellors. Other issues include the deteriorating quality of surfaces in units, the unsafe condition of the ceilings in the kitchen and laundry, and various other capital and maintenance issues. An environmental health report was given to the Department for its attention.

STRATEGIC BACKGROUND

- 1.37 We also found significant deficiencies in the availability of legal information and resources for prisoners to be involved in or mount their own defence, something fundamental to a remand prison. It was also noted that Hakea's future as an assessment prison is under threat as most are transferred out before they are sentenced.
- 1.38 While security at Hakea is in most respects very strong, we drew attention to insufficiencies in some monitoring and control systems, the ability of prisoners to break of metal rods from deteriorating unit fences, inadequate procedures for searching and scanning staff, issues with urine testing procedures, and technological solutions for scanning of visitors, prisoners and staff. Impact of the adjacent new Women's Remand and Reintegration Facility was also discussed and in particular the need to establish public access to that facility from Warton Road, rather than through sensitive areas for prison security adjacent to the Hakea perimeter.
- 1.39 More broadly, urgent consideration must be given to Hakea's optimal role in the future. Planning for a new metropolitan prison should include consideration of a new purpose-built remand prison, something this Office first recommended in 2009. The detailed reasons for this will become clear through this report but the following recommendation needs to be placed up-front:

Recommendation 1

The WA Government and the Department of Corrective Services prioritise and fund the construction of a new purpose-built remand facility for the Perth metropolitan area that incorporates aspects of design that will facilitate best practice and technology in remand prisons, and meet international obligations with regard to meeting the rights of unconvicted persons in custody.

Chapter 2

ON ENTRY

EFFECTING BAIL

- 2.1 Persons in custody may be granted bail in a court appearance and personal bail effected at the court or at the prison if appearing by video link. In many cases a surety is required, meaning a friend or relative must attend to sign bail and an authorised person, such as a Justice of the Peace (JP), has to vet the surety and authorise the bail. If the person and their surety are both present in court, and the hearing was sufficiently early, then bail can be effected at court and the person released. But if bail is granted in court in the afternoon, or by video court, the surety is most often directed to Hakea. It can take several hours for the person in custody to be transported back to Hakea, be received and processed by the jail, for bail documents to be sent by the court, for a JP to be found and attend to sign the bail, and finally for the prisoner to be processed out of Hakea.
- 2.2 The 2012 inspection of Hakea found there were often occasions when warrants and bail papers were not being received by the prison in a timely manner from courts, especially following video link appearances, and a recommendation was made for the Department to address this with the Department of the Attorney General (OICS 2012, Recommendation 2). The Department claimed to have addressed this but cited a 2010 protocol between Hakea and the Perth Magistrates Court that had never been ratified, *Policy Directive 82* which did not touch on the questions of timeliness of the issuance of court documents and the formation in 2012 of a Bail Unit at the Central Law Courts which has since been disbanded.
- 2.3 Bail Coordinators at the Court attempted to expedite bail, in some cases preventing people from having to be transported and admitted to Hakea or Bandyup Prisons. But the Unit had progressively lost positions and at the time of the inspection had only two, one based at Hakea Prison, the other unfilled. We understand that Community Corrections Officers based at the court continue to provide assistance to defendants in relation to bail.
- 2.4 The experience on the ground at Hakea was that while there had been improvement from some courts in the timeliness of paperwork being received, there were still some that would batch up the sending of warrants and bail orders, so delaying the release of prisoners and the processing of other paperwork. As with video court appearances, there is a need for a central point within the court system to take ownership and control of the processing of paperwork to ensure consistency and clarity across courts [see 7.5–7.10].
- 2.5 The Bail Coordinator at Hakea worked hard to expedite bail for remandees, minimising stress to the prisoner, their family or friends waiting to post bail and the staff who have to manage them. But remand numbers have grown and with more resources, more prisoners could be assisted in effecting their bail and reducing time in custody. Strangely, at the time of the inspection, the Bail Coordinator was under direction not to see remandees with outstanding bail in person. The Coordinator was expected to assist only through unit staff. Positively, this practice was reversed after we questioned it.
- 2.6 Principal Officers were delegated the task of authorising every prisoner's discharge papers. They often found this difficult to do in a timely way, and Deputy Superintendents sometimes had to assist.

ON ENTRY

RECEPTION

- 2.7 Being taken into custody is a confronting and distressing experience for many people, particularly the first time. In 2014/15, 4,799 people were received into Hakea, the primary entry point into the Western Australian prison system for male prisoners. By way of comparison Bandyup Women's Prison received 1,038.



Figure 2: View from admin towards reception, CCU, health centre and visits.

- 2.8 However respectfully administered, the processes include many elements that strip away individual freedom and identity, imposing instead conformity and control. People's own clothes are taken away, along with any other property, and their unclad body is examined by strangers. After a shower and issue of prison clothing and toiletries, identifying details are logged into the prison database known as TOMS. Other personal details are also entered and the person's mood carefully judged. An identification card is issued to the prisoner to be worn at all times and a file created for his unit. A call to loved one or next of kin is attempted. A nurse also undertakes a health screen for any issues requiring urgent attention or follow up, including whether self-harm concerns are evident.
- 2.9 In the pre-inspection prisoner survey, 38 per cent of respondents said they were upset when they first arrived at Hakea and a further 35 per cent said they were very upset (a total of 73%). Reception staff understood that many people were emotionally vulnerable for multiple reasons on entry to prison, and appeared to show appropriate empathy, decency, and concern for their welfare. This was complemented by the presence of a peer support prisoner, although only during the daytime.

ON ENTRY

- 2.10 Prisoners had mixed views on their treatment by staff in reception and in the units where they were placed shortly after arrival, with 51 per cent of survey respondents stating that staff had not helped them well when they arrived. Arguably, the question reflected their treatment in orientation, not only in reception. Earlier inspection reports had noted some concerns over the identification of at-risk prisoners during the reception process. The 2012 inspection found the process to be much improved, with a number of different stages at which at-risk behaviours could be detected, either by prison officers or medical staff, and this continued to be the case in 2015.

PROPERTY

- 2.11 Consistent with previous findings, this inspection found appropriate processes for recording and storing prisoners' property. All property, whether brought into prison or acquired through the canteen and whether held on person, in their cell, or stored is itemised and logged into TOMS. The record is updated in the event of changes in use or storage, discharge, transfer, destruction, or sending out. Only certain personal items from civilian life, such as a wedding ring, eye glasses and/or hearing aid may be held on person. Medicine is handed over to nursing staff for disposal, and food and unhygienic items are also disposed of. Clothes are washed and placed on a hanger and made available for court or discharge. Larger items are boxed or bagged, labelled, and stored centrally.
- 2.12 Local Order 68 specifies which items are permitted in possession in the prisoners' cells but this needed updating. Property was added to storage if sent to hospital, if regressed for a time, if privileges are lost, if coming from another prison, or if sharing a cell – for example, only one gaming console is permitted per cell.
- 2.13 Valuable property is managed separately. Cash is deposited and held in trust, but the prisoner is advised to have items such as jewellery, banking cards, fluid lighters, and mobile phones picked up by a family member or trusted friend immediately, preferably within two weeks, or sent out. Banking cards, fluid lighters, and phones are considered a security risk and notice is given they will be destroyed or otherwise disposed of if not signed out within that period.
- 2.14 Such valuable property that is held for prisoners is held in a room accessible only by registered swipe access. An impressive proprietary 'tamper visible' system is used whereby numbered seals registered to particular staff are used to seal property bags and any access to bags recorded before resealing with a new tag. Staff felt that the integrity of system gave them protection and believed its adoption in other prisons where unsecured lunch bags and envelopes are typically used, would facilitate safer transfer of property when prisoners are transferred.

ORIENTATION

- 2.15 Most prisoners are sent directly to Unit 6, the designated orientation unit for their first few nights in custody until their orientation process is complete, any bail options exhausted, and other pressing issues resolved. This is one of two units in the former CW Campbell Remand Centre. The other unit, Unit 7, had served as the orientation unit for much of the

time since Hakea opened. However, Unit 7, which has a larger capacity of 121, was needed to accommodate prisoners transferred out of Unit 11 when it closed in May 2015. Orientation was therefore displaced to the much smaller Unit 6 which has a capacity of only 81. While Unit 6 was similar in age and layout to Unit 7, it was cleaner and better maintained.

- 2.16 Unit 6 had fewer double-bunked cells, meaning it was less crowded than Unit 7 and most new prisoners were afforded single cells unless doubled up by request or to reduce an identified risk of self-harm. The unit also had the advantage of an outdoor compound with a lawn and exercise equipment and a large vegetable garden. Overall, it provided a more suitable environment for newly arrived prisoners than Unit 7, though the turnover was faster and residents had to leave after just a few days to make way for others. It is a challenging work environment for staff. There are higher demands in terms of welfare needs for newly arrived prisoners, who are likely to be in a volatile and vulnerable state after arriving in prison, and some of whom are still affected by various substances.
- 2.17 In past inspections, Hakea's orientation process was recognised as good practice (OICS 2010, 18, OICS 2012, 23). The 2015 inspection found that Hakea's performance in this area has been maintained. Orientation officers received specific training, and displayed a good understanding of their role and a commitment to ensuring that new prisoners felt safe and supported. Most new residents went through the structured orientation process within the first two working days of arriving at Hakea, unless first placed in the Crisis Care Unit (CCU) or the Management Unit. Orientation was also delayed for those in protection, with the orientation officer attending the protection unit less often.
- 2.18 The orientation process commences with an orientation interview with an officer and completion of the Multiple Cell Occupancy Risk Assessment followed by a guided tour of the facility, if new to Hakea. Various forms are provided including the Prisoner Telephone System (PTS) form, consent to waive the right not to work, and the Hakea Prison Re-entry Services Checklist to request services from the Transitional Manager.
- 2.19 The orientation also includes a PowerPoint slide presentation and discussion with a peer support prisoner, and provision of a comprehensive handbook for living at Hakea. These however, sorely need an update. The presentation for example, has incorrect information on smoking in cells, and the information on education is also wrong.
- 2.20 All new young offenders and Aboriginal people from regional areas are seen by a prison counsellor, as is anyone for whom concerns are held. Many new Aboriginal prisoners have contact with the Prison Support Officer based in orientation. Newcomers are also listed in two compulsory courses, the Health-in-Prison health education program which focuses on preventing the spread of blood-borne viruses, and an education orientation program comprising an introductory workplace health and safety introduction and oral communication.

CRISIS CARE AND PROTECTION

- 2.21 If an acute risk of self-harm or suicide is identified, the person is registered in the At-Risk Management System (ARMS) and placed in observation in the CCU or if the CCU is full, in Unit 1, the management unit. ARMS involves close monitoring of the at-risk person, and assessment and supportive interviews as appropriate with a prison counsellor, a mental health nurse, and the Senior Supervisor Regimes. Each person on ARMS is discussed at the Prisoner Risk Action Group (PRAG) which meets daily at Crisis Care if needed, with two more comprehensive meetings run in administration each week. Unit Managers, the Prison Support Officer, and chaplains also attend the bigger PRAG meetings to help pool information and to plan effectively for each person.
- 2.22 As the level of risk reduces, less frequent observations may be needed and the prisoner outplaced in a Unit. If the prisoner is new, they would normally be placed in Unit 6 to undertake their orientation. Young prisoners are placed out from the CCU in pairs to a shared cell, whenever possible, for support. While no system is perfect, the ARMS/PRAG system at Hakea has proven quite robust and effective over the years.
- 2.23 Some people are identified on reception or as part of the ARMS/PRAG process, or in the course of their orientation, as especially vulnerable. Those accused or convicted of certain kinds of offences are likely to need protection, as do those with vulnerable personalities and those under specific threats by other prisoners. These would often first be placed and assessed in the CCU or Unit 1 before a determination is made to classify that person as a protection prisoner and then placed in the protection unit, or in Unit 1 until a bed is available.

ESTABLISHING CONTACT

- 2.24 It emerged that many prisoners did not have timely initial contact with their next of kin. Each newly arrived prisoner has the opportunity in reception to make a call to a family member to inform of their reception or transfer to Hakea Prison, and a notation is made on the coversheet on his file that is issued to the accommodation unit as to whether the initial call was successful. Unit staff should assist those unable to contact their kin to do so on arrival in the unit as a priority. However, our evidence was that unit staff failed in many cases to assist new arrivals with their initial calls.
- 2.25 Instead, a form was issued on which prisoners were asked to nominate names, relationships, and phone numbers of persons they wish to call on the PTS. Processing this can be delayed if the prisoner does not remember phone numbers and therefore needs officer assisted research, or supervised access to their mobile phone in reception to obtain the numbers. These contacts must be vetted by unit and security staff before the numbers are activated on the prisoner's PTS. Often, therefore, it takes several days for a newly received prisoner to have any contact with close family or friends by this means.

ON ENTRY

- 2.26 The United Nations Standard Minimum Rules for the Treatment of Prisoners, first promulgated in 1955 require that:

Every prisoner shall have the right, and shall be given the ability and means, to inform immediately his or her family, or any other person designated as a contact person, about his or her imprisonment, about his or her transfer to another institution and about any serious illness or injury (United Nations 2015, rule 68).

- 2.27 An initial call to family upon entry or transfer to a prison is a fundamental right, not a privilege. Hakea management has an obligation to ensure that correct procedure is followed and a record made in every case of attempts to assist the prisoner make their initial call and the outcome of each attempt.

Recommendation 2

Ensure that every new prisoner is provided contact with a family member or other community contact person during reception or, if unsuccessful, upon placement in their Unit.

- 2.28 The PTS itself did not feature in complaints during the inspection and prisoners surveyed were quite happy with their access to phone calls once their contacts were vetted and registered on the system. While the number of handsets is less than ideal, most are located in wings and are accessible for much of the day. However, most handsets are wall-mounted in a corridor with a plastic chair underneath, affording no privacy when making a call, especially when others are hovering for their turn. Booths or shells should be installed wherever possible.

Recommendation 3

Create privacy booths or shells for people using the Prisoner Telephone System.

Chapter 3

PRISON LIFE

UNIT PLACEMENT

- 3.1 From the orientation unit, people are placed in standard wings, keeping in mind any known threats, associations, or needs. Known Outlaw Motor Cycle Gang (OMCG) members are placed in Units 4 or 10. Out of country Aboriginals may be sent to join others in Unit 3 and Asian prisoners to Unit 8. Methadone program participants are sent to Unit 9. On transfer to a unit, people almost always find themselves placed in a shared cell, unless their Multiple Occupancy Risk Assessment indicates otherwise. Some are sent in pairs to share a cell to provide support for each other.
- 3.2 No cells at Hakea were designed as shared cells although those made of sea containers in Unit 8 were large enough to accommodate two single beds. Cells in the former Canning Vale Units 1 to 4 and the CW Campbell Units 6 and 7 are especially small, but half of all cells in the facility were retrofitted with double-bunks. Bunks are ribbed to raise the mattress and minimise moisture and mould. Mattresses are mostly made of good quality dense foam treated with fire-retardant and with a cotton cover supplied by Albany Prison. Prisoners often use a second mattress for comfort, but this defeats the side safety panel of the top bunks and increases the risk of falls. The upper bunk partly obscures the vented window and reduces airflow. Curtains are supplied to control heat and light, but blankets are typically hung instead.



Figure 3: A double-bunked cell.

- 3.3 Cells usually have a single small desk and chair, and prisoners must share a single TV (rented from the prison), games machine, or sound system. They may each have a fan. Cells lack air-conditioning, but a ventilation system maintains airflow by sucking air through a roof vent. Conditions can be difficult on hot days, or in winter, but is reportedly intolerable when the ventilation system stalls. A limited number of personal items, books, legal materials, study materials, posters, toiletries, and canteen purchases are allowed. Food other than packaged items and a piece or two of fruit cannot be kept in their cell.
- 3.4 Each cell had a toilet but most lacked a toilet seat. Ceramic pedestals have been replaced in many cells by ones made of cold stainless steel. Vinyl floors in cells, especially around the doors and toilets were splitting, peeling, or breaking up, creating disease traps. Ablution facilities were shared in each wing, with 50 per cent greater use than designed through bunking. Despite regular cleaning, there was evidence of accumulated scale, grime, and mould in many of these.¹

VIOLENCE AND THREATS

- 3.5 Shared spaces in cells, wings, and adjacent yards were largely out of sight of prison officers, so it could be challenging for prisoners to avoid conflict with others. Many prisoners are vulnerable due to youth, age, physical weakness, a mental condition, chronic addiction, gambling, unfavourable personality features, or associations. External debts, feuds, and relationship issues are common causes for conflict in prison.
- 3.6 Some of these conflicts come to the notice of staff who log them as ‘incidents’ on the TOMS system. In July 2015, the period leading up to and including the first part of the inspection, 10 incidents were classified as fights, and 13 as assaults on prisoners. But in reality many of these incidents were not properly classified. A closer reading of reports may reveal for example, that an incident classified as a fight was really an assault or that an initially unexplained injury was very likely due to an assault. The following table provides an alternative classification by this Office of incident data for the same period for Hakea based on a careful examination of reports associated with each incident.

Table 2: Violence related incidents – July 2015.

| Incident Type | Number |
|------------------------|-----------|
| Assault of prisoner/s | 28 |
| Bullying of prisoner/s | 5 |
| Fighting | 6 |
| Threats to prisoner/s | 9 |
| Total | 48 |

- 3.7 With 28 assessed assaults for July 2015, and using the 23 July population of 891, the assault rate was 3.1 per cent. Without further analysis of a longer data period, a true rate cannot be quantified. Still, this snapshot reveals a concerning level of underlying violence in the lives of prisoners. Few of these incidents met the criteria to be reported to senior managers

¹ An extended set of *Environmental Health Notes* from our expert consultant have been forwarded to the Department for its information and attention.

as critical incidents because critical incidents are narrowly defined, and a prisoner has to be hospitalised before an incident is so regarded. A sexual assault is also classified as a critical incident, and two sexual assaults were reported at Hakea in the 12 months before the inspection. However, the true level of sexual coercion is unknown.

Table 3: Locations of prisoner fights and assaults – July 2015.

| Location | Number |
|-----------------------|-----------|
| External | 1 |
| Visits | 2 |
| At recreation/canteen | 5 |
| Unit/lobby | 3 |
| Wing/yard | 17 |
| Cell | 6 |
| Total | 34 |

- 3.8 This table shows the locations of assaults and fights in July 2015. One occurred in a holding cell at a court house, two in visits, five in recreation, the vast majority within the prisoner's own residential unit, including six in their cell. This reflects crowding in these units, a lack of surveillance, and supervision within residential parts of the units, and the relatively little time spent by prisoners at work or recreation outside the units.
- 3.9 Hakea did have quite a robust anti-bullying policy whereby identified bullies were dealt with initially by intervention and observation, and subsequently by regression to basic or close supervision regime for a time [see Chapter 6]. Identified assaults on prisoners are routinely referred to police, but many prisoners are reluctant to pursue the matter. A perpetrator may spend a week or three in close and basic supervision following a serious incident, but will soon be back in the mainstream. Protection was also provided to prisoners identified at some point as needing protection from the mainstream, but unfortunately in some cases this was only after they had been victimised. Efforts were made to keep warring factions in different parts of the prison or in different prisons altogether.
- 3.10 The double-bunking of prisoners has sometimes been defended on the basis that people are less likely to self-harm when sharing. There is an element of truth in this, especially for prisoners able to share with friends or relatives. But it is equally clear there are major risks to safety through accommodation of prisoners in overcrowded units, including in some cases through cell sharing. These risks at Hakea are exacerbated by a failure to provide work, training, education, or recreation that engages prisoners in meaningful activity for much of the day outside their units.

EATING

- 3.11 A self-serve breakfast of cereal and toast awaits prisoners every morning. Lunch and dinner was distributed to units in trays, using trolleys for reheating in Regethermic ovens. Cold meat salads alternated with fare such as pies and pasta for lunch. The evening meal was prepared in accord with a five-week cyclic menu which included a number of

repeats, especially after substitutions were made due to supply issues or convenience. These meals were prepared one or more days in advance and chilled for storage.

- 3.12 Prisoners were not at all complimentary regarding the food provided at Hakea Prison. Complaints received in the course of the inspection concerned not only flavour and taste, but also repetition and nutritional quality. Food was identified most frequently by respondents as one of the 'bad things' in the pre-inspection survey. Seventy-nine per cent described food quality and 58 per cent food quantity as 'poor', a deterioration from 2012 when the figures were 68 per cent and 41 per cent respectively.
- 3.13 We found little reason for such overwhelmingly negative views of the quality of food. In fact, there were minor improvements in some areas, such as the quality of fish served, and the supply of fresh fruit. Catering management had also made minor adjustments in response to feedback from the members of the Prisoner Council. It may be that the reduction in opportunities to self-cater was a factor in the negative opinions. The self-care kitchen was closed in October 2012 and never reopened. Previously, both protection and orientation units had self-care wings, and 'cookups' had been tolerated in Unit 8, but these had all stopped.
- 3.14 The kitchen produced individual meals for prisoners with specific medical needs or allergies and for those requesting a vegetarian diet, and they appeared to be of better quality than before. However, the prison does not tolerate prisoners picking and choosing, for example, by registering for a vegetarian diet, but attempting to take only white meat such as chicken or fish. In such a case, the prisoner will be taken off the vegetarian list altogether. Nor is there any help for those wanting adjustments for dietary reasons. Some want less fat, or less carbohydrates, others want more fibre or higher protein. Nor is there any option reflecting Aboriginal cultural tastes, for example, in the provision of kangaroo, other bush meats, or damper.
- 3.15 Some prisoners are under medical advice and attempting to manage conditions such as Type II Diabetes. In response to a complaint to an Independent Visitor by a diabetic that he was unable to obtain a low-fat diet the Department stated: 'the kitchen does not provide a special low-fat diet as the food provided is already deemed as low-fat as it can be, ... no additional fat is added to the food' (Independent Visitor Report, November 2014). He was expected to simply take less fatty meats and more vegetables from the meals provided.
- 3.16 There has been no dietetic review of Hakea's menus for some years, and certainly not since a major revision in Australian dietary standards was published in 2013 (NHMRC 2013). In 2013 the Department did commission researchers and students from Curtin University to do a Meal Service Nutrition Quality Survey in three other prisons, following which they developed a Chef Assessment Tool to equip catering staff in each prison to undertake their own regular assessments of nutrition quality of prisoner meals. A revision in Department policy was promulgated in late December 2013 mandating local assessments every two years (DCS 2013c). However, this reform has been overtaken by Departmental changes, including abolition of the Head Office position of Manager Catering Services.

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- 3.17 The prison is conscious of the growing need to provide for the slowly growing number of Muslim prisoners, but relies on those prisoners to simply refuse pork-tainted food when offered. Muslim prisoners too often reject smallgoods and sausage products believing they are tainted despite assurances from staff to the contrary. We saw crude notices on some unit noticeboards issued by the kitchen assuring that such products as sourced from Karnet Prison Farm are non-pork, but they lacked attribution by the Superintendent or other authority. They would be more effective if an assurance was provided by a Muslim authority. Frozen Halal certified meals are also available from the kitchen but it was not at all clear to prisoners how they could access these meals and how many times per week they may be issued. Kosher meals are also stored should an observant Jew be received.
- 3.18 In the end, what was lacking from the catering system at Hakea was any real choice on the part of ordinary remandees and sentenced prisoners alike. In the community, individuals manage their own food choices, but suddenly, once taken into custody, there is no choice whatsoever. By comparison, on entry to Melbourne Assessment Centre, a meal choice slip is given a newly received prisoner offering four choices of meal for the evening meal from Monday to Saturday and for lunch on Sunday. Each meal includes a vegetarian option and non-pork options are clearly marked. Most have red and white meat options and some reflect the varied cultural backgrounds of the remandees. Closer to home, Acacia Prison offers a similar range of choices through its kiosk.
- 3.19 It is time that WA's main receiving prison modernised its catering system to provide a decent level of choice, in a way that better reflects dietary needs, health requirements, taste preferences, and religious and cultural needs. As the Australian standards state: 'Evidence of the health benefits of a dietary pattern consisting of a variety of nutritious foods in appropriate amounts has strengthened over the past decade' (NHMRC 2013, 32).
- 3.20 As part of a cyclic menu, choices reflecting cultural backgrounds of residents could be included, including East Asian, South Asian, African, Middle-Eastern, Eastern European, and indigenous. This would require a shift away from bulk food supply of food to units in trays to a single serve meal distribution system requiring some retooling, and development of an effective ordering system. Beyond that, a recognition that a significant cohort of remand and sentenced prisoners at Hakea spend many months or years at that facility, suggests that restoration of self-catering facilities in enhanced privilege wings in Units 5 through 8 should be considered.
- 3.21 Another option to provide food choice is the idea of a café or restaurant for residents and staff at Hakea. This would provide an excellent opportunity for work and training with prisoners able to use the service depending on their ability to pay from their accounts. It would be a considerable boost to morale and a valid alternative to spending their money on confectionary food and tobacco options available in the canteen.
- 3.22 As a remand facility it is not unreasonable for the Department to provide a better standard of catering than is currently available. To that end we encourage the Department to look towards better meeting the health, cultural, and dietary needs of its unconvicted prisoners through providing meal choices and restoring the ability for self-catering in parts of the prison.

Recommendation 4

The Department review prison catering at Hakea Prison against the 2013 Australian Dietary Guidelines, and implement a system of meal choices in line with the prison's role as a remand facility which houses people with diverse health and cultural needs.

GETTING FRESH CLOTHES

- 3.23 Every week day, clean clothing was issued to residents in their units, exchanged with clothing to be washed on a one-for-one basis under staff supervision. A clothing store staffed by prisoners under staff supervision has been created in every unit for this purpose. Towels were exchanged twice weekly and sheets weekly. This replaced the system whereby prisoners put in a laundry bag twice weekly to the laundry which had to be aggregated according to tag numbers for return to the individual.
- 3.24 For the most part the new system appeared to function well, and staff and prisoners believed it was a better system. It was certainly easier to manage in the laundry. However, it took an hour during the day out of recreation time to service those in the unit, wing by wing, and another 20 minutes or so after work to service the workers. There were also complaints in one unit that clothing stock was diminishing so items were not always available for exchange. This was probably due to weaker staff supervision and an unfavourable layout in that store, allowing hoarding by prisoners. The availability of exchange clothing was generally less than daily on weekends and there were complaints that insufficient supply was available for those who had to work over the weekend, and those involved in vigorous exercise.



Figure 4: Quality of the clothing available for exchange was rather mixed.

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- 3.25 The quality of the clothing supplied was also rather mixed, with many looking stretched and faded. At least with this system, no-one was stuck with such clothes for long. Despite being in the middle of a cool winter, only a small minority of residents were issued with jackets. Most made do with just a track suit and a zip-jumper made of the same material. What was also concerning was the number walking around in thongs due to an interruption of supply in joggers made at Casuarina Prison. This was unacceptable treatment of people in custody, and an alternative supply should have been sourced during this time. The situation was resolved by the end of the inspection.
- 3.26 Personal items such as socks and underwear were included in the one-to-one exchange. Most prisoners accepted this, and our environmental health expert confirmed that temperatures used in the laundry meant there was no hygiene risk in this practice. However, some people were sceptical about such assurances and in any case consider it is a question of dignity and decency to have one's own underwear. Socks and underwear were available for purchase in the canteen, but there were no facilities in the units to wash or dry such items, and washing powder was not available. One Senior Officer said they allowed their enhanced privilege wing to wash and dry their own socks and underwear but that security had vetoed having a washing line to dry them. In that wing, and in a few other wings throughout the prison, socks and underwear were wedged between bricks or in the mesh of metal fences.
- 3.27 This issue is not consistently managed but sentenced prisoners are generally more likely to be able to retain and launder their own underwear. As a question of basic dignity, such a provision should be available to all, not just as a privilege, and certainly for unconvicted remandees. Ideally, laundry troughs, or micro-washers should be made available in every wing, although hand basins would suffice if washing powder was made available. Drying facilities designed to minimise self-harm or security risks are also needed.

Recommendation 5

Hakea Prison should provide facilities that allow all prisoners to properly wash and dry their own undergarments.

HAVING VISITS

- 3.28 Many new prisoners naturally wish to see family and friends, and they must undertake the process of booking and becoming registered to visit. Continued support from family and friends is crucial to their health, progress through the custodial system, and eventual resettlement. Unsentenced prisoners in WA have the privilege of daily visits with family or friends in contrast to sentenced prisoners, who only receive twice weekly visits. At the time of the inspection, social visits at Hakea functioned much as before, with 27 sessions per week at which up to 38 individuals or small groups could attend.
- 3.29 There were five non-contact visit booths for visitors indicated by the trained detection dog (PAD), or where a prisoner's contact visit privileges are under suspension, and two rooms to accommodate special protection or family visits. Four visit sessions were reserved for

protection prisoners, three of which commence at 8.30 in the morning. Four tables in other visit sessions are also set aside for use by protection prisoners. Visitors to prisoners who were believed to be members or associates of two of the outlaw motorcycle gangs were restricted to booking in one of 11 specified visit sessions, and those visiting prisoners associated with rival gangs were required to attend one of 12 other sessions.

- 3.30 The most obvious change was a significant expansion of the main visit hall along both sides as a response to increasing populations. Remandees are legally entitled to daily visits, and the higher proportion of remandees at Hakea added to this pressure. This had eased to some degree when Units 11 and 12 closed, and at the time of the inspection, it was not clear whether additional tables would be installed. The children's corner had also been devoid of toys since construction commenced, but a good-sized enclosure was created as part of the extension. After the inspection, this was fitted out as a playroom for young children.
- 3.31 Social visitors continued to be supported by Outcare family services who receive all social visitors at the centre outside the gate, and provide welfare assistance and advice, as well as a crèche for children during visits, five days per week.
- 3.32 Staff were generally respectful and decent in the way visits were conducted and there was evidence of compassion and flexibility, for example, in hosting private visits following a bereavement, or so a father could meet his infant child for the first time. Prisoners surveyed were broadly satisfied with their access to visits with their families.



Figure 5: Visits centre with new side extensions.

SEEING CHILDREN

- 3.33 The organisation and procedures for visits are necessarily governed by security requirements and the result can be rather intimidating for visitors, especially children. Within the visits hall, the prisoner sits alone on the opposite side of a small table from his visitors which has a low ridge along its middle to prevent easy contact. Apart from an initial greeting and a final farewell, the prisoner is permitted no intimate contact with their partner or children, nor may he play with the children. Officers maintain close surveillance at all times from raised platforms at each end and through CCTV systems which are constantly recording.
- 3.34 The one exception to this rigidity in contact between prisoners and children is the monthly Family Incentive Visit, operated jointly by the prison and the Good Beginnings program. We observed one of these visits where Good Beginnings staff provided some toys, colouring in sheets, a craft activity, books to read, puzzles, and supportive contact with parents and children. They often also have a story-time. The prison provided some snack foods such as juice, party pies, and pizza subs, recently including healthier cut fruit and vegetables. Men were encouraged to sit with their children, talk, share food, and play with them, not just to talk to their partner or other adult visitor.

These visits are appropriately supervised by a good many guards, but the atmosphere was much more relaxed than other visit sessions, and was greatly appreciated by the prisoners and their families. Some told us they only allowed children and partners to visit for these sessions as they found other visit sessions too intimidating and stressful. However, only 25 prisoners per month are chosen to have a Family Incentive Visit. They must apply to attend, have at least one child up to eight years of age and show exemplary behaviour. Alternate months accommodate different gang memberships, and protection prisoners are effectively excluded.

- 3.35 Family Incentive Visits provide a valuable incentive and a positive opportunity for a small number of prisoners to have quality contact with their children and families. But the majority of children have a much less natural visit experience with their fathers. This is likely to be detrimental to the quality of their relationship with their father and to their development. Persons on remand have been taken out of society until their guilt or innocence is determined, and in many cases, bail is granted at some point, and sometimes the person is not found guilty, or receives a non-custodial sentence. However, they and their families are being treated in the same way as serious convicted offenders.
- 3.36 Remandees are afforded a greater number of family visits than sentenced prisoners, but it is time to ensure that the quality of visits is not afflictive, in particular to young children. Ideally, a child-friendly contact visit session should be available on a daily basis to all remandees who are not excluded from that privilege by virtue of their risk or poor behaviour. The participation of a civilian service provider such as Good Beginnings certainly adds value to such events, but there should be no difficulty finding the required skills and values from among the ranks of custodial staff. Part of the extended space in the new visits centre could also be used for shared activities such as games, or interesting displays.

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- 3.37 Risks to security from such visits are acknowledged, including the disturbing prospect that drugs may be trafficked using children, but this should be managed through effective gatehouse security, surveillance, prisoner searches, and exclusion of those abusing the privilege afforded them.

Recommendation 6

Hakea Prison should provide regular and frequent opportunities for fathers to have visits with their children in a normalised environment, following appropriate risk assessments.

BEING THERE, VIRTUALLY

- 3.38 Video visits between prisoners and families have been undertaken in one form or other in WA prisons for over 15 years and indeed, videoconferencing installations in most facilities were initially for this purpose, not for links to court. Similar equipment was installed in community corrections centres where families could attend. However, the network has been overtaken by court video link requirements, and social calls are exceptional. Today very few family visits occur by video link other than contact between prisoners from different facilities, especially since inter-prison visits to Hakea were cancelled in 2014.
- 3.39 The Good Beginnings program at Hakea and Wooroloo pioneered the use of VOIP videoconferencing using Skype to assist prisoner fathers maintain contact with children unable to visit, whether due to family conflict or distance, including some from overseas. It is still used for that purpose at Hakea, and equipment has since been installed in both official visits and video visits at Hakea to broaden its use. It is possible, therefore, for lawyers to interview clients at Hakea from their desktops, and this system is increasingly used.
- 3.40 Prisoners wanting social visits remotely are referred to video visits and a small number have regular visits with family overseas, in other states, or regional areas. Its use is effectively restricted to afternoons when court video links are reduced, although the continued growth in court requirements also threatens to displace their ability to facilitate e-visits. E-visit calls have to be initiated and monitored by staff as they occur; despite availability of multiple software solutions such calls are not recorded.
- 3.41 Videoconferencing and e-visits are potentially a much more powerful form of contact than phone, not least because more than one family member can be involved. Devices capable of connection over the internet are almost ubiquitous today and operating costs are favourable. Remote visiting also reduces security risks and the demand for physical visits at the receiving institution. Singapore now has six locations other than prisons, including at family friendly NGOs, where people may have remote visits with their family member in a prison (see <http://www.sps.gov.sg/connect-us/family-members>). For the Department to benefit from such technologies, it will need to make an appropriate investment. E-visit terminals at Hakea should be taken out of the over-stretched video link centre and installed either in units or in the visits centre. An NGO could also be resourced to establish an e-visit centre in central Perth as an easy-to-reach alternative to physical visits, at least on a trial basis.

Recommendation 7

The Department should implement Skype or other telepresence technologies as a way to facilitate social contact in all prisons, and should trial community-based 'e-visit centres' where families can attend for such visits.

- 3.42 Written mail is still an important means of communication for a proportion of prisoners, but most are painfully disconnected from the social media, text, and email messaging systems they would access in the community. While authorities could likely never allow prisoner participation in such platforms, this Office notes with interest the current trial of the e-mail-a-prisoner system at Boronia, Wandoo, and Acacia. This potentially offers a much more relevant and timely means of communication than traditional mail.

THE RECREATION MATRIX

- 3.43 After breakfast, and after those working outside the unit have left, a resident will find himself confined to his wing, or allowed to wander out of the unit for what is deemed to be 'recreation'. In some cases, prisoners are pushed out of their wings to allow unit workers to clean the corridors, day rooms, yards, and showers. In its submission to this Office before the inspection, the Department recognised strategically that prisoners should be encouraged to use their time constructively, declaring:

Hakea operates a structured day that has recreation as its core constructive activity. The provision of suitable recreation facilities is regarded as critical to the effective management of prisoners at Hakea (DCS 2015c, 3).

- 3.44 In September 2014, there was an escalation in aggression and fights in the courts area adjacent to Units 1 to 4. On one occasion there was a serious stand-off which staff only just managed to contain. Staff and security became increasingly concerned about conflict between various criminal and family alliances, and especially those with OMCG affiliations. It was decided therefore to alternate access to recreation on the western side, with Units 1, 3, and 5 recreating separately from Units 2 and 4. On the eastern side, Units 7 and 9, and 8 and 10 also recreated separately.
- 3.45 This resulted in the western units (1 to 5) on paper being given just 15 hours of recreation time per week and eastern units (7 to 10) rather less. Feedback indicated that in reality, time allowed out of unit was much less than even these minimal amounts. When surveyed in June 2015, 70 per cent of respondents said they had poor access to recreation. The Department's submission for the inspection indicated a commitment to changing this situation:

Hakea acknowledges recreation time requires improvement. A new working and recreation matrix has been developed. This matrix provides all units with 39.5 hours per prisoner per week of quality recreation time. The matrix is currently pending approval in line with the proposed staffing strategy under negotiation (ibid.).

- 3.46 Thus, on the first Tuesday of the inspection, a new matrix was commenced which sought to implement this reform:

Table 4: Summary of recreation matrix, 28 July 2015.

| Unit | Areas of access during rec times | Total hours per week |
|---------------------|---|-------------------------------------|
| Units 2, 3 and 4 | Access to courts, gymnasium, library, and west oval | 36 hours (daily access) |
| Unit 5 (protection) | Access to courts, gymnasium, library, and west oval | 3 hours (only weekends) |
| Unit 6 (reception) | Access to central oval | 10.5 hours (daily access) |
| Units 7 and 8 | Access to central oval | 10 hours and 10 mins (daily access) |
| Unit 9 | Access to central oval | 9 hours and 50 mins (daily access) |
| Unit 1 | Access to central oval | 8 hours and 50 mins (daily access) |

- 3.47 As with previous recreation arrangements, the matrix involved major disparity in the access of eastern units and protection prisoners to recreation compared to western units, and a lack of access to the gymnasium and library. This inequity was felt keenly by prisoners on the east side who could not understand why they were being ‘punished’. The situation of protection prisoners is discussed below [see Chapter 5]. The new recreation matrix was also widely criticised by staff who felt it did not address the issue of conflicts among groups of prisoners that had led to the split recreation regime a year earlier. Unit managers complained that they had difficulty releasing the numbers of staff needed to properly supervise these areas, given unit routines and short staffing. As a result, adherence to the new matrix was patchy and further changes have been tried after the inspection.
- 3.48 The lack of stability in arrangements for recreation, problematic in itself, was compounded by miscommunication and mistrust between staff and management. It is very difficult to maintain individual fitness routines or to organise group or sporting activities in such circumstances. Every prisoner deserves an hour of free time outside their unit every day, but in a way that is safe for prisoners and staff. And if recreation is to be the bedrock of the constructive day at Hakea, as the Department has claimed, it needs to be far better organised and have a meaningful range of choices. Effective collaboration is needed, involving all parties, to develop a safe, equitable, and stable system of recreation that promotes health, fitness, socialisation, personal development, and rehabilitation.

MAKING THE MOST OF RECREATION

- 3.49 Hakea Prison had a full team of recreation VSOs at the time of the inspection who had established an enthusiastic team of prisoner recreation workers who attempt to facilitate organised recreation on the two ovals, the outdoor basketball courts, and in the indoor gymnasium. Australian Rules Football remained popular, especially on weekends, as was basketball, although both ovals have suffered from uneven surfaces, and more recently the eastern oval’s size was compromised, losing an eight-metre wide strip as the fence was relocated to demarcate the new women’s facility.

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- 3.50 Outdoor tennis can also be played on both sides of the prison, but indoor sports such as table tennis tournaments, indoor cricket, and aerobic fitness circuits are only available in the gymnasium to people from western units. However, efforts to organise such activities were too often stymied by unreliable access to recreation through denial of access by the units.
- 3.51 Pool, table tennis, and darts are available in Units 5 and 8 and isometric equipment of variable quality is available in various places adjacent to the units, courts, and around the edge of the western oval. Replacing gym equipment is a priority for the recreation VSOs, and business cases have been prepared. Chess and backgammon was also available for use in units, but card games were most common. One card game sighted during the inspection was played with matchsticks elaborately painted like casino chips.
- 3.52 Prison management recognised that the loss of art and music from education [see 8.27] was a serious concern and were determined to include these in the recreation program instead. To that end, the library, which used the former stage area of the gym hall was being relocated to create an art and music space. This was laudable, but it was not clear why the purpose-built sound-proof studio and art area in education could not be used despite no longer being used as part of an education program. The new library is smaller and management said they intend to create a second library on the east side of the prison, if a site can be identified.
- 3.53 With greater stability, and creativity from recreation officers and workers, one would hope that many more recreation activities might be possible, such as tournaments, quizzes, tai-chi, fitness circuits, an arts workshop, Aboriginal dance, song-writing, toastmasters, book club, and so on.

Recommendation 8

Hakea management to consult and collaborate to implement a recreation program that is safe and accessible to all prisoners.

HAVING A SPEND

- 3.54 Prisoners attend the canteen to place and collect their orders, and different units attend at different times on different days. Officers generally escort one wing of a unit at a time so that there are not too many prisoners lining up outside the canteen at one time. This was good practice and supervision at the canteen was satisfactory, but it is hard to supervise the pathways back to units, and some corridors and choke points were notorious for shakedowns by others.
- 3.55 Sixty-two per cent of respondents to the pre-inspection survey indicated they thought canteen services were 'good' and 34 per cent suggested it was 'poor'. In the context of prisoner living conditions this was the aspect of daily life at Hakea that received the 'least worst' ranking by respondents. This is perhaps unsurprising, as canteen is one area where prisoners can exercise choice in an environment where they have little control over other aspects of their lives.

- 3.56 There are limits to the amount of money a prisoner can spend at the canteen each week from gratuities or private cash accounts, depending on their supervision level. Those on standard supervision can spend \$68.40 from each account with a greater allowance for those on earned supervision. The prisoner's family may deposit funds at the front gate for general use at the canteen or to support a special purchase, such as shoes, or game machine.

Table 5: Hakea Prison 2014/15 canteen expenditures.

| Category | Sales | Spent (\$) | Of total (%) |
|------------------|----------------|---------------------|--------------|
| Art supplies | 2,141 | 15,130.15 | 0.6 |
| Biscuits | 63,933 | 109,201.75 | 4.0 |
| Chips/nuts | 38,327 | 51,379.00 | 1.9 |
| Cigarettes | 104,690 | 1,133,312.20 | 41.3 |
| Confectionary | 183,000 | 300,675.60 | 10.9 |
| Drinks | 153,604 | 307,574.35 | 11.2 |
| Electrical items | 4,042 | 188,805.10 | 6.9 |
| Foodstuffs | 148,696 | 255,876.05 | 9.3 |
| Magazines | 2,100 | 10,219.00 | 0.4 |
| Medicated items | 2,630 | 11,532.60 | 0.4 |
| Non-stock item | 7,133 | 76,498.35 | 2.8 |
| Shoes | 802 | 49,931.00 | 1.8 |
| Stationery | 6,261 | 6,175.20 | 0.2 |
| Sundries | 31,390 | 128,011.35 | 4.7 |
| Toiletries | 36,666 | 101,638.00 | 3.7 |
| Xmas stock | 55 | 107.00 | 0.0 |
| Total | 785,470 | 2,746,066.70 | 100 |

- 3.57 As can be seen above, the biggest expenditure by prisoners was on tobacco, 41 per cent of the total. The cheapest tobacco product was a 20-packet of cigarettes at \$20.45, which for an unemployed tobacco user almost completely accounted for their weekly gratuity of \$21.49 per week. Food and drink accounted for another 37 per cent of expenditures, with processed foods high in sugar, salt, and fat comprising almost all of those purchases.
- 3.58 Only cheese, bacon, and other deli meats were available as 'fresh' food; no other fresh meat, fruit, vegetables, grain, pulses, bakery, or dairy was available. Notices on display in units had pictures of the only canteen items that prisoners were permitted to take to their visits and offer to their visitors. Of the 15 permitted food items, 13 were confectionary, hardly a good example for children.

GETTING WORK

- 3.59 On 23 July 2015 the unemployment rate at Hakea was 49 per cent (440 prisoners), a slight increase the 2012 inspection (44%). Of those prisoners not working, 91 per cent were remand prisoners. Unlike sentenced prisoners, remandees are not obliged to work, but almost all have signed a document indicating availability to work and most would prefer to be productively engaged and earning a higher level of gratuities.
- 3.60 Furthermore, as shown in Table 6 below, more than half the workers were unit workers, positions which mostly require little real time or effort, and provide little real work experience or skills development. Arguably, these prisoners are underemployed and the total underemployment rate was 75 per cent, compared to 70 per cent at the last inspection. Aboriginal unemployment and underemployment rates were even higher [see 5.15ff].
- 3.61 The primary reason for high unemployment rates is the dwindling opportunity for employment, particularly in industry workshops. Since the 2012 inspection, concrete products, and the market garden had resumed operations, but industries VSO staff reported that the Department has cut the operating budget of workshops by a third, and the prison is no longer in the position to offer certified industry training. Nor were VSOs allowed to retain many of their sentenced core workers, who helped to maintain the quality of work and mentor other workers.



Figure 6: Workshops at Hakea employ and train ever fewer prisoners.

3.62 The Unit Interview Form is the official means by which prisoners apply for work, but the process of waitlisting and selection is less than transparent. VSOs often select new workers by word of mouth from prisoners in their employ. There would appear to be an opportunity for a more regular process of advertising, application, and selection for vacancies in employment to better model real world conditions.

GRATUITIES

3.63 In the event a resident has the opportunity to work, he might reasonably expect that his efforts are rewarded appropriately, and that higher gratuity levels are paid to those who work the hardest and with greater levels of trust and responsibility. However, the best prospect is in fact unit work: cleaning, gardening, laundry exchange or Regethermic cook (see table below). A level three cleaning position effectively requires a minimum of effort, less than an hour per day, for almost twice the default earnings for the unemployed. Level two and level one unit cleaning positions are also abundant, although somewhat more effort or responsibility may be required. Regethermic cooks who reheat and serve food in units work quite hard seven days per week and deserve higher gratuity levels, but as a whole, unit work is over-classified in comparison to many positions in industries and other areas, a third of which are paid at levels three or four.

Table 6: Gratuity levels by work type, 23 July 2015.

| Work area | Level 1 | Level 2 | Level 3 | Level 4 | Level 5 | Level 6 | Total | % |
|--------------------|---------|---------|---------|---------|---------|---------|-------|------|
| Paid per week (\$) | 68.39 | 52.29 | 41.02 | 29.05 | 21.49 | 0.00 | | |
| Unit workers | 39 | 69 | 107 | 18 | 0 | 0 | 233 | 26.2 |
| Industries/other | 87 | 60 | 41 | 30 | | | 218 | 24.5 |
| Unemployed | | | | | 420 | | 420 | 47.1 |
| Nil gratuities | | | | | | 20 | 20 | 2.2 |

3.64 The 2012 inspection recommended that there be ‘better opportunities for employment and skill development at Hakea and that the gratuity system positively promotes active engagement by prisoners’ (OICS, 2012, Recommendation 28). While the Department supported this recommendation in principle, and agreed to review the gratuities profile, it noted that employability is restricted in a remand facility. It reported before the inspection that the status of actions taken to address the recommendation, was ‘open’, meaning action had not been concluded.

3.65 There is a strong sense at Hakea of ‘lives on hold’, with only a minority of prisoners having a satisfactory outlet to provide for themselves or others. Opportunities to gain meaningful education, skills or work experience are also small, and in reality many are going backwards in terms of their work readiness when returning to the community. The work and gratuity system acts as a way of distributing spending money and encouraging compliant behaviour, thereby making an important contribution to order within the facility. However, investment in provision of meaningful work opportunities, education, training, cultural activities, and recreation would further reduce risks to safety both from idle people in prison, and people leaving prison presently unable to effectively reintegrate back into the community.

KEEPING FAITH

- 3.66 Hakea is staffed by three dedicated chaplains who provide an important service to prisoners. In addition to holding interdenominational services on Sundays, they provide pastoral care and assist prisoners with their spiritual needs. They also play a key role in accessing religious publications and artefacts for prisoners of various faiths on request. Positively, since the last inspection, the Department has revised their Policy Directive concerning religious and spiritual activities. This directive formally prescribes a requirement to accurately record a prisoner's nominated religion upon reception. It also prescribes an application process for prisoners seeking access to religious or spiritual articles and for religious or spiritual representatives wishing to visit prisoners to provide guidance and support to prisoners.
- 3.67 In recent months, Sunday chapel services had changed from a call up system in the units to one whereby prisoners were required to register several days in advance with the list vetted by security. Prisoners who failed to register on time could not attend. The new system was introduced because numbers attending services had been increasing and there were growing security and safety concerns. Management believed the new system was working in that similar numbers were registering to attend. However, chaplaincy records showed that attendance numbers had dropped considerably since the rule change, due either to a change of heart by prisoners, or a failure by unit staff to announce and facilitate their attendance. The new system appeared to represent an infringement on the right of prisoners to worship (United Nations 2015, rule 66) and it is incumbent on management to ensure this is not the case.
- 3.68 In line with section 95E of the *Prisons Act 1981*, and *Policy Directive 7*, prisoners shall be permitted to receive guidance and visits from 'recognised and approved religious or spiritual representatives with similar religious beliefs to those of the prisoner'. Chaplains were willing to assist prisoners of any faith background and visits had often been facilitated. However, a number of young prisoners from Asian countries said they had not made any requests in relation to their faith or spiritual needs, and had not been offered any assistance. This deserves attention.
- 3.69 Muslim prisoners expressed concerns regarding a lack of Friday prayers. While prisoners are permitted to pray in their cells, obtain prayer mats, and borrow a Koran from the library, they believe they should be able to gather together to pray on Fridays, as a core manifestation of their faith, in a manner consistent with prison security. There have also been issues with celebration of religious festivals, with specific arrangements made by management to support daytime fasting during Ramadan in 2015 not being effectively implemented at unit level. There was no gathering or special meal at the concluding festival of Eid Al-Fitr, nor any celebration of the similarly important festival of Eid Al-Adha, the feast of sacrifice. In previous years, Eid Al-Fitr had been facilitated by the Indonesian Consulate, but there were no longer Indonesian boat crew held at Hakea.

- 3.70 It has been impossible to source a volunteer prayer leader for any extended period, but there would appear to be a need for pastoral care for Muslim prisoners, to better facilitate celebration of the Muslim festivals and to help monitor and manage any signs of radicalisation. It may be time for the Department to employ a Muslim chaplain to service Hakea and other sites instead of relying on informal arrangements to meet the needs of this growing faith population. The chaplain could also usefully contribute to positive communication around food provision and more generally to understanding of Muslim faith among staff and prisoners.

Recommendation 9

Within security requirements, Hakea should ensure that prisoners of all faiths have regular, routine, and equitable access to religious, pastoral, and cultural services.

- 3.71 A constant challenge for all the chaplains is responding to prisoners grieving for relatives, their grief redoubled in many cases by restrictive policies that prevent their participation in funerals. They make every effort to support and comfort these prisoners, sometimes holding memorials in the prison for mourners.

Chapter 4

HEALTH

HEALTH CARE

- 4.1 Prisoners who responded to the pre-inspection survey were not complimentary towards the health service, with 52 per cent rating provision of general health services as poor – see table below. In 2012, only 42 per cent had rated the service as poor. A focus group prisoner told us that ‘the actual treatment provided and the respect from health staff is ok. The issue is getting to see them’. A number of others related stories of taking extended periods to see someone, in many cases after symptoms were gone. More concerning, one told of waiting five weeks for an asthma inhaler, something he could have obtained over the counter in any chemist. Another told of coming into the prison with dental pain. After waiting weeks for a dental appointment, he finally turned to other prisoners to help him extract his own tooth. Only rarely can prisoners access basic pain relief when it is needed.

Table 7: Hakea prisoner views on health services.

| Health Service | Good (%) | Poor (%) | Not used (%) |
|-------------------------|----------|----------|--------------|
| General health services | 37 | 52 | 9 |
| Medical specialists | 37 | 47 | 13 |
| Dental care | 22 | 52 | 21 |
| Psychiatric care | 21 | 41 | 32 |

- 4.2 Newly received prisoners may have health needs identified in their health screen on entry to Hakea, in which case a referral is made, and a few held initially in Crisis Care for observation and management. Medicine brought into the prison cannot be used, and residents are only exceptionally provided medication before a new prescription can be issued by a GP or psychiatrist. Prisoners and third parties have long complained that a discontinuity in certain psychotropic medicines can be deleterious to mental health.
- 4.3 Prisoners may also self-refer using a ‘pink’ health form available in each unit, which the prisoner may hand to the person dispensing medicine in the unit. In the health centre, these referrals are triaged by nurses based on the description of the problem entered on the form. More urgent cases will be seen by a nurse within a day or two, and a referral made to see a doctor after that, if needed.
- 4.4 The centre has an appointment system which is cross-entered into the operational TOMS system. The person dispensing medicine each evening hands out appointment cards for the next day. Staff in the unit scan each morning on TOMS Scheduled Events which includes official visits and health centre appointments and blue coloured passes are issued to prisoners to facilitate access to these. However, we found that a good many scheduled appointments were missed by prisoners, indeed up to half of the doctor’s patient sessions were no-shows.
- 4.5 We followed up four patients who failed to attend one afternoon session with the doctor. Two failed to attend out of genuine uncertainty or embarrassment, a third was delayed in video court, and a fourth was not aware of his appointment as he had not received an appointment card and his unit had not issued a blue pass (this was verified with unit records). We separately encountered other prisoners who reported failing to attend medical appointments because their illness had subsided.

- 4.6 It was surprising that there was no system in place for additional patients to be called up on standby to be seen when others failed to show. There appeared to be concern that such an approach might impinge on the finishing time of staff employed on public service hours. This need not be the case – such patients could be prioritised the following day if not able to be seen in that session. All of those who failed to attend had to be seen later, and others lost out. The effect of this was to unnecessarily extend the waiting list, and waste a scarce and valuable resource.

Recommendation 10

Hakea health centre should proactively follow up with prisoners in relation to pending appointments and extra patients should be scheduled for each GP session to ensure that the services of medical staff are not wasted by non-attendances.

- 4.7 Operationally, the health centre was relatively stable, a testament to a good local administration and the resilience of staff. In reality, the centre’s managers had faced many challenges to maintain its staffing complement as Head Office sought to implement cost-savings by cutting positions considered supernumerary, staff freezes, and onerous bureaucratic hurdles to recruiting and retaining contract staff [see 10.18ff].



Figure 7: Nursing treatment area has little privacy.

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- 4.8 Relationships within the centre were reportedly quite good, but while some custodial staff were tremendously helpful and protective, others caused access difficulties for prisoner patients and were slow to intervene if prisoners became uncooperative and abusive. Some health staff expressed strongly negative views towards Head Office management who they claimed were disinterested, and passed down limited information. This was especially acute because of the KPMG review [see 1.14] which they believed presaged privatisation so staff were anxious about their futures. There was also a Head Office review of structure and functions of health services in train at the time of the inspection. Staff complained of the lack of professional training opportunities, although webinar training had been put in place by Head Office, so far with little take-up by Hakea staff. Our medical expert was especially concerned about the impact of the current system on the nurses rostered on night shift whom he thought were at risk of becoming a ‘de-skilled sub-group within an under-skilled workforce’.
- 4.9 The dispensing of prescription medicine is complex but generally managed well with medication assistants complementing the efforts of nurses. We noted above [see 4.2] a continuing concern with continuity of prescription medication on entry to Hakea. There were also evident issues with non-prescribed medication. Over the counter analgesics and anti-inflammatories were unavailable for purchase in the canteen, nor were they supplied in units. Medication assistants are not allowed to issue these during their rounds, and some nurses admit reluctance to do so. They are effectively only available on prescription, therefore rarely able to be accessed in a timely way, and unnecessarily using valuable medical resources.
- 4.10 Our medical expert also expressed concern at the restricted access prisoners had to pharmacy medicines such those on Schedules 2 and 3 in the Australian Standard for the Uniform Scheduling of Medicines and Poisons, such as antihistamines, skin creams, and puffers for asthma which are much more liberally available in some jurisdictions.
- 4.11 Dental Health Services of WA provide a reliable service at Hakea, but prisoner patients had to wait five or more weeks for an extraction or simple filling. It would appear timely for the Department to consider whether people on remand should be able to access alternative dental services funded either by their private health fund or by family. A visiting private dentist would certainly help to relieve pressure on the public dental service.
- 4.12 In May 2015, the health centre was subject to an accreditation review by Quality Innovation Performance Consultancy against the Royal Australian College of GPs standards. This was seen as a more relevant system of accreditation than the hospital-based accreditation that previously applied.
- 4.13 Our medical expert was concerned that clinical handovers between shifts were informal or rare, something he believed should be normal practice. He was also concerned to see a lack of involvement by the centre in medical training, there being no resident doctor, no medical students, no trainees from the Royal Australian College of General Practice or employment of limited practice 457 visa medical officers. Such engagement would add to resources, open the centre to fresh ideas, and expose a generation of practitioners to forensic medical practice.

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ENVIRONMENTAL HEALTH

- 4.14 The prison's Food Safety Program accords with current State and National food safety legislation, regulations, and standards in the production kitchen, but continues to be inconsistently and incompletely replicated across the accommodation units. Of particular concern, was the failure to provide any food safety training during the nine months prior to the inspection when the Industrial Skills Officer went on leave. In an institution which feeds about 1,500 people daily, failing to provide such basic training to all food handlers is a major health risk.

Recommendation 11

Ensure that food-safety training is consistently delivered to all food handlers in the kitchen and accommodation units regardless of the presence or absence of particular members of staff.

- 4.15 Increasing prisoner numbers have outgrown the production kitchen's cool room storage capacity. There are also deficits in the production kitchen cleaning and maintenance program, hampered by ageing facilities, fixtures and fittings, and food production requirements to meet daily prisoner volume. This included issues with the kitchen roof, roof space, and ceiling which should be assessed and fixed. The laundry ceiling is similarly afflicted. Regethermic ovens need to be installed in some units where conventional ovens are being used inappropriately to reheat chilled food.
- 4.16 Vermin and pest control had improved since the 2012 inspection. This suggested that the vermin and pest management program is controlling the issue (OICS 2012, 59). The scheduled program is flexible enough to manage specific problems in individual units on request by managers.
- 4.17 Accommodation units are crowded with prisoners and staff due to the current prison population. Cells are small, with minimal amount of space for two occupants, often dark in older units, odorous with moisture retention, and damaged surfaces. Double occupancy remains an accepted and increasing practice to accommodate the volume of remand prisoners. Natural ventilation is hampered by the installation of anti-ligature windows, low ceilings, cell door closure and compounded with the covering of window and ceiling vents by prisoners to minimise cold draughts, particularly during the winter months. This has the potential to compromise indoor air quality. Fans must be purchased by prisoners if additional ventilation is needed particularly during the summer months.
- 4.18 Water damage was increasingly evident in buildings, as was an increase of ingrained mould growth particularly in wet/moist areas on communal bathroom ceilings, floor and wall tiles including porous grouting and wood surfaces, under cell vinyl flooring, windows, common area ceilings, and building eaves. Previous attempts to remove mould have not been successful. The Industries and Facility Manager established a periodic unit controlled and supervised cleaning and disinfection process using a safe form of commercial bleach, but implementation failed because of safety concerns by unit officers.

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- 4.19 The documented Programmed Facility Management routine maintenance schedule was inclusive of all aspects of heating, ventilation, and air-conditioning and water systems servicing, treatment, and maintenance, including six-monthly Legionella testing of Rheem hot water systems in Units 11 and 12.
- 4.20 There had been significant improvement to environmental cleaning program systems and processes since the 2012 inspection. An external contractor was engaged to undertake a one year rolling 'complete clean' program of all units, and ongoing cleaning of high and hard-to-reach cleaning areas. Variations in cleaning standards were observed across the units, however, an overall improvement was noted, despite environmental factors and decreased supervision by cleaning VSOs due to staff shortages.
- 4.21 Waste management is compliant with statutes and standards, except for external secure clinical waste storage area signage. Investment was evident in the recycling program which now includes recycling of cell mattresses. An effort to remove food from the waste stream for composting was set back when a Provisional Improvement Notice was issued by Health and Safety Representatives. The prison has yet to find a safe alternative, but it remains a focus due to the amount of waste generated.

INFECTION CONTROL

- 4.22 The Health-in-Prison program facilitated by HepatitisWA makes a continuing contribution to prisoner education in relation to communicable diseases such as blood-borne viruses, hepatitis A, and Sexually Transmissible Infections. Prisoners were offered testing for blood-borne viruses on entry and existing prisoners can request testing. Those testing positive are provided with counselling, health and hygiene promotion, and medication for hepatitis C management. A hepatitis B primary vaccination program and annual influenza vaccination is offered to at-risk prisoners in accordance with *National Medical & Research Council Immunisation Handbook* (2013). One-third of the prisoner population received flu vaccinations this 2015 season.
- 4.23 Visual promotion messages were evident in the health centre relating to hand hygiene and respiratory hygiene, in units on hepatitis C and in the production kitchen on personal hygiene. But there was a lack of handwashing facilities and hand cleansers in unit day rooms. While condoms are available to prisoners, contrary to a recommendation from our previous inspection (OICS 2012, Recommendation 19), nothing has been done to reduce the risk of blood-borne virus transmission through the sharing of needles and other 'sharps'. As attested by research over many years, the regrettable reality is that needles and other sharp instruments are being used in our prisons for tattooing and drug use. Due to the concentration of people in prison already infected by hepatitis C, the risk of transmission in prison from this practice is very high; the burden on individual health and on the health system is also very high (Breana, 2015, Department of Health, 2014). Bleach, which can be supplied in tablet form, or safer cleaning fluids, could be made available to prisoners to facilitate proper cleaning of sharps.

Recommendation 12

Provide access to effective cleaning agent to all prisoners for the purpose of reducing transmission of blood-borne viruses through the sharing of tattooing instruments and needles.

- 4.24 Contingencies were in place for managing individual prisoners with suspected communicable disease. Management of blood-borne viruses, wounds infected with staphylococcus aureus, head lice, and scabies are routine. However, a measles case in July 2014 highlighted deficiencies in the prison's ability to investigate and manage a potential airborne transmissible disease outbreak of considerable magnitude in the absence of adequate population immunity. The prison lacked adequate immunisation status data for both prisoners and staff, or a same-day post-exposure immunisation response for such an event. Worksafe issued an Improvement Notice on 13 August 2014 on vaccination protocol for 'at-risk' employees.

SMOKING REDUCTION

- 4.25 The question of control over the use of tobacco at Hakea remains strongly contested. Public policies to reduce the harms associated with smoking through public education and progressively controlling spaces over the last 20 to 30 years has proven remarkably effective in the community, with major reductions in the proportions who smoke and in the frequency of use by many of those who do. But smoking rates in prisons have remained stubbornly high with some 84 per cent of Australian prisoners being smokers, (AIHW, 2013). Prison officers have also traditionally smoked at a higher rate than people in the general population.
- 4.26 We reported from the 2012 inspection that notwithstanding a policy banning smoking from all indoor areas and limiting it to dedicated outdoor smoking areas, enforcement of the indoor smoking ban was inconsistent, with smoking in cells quite common, and non-smokers bunked together with smokers, presenting a risk to the Department as well as to prisoners (OICS 2012, 56).
- 4.27 On 24 January 2013 OHS delegates at Hakea, posted a Provisional Improvement Notice (PIN) on the Department to protect officers from side-stream smoke, and a Worksafe Improvement Notice to that end was subsequently issued. In response, the Department committed to resolving the matter not by imposing a smoking ban, but by enforcing existing policies. An Assistant Commissioner Custodial Operations (ACCO) Notice entitled 'enforcement of smoking reduction in prisons' was issued on 28 April 2014, concluding that compliance with the policy is mandatory and that 'these requirements will be formalised in policy in due course' (DCS 2014a).



Figure 8: Smoking reduction needs more attention at Hakea.

- 4.28 Since the 2012 inspection, a question has been added to the Multiple Cell Occupancy Risk Assessment which asks whether the newly received prisoner has an issue sharing with a smoker. However, we found that prisoners are not in fact asked whether they have an issue with sharing with a smoker because the official policy is that no-one is allowed to smoke in their cell. The response to the question therefore defaults to 'No'. It therefore looks as if prisoners' preferences are respected but the evidence suggests otherwise.
- 4.29 Non-smoking prisoners are being assigned to cells with smokers. Many non-smokers are sensitive to the smell of tobacco on the breath and clothes of a smoker and find close confinement with such a person afflictive, even if they refrain from smoking in their cell. But in reality, and irrespective of official policy, many prisoners do smoke in their cells to the point where officers complain of being affected by side-stream smoke. The prison's OHS Coordinator had recently received a report from an officer of 10 incidents in just three days as a result of being affected by tobacco smoke. This arrangement is unacceptable and opens the Department to potential suits from prisoners as well as from staff.
- 4.30 In the two months before the inspection, Hakea Prison had formed a Smoking Reduction Working Committee. It had met five times to implement policy by ensuring designated smoking areas complied with distance requirements from doorways, windows and ventilation equipment, reviewing sanctions for prisoners who breach the policy, and looking at programs and support to assist people to give up smoking. Some of the prison's smoking shelters were shifted to comply. In prisoner yards where there were no such shelters, red boxes had been painted on the pavement to designate the smoking area, one remarkably in the middle of a basketball court. This did little or nothing to advance the cause.

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- 4.31 The review of sanctions to enforce the policy had not yet concluded, but incident reports suggested it was being policed with some degree of rigour. The committee had not yet turned its mind to the programs and supports for quitting, and we found virtually nothing in place for prisoners. No Quit programs were available, nor were GPs able to prescribe Champix or Zyban to aid withdrawal from nicotine addiction. Nicotine patches were available from the canteen at a reasonable price, but no starter packs were supplied by the health centre. With just 74 packets of patches sold in the Hakea canteen in 2014/15 compared with 104,690 tobacco products, this approach has clearly failed.
- 4.32 Western Australia is an outlier on banning smoking in prisons, something driven over a period of time by the Corrective Services Administrators' Council and the Australian Health Ministers' Advisory Council. At the time of the inspection New Zealand, Northern Territory, Queensland, Tasmania, and Victoria had all banned smoking within their prisons; a ban in New South Wales was imminent, and South Australia had also announced it was planning to do so. In June, ahead of the onset of the Victorian ban, Corrective Services Minister Joe Francis informed media that while he was keeping an open mind on the issue, he was 'not yet convinced that the benefits of a smoking ban outweigh the potential negative impact on security and tension within prisons' (Banks, 2015).
- 4.33 Prisons are overcrowded, and prisoners have a high rate of smoking. Total bans are therefore something that would need to be implemented in a cautious and prudent way, over a period of time. However, the burden of smoking on health of prisoners and former prisoners, their families, and the health system is very great. With or without a ban on smoking, much more must be done to assist people to quit and to reduce the use of tobacco among prisoners.

Recommendation 13

The Department should implement a concerted, sustained, and multipronged campaign to reduce smoking among prisoners and should eliminate unwanted cell sharing by non-smokers and smokers.

MENTAL HEALTH

- 4.34 Intake for mental health may occur as part of an initial health screen on reception to prison. As with self-harm, presentation of a serious mental health issue would result in a placement in the CCU overnight. Follow up assessment would be undertaken by the Comorbidity Team which comprises mental health nurses and a 0.6 Psychiatrist, who would also assess any later referrals from medical staff, other staff, or prisoner self-referrals.
- 4.35 There has been no real change in the delivery model for mental health described in the report of the 2012 inspection (OICS 2012, 71ff). The centre has up to 15 per cent of the prison's population on its mental health register at any one time, including a good many requiring acute attention. The Mental Health Commission has estimated that 59 per cent of the adult prison population have mental health problems (Mental Health Commission 2015, 65). In this challenging environment, the team mainly has to focus on managing the most acute cases. A number of Hakea's mental health patients are assessed as needing hospitalisation, which is only possible at the chronically full 38-bed Frankland Centre.

Thus there are delays in transfer to hospital and too many patients have to be discharged prematurely to make way for other more acute patients.

- 4.36 Subacute care was limited. Hakea still lacked a step-down placement from the CCU, including for patients returned from Frankland Centre, as recommended in the 2012 inspection (OICS 2012, Recommendation 22). Indeed, as discussed below, Unit 8 is no longer available for those managed on the SAMS, so options have narrowed, not increased. The consequences of this situation were described in the report of the 2012 inspection:

By not being able to appropriately divert acutely mentally unwell prisoners to psychiatric hospital: the entire staff group becomes more burdened; the prison environment becomes more morbid; risk of self-harm, suicide, aggression, assault, behavioural disturbance increases; and the prison authorities carry more systemic and organisational risk (OICS 2012, 6.25).

- 4.37 While there is much to commend in the expertise and professionalism of the team at Hakea, our medical expert described the current model of mental health care as old-fashioned, narrow, and not comparable to community services. There were no clinical psychologists, occupational therapists or social workers; only psychiatrists and mental health nurses. Nor is there any mental health education or promotion at Hakea. By way of contrast, the Melbourne Assessment Centre, a very short-term remand facility in central Melbourne, offers short courses on mood management, coping with change, and managing sleep.

- 4.38 A recommendation from the 2012 inspection was that the Department work in collaboration with other departments and agencies to drive comprehensive systemic reforms to mental health services for prisoners and juvenile detainees (OICS 2012, Recommendation 23). The Stokes report on the public mental health system in WA, delivered shortly after that inspection, identified an urgent need for the new Mental Health Commissioner, Health Department, Corrective Services and others to develop a 10-year plan for forensic mental health in WA (Stokes 2012, 21). The Mental Health Commission has subsequently drafted a comprehensive 10-year plan which includes Forensic Services (MHC 2015, Chapter 12). If the plan is adopted, the Commission would, by late 2017, undertake the following preparations for the future of forensic mental health care:

- Commence development of a 70 bed in-prison dedicated mental health, alcohol, and other drug service for men and women.
- Increase mental health community forensic treatment services, with a focus on in-reach services for police lock-ups, case management, and transition services for people moving from prison to the community.
- Complete planning for a secure inpatient unit, to replace the forensic beds at Graylands Hospital by a 92-bed facility by 2025.

- 4.39 This is laudable, but progress is slow, and funding as yet uncertain. In preparation for the present inspection the Department provided an updated response to 2012 inspection Recommendations 22 and 23, stating that a 'Department-wide evaluation [was] under

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way of service delivery options for offender health services, including in-prison mental health services'. The Superintendent has also expressed an intention to explore options for developing a mental health step-down facility in a unit at Hakea, but there are no concrete plans as yet.

- 4.40 Most of the Department's work in this area is being regarded as 'cabinet in confidence' and is therefore not available to this Office. However, we are broadly supportive of what appears to be intended and will continue to monitor developments. As we have repeatedly recommended, it is essential that priority is given to more holistic and integrated policy and service delivery for prisoners with mental health needs. This must include improved capacity to treat and support patients in dedicated forensic hospitals, as well as in prisons, and better transition services for prisoners to be released into a community treatment setting.

SUPPORT AND MONITORING SYSTEM (SAMS)

- 4.41 SAMS is a system of case management that complements ARMS/PRAG [see 2.21–2.23], and includes prisoners at chronic risk of self-harm, mental health patients being managed on medication, and prisoners living with brain impairment, intellectual disability, or similar challenges. Over a number of years, Unit 8 specialised as a SAMS placement, with staff selected for suitability to work with SAMS prisoners. Prisoners acted as mentors for SAMS prisoners, and a range of procedural, environmental, and activities had been developed to provide a suitable environment for their care and management.
- 4.42 However, in May 2015, the SAMS prisoners from Unit 8 were displaced to an expanded precinct at Casuarina so that some of the prisoners displaced from Unit 5 could be accommodated there. Unit 8 was also fully double-bunked and the innovative 'Greyhounds as Pets' program ceased.
- 4.43 The loss of Unit 8 as a SAMS placement does not sit well with principles espoused in the Stokes Report or in the Department's own statements of intent. It has also caused a real difficulty for those involved in the process of stepping vulnerable prisoners down from the CCU. An early transfer to Casuarina Prison would often not be appropriate, and places are not necessarily available there when needed. Prisoners leaving the Hakea CCU were often being placed back to the orientation unit in Unit 6 where a degree of support and monitoring can be afforded, but as a high turnover unit for newly arrived and unsettled prisoners, that environment is far from ideal.

Recommendation 14

Re-establish a suitable alternative placement within Hakea Prison for people needing extended support and monitoring under the SAMS program.

PRISON COUNSELLING SERVICE

- 4.44 The 10 skilled social workers and psychologists of the Prison Counselling Service continued to make a major contribution to the ARMS/PRAG and SAMS systems at Hakea. They conduct risk assessments to identify self-harm and other behavioural risks, and provide interventions to reduce the risk of self-harm or suicide, to help prisoners adjust to their circumstances and help them deal with feelings of anxiety, grief, loss, depression, and trauma.
- 4.45 The team was working effectively, but morale was low. Referrals to PCS had increased by eight per cent over the previous three years including an 18 per cent increase in ARMS referrals with no increase in resources. They believe they are subject to greater scrutiny and reduced flexibility, for example, on when they may take flex leave. There is also an expectation that they quarantine some of their time for therapeutic work which they consider unrealistic in their circumstances, however, desirable. They believe that decisions are being made that affect their work without being consulted. Their separation from the comorbidity health team allows professional autonomy, but also reduces information sharing and closer collaboration. There was also anxiety about their positions from potential privatisation.
- 4.46 The service continued to work in very poor conditions. Their operational base behind Unit 7 was accessible only by walking through a prisoner yard with the entry adjacent to the canteen where large numbers wait in queue. This was an inherently uncomfortable and risky access for these staff, especially for women. Efforts over a number of years to remedy this had been fruitless. Units where PCS have to undertake assessments and counselling with prisoners lack proper interview facilities, so they have to be seen in the unit manager's office, at considerable inconvenience, without safe egress, visible to prisoners walking past, and often subject to interruption by the phone or announcements being made. In the past they often had to see prisoners in a corner of the day room or a yard, a practice that only ceased after being criticised in a coronial inquest.
- 4.47 Since the inspection, we understand that approval has been given to move PCS from its existing base to another section of the old remand centre building. This is good news, but does not solve the question of the lack of appropriate interview facilities for risk assessment and other forms of counselling.

Recommendation 15

Prioritise the creation of appropriate interview facilities to facilitate assessment and counselling of prisoners.

Chapter 5

SPECIAL NEEDS

LIVING IN PROTECTION

- 5.1 Protection is meant to be a safe haven for prisoners at risk of abuse and assault by other prisoners due to the nature of their offences, their personality, or specific threats made for a variety of reasons, including for example, evidence given to police or prison authorities about another prisoner. But it is also a double-edged sword insofar as placement in protection severely limits one's opportunities for recreation, work, and education. It also tars everyone with the same brush in the eyes of other prisoners; all are presumed to be child sex offenders, subject to abuse and vilification at every opportunity.
- 5.2 For the most part, prisoners are placed in protection at their own request, but this is not always the case. Some are placed there because prison management are convinced this is the only place they can be reasonably assured of a prisoner's safety. For such a grave and important regimen, protection is governed only by a brief Operational Instruction (DCS undated) unsupported by any reference to delegated authority or to legislation – there is no reference to protection in the *Prisons Act 1981*, *Prisons Regulations 1982*, nor in the Department's Policy Directives or Adult Custodial Rules.



Figure 9: Protection yard unusable when prisoners are in education at right.

- 5.3 At the 2012 inspection and throughout Hakea's history, protection prisoners occupied Unit 6. A decent sized outdoor lawn, vegetable garden, self-care wing, and ready access to employment (albeit mainly the prison laundry), helped to ameliorate the strictures of protection. But Unit 6 has limited capacity and in August 2014, protection prisoners from Units 6 and 1 were moved to the modern 128 bed Unit 12, which had been vacant

some months. With a large outdoor space, basketball court, isometric equipment, and an oval shared with Unit 11, this should have been favourable, but access to these resources was infrequent and prisoners who were not working were essentially confined all day.

- 5.4 In May 2015, Hakea had to close Units 11 and 12 to make space for the new Women's Remand and Reintegration Facility. Twenty protection prisoners were transferred to Casuarina Prison where a new protection precinct was established, and at Hakea, Unit 5, the former self-care unit was vacated to become the new protection unit. However, the union disputed the move, claiming the control area in Unit 5, which had high screens but was not fully enclosed, gave insufficient protection to officers.
- 5.5 The dispute was only resolved by judgement of the WA Industrial Relations Commission just two weeks before the inspection (WAIRC 2015). The order included a unit plan focused on behavioural management, an additional staff member solely to operate the grill doors adjacent to the control area, and further works to secure the control station. A transfer to Unit 5 took place the day after this judgement, but many prisoners had to be placed in Unit 1. Installation of bunks to increase capacity to 90 was carried out in October 2015.
- 5.6 Staffing levels in Unit 5 needed to change when the new cohort of protection prisoners moved in, but assigning an officer solely to operate the grills was perhaps not the wisest choice. While many protection prisoners work in the laundry, a larger group remain back in the unit throughout the day, making it a busy unit for staff. Protection prisoners also need to be escorted around the prison by officers, whether to work, recreation, visits, canteen, or medical centre. The additional officer should be able to assist with these tasks.
- 5.7 Unit 5 prisoners have no direct access to the staff control area. They must stand at the grill and wait for it to be opened before being allowed through to see staff at control. The prisoners found this frustrating and requested a period each day when they could approach staff with general enquiries. The unit was also in poor condition, with filthy windows, leaking holes in the ceiling, dusty ceiling fans, leaking taps, and exposed electrical wires. B and C Wings lacked the Regethermic ovens required to safely reheat meals supplied from the kitchen.
- 5.8 More serious was the degree of confinement experienced by protection prisoners in the Unit, especially those without work. The recreation matrix allowed just three hours per week outside the unit to access the western oval and gymnasium, and only on weekends, making any kind of personal fitness program unsustainable. Yards were very small with limited isometric gym equipment. And there were pool and table tennis tables indoors.
- 5.9 While the range of work opportunities were more limited than that available to other prisoners, protection prisoners were advantaged insofar as 90 per cent had work, compared with just 50.6 per cent for the prison as a whole. They worked in the laundry, cleaning administration and visits, in maintaining Unit 12, in unit work, and one recreation officer. However, there was no access to education, nor could they access computers for private study or research.

SPECIAL NEEDS

In its *Code of Inspection Standards*, this Office asserts that protection prisoners should ‘have equitable access to a full range of activities, employment, and incentive schemes available to other prisoners’ and ‘must have daily access to the open air and be able to exercise’ (OICS 2007, standards 4.2–4.3). This is far from their experience at Hakea, and this needs to change.

PROTECTION OVERFLOW

- 5.11 During the 2015 inspection A Wing of Unit 1 was being used to accommodate the overflow of protection prisoners unable to be accommodated in Unit 5. A handful were also accommodated in another wing usually reserved for those serving a basic regime. We were told by Hakea staff and management that the protection prisoners in Unit 1 should be on the same regime as the protection prisoners in Unit 5, but in reality, it was impossible for the Unit 1 staff to cater for the protection population while also attending to the needs of the various other regimes in Unit 1. Because of their protection status, the grill for A Wing had to remain closed at all times. This made it very difficult for protection prisoners to attract the attention of a Unit 1 staff member if they had any concerns.
- 5.12 The prisoners were clearly frustrated by their placement, and spoke with us at length about some of the issues they had experienced since being placed in Unit 1. The lockdown periods in Unit 1 were more frequent because of the various other regimes in the unit. They told us they were missing out on important activities which they have a right to attend, such as recreation, visits, and medical appointments because of the lack of escorting officers. Nor do these prisoners work outside their unit or have access to any special recreation equipment in their unit. A Wing yard is also close to the mainstream units which allowed other prisoners to yell abuse at protection prisoners.
- 5.13 The effect of this arrangement is to treat a class of prisoners with normal privileges as if they were also there for punishment. Keeping protection prisoners in Unit 1 is clearly unsustainable and failure to facilitate access to appointments or to recreation unacceptable.

Recommendation 16

Ensure all protection prisoners, regardless of accommodation placement, are given equal access to all services provided to mainstream prisoners, including recreation and education.

ABORIGINAL PRISONERS

- 5.14 Almost one-third of the Hakea Prison population (287 men of a population of 891 on 23 July 2015) were from Aboriginal backgrounds. They were mostly Noongars from the south-west of the state, but we counted 72 (25%), from northern and eastern regions. Such regional people are in an alien environment in such a metropolitan maximum-security prison, and we found a failure in some cases to assist such prisoners on entry to have a free phone call home [see 2.24–2.27].

SPECIAL NEEDS

- 5.15 Notwithstanding our discussion of out of country Aboriginal people in our 2012 inspection report, we saw no sign that they were any better assisted with their communication or welfare needs (OICS 2012, 77). It was shocking to be made aware that just prior to the inspection, a man had turned up at Men’s Outreach in Broome having been sent by plane on release from Hakea. His home was at Warmun, South of Kununurra, but no arrangement had been made to get him there, nor did have any money, having been \$12 in debit on his gratuities.
- 5.16 Sixty-three per cent of the Aboriginal men at Hakea were unemployed, and young Aboriginal men aged 18–24 had an even higher rate of unemployment, at 71.4 per cent. These young men mostly lacked any work history and many had a limited education; prison was doing little or nothing to improve their futures.

Table 8: Aboriginal population by age group and proportion not working at 23 July 2015.

| Age Groups | Non Aboriginal Population | Aboriginal population | Proportion of whole pop. (%) | Aboriginals not working | Proportion not working (%) |
|--------------|---------------------------|-----------------------|------------------------------|-------------------------|----------------------------|
| 18–24 | 119 | 84 | 41.4 | 60 | 71.4 |
| 25–34 | 215 | 105 | 32.8 | 70 | 66.7 |
| 35–44 | 171 | 74 | 30.2 | 40 | 54.1 |
| 45–54 | 78 | 22 | 22.0 | 10 | 45.5 |
| 55–64 | 17 | 2 | 10.5 | | 0.0 |
| 65+ | 4 | | 0.0 | | |
| Total | 604 | 287 | 32.2 | 180 | 62.7 |

- 5.17 Following the 2012 inspection, it was recommended that Hakea Prison ‘reinvigorate the Prison Aboriginal Services Committee’, which was agreed by the Department (OICS 2012, Recommendation 25, 108). A Reducing Aboriginal Disadvantage Committee was established which had representation from management, health, education, industries, transition management, the Prison Support Officers, and Outcare, but most of these had fallen away and there was no-one of Aboriginal background on the committee.
- 5.18 The focus of the committee had narrowed to Aboriginal participation in non-unit based employment within Hakea, where a marginal but temporary improvement had been made. However, in reality, there were few pathways to employment for the unskilled, and little could be achieved without a broader reorganisation of employment at Hakea towards training and work experience.
- 5.19 Aboriginal prisoners were also greatly impacted by the loss of opportunity for basic education, the loss of art and music in education, and the continuing vacancy of the Aboriginal Education Worker, which in the past had offered indigenous storytelling as an entry to general education. The one hopeful opportunity at the time of the inspection was an offer by Outcare for one of its Aboriginal program managers to provide a pre-employment service to young Aboriginal men.

SPECIAL NEEDS

- 5.20 In general, there was very little by way of support services or cultural recognition for Aboriginal men at Hakea. Pre-inspection evidence provided by the Department indicated that there were four Aboriginal prisoners represented on the peer support team. Only one attended the meeting with inspection team members during the on-site inspection. We were informed that there was poor representation by Aboriginal prisoners across the different accommodation units and in crucial areas like reception and orientation. This represented a major risk to the effectiveness of the peer support program which should have Aboriginal and non-Aboriginal members in every unit. There should also be peer support prisoners covering each region among the prisoner grouping. Prison Support Officers had difficulty convincing Aboriginal prisoners to take-up this highly responsible but unpaid role.

Recommendation 17

Revise incentives to ensure that Aboriginal prisoners are strongly and appropriately represented within the peer support team at Hakea Prison, including reception and orientation.

- 5.21 Aboriginal prisoners continued to be discomforted by highly restrictive Departmental policies on funeral attendance. Support was provided by the chaplains, not least by one who is an Aboriginal elder, but funeral attendance remained a source of considerable angst.
- 5.22 We were also concerned to find that the hours of attendance by AVS representatives was cut for the second time in 12 months, reflecting cost-savings by the Department on the one hand, and an effort to redistribute resources to regional areas on the other. The visitors play an invaluable role day to day supporting prisoners, passing on concerns for prison management to address, and a reduction in AVS services can elevate risks for the prison.
- 5.23 The Aboriginal Meeting Place at Hakea was little used during the inspection and there were no longer occasional BBQs where kangaroo meat was available. The prison lacked any kind of visiting elders program or ongoing cultural activities such as Aboriginal art or dance. Only the annual NAIDOC celebration provided a degree of cultural recognition. By all accounts this was a worthy celebration in 2015, complete with a newly assembled prison band, but as a maximum-security facility only some Aboriginal prisoners could attend.

FOREIGN NATIONALS

- 5.24 Eleven per cent of the respondents to the pre-inspection survey self-identified as foreign nationals, and a diverse population was encountered during the inspection. Many relied on peer support and bilingual prisoners to assist them to navigate their way around life in prison. Many spoken to had been able to secure some form of employment, albeit after waiting several months.
- 5.25 One of the recommendations from the 2012 inspection was to ensure that the policy relating to the management and treatment of foreign national and culturally and linguistically diverse prisoners was finalised and implemented within six months. This recommendation was supported by the Department of Corrective Services at the time, and in 2013 the Department issued a *Guide to Working with Foreign National Prisoners* (DCS 2013b).

- 5.26 This handbook contains good, practical guidelines for prisons in relation to issues such as the provision of language services to prisoners. During the inspection, however, implementation of these policies was inconsistent, with many prisoners reporting medical appointments as the only occasion where interpretation assistance was offered. A number of Chinese speaking persons with limited to no English were over-reliant on a single bilingual prisoner for information and assistance.
- 5.27 We have noted above that newly received prisoners were not always facilitated their initial call to next of kin [see 2.24–2.27], something that should be a priority for persons without local family support. In some cases it took one to two weeks for foreign nationals to have any contact with their family. In making contact and vetting proposed phone contacts, it should not be surprising that family members in the prisoner’s home country may not speak English. Staff should be aware of interpreting options in advance to facilitate this process. Prisoners who reported early telephone contact with their families attributed this to help from consular officials or their lawyer.
- 5.28 Most of the foreign nationals in Hakea at the time of the inspection were young men. Many were hungry for news and reading material in their own languages. The library has very little in this regard, the prison has not often allowed prisoners access to materials sent in by their families, and such materials are not readily available through the canteen. Electronic readers may be needed in future for this cohort. A number were keen to study English, both to aid their functioning in prison and for their future. However, ESL classes were another casualty of the cut in services impacting the prison’s education centre.

Chapter 6

BEHAVIOUR MANAGEMENT

HIERARCHICAL SYSTEM

- 6.1 On entering Hakea, new prisoners are rated at ‘standard supervision level’ which means they attract a standard set of privileges on the presumption of good behaviour. A minor incident of misbehaviour typically attracts an initial warning or a loss of privilege, restored after some days. If the prisoner maintains above average behaviour and hygiene, he may be rewarded by progression to an earned supervision level which attracts additional privileges. Ongoing poor behaviour and hygiene or a single instance of serious misbehaviour may result in regression to basic or close supervision with restricted privileges. These regimes are not construed as punishment but are intended as temporary placement options designed to discourage poor behaviour and to assist with managing the good order and security of the prison (DCS 2009, section 4.1).
- 6.2 Just prior to the inspection, 834 prisoners of the 891 at Hakea (94%) were on standard supervision. Forty-two prisoners were on earned supervision, 13 were on close supervision, and two on basic supervision.

EARNED SUPERVISION

- 6.3 Earned supervision prisoners are traditionally rewarded with additional privileges such as extra visit sessions, letters, property, some degree of self-catering, and a higher likelihood of single bed accommodation. According to Hakea Prison’s Local Order 104, the philosophy of earned supervision within the prisoner hierarchy is for prisoners to be ‘managed with a minimum of staff supervision, with a view to creating a more positive environment. A reduced level of supervision will lead to a higher degree of prisoner self-responsibility and self-determination’ (DCS 2012, 12.1).
- 6.4 Earned supervision prisoners in two wings in Unit 5, and one wing in each of Units 6 and 7 were collectively allowed to self-cater. Others in Units 5, 8, and 11 were allowed to cook food purchased from the canteen to supplement the standard meal service. Those in Units 8 and 6 had access to fresh vegetables grown in their own gardens. Earned privilege prisoners were also more likely to have access to a single cell, some with a shower. However, movements associated with asbestos removal, the shift of protection to Unit 12, and the loss of Units 11 and 12 in May 2015 progressively disrupted these earned privilege regimes with most of those from Unit 5 transferred to Unit 8 where they were double-bunked, and self-catering wings were also lost in Units 6 and 7.
- 6.5 It should be noted that in addition to the earned privilege system, Unit managers have the capacity to designate one of their wings as an ‘incentive wing’. Residents of A Wing in Unit 4 for example, were allowed an extra visit each week and had an electric frypan in which they could fry the single egg they were issued on the weekend together with bacon purchased from the canteen. Only a few such incentive wings were running at Hakea and there was little clarity for residents what was on offer. Access to certain other activities or privileges may also be dependent on prisoner behaviour, including as discussed above, Family Incentive Visits [see 3.33–3.37].

- 6.6 The system of enhanced privileges and incentives for good behaviour is all but broken at Hakea, and many prisoners expressed frustration. An effective system should permit reduced supervision requirements in relevant areas, as well as promoting good behaviour. Staff and management at all levels, in consultation with prisoner representatives, should develop a new system that objectively aligns enhanced behavioural outcomes with meaningful, achievable, and reliable incentives.

Recommendation 18

Based on staff and prisoner consultation, Hakea management should develop a new system of meaningful, achievable, and reliable prisoner incentives.

THE MANAGEMENT UNIT

- 6.7 Continued poor behaviour, bullying, involvement in a serious incident or some other threat to order or security, can lead to a prisoner being escorted by the recovery team to the management unit in Unit 1. On arrival, he will be strip searched and placed in a safe cell in D Wing until the situation is clarified. Most are initially kept there under section 36 of the *Prisons Act 1981*, briefly, or for up to 72 hours for investigation. Investigations may lead to a charge under sections 69 or 70 of that Act, or referral to police.
- 6.8 If concerns are upheld, the prisoner is likely to be held on a 'close' supervision regime for a time (B Wing), before being progressed to basic supervision in C Wing. If the person progresses to standard supervision, they will return to their unit. If charged under the Prisons Act, the prisoner may return to Unit 1 at a later date to appear before the Superintendent, and perhaps a Visiting Justice, to answer to the charge. If found guilty, the prisoner may be committed to serve one or more days in punishment, which is served in designated punishment cells in D Wing. A prisoner may also be confined in D Wing if the Superintendent determines under section 43 of the *Prisons Act 1981* that he poses a serious risk to the safety of other persons, or the good order of the prison, initially for up to 30 days.
- 6.9 There are also two safe cells, two observation cells, and a restraints bed (the 'blue bed') in D Wing which are used to accommodate at-risk prisoners when the CCU is full, or when otherwise unmanageable. Some of these prisoners, and some of those newly received from other areas following incidents, can be extremely difficult for staff to manage, at times requiring use of force, additional restraints, use of chemical spray, and (extremely rarely) placement on the restraints bed. This all happens in a narrow residential cell corridor.
- 6.10 Unit 1 is simply a standard residential unit pressed into service as a multipurpose management unit, with modified cells in D Wing, a small so-called 'exercise yard' tacked on the end, and the day room converted into a hearing and interview room. The control room is positioned in the centre of unit with four narrow corridors leading off to make separate wings. Each wing is secured by a lockable grill which keeps the prisoners separated. There was no line of sight from the control room into the wings, which was identified in

the 2012 inspection as a major risk. According to information provided for the inspection, in three months to May 2015, there were 25 incidents of threats/abuse or abuse to staff, 13 incidents of use of force, and four assaults on staff, more than any other unit or area at Hakea. Prisoners have also complained at times about their treatment by staff in the management unit.

- 6.11 The 2012 inspection concluded that ‘Unit 1 will never be satisfactory as a management unit given its physical design, ageing infrastructure and poor surveillance capacity’ and recommended that the Department: ‘construct a purpose-built, stand-alone management unit, or substantially modify an existing unit to reduce risk and to meet established need’ (OICS 2012, Recommendation 13). This recommendation was supported as an existing Departmental initiative, and a business plan was developed, but regrettably did not gain sufficient priority within the Department’s asset plan.
- 6.12 A CCTV system covering corridors and safe cells had recently been installed in Unit 1, with vision displayed on monitors in the control room and securely recorded for accountability. Despite considerable resistance by those staffing the unit in late 2014, those presently working in the unit had no concerns, believing it made their working life safer. The system however, lacks audio stream, although incidents are recorded by handheld cameras where possible. Management would like to implement lapel cameras which operate continuously, and like those used at Acacia Prison, keep 30 seconds or more in flash memory which can be committed to storage along with new footage when a button is pressed.

PRISONERS ON REGIMES

- 6.13 Most prisoners resident in the management unit are managed according to the terms of a particular regimen which is variously detailed in the Department’s subsidiary legislation such as Policy Directives, Adult Custodial Rules, or the prison’s Local Orders. Regression regimes such as close and basic supervision are premised on the notion that many aspects of a prisoner’s normal freedoms and possessions are privileges which can be taken away as a consequence of poor behaviour and to encourage good behaviour. Prisoners should be placed in close supervision only for conduct which reflects ‘continued acts of violence, serious nonconformist behaviour or behaviour that poses a threat to the good order and security of the prison’ (DCS 2009, 7.5) which in Hakea Prison’s Local Order was defined to include being on stage three of the anti-bullying policy or possession of a syringe.
- 6.14 Confinement regimes, such as section 36 for investigation and section 43 for maintenance of threats to good order and punishment as ordered by the Superintendent or Visiting Justice, have additional restrictions, but in all cases, prisoners have clearly defined rights which must be upheld. Such regimes are posted on the prisoner’s cell door which officers are expected to consult before dealing with the prisoner.
- 6.15 Prisoners serving such regimes had few complaints about their management except for the loss of contact visits with family and a failure to supply clock-radios to all those who wanted them in close or basic regimes, due to an insufficient supply. Access to news for prisoners who request it is a minimum entitlement (DCS 2009, 3.3(1)), so provision of a radio as a means of accessing the news is not optional on the prison’s part.

6.16 The inspection team observed the morning ‘rounds’ – whereby either the Assistant Superintendent Operations or the Senior Supervisor Regimes spoke one-on-one with each close and basic supervision prisoners to monitor their progress and address any of their concerns. Commendably, each prisoner was also asked if they knew why they were in Unit 1. However, one prisoner did inform a member of the inspection team that he had not been given a regime despite being his fourth day in Unit 1 following an incident. The record on TOMS confirmed it was not generated until the time of our visit. Nor had he been told whether his complaint of having been assaulted by staff before being brought to the management unit, made to staff on his arrival, was being dealt with in any way.

UNIT ROUTINES

6.17 The inspection team observed the morning regimes of basic and close supervision prisoners in Unit 1. The process was structured, systematic, and well-controlled. Basic and close supervision prisoners were let out of their cells each morning to use the communal shower, make telephone calls, and to spend time in the exercise yard. To ensure all prisoners were afforded their daily shower, the Unit 1 overflow protection prisoners in A Wing were locked in their cells so basic and close supervision prisoners could use their showers.

6.18 The court room is located in D Wing, Unit 1, and is also used as a tea room and storage room. The court room is used on Mondays and Thursdays for the Superintendent’s parade and the Visiting Justice (VJ) parade. When observed by Inspectors, noise emanating from the punishment cells made the court process difficult to hear. Prisoners who are scheduled to attend the parade are brought to Unit 1 where they must wait to appear before the Superintendent or the VJ. To keep prisoners segregated, prisoners from the east and west sides of the prison wait in separate yards of D Wing, and protection prisoners are locked in the shower block. This is completely unsatisfactory – staff do not want them associating with other protection prisoners in A Wing – but this must be reconsidered.

6.19 The remaining prisoners in Unit 1 were also locked down for the weekly Superintendent’s and VJ’s Parades. With the strict regimes and the multiple lock downs each day, it comes as no surprise that there are many times throughout the day when Unit 1 prisoners are just not accessible to official visitors. At times throughout the inspection, even our team were turned away or asked to leave because the facility was considered unsafe for visitors. The numerous regimes also mean that staff in the unit are kept very, very busy. As discussed above [see 5.11–5.13], this also means that standard supervision prisoners residing in the unit’s A Wing, often protection or special segregation status, have too often missed out on recreation and access to other services.

Recommendation 19

Construct a new purpose-built Management Unit within Hakea Prison that can safely administer the full range of services and regimes currently required by Unit 1.

Chapter 7

THE REMAND JOURNEY

SEEING LAWYERS AND OTHER OFFICIAL VISITORS

- 7.1 The official visits centre is the venue for prisoners to meet with lawyers and other official visitors. The centre efficiently managed a constant flow of prisoners required for various official reasons as prescribed in section 61 of the *Prisons Act 1981*, encompassing both legal (with lawyers and Justices' of the Peace) and non-legal (with support agencies and other government departments). The centre also processed all official mail in and out of the prison.
- 7.2 The centre was open from 8.30am – 3.30pm weekdays. It contained 14 official visits rooms (12 for general use, one for police use, and one holding room), five of which were fitted with computers that were supposed to facilitate visitors, and particularly lawyers, to attend with evidence and other materials that had to be viewed and discussed with their prisoner clients. But following changes to their workings for security reasons, the computers were unable to play CDs of evidential material. This is a ridiculous situation and a waste of resources. However, since April, the Department has allowed lawyers to bring laptops into official visits to enable clients to view evidence and work on other documentation.
- 7.3 E-consults had become increasingly available for legal counsel with their prisoner clients via Skype. However, while there were five computers equipped for this which are available in the official visits centre, since late 2014, only one was able to be used. Equipment in the video link facility could be used, but e-appointments were cancelled if video courts ran over time. It is a considerable saving of resources for the prison not to have to process and have a physical visit, and can also present a significant savings in legal costs as well. As such, more investment is needed in these types of resources.
- 7.4 Too many prisoners are late for their appointments at official visits. A log is kept of calls to various locations to ask for prisoners and then the time that they actually arrive, and reasons why they were late. We observed one prisoner arriving 35 minutes late, who said he had been waiting for a haircut, and that staff had not told him why he was required at the centre until the second time he was asked to attend there. Attendance at most of these appointments is very important, potentially affecting outcomes of criminal cases, family court issues, and other external affairs. The prison must ensure that staff understand the pivotal and priority importance of prisoners attending official appointments and the need to communicate this to prisoners.

VIRTUAL COURT APPEARANCES

- 7.5 Only a minority of court appearances are in person. These prisoners have to be unlocked before others and sent to reception to get changed and placed in transports. A few have to be transferred back to another prison to facilitate appearances. But the majority now appear in court by way of video link. The growth in the use of videoconferencing technology for court hearing has provided a number of significant benefits, including:
- reduced pressures on reception, prisoner transport, and court custody services
 - reduced costs associated with these services

- reduced security risks associated with external movements
 - alleviation of discomfort and psychological stress experienced by prisoners spending long days on court escorts, often for very brief appearances
- 7.6 In 2012, this Office found that an average of 33 prisoners appeared each day for video link, peaking at 50 (OICS 2012, 13). On our first visit to the facility in this inspection, we found 60 prisoners waiting for their appearances. One day the previous week, there were 83. The facility was unquestionably well outside its safe working capacity. The corridor areas were narrow and busy, making supervision very difficult. Too many prisoners failed to speak to their lawyers at all before their court, there being just two telephone booths for this purpose. The location of the facility adjacent to the canteen and recreation courts between two units was extremely unfavourable for the safe movement of prisoners from other areas, including protection prisoners. The holding cells were unsafely crowded, there was limited capacity for separation, and they lacked toilets. Blind spots in the main cells prevented adequate surveillance.
- 7.7 Given this environment, the success of the video court system can be attributed to the knowledgeable and dedicated staff at Hakea who operate the court each day. A morning spent at the court revealed an unpredictable system of court appearances and process with no consistency or predictability in how or when each proceeding may be called, with each court being given its liberty to operate as a stand-alone entity. There were no discernible standard rules or guidelines about how courts are expected to operate when the hearing is conducted remotely from Hakea. Far too many prisoners were not being seen until well into the afternoon having already spent all morning in appalling conditions.
- 7.8 A Hakea staff member gave a contrasting experience of a visit to a similar facility in New Zealand. A single person within courts had taken responsibility for the running of remote prison courts, and had set down operating guidelines as to how these should be run. It reportedly meant that the prison court knew who was required, at roughly what time. The order of appearance depended on why the court was sitting in each particular matter, and it was not permitted for changes to the 'type' of appearance to occur. Should a lawyer wish to adjust their course of action, they had to seek a new hearing date.
- 7.9 Following the 2012 inspection the Inspector recommended that:
- [T]he Department of Corrective Service, with input from the Department of Attorney General, judicial officers and the legal profession, develop improved facilities at Hakea Prison for video links to courts, including more video link facilities, adequate waiting areas, more options for the separation of prisoners, and improved safety, security and supervision' (OICS 2012, Recommendation 3).
- 7.10 Subsequently, a business case was put forward by Hakea in August 2012 for the creation of a 'Legal Services Unit' in a purpose-built facility that would incorporate the needs of video courts and a dedicated legal library. This was not successful. In 2015 a new case was put forward for some modification works to the existing video court facility, and this secured Departmental support. Since the inspection we understand that the Department has opted to create, instead, a new facility within one of the industrial workshops at Hakea. This may well suffice for now, but attention also needs to be given to closer cooperation and coordination with courts at Hakea and other prisons.

Recommendation 20

The Department of Corrective Services and the Department of the Attorney General better communicate and coordinate court services to ensure more efficient, effective, and predictable video court operations across the state.

PREPARING A DEFENCE OR AN APPEAL

- 7.11 The situation with regards to prisoners' access to the legal library and computers to assist in their research and preparation for court remains essentially unchanged since the last inspection in 2012. The resources available are identical – a selection of incomplete and often out of date hard copies of books and legislation, and a single primary electronic resource, TimeBase. TimeBase is good for accessing legislation and limited synopses of cases, but not full texts.
- 7.12 Despite the Local Orders and Directors Rules contained in the Hakea prisoner library stating otherwise, prisoners are not able to generally apply for computers in their cell.
- 7.13 Prisoners who want to access case law or resources not in Hakea's library must complete a form to request them. If possible, the library officer undertakes this research, or the form is forwarded to the appellate librarian at Casuarina. Under a Local Order, requests sent off site are only processed once a week (on a Thursday), so obtaining materials can be significantly delayed. This is time-consuming and inefficient. Prisoners also have to pay for printing from their often limited gratuity or private cash accounts. Yet the requested resource may not in the end be useful, as the prisoner has had little information on which to rely.
- 7.14 At the time of the inspection, there was no permanent library officer. The VSO librarian had been moved to Casuarina and the subsequent substantive officer was on long-term leave until 2016. The officer in situ at the time of the inspection had been performing the role for six weeks and was due to move on. He had enjoyed his time on roster in the library, but had little knowledge of accessing legal materials, and just tried to help prisoners as best he could.
- 7.15 As the library is located on the west side of the prison, those accommodated on the same side (aside from protection in Unit 5) were able to access the library at any time during recreation. Prisoners from Units 6 to 10 may attend only with permission of their unit manager, and not if there are any alerts in relation to anyone located on the west side. While protection prisoners previously had library access on Fridays, they could only now attend on weekends when there was no access to legal materials, or by special request, requiring a special escort. Staff rarely found time for this.



Figure 10: Computers for use in the prison library.

- 7.16 These arrangements contravene the individual’s right to participate in their defence. Prison management told us that staff are expected to allow prisoners access to the legal library regardless of their accommodation location, and they undertook to ensure that it happened.
- 7.17 The legal library had six computer terminals at the time of the inspection, but only two were functioning with disc drives that could be used with TimeBase, two could word process and allowed the user to save to disc and then print, and two were unusable because work could not be saved or printed by users.
- 7.18 Lawyers expect their clients to participate in their own defence by viewing evidence and other materials at length, really only possible during their long cell hours. Laptops or e-readers are needed for this. It is also very costly for those funding legal cases when lawyers have to sit with prisoners in official visits while they view video evidence.
- 7.19 *Policy Directive 42 (19)* states that only ‘under exceptional circumstances’ will prisoners be given a Department owned and modified computer for legal purposes. Computers will only be provided ‘where sufficient resources do not exist to otherwise permit this’, and only for self-represented remandees, not just those who are actively involved in their case. In this respect, the Department continues to ignore a ruling of the Supreme Court in which Justice McKechnie stated: ‘It is a right not a privilege for an unconvicted person in custody to have access to a computer with CD/DVD facility in order to prepare their defence’ (*Mansell v State of Western Australia* [2011] WASC 170, [21]–[25]).

- 7.20 The security risks presented by electronic equipment and information sources are obvious, however, this has been an issue for many years and the Department has long been aware of them. It has chosen not to confront and address them. Reliance on technology, both in legal proceedings and the world generally, has only grown over time and will continue to grow to the point that in many forums, only electronic copies of materials or submissions are acceptable. Many jurisdictions throughout the world have implemented solutions and the Department must move into modern times and do the same. To delay any further will only increase costs, and lead to further infringements of the rights and needs of the prisoner population. It will also inevitably lead to further legal challenge from defendants.
- 7.21 In summary, there are insufficient resources available at Hakea, given there were over 750 remand prisoners, with only two computers capable of word processing, saving, and printing materials accessible to prisoners in the whole prison. There is also a need to view evidence and research their legal needs. While prisoners in Units 2, 3, and 4 may have acceptable access, those on the east side and in protection have extremely limited or effectively no access. This constitutes a failure to meet the needs of a remand prison and to meet the legal obligations of the Department.

Recommendation 21

The Department of Corrective Services must meet its legal obligation to provide adequate access to appropriate legal resources, materials, and equipment to enable all remand and appeal class prisoners to fully participate in their cases, should they wish to do so.

ACCESS TO DEPARTMENTAL RULES, POLICIES AND DIRECTIVES

- 7.22 Hakea must also take urgent action to update all internal prison and Departmental rules, policies, and procedures contained in the library. An examination of local orders, standing orders, and policy directives in the library showed most of them to be considerably out of date, and it is unreasonable to expect any prisoner to behave according to the rules if they were relying on what they accessed in the library.

Chapter 8

WELFARE, REHABILITATION AND RE-ENTRY

UNIT BASED WELFARE

- 8.1 The first days in custody can be very stressful. As well as dealing with their loss of freedom, separation from loved ones, substance use withdrawal, or the circumstances that caused their incarceration, many prisoners have acute needs relating to their change of situation. Assistance may be needed with contacting or making arrangements relating to relatives, accommodation, pets, belongings, employers, businesses, lawyers, child support, Centrelink, education, phone contract, banking, fine, debts, and other financial or social obligations.
- 8.2 Unit staff are primarily responsible for the welfare of residents, a responsibility discharged by assigning a wing officer to respond to prisoner needs as they arise. Most prisoner requests have to be initiated by submission of a Unit Interview Form through a window with a tray in the control area, and issues raised are also often dealt with through the slot. Officers in control have to deal with multiple demands and often have to tell the prisoner to come back later, something regarded by prisoners as lack of interest. It can be difficult at times for staff to step out of the control area and find an office where for example, they can assist a prisoner with a special phone call to an external agency.
- 8.3 In Acacia and Wandoo, operated by Serco, electronic kiosks in the units provide a range of resources for residents, including checking their account balances, making a canteen order, topping up their phone account, making appointments, checking their timetable, selecting their meal choice, applying for certain activities or programs, and receiving notifications. At Hakea, as with other public prisons, such basic transactions all have to be handled by Unit staff. This makes it harder for staff to give real attention to some prisoners' serious welfare needs.
- 8.4 There is little planning or continuity in the welfare services provided to prisoners, and they relate having to seek help and tell their stories repeatedly. Nor are notes usually kept of any efforts to provide assistance and outcomes. TOMS has an excellent function for keeping such notes which is well used in some other facilities, but rarely by unit staff at Hakea. The lack of records makes it hard for other unit staff or service providers trying to help the prisoner later on, and for management attempting to respond to complaints or queries about the prisoner's treatment. Many staff are more than willing to help, but may be uncertain, for example, whether they can contact an external agency on the prisoner's behalf.
- 8.5 The welfare component of unit management deserves closer consideration by the Department, including the scope of the service, how requests should be made, guidance and training for staff, record keeping, the number of staff that should be dedicated to this activity in units, the role of the unit manager, and any efficiencies such as use of a kiosk system. This should also trigger broader considerations such as the place of remandee welfare within the Department's new Individualised and Integrated Offender Management System.

Recommendation 22

In line with the findings in this report, the Department should improve the welfare component of Unit Management at Hakea.

TRANSITIONAL MANAGER

- 8.6 As part of the orientation process, all newly received residents are provided with a Hakea Prison Re-entry Services Checklist from the Transitional Manager. This includes a list of services and programs which all prisoners may request, and others reserved for sentenced prisoners. Orientation officers and peer support prisoners explain the services and programs available and encourage prisoners to apply for services or programs they need. These can also be requested through submitting a Unit Interview Form at any time, something that may be suggested by a unit officer in their contact with residents.
- 8.7 The Transitional Manager may make inquiries or referrals to other agencies on prisoners' behalf, assist them with making applications, and waitlist them for voluntary programs. The most frequently requested service was in relation to unpaid fines. While sentenced prisoners can request that fines be discharged through time served, remandees must apply for, or extend, time to pay. Prisoners may apply for public housing and check the status of existing applications. MDL status inquiries were made. Sentenced prisoners were also assisted in obtaining birth certificates, proof of age cards, and Medicare cards.
- 8.8 New remandees needing practical help are referred to Outcare remand [see 8.13–8.14] and those with issues relating to children to Good Beginnings [see 8.15–8.19]. Those needing to contact Centrelink were referred to an officer who was visiting weekly until aggressive behaviour by one prisoner had recently caused the worker to withdraw their service. This service was invaluable, as it is virtually impossible for the prison to facilitate prisoners sitting on a phone for long times, which is not uncommon with Centrelink's call centre. It was hoped that the service would resume shortly.
- 8.9 The Transitional Manager has arranged for a freecall 1800 number for the Child Support Agency be placed on the PTS, but many prisoners said they were having difficulty getting through and concluding their business in the 10 minutes available. Such prisoners then need assistance from unit staff, the Transitional Manager, or the Outcare remand service.
- 8.10 Applications for the Department's Transition Accommodation Support Service have been facilitated by the Transitional Manager, but none were being accepted. A handful of applicants to Centrecare's Accommodation Support Service Program had been more successful. And while prisoners have been assisted in applying to enter community drug or alcohol rehabilitation programs on release, none have latterly been successful. Sentenced prisoners may apply for drug and alcohol through-care counselling (DATS) with Cyrenian House or Holyoake, but remand prisoners can only participate in certain short-term group interventions [see 8.37], or Alcoholics Anonymous (AA).
- 8.11 The Transitional Manager was only allowed to assist with banking issues with specific endorsement from the Superintendent. This is reserved for special cases, such as foreign nationals closing accounts prior to deportation. Prisoners are expected to have relatives or others deal with the bank on their behalf. They are also expected to sign out any banking cards or credit cards, along with any mobile phones, to relatives within two weeks of entering prison. The inability to suspend or close accounts, and the signing out of cards, leaves prisoners vulnerable to potential fraud.

8.12 As in 2012, the administrative burden on the Transitional Manager is immense. Records of services provided, referrals made, and programs completed are entered on TOMS as case notes for individual prisoners. However, the role still lacks any administrative support. The Transitional Manager is still situated in administration away from prisoners, but she often makes herself available in the official visits centre, to assist prisoners in many of the more difficult issues they face, including making complex applications and dealing with other government agencies.

OUTCARE REMAND

8.13 Outcare Incorporated is funded by the Department to provide a supplementary welfare service to new remandees. The two staff members attend at the official visits centre for two days per week and attempt to see some of the new remandees within the first two weeks of their admission to see if they have any outstanding issues. Any remandee who requested a service through the Transitional Manager is prioritised. Their service is limited in scope to advisory and practical help, not case management, counselling, or legal assistance. Issues addressed included child support, child contact, care arrangements, bill management (Synergy, Telstra, Homeswest), legal aid applications, and lease terminations. Outcare workers are under direction not to assist with banking matters.

8.14 Some remandees anticipate attaining bail or receiving a community-based sentence but need accommodation. While Outcare has an 'emergency' accommodation service, it is only for a few days and its availability cannot be guaranteed for a particular release date. Beyond that the workers can only provide a contact list of certain backpacker hostels where newly released prisoners may be able to stay. Outcare is generally unable to assist remandees on addictions or mental health issues, other than inform them of rehabilitation and support options available in the community and limited motivational interviewing to encourage them to deal with their issues.

GOOD BEGINNINGS AND FAMILY LAW HELP

8.15 Good Beginnings has worked at Hakea for over six years to enhance the connection of prisoner fathers with their children and their effectiveness as parents. It is driven by a belief that parental imprisonment should not cause harm to children, and that time in prison can be an opportunity to restore and strengthen effective parenting. However, the present inspection saw some significant changes to the service. The first was evident in the new red-coloured uniform of the staff, with Good Beginnings recently becoming a program of Save the Children. Staff seemed pleased to be part of a bigger organisation and saw positive potential connections with the work being done with youth and families in the community.

8.16 The second was accommodation of the program in the training and development centre outside the prison; they were formerly based in the courts area near Unit 2. This move was initiated by the prison to better protect the agencies' female staff, but without consulting Good Beginnings staff or discussing alternatives. They now had to request to see prisoners in the official visits centre where an interview room was reserved for use by Good Beginnings

staff and the Transitional Manager. It was feared that contact time with prisoners would significantly decrease which may affect Good Beginnings' future funding.

- 8.17 Good Beginnings continued to help resolve contact issues with children, including through use of Skype to provide regular contact for some. Support, advice, and referrals are also provided and prisoners are referred to the ever popular two day Dad and Kids Connect Program run by Good Beginnings. The service also runs a monthly family incentive visit together with prison management to facilitate more natural interaction of prisoner fathers with their children [see 3.33–3.37].
- 8.18 There has been a steady erosion in prisoner access to services affecting family law matters. In 2012, both legal aid and the family relationship centre provided information sessions about child protection, family law, VROs, family mediation, and provided limited individual advice. Good Beginnings staff and others are increasingly having to assist prisoners access and complete forms they need relating to family law matters. In some cases, prisoners are advised to seek out a peer supporter to help them complete such forms.
- 8.19 Two opportunities recently presented themselves to assist prisoners in relation to family law matters. One involved an offer to provide pro-bono advice by a lawyer, the other involved para-legal assistance from supervised law students. The prison was not inclined to facilitate either offer. More generally, there are still no dedicated services at Hakea to provide therapeutic counselling to prisoners in relation to family relationship issues or treatment to address their involvement in family violence.

EDUCATION AND TRAINING

- 8.20 New residents at Hakea were listed for a compulsory two day orientation program in education as part of their initial orientation, generally undertaken in their second week. This covered oral communication, application of basic computing skills, and introduction to workplace health and safety.
- 8.21 The 2012 inspection report lamented that numbers attending education at any one time were limited to 60 or 70. The situation in 2015 was much worse: so few programs were on offer that daily attendances were down to 15 or so, just three days per week. What was once a flourishing education and training centre had become a shadow of its former self.
- 8.22 A review of the services provided at Hakea undertaken in July 2014 sought to better define services to be provided to its remand population. The orientation program described above [see 2.15–2.20] was established in response to this. It also determined that the new focus would be on consolidating the education and training skills of incoming remand prisoners, assessing adult basic education skills, and providing recognition of these skills with nationally accredited units of competency. However, a significant funding cut was imposed on the Department's Educational and Vocational Training Unit (EVTU) in November 2014, requiring changes in delivery at every site and reprioritisation across the system. Most sites reduced their delivery from 50 to 41 weeks per year, but were otherwise able to maintain a fairly comprehensive program. Hakea was allowed to maintain its induction program three days per week for 49 weeks per year, but little else.

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- 8.23 Hakea retained its core staff of Campus Manager, three Prisoner Education Coordinators, and an Aboriginal Education Worker, although the latter position had been vacant for six months before the inspection. In the past, these staff facilitated the delivery of a good range of education and training programs through partnerships with various institutes and training providers, but the Hakea education centre's Operational Level Agreement with EVTU had stripped it of resources to engage external tutors. The main strategic priority for the remaining staff was not direct delivery of education or training, but developing a new self-paced learning system and materials for prisoners to use in their cells, not only at Hakea, but throughout the prisons in WA.
- 8.24 At the time of the inspection, no full-time education programs were available. Other than the two day orientation programs, in the second week of the inspection, two sessions were provided in Certificate of General Education (CGEA) level maths, two in completing forms at Entry to General Education (EGE), two in preparation for first aid also at EGE level, and four in financial literacy and debt consolidation. In reality, the EGE level programs had only been included at the behest of prison management having been dropped some months before. Four other agencies were allowed to utilise vacant classrooms.
- 8.25 In the past, students could undertake full-time CGEA or EGE studies, including an indigenous stream, courses in business studies, information technology, English as a second language, workplace health and safety, music industry skills, or art. A number also engaged in external studies with external providers, including at tertiary level. In the past, the centre had also facilitated considerable industrial training in conjunction with industries, variously in hospitality, horticulture, recreation, asset maintenance (cleaning), cabinet making, metal work, and others. Between January 2014 and March 2015 there were 43 students engaged in employment areas. None of these were under way at the time of the inspection.
- 8.26 The lack of industrial training, as we understood it, was not only a question of resources or change in scope on the centre's part, but reduced cooperation from the prison's administration which no longer appeared to prioritise prisoner training. As an example, a painting and decorating program in late 2014 was planned to engage 15 students over 10 weeks in unit renovation work. This was approved by management and the industries manager, but the prison failed to provide a duty officer for the work party. This meant that prisoners could only work in the education area, which proved a loss of opportunity for the prison in general, and a reduction in the value of the work experience.
- 8.27 Art and music courses were ceased at the direction of EVTU, based on the Department of Training and Workforce Development's industry skills priority list that does not identify Music and Art qualifications as leading to direct employment (see also OICS 2015a, 56). These were mainstays at Hakea, especially for Aboriginal prisoners and effective at creating non-traditional employment for some and productive activity for many others. Unlike some other prisons, Hakea had not incorporated art or music into other courses.
- 8.28 Prisoners, staff, and management were concerned about these changes. Prisoners bemoaned the lack of learning opportunities, and some education staff questioned the value of the orientation program and affirmed their ability to offer courses that delivered meaningful

outcomes. Prison administration was concerned at the lack of basic education and reduced contribution by the centre to constructive activity for prisoners.

- 8.29 Self-paced learning has the potential to make a real difference to the delivery of education and training in WA prisons generally, but it appears to be being developed at the expense of the educational needs of remand prisoners at Hakea. As we noted in the introduction, Hakea is not just a short-term holding facility, with a good proportion of prisoners at Hakea for extended periods. Self-paced learning is an important development, but it should be a separate project at Head Office level. The Hakea education centre has the capacity to provide more substantial educational and training using existing resources, provided there is also support by the prison's administration.
- 8.30 One less than helpful recent intervention was the suspension by the prison, at the union's behest, of 'Helping a Child to Read'. This was an excellent program that gave prisoners an incentive to learn to read and write as it is aimed at reading to their child. Custodial staff objected as it was delivered by peer tutors without a staff member being in the room. Duty Officers control entry and egress from the education centre and patrol its corridors. Peer supporters present to groups of new prisoners in orientation by themselves, and it is regrettable that custodial staff opposed the use of peer tutors in this role.

Recommendation 23

The Department's self-paced learning project should be transferred out of Hakea to become a Head Office project, and the existing staff should re-establish a broad range of education and training courses.

SELF-PACED LEARNING AND SECURE E-LEARNING

- 8.31 Self-paced learning is a worthy strategy with potential to reach many more students than is possible through traditional means, but will be an immense challenge to implement on any scale. Just one work-booklet had been produced at the time of the inspection. Multiple resources will be needed for students undertaking each course of study at a particular level, and a range of levels will need to be made available. All of these resources will need updating as the curriculum evolves. Students will need some contact with a tutor, especially those at EGE level.
- 8.32 More problematic is the lack of any hands-on Information Communication Technology component, something that is embedded in all aspects of the Australian Curriculum. The University of Southern Queensland and others have pioneered the use of secured tablet e-readers in correctional institutions, capable of connection only with a stand-alone moodle (an educational intranet) at the education centre (Farley 2015). Such technology satisfies the digital literacy and media aspects of the modern curriculum, enhances relevant skills, enriches the learning experience, widens the range of available courses, and allows great portability of course participation.

- 8.33 The EVTU has been actively exploring use of similar technologies for some time, recently trialling use of read-only Kindles. Such a platform is useful for distribution of learning materials and media, but misses the considerable advantages from a more capable platform, including completion of assignments electronically for return to educators for marking.

ALCOHOL, OTHER DRUGS AND HEALTH

- 8.34 Detoxification of prisoners received at Hakea is managed, if needed, by health services staff led by the Comorbidity Team. In orientation, new prisoners all participate in the Health-in-Prison program presented by HepatitisWA about the health impacts of certain unsafe sex and drug use practices they may be exposed to in prison.
- 8.35 Methadone is also provided for those already having similar treatment in the community or assessed as needing it in prison. Around 50 prisoners had been accepted as needing this expensive alternative to illegal substances. In order to facilitate dosing and to manage security, Methadone users were accommodated together in Unit 9.
- 8.36 Mission Australia are contracted to provide a two day Brief Intervention Program and Whitehaven Clinic provide a one day addictions program pro-bono. Health Services provide a 10-session program called PAST. Prisoners can also participate in AA meetings in the chapel attended by community representatives. These programs provide a useful basic response, but there is a hunger for more substantial interventions, ideally through individual and group therapy, and perhaps as part of a residential rehabilitation program inside prison.

COGNITIVE SKILLS AND LIFE SKILLS

- 8.37 The Cognitive Brief Intervention (CBI) is a shortened version of the Think First cognitive skills program which seeks to promote pro-social thinking and enhance offending relapse prevention skills for remandees and short-term sentenced prisoners. Twelve CBI programs are delivered each year by custodial staff, reaching 120 people.
- 8.38 Outcare continues to provide its contracted re-entry life skills program mainly now subscribed by remand prisoners who may apply through the Transitional Manager's checklist. Outcare also provides a career development service including group information sessions and individual career counselling and referral to job search agencies. Outcare's re-entry link program is contractually focused only on sentenced prisoners in the period prior to release as its counselling and support service.
- 8.39 Outcare had also recently proposed that an Aboriginal staff member provide an Aboriginal Through-care Support Service for young men aged 18–24 years at Hakea, similar to what they offer at Acacia Prison. It would focus on preparing and assisting such young men for employment. Whether or not the Department takes up this particular offer, young prisoners at Hakea certainly have too few opportunities in this regard at present.

ASSESSMENT AND CASE MANAGEMENT

- 8.40 When first established, Hakea Prison was called the Hakea Remand and Assessment Prison, as its role includes the assessment of newly sentenced prisoners as well as accommodation of male persons on remand. Within four weeks of sentencing, an Individual Management Plan (IMP) should be developed for any prisoner with over six months to serve in custody, or a Management and Placement checklist for those with shorter periods to serve. Both include an actuarial determination of their security classification based on the nature of their offences and their antecedents and a determination of their initial placement in the custodial system. However, an IMP includes a fuller assessment of the prisoner's history and circumstances, and of their treatment, education, and training needs. The recommended plan for the prisoner's initial and potential future placements and for their participation in offender programs is discussed at a Case Conference before the plan is finalised and endorsed.
- 8.41 The Assessments Centre at Hakea has carriage of these functions, and over the years it has proven effective in setting the parameters for the management of sentenced prisoners in metropolitan Perth and beyond. It has also provided valuable advice for prison management in population management and movements, and an important formation experience for many senior managers in the system. However, at the time of the inspection, 273 IMP assessments had not been completed within the required four-week time frame due to various unprecedented pressures, including staffing issues, introduction of a new treatment assessment system, the need for additional assessments to support transfers to fill Acacia after its expansion, and the need to reduce the population at Hakea after losing the use of Units 11 and 12.
- 8.42 As discussed above [see 1.16–1.23], the composition of Hakea Prison has changed significantly over the last three years due to burgeoning remand numbers, and the sentenced population declining from 232 (of 851) in June 2012 to 98 (of 908) in June 2015. Many more initial IMP assessments were therefore being undertaken at Casuarina and Acacia. It has now become questionable whether the Hakea Assessment Centre should continue as the sole agency for completion of IMPs. The practice of sending staff from Hakea to Acacia or working remotely by phone to undertake initial IMPs is inefficient and likely to affect quality. This has prompted consideration of whether staff should be permanently outposted to Acacia to undertake assessments, or Serco should be tasked to undertake assessments of prisoners at Acacia.
- 8.43 There are aspects of the assessment and case management system which are long overdue for change along the lines originally proposed in *The Report into the Review of Assessment and Classification within the Department of Corrective Services* published by OICS in 2008 and further developed by the Department in a series of initiatives in following years. Latterly, the Department has committed to developing a system of Individualised Integrated Offender Management. Remandees and short-sentence prisoners have traditionally been excluded from case management altogether. This needs to change if the Department is serious about reducing reoffending by released prisoners, as these are groups with a high risk of recidivism, therefore, presenting a real opportunity for change.

Recommendation 24

Initial Individual Management Plan assessments should be undertaken by staff based at the facility in which the prisoner is accommodated, not remotely from the Hakea Assessment Centre.

Chapter 9

PRISON SECURITY

SECURITY INFRASTRUCTURE

- 9.1 The Canning Vale Prison and the adjacent CW Campbell Remand Centre were established in a bushland area of in Canning Vale. Over the years there has been a major growth in housing in the area and it now has dense housing estates immediately adjacent to the northern and eastern boundaries of the prison property. The Special Operations Group (SOG) provide 24-hour armed patrols outside the perimeter wall, and various security systems to detect and alarm should anyone approach the wall from the outside. On the inside there is a high cranked demarcation fence to prevent easy access to the wall. A road between this fence and the outer wall is patrolled, and systems are in place to notify the control room if anyone is approaching the wall.
- 9.2 The gate house facilitates the entry and exit of members of staff, contractors, official visitors, and members of the public visiting prisoners through a single set of doors in into a vestibule. Vehicles enter through an adjacent sallyport. There are two small counters in the vestibule, one with a biometric scanner to register and confirm the identity of social visitors to prisoners, another for official visitors and contractors to sign in. Social visitors go through a walk-through metal detector on one side, and official visitors, contractors, and staff through a separate detector on the other with their belongings put through an x-ray machine.
- 9.3 The vestibule in the gate is quite small, only able to accommodate a small group of social visitors at any one time, who must first report to the Outcare Family Centre outside. The ground floor of the gate is cramped, barely able to accommodate essential desk space, the cashier, the dog handler, space for searches and interviews, lockers for official visitors and contractors, sign on sheets and key issue for staff, security equipment, and a staff toilet. The control room and other security resources are upstairs.
- 9.4 The control room is located above the gatehouse and has restricted access provided by a locked door with restricted key access. It is staffed by two SOG officers working a 12-hour shift but rotated out regularly during the day. Monitors are small and numerous, and are located both in front of the control desk and behind. Digital upgrades would allow larger screens with split picture capabilities and also allow for additional cameras to have recording capability. There were some serious maintenance issues identified but precautionary processes were in place in case of failure. The CCTV coverage in much of the prison was clear but there were several blind spots, especially in choke points and walkways in older parts. Additional coverage is also needed in service areas adjacent to the front gate.

Recommendation 25

Monitoring and recording systems in control should be upgraded, system maintenance prioritised, and CCTV coverage extended to minimise blind spots.

- 9.5 Internally the prison is demarcated into three zones in which prisoners reside and can access recreation, one within the building envelope of the old Canning Vale Prison (which contains Units 1 to 5), including its gymnasium and oval; another comprising the building envelope of the old CW Campbell Remand Centre (which contains Units 6 and 7) and its associated yards, and a third comprising Units 8, 9 and 10 and an adjacent oval. Movements are controlled using a pass system which is checked at zone control stations when moving from one zone to another.
- 9.6 The system allows separation of antagonists between zones, although failure to centralise some services, or to replicate them in each zone compromises this system. Court video link, education, gymnasium, library, and industries are all in the old Canning Vale Prison zone and have to be accessed by prisoners from all zones. Assessments are in the old CW Campbell Remand Centre which also houses a canteen which services Units 6 through 10. Certain choke points and alleyways in both of the old prisons are high risk areas for conflict and bullying as are the courts areas in both of the old jails and between Units 9 and 10.
- 9.7 This inspection did uncover a serious issue with some of the demarcation fences insofar as some were deteriorating and prisoners had been manipulating the vertical rods of the fence around the rusting welds enabling them to break off lengthy pieces. A shiv using one of these sharpened rods was found in a cell, but many more pieces were unaccounted for. Strong representations were made to the Department about this issue following the inspection and this Office understands that remediation work has since been completed.



Figure 11: Deterioration in unit fences posed a serious risk.

GATE HOUSE OPERATIONS

- 9.8 Trafficking of drugs and mobile phones is an ongoing challenge for prison security. Some prisoners put enormous pressure on friends and family to try and bring in such items. Organised crime syndicates also use any opportunity to ensnare and use people from all walks of life to traffic contraband into prisons. Quite strong measures are employed with social visitors, including use of drug detection dogs to detect, deter, and prevent trafficking. Visitors may be also required to undergo a rub down search either as a random security measure, following an indication by the drug detection dog, or from intelligence received. If drugs are found, police are called to have that person charged, and a ban imposed on the visitor. Police are also sometimes involved with prison security in searching cars and personal effects of visitors entering the prison grounds.
- 9.9 However, under an amendment to *Policy Directive 26* that became effective in January 2015, female visitors may only be given a rub down search in private by a female officer with another female officer as witness (DCS 2015a, s. 8.4). There is frequently not a second female staff member rostered in the gate, so such searches often have to be overlooked. Visitors are rarely strip searched unless there is compelling intelligence to suggest that it is required, or an item of contraband is found during a rub down search.
- 9.10 Statistics supplied by the Drug Detection Unit show a marked decline in the number of items of contraband found in metropolitan gate houses during rub down searches of visitors following indications by drug detection dogs since February 2015, when these changes were introduced. There is a need to consider measures to enhance detection of contraband, for example, use of itemisers, now available as handheld devices, to extend the service provided by drug dogs, and millimetre wave body scanners capable of detecting contraband non-invasively.
- 9.11 *Policy Directive 26* also allows that visitors normally be allowed to wear religious or cultural headwear, which must be treated with respect, and may be searched with a handheld metal detector (ibid., s 10.1). In case of a female, if there is a need to remove headwear for security or identification purposes, this must be done in private only in the presence of female officers (ibid., s 10.2). This provision was not well understood by gate house staff and management who thought they could ask such a person to remove the headwear for a photograph to be taken by the fixed camera at the front desk. An alternative arrangement must be made that conforms with policy.
- 9.12 This Office was very concerned that procedures relating to scanning and searching of staff, official visitors, and contractors were insufficient to prevent trafficking through this channel. Details of these deficiencies will not be included in this report, but strong representation was made by the Inspector to prison management and the Commissioner to address this matter.
- 9.13 At the time of the inspection, gate house operations at Hakea were in transition. For over a decade, the gate houses at Hakea, Casuarina, and Bandyup were largely staffed by the SOG, then known as the Emergency Services Group. Gate house staff were selected for the role, permanently appointed, and received customer service training. This made a very positive

difference to the experience of entering and leaving the prison for staff and visitors alike over the previous arrangement when the gate was staffed as part of the general prison roster.

- 9.14 However, this system never sat well with Superintendents who worked for years to return the gate to the prison's control. Earlier in 2015, the gate houses at Hakea and Casuarina were put in the hands of a manager who reported directly to Head Office in preparation for resumption of control by the prisons. At Hakea this was due at commencement of the next staffing roster in October, but has since been delayed. Prison management was aware of the challenges of maintaining a customer friendly and secure gate house, and an Expression of Interest was out at the time of the inspection to select appropriate staff. In the meantime, the manager was making an effort to address issues to be resolved as part of the transfer of responsibility back to the prisons and to document procedures.

IMPACT OF THE NEW WOMEN'S FACILITY

- 9.15 The new Women's Remand and Reintegration Facility (WRRF), incorporating Units 11 and 12 from Hakea Prison, is intended to be a 'stand-alone' facility. However, it will sit within the perimeter wall of Hakea Prison requiring closely integrated security arrangements for the two facilities. The external perimeter will continue to be patrolled on the outside by the SOG.
- 9.16 In terms of separating male prisoners at Hakea from female prisoners at the WRRF, a high cranked metal wire fence demarcates the site of the facility internally. It is envisaged that buildings will run along much of the fence-line, and there will continue to be a gate for access between the two zones. But the particular arrangements have not yet been finalised and it remains to be seen whether effective site and sound separation, and prevention of trafficking of contraband between the two sites will be achieved.



Figure 12: Demarcation fence between Unit 8 at right and the new women's facility.

PRISON SECURITY

- 9.17 Externally, the new facility's gate house is planned to be situated at the end of the long wall that connects with the existing gate with a new car park in front of that. This means that staff and visitors will access the new facility on the same road as Hakea, but will also go past an area that includes the prison stores, pharmacy, staff car park, prison officer's social club, Drug Detection Unit kennel, and SOG. Some of these are very sensitive areas for prison security and are currently out of bounds for visitors. It is important to ensure that appropriate security measures are in place if the public will be routinely accessing these areas. The plans indicate that additional fencing will be installed.
- 9.18 Plans for the WRRF are reasonably well advanced but we do recommend that the Department examine the benefits and cost-effectiveness of two options that do not appear to be part of current thinking. First, consideration should be given to whether the WRRF would be better served by a gatehouse that is accessed via Warton Road. This would ensure the prison is more clearly 'stand-alone', and is likely to enhance future development of the site as a larger new prison. Secondly, consideration should be given to installing an automated boom gate that requires swipe-card access to separate the areas that the public visits from the other areas such as the staff car parks, social club, Drug Detection Unit kennel, and pharmacy.

Recommendation 26

The Department should examine the security benefits and cost-effectiveness of providing public access to the Women's Remand and Reintegration Facility from Warton Road, and of installing a boom gate to better control access to staff car parks and other service areas alongside the Hakea Prison perimeter wall.

DRUG STRATEGY

- 9.19 The Department provided a copy of an undated Hakea Prison Drug Strategy. It was much less comprehensive than that supplied in 2012. It involved a single standard relating to the reduction of supply, demand, and harm from drugs with three performance indicators of: 1. audit compliance, 2. number of prisoners managed under Comorbidity Services, and 3. rate of positive testing from random mandatory drug testing. This document lacks contextual information, metrics for its performance indicators, or details about the specific demand and harm reduction strategies to be pursued. While it includes an audit baseline that there be '[a] multidisciplinary team to oversee the drug strategy led by a senior operational manager', there was no evidence of such a team in place at the time of the inspection.
- 9.20 Urine tests were conducted in accordance with the Department's prevalence testing regime which is a random selection of prisoners generated by the Head Office computer. Prisoners who have been highlighted through security advice or suspicious behaviour are also targeted for testing. The testing covers a broad spectrum of drugs, yet there are some drugs that are harder to detect than others. Testing for one substance, believed by staff to be common, is expensive and only undertaken for targeted testing. One prisoner complained

that he had to produce a urine sample in his cell in front of his cellmate, and staff confirmed that cells and shower blocks in units are often used, posing risks in relation to both decency and contamination. Many tests are conducted in Unit 1, but sending prisoners from other zones is resource intensive. There should be a sterile testing room in each of the three zones.

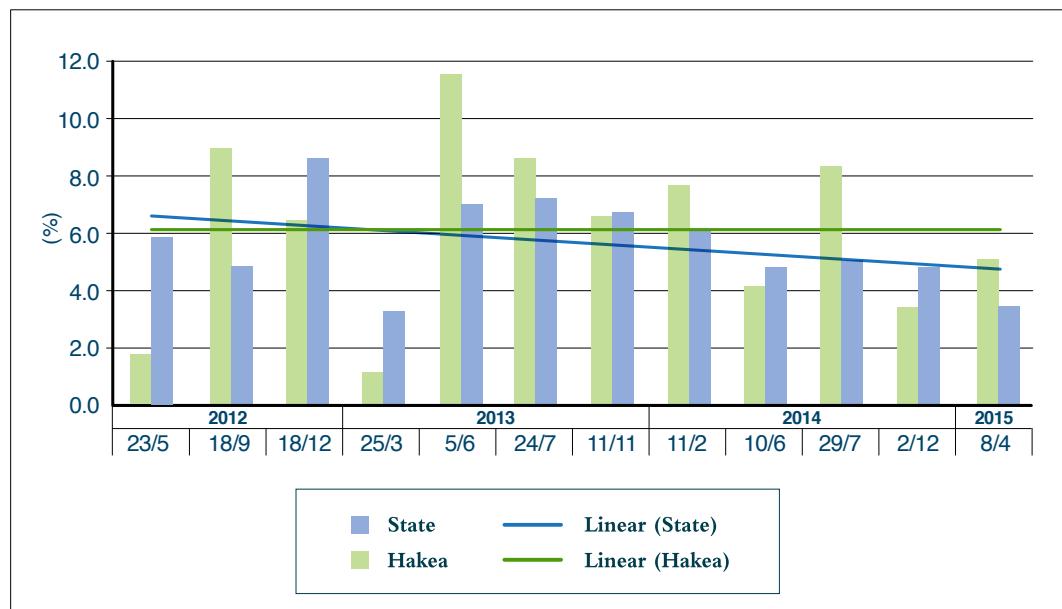


Figure 13: Positive results for Hakea and all WA prisons – three years prior to 2015 Hakea inspection.

9.21 This table shows positive results for substances tested as a percentage of the samples tested, in the quarterly prevalence testing at Hakea, in comparison to all the state’s prisons for the three-year period between inspections. While the results at Hakea are not alarming, it is concerning to see that according to the trendlines, Hakea’s performance has not improved, while there appears to have been a general improvement across the state.

PRISONER MANAGEMENT AND RELATIONAL SECURITY

9.22 On entry to a maximum-security prison such as Hakea, prisoners are stripped searched, again if returning from court, or a medical appointment. If unsteady and needing placement in an observation cell they are searched again, as they would if placed in confinement following an incident. They are also strip searched or pat searched following contact visits. Their mail is read, phone calls recorded (except to lawyers), contact with visitors monitored and constrained, urine tested, movement controlled through a pass system, and cells searched at random and on a regular basis. They are held in a cell for over 12.5 hours per day, and confined within the wings for considerable periods at other times, especially when the centre is short staffed.

9.23 These procedures are standard for a prison of this nature and are not further discussed in this report, except to say that the same technologies discussed above [see 9.10] for use with social visitors, handheld itemisers, millimetre wave body scanners in concert with existing x-ray scanners, may in some cases prove more effective than traditional strip searches and reduce the instances where this is required.

Recommendation 27

The Department should consider additional non-invasive solutions for detection of contraband in prisons, for use with visitors, staff, contractors, and prisoners.

- 9.24 In the end however, it is not procedures or barriers that are the foundation of a prison's security, but the relationship between its officers and its residents, something traditionally called 'dynamic security', but possibly better described as 'relational security'. Relational security is derived from regular positive interaction between people in custody and professional, well-trained staff, through decent and respectful treatment, and addressing their essential needs and concerns. This earns respect and cooperation towards officers by many prisoners and a willingness to share information that helps in early detection of possible security or safety threats.
- 9.25 The 2012 inspection observed that unit staff were spending more time in their offices rather than interacting or observing prisoners in the unit wings. This made it more difficult for prisoners to communicate with officers, particularly if they wanted to raise something confidentially without being seen by other prisoners. This was seen as 'a lost opportunity to gather potential intelligence that could benefit the safety and security of the prison, its staff and prisoners' (OICS 2012, 49). The 2012 report made a recommendation to '[i]mprove dynamic security by increasing staff patrols and promoting stronger and more positive staff-prisoner interactions' (ibid., Recommendation 14). The Department supported this recommendation in principle but made no commitment to take action, beyond reminding staff of 'the importance of good interpersonal communication with prisoners and the contribution this makes to improve dynamic security' (ibid., 105).
- 9.26 It was therefore not surprising that in 2015, relational security at Hakea did not appear to have advanced in most areas. Indeed, there were some signs of deterioration. In the prisoner survey, for the first time at Hakea, the majority told us that staff did not apply the rules fairly, were not respectful during cell searches, and used too much force. Sixty per cent of prisoners told us that prisoners were not treated with dignity at Hakea, compared to 45 per cent in 2012. More positively, 60 per cent of prisoners who completed the survey claimed that they got along well with staff, yet only 29 per cent said that they would turn to an officer if they needed help. When asked about the worst thing about being at Hakea, one of the most common responses was 'the officers', with comments such as these:
- I would like for the staff in general to be more humane and understanding and respectful [sic] of the inmates. We shouldn't be treated like we are guilt[y] of everything all the time. Just because we are wearing prison uniform does not mean that we are the worst people ever.
- Some staff calling prisoners "convict", even though most of the prisoners here are on remand and not actually been convicted of anything.
- 9.27 During the inspection, we observed a mix of both positive and negative interactions between staff and prisoners. At times we saw staff in the wings and yards talking with prisoners, dealing with issues, and checking on their wellbeing. As discussed above in

relation to prisoner welfare [see 8.1–8.5], many interactions with prisoners were through a window tray and were largely transactional in nature. Other times we observed staff speaking rudely to or about prisoners, and almost every day we heard staff calling prisoners by their surname to their faces and ‘crims’ behind their backs. The treatment of prisoners seemed to be far too dependent on the staff culture in different accommodation units and the attitude of individual officers. As a result, prisoners’ life at Hakea was not consistent and not what it should have been.

- 9.28 It is clear that Hakea experiences special challenges as a reception and remand facility. It can be difficult for staff to build relationships with a more transitional population and, of course, most prisoners will need time to settle into prison life before they start to build trusting relationships with staff. Despite such challenges, Hakea staff have become adept at collecting information and generating security reports, more, we were told than any other WA prison.
- 9.29 Such security reports, especially in the hand of a good collator can help management monitor changes and identify emergent security threats inside the prison. In 2014 and early 2015, management was well supplied with data which helped drive changes in staff deployment and other strategies to manage risks identified by the collator and security team in the prison. However, the collator was transferred to Head Office in March 2015, and at the time of the inspection it was not known if that person would return or the position otherwise covered. The incumbent has since returned to the position.

Chapter 10

PRISON OPERATIONS

LEADERSHIP AND MANAGEMENT

- 10.1 In his overview of the 2012 report, The Inspector expressed serious concerns about aspects of the relationship between staff and management at Hakea:
- Hakea is a curious mix. For too long it has been afflicted with an energy-sapping negativity ... detracting from the fact that in most operational areas the prison does a decent job handling challenging individuals, often in less than ideal circumstances.
- I only hope that at the time of the next inspection, Hakea will have a sharper sense of direction and identity and will be a place where conflicts are set aside and the problems can be separated from the personalities (OICS 2012, vii).
- 10.2 The 2012 report concluded that the ‘management team needed to become more visible and that there needed to be better communication and engagement’ (ibid., vi). However, it also found a staff culture in which cynicism, dismissiveness, and personal criticism directed at management featured all too prominently (ibid.). That report did note there had been a change of Superintendent in the period following that inspection, and there was something of a change of atmosphere as he embodied a more traditional style of leadership which included regular visits to all part of the jail. He also sought to create a new operational plan for the utilisation of Hakea’s units, including Units 11 and 12. However, as discussed earlier, the two years when this Superintendent was in post were beset with challenges that stymied these reforms.
- 10.3 The Hakea branch of WAPOU maintained a level of confrontation that was highly discomfiting for management during this period. As one example, on a weekend in late August 2014, a duty manager faced with an influx of prisoners requiring protection, and a lack of space in either the protection unit or the management unit, set aside a section of a wing in another unit to accommodate these people. On Monday an ‘advisory’ meeting of the branch was held in which a no-confidence motion in the Superintendent was passed in belief this action had been orchestrated by management.
- 10.4 The Superintendent took extended personal leave shortly after for unrelated reasons, but has not returned to post at Hakea. The role was covered by the Deputy Superintendent until a veteran Superintendent was placed in March 2015. The positions of Deputy Superintendent, Assistant Superintendent Security, and Assistant Superintendent Offender Services were all filled in early 2015. The new management team is experienced but was the third in three years, excluding acting arrangements – hardly a recipe for consistency or continuity.
- 10.5 In its report on the *Efficiency and Performance of WA Prisons*, the ERA argued that: ‘WAPOU has a de facto management role in relation to public prisons in Western Australia’ (ERA 2015, 37). It documented WAPOU’s role in establishing staffing levels, the role of Local Consultative Committees, and the ability of the union invoke ‘status quo’ if it objects to changes it considers to have a significant impact (ibid., 37–38). WAPOU disputes the view that they in any way usurp management. However one characterises the situation, ‘status quo’ can have a major impact. It was invoked in May 2015 when WAPOU disputed a management decision to move protection prisoners from Unit 12, which was to be set aside as part of a

new women's facility, to Unit 5. Protection prisoners therefore remained in Unit 12 until an order was made in the WA Industrial Relations Committee on 14 July 2015, following which the transfer to Unit 5 took place (WAIRC 2015).

- 10.6 In the context of the dispute over the transfer of protection prisoners, the Superintendent abolished the Union Allocation Committee which had long determined the unit to which a prison officer would be deployed. This was considered to be beyond the union's powers and preventing necessary cultural change in unit management. Also at issue was the staffing model for the prison. Management considered that the prison's staffing agreement was based on incremental demands and concessions as numbers had crept up over the years which had created major inefficiencies.
- 10.7 In early May 2015, following some months of planning and consultation, Hakea management proposed the facility have a uniformed staffing complement of 353.4 FTE to manage up to 931 prisoners, and WAPOU counter-proposed 409.4 (information supplied by DCS). The matter was still under negotiation at the time of the inspection, with a degree of pressure on all sides, in the context of the Expression of Interest for possible private operation of the women's facility at Hakea, the ERA inquiry, and budgetary pressures.
- 10.8 At the time of the inspection the Superintendent was focused on a range of strategic imperatives and was only occasionally seen at large in the prison. An early initiative on his part to make chemical agents more readily accessible to unit staff was popular, but staff in certain units were unhappy with being moved from more to less favourable units. There was also acute concern over the imposition by management of what staff perceived as an unsafe recreation matrix [see 3.43–3.48]. The staff survey, undertaken in June 2015, showed a lift in confidence in support from management rating at 53 per cent in 2015, compared with 36 per cent in 2012, but this was still much lower than statewide confidence level of 77 per cent.² There was a similar lift in confidence in communication from management.

STRATEGIC PLANNING

- 10.9 The 2012 inspection noted that management efforts to develop a cultural change program had made little headway and there was a need to develop a charter that articulated Hakea's vision, role, culture, and values to help sustain such change; this was reflected in a recommendation (OICS 2012, Recommendation 6). A *Hakea Prison Organisational Charter* was indeed created in 2014 which included a mission statement and an outline of functional responsibilities for each of senior management member (DCS 2014b). Unfortunately this appears to have been a stand-alone effort with little real input or investment from other staff groups.
- 10.10 The mission statement itself was a generalised, bland statement that would sit quite happily in any prison, and misses the unique nature of Hakea's prison population. The charter lacks any real vision or any articulation of culture or values which should be embedded.

2 Respondents were asked: 'Overall, how would you rate... support from local management?' They could choose 'good', 'mixed' or 'poor'. The confidence levels reported here are the results for 'mixed' and 'good' added together.

Nor is there any evidence that the charter has been used as a key document within the prison. It was not reflected in the 2014–2015 Business Plan, nor referred to in the Department’s submission about Hakea before the inspection.

FINANCIAL MANAGEMENT

10.11 In 2014/15 Hakea overspent its budget by nearly \$2.9 million (5.9%). This overspend was accounted for by overruns in budgeted overtime and attached allowances. In 2015/16 the prison faced a budgeted reduction of \$7.1 million (14.6%). More significantly the prison’s 2015/16 budget of just under \$42 million was 19.4 per cent (or nearly 20%) less than its previous year’s actual expenditure.

10.12 Over 75 per cent of the prison’s budget is in staffing costs, so to achieve its budget, significant savings have to be found in salaries and overtime. Hakea has good controls over how it allocates available overtime shifts to its staff, maintained by means of an excel spreadsheet developed by the prison’s Acting Performance Manager. The spreadsheet allows officers to bid for overtime electronically rather than having to visit Human Resources (HR) and fill out a manual form. However, WAPOU argued that staff safety would be compromised and opposed the change. This meant that the prison had been unable to progress the required reduction in the number of overtime shifts worked each day at the prison to meet the new budget, from 28 to 30 shifts per day to six to eight.



Figure 13: Tug’ o war at staff wellness day during the inspection.

- 10.13 Difficulties in managing the prison's budget had been compounded by the rollout of a new accounting package, Oracle Hyperion, without any training being provided to those being required to use the system. As a result the prison had lost all access to both its budget, and all of the finance systems transaction reports.
- 10.14 Failures to immediately address the shortfall, coupled with the other problems with rollout of the new budget system, meant that it was most unlikely Hakea would be able to start implementing remedial actions until at least the second quarter 2015/16. By this time, rather than having to make cuts of 19.4 per cent, they would need to find savings of 25.9 per cent.
- 10.15 Control of purchasing was aided by means of another excel spreadsheet developed by the prison's Acting Performance Manager. An email of any purchase details once entered, is sent to the Finance Manager who could approve and commit for processing. A stock control system had been implemented to monitor stores, and to alert security if there was an unexpected jump, for example, in the use of sugar. This is an admirable demonstration of the prison's initiative in developing a system to improve efficiency and accountability, and an indictment on the Department's failure to provide a similar system across the state.
- 10.16 Financial managers at the prison were concerned that recent delays that had occurred in the payment of their accounts would cause regular suppliers to refuse to deal with the prison. These delays had occurred because of changes imposed by Head Office to place limits on credit cards, with delegation levels being cut to \$5,000 for the Finance Manager and \$50,000 for the Superintendent. This has meant that utility bills now exceed Hakea's delegation to pay. As a result, these bills now have to be forwarded to Head Office which because of the delays experienced in processing payments in Central Office (which often reached 60 days) attracted penalty payments. This is poor financial management by the Department.
- 10.17 A further example of delays in the payment of accounts was that the Commissioner had only just approved a \$300,000 bill from a particular supplier for uniforms after more than six weeks. This was contrary to *Treasurer's Instruction 323* which requires that 'all commercial payments shall be paid within 30 days of the receipt of the creditor's claim'. This instruction was developed to ensure that 'agencies contribute to the continued viability of businesses and help small businesses create new jobs and opportunities for Western Australians.'

Recommendation 28

The Department of Corrective Services should ensure that accounts are paid in accordance with Treasurer's Instruction 323 which requires that 'all commercial payments shall be paid within 30 days of the receipt of the creditor's claim'.

HUMAN RESOURCE MANAGEMENT

- 10.18 While prisons now have less authority when recruiting public sector staff, they are responsible for doing more of the work without being given additional resources. One manager reported it had recently taken 152 hours for a selection process for two Senior Officer positions over a four-week period. The only way people can manage

to be involved in recruitment work is either to allow their ongoing work to ‘pile up’, or to take it home and do it in their own time. Neither option is sustainable in the long-term. In addition, prisons are now responsible for doing their own quality analysis on selections, but Hakea HR is no longer able to provide their own staff to assist with panels, increasing the risk of inexperienced staff making a serious (and costly) error in the selection process.

- 10.19 The recently introduced Commissioner’s Vacancy Approval Checklist (CVAC – introduced March 2015) was causing significant delays in filling public service positions within the prison. While previously the Superintendent could sign off on lower level positions (level 1–5), proposals to advertise now require signing off by the Commissioner, having first been approved by the initiating Manager or Director, a Deputy Commissioner or Executive Director, the Director Human Resources, and the Director Change and Capability. All five levels must then again endorse the proposed candidate at the conclusion of the selection process.
- 10.20 The CVAC process has resulted in delays of over 12 weeks in recruiting staff, despite officers continuing to act in the role and undertake its duties without pay, action that opens the Department up significant legal risk. CVAC lacks a tracking system, making it difficult for the prison to determine what stage the form is at, requiring staff to spend a lot of time chasing approvals. It is also impossible to back fill a person on workers’ compensation because the CVAC process now requires there be an absence in ALESCO (the Department’s personnel and payroll system), and this does not occur.
- 10.21 This Office believes that the CVAC process is contrary to Section 7 of the *Public Sector Management Act 1994* which states:
- (c) Public sector bodies are to be so structured and administered as to enable decisions to be made, and action taken, without excessive formality and with a minimum of delay.
- 10.22 Delays caused by the necessity to follow the new CVAC process, coupled with a staffing freeze on the permanent filling of public service positions, meant the HR team (with six positions and one relief) only had three currently filled. The situation was mirrored in Finance where the Manager lost two staff the previous month and was shortly going to be losing another two, including the cashier who receives funds from families for prisoners. Other areas severely affected by staff freezes, limitations in contract renewals, and the CVAC process included health services, assessments, and security.

Recommendation 29

The process associated with the Commissioner’s Vacancy Approval Checklist be amended, so the Department of Corrective Services adheres with Section 7 of the Public Sector Management Act 1994 that ‘public sector bodies are to be so structured and administered as to enable decision to be made and action taken, without excessive formality and with a minimum of delay.’

PRISON OPERATIONS

10.23 The following graph shows the hours of personal leave and workers’ compensation taken by staff at Hakea per FTE compared to other prisons. In 2014/15, Hakea was a middle-ranked prison in terms of the amount of Worker’s Compensation taken (being ranked behind Karnet, Greenough, Casuarina, Bunbury, Banksia Detention Centre, and Wooroloo). However, only Boronia Pre-release Centre and Broome Regional Prison have more personal leave taken per employee (information supplied by DCS).

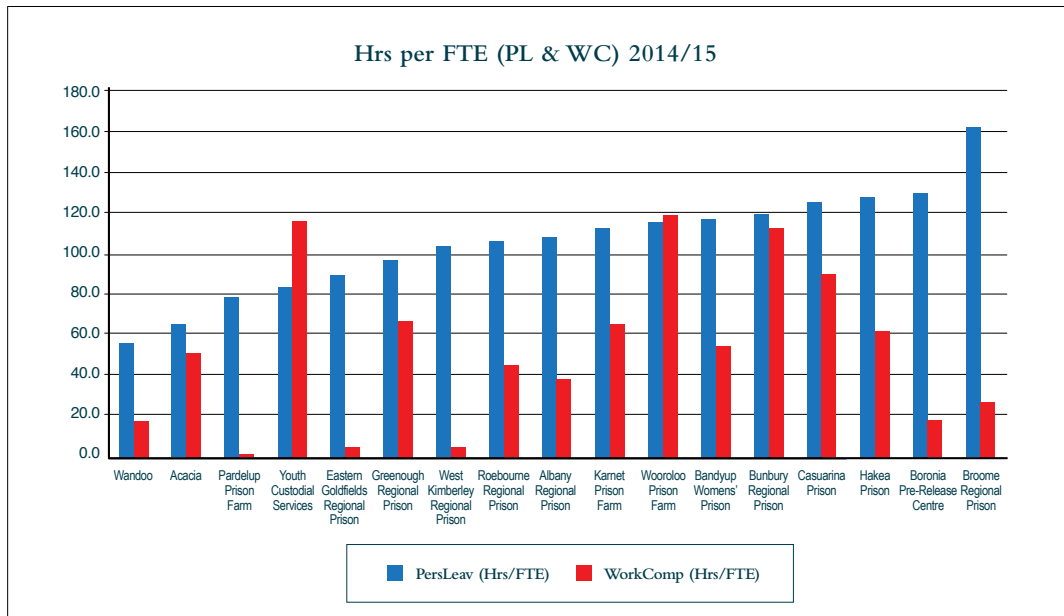


Chart 1: Personal leave and worker’s compensation hours per FTE in WA prisons – 2014/15.

10.24 As shown in the following graph, there was also a steady increase in the amount of personal leave taken at the prison over the previous three years, and a jump in the amount of Worker’s Compensation taken between 2014/15 and the previous year. Both of the matters require the prison’s attention.

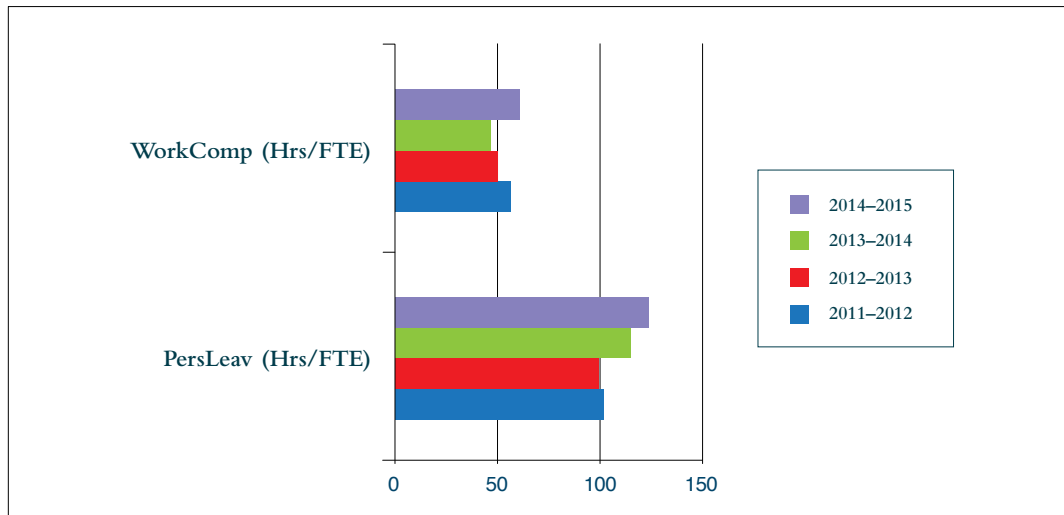


Chart 2: Personal leave and worker’s compensation hours per FTE – 2011/12 to 2014/15.

OCCUPATIONAL HEALTH AND SAFETY (OHS)

- 10.25 The system of OHS has been under pressure for some years, with delegates raising a great many PINs in 2012 which forced a major expenditure to further secure Units 11 and 12, and in 2013 that resulted in a massive investment to remove asbestos from most of the older units at Hakea. In February 2013, an assessment of the safety management system at Hakea found that the incident rate at Hakea was 11.3, greatly exceeding the Worksafe's sub-industry standard of 2.7. There were also significant failings in the system of inspections, review, and training provisions.
- 10.26 The prison did however, have a new energetic Occupational Health and Safety Coordinator, supported by 23 Health and Safety Representatives, other members of the management team, and the statewide the Departmental Occupational Safety and Health Coordinator. There was evidence of a much more coherent approach inclusive of a new hazard reporting procedure, self-audits completed in 2013 and 2015, an OHS Committee meeting monthly, a Hakea Prison Safety Risk Register, a Hakea Industries Risk Register, and Quarterly Hazard Inspections.
- 10.27 Delegates have continued to raise many PINs over the last few years, two of which were taken up by Worksafe as Improvement Notices, one on side-stream smoking, the other on staff vaccination. Risks were also flagged on access to bunk beds for inspection by staff, fatigue management, practices in industries, the presence of non-fire-retardant mattresses, and many others.
- 10.28 One of the challenges for the OHS Coordinator is that the prison has never been 100 per cent compliant with its compulsory quarterly hazard inspections. This job is too big for any one person to undertake and the prison is reliant on delegates to undertake inspections in particular areas within a time frame. It was concerning that Hakea was the only prison in the State that was not compliant in the last round. To address this, the Coordinator had developed a strategy to ensure compliance in the next quarter.

INFRASTRUCTURE

- 10.29 Hakea Prison was initially created by combining two adjacent facilities, the Canning Vale Prison and CW Campbell Remand Centre, by expanding the external perimeter, creating a modern new gatehouse, adding additional accommodation and creating central reception, crisis care, health, and visit facilities. Since Hakea's establishment in 2001, some additional capital works were undertaken, including completion of external barrier fencing, creation of additional ovals, creation of video link and official visitor centres, an extension to reception, the development of Units 11 and 12, and most recently an expansion of the visits centre.
- 10.30 However, infrastructure at Hakea has proven profoundly inadequate to facilitate appropriate services for a prison population well over its original design capacity of 617. As the Office has examined in the context of numerous facilities and in numerous reports, crowding not only impacts on the quality of living and safety of prisoners: it denigrates the capacity of a prison to deliver its fundamental services.
- 10.31 Prison management and this Office have identified many capital needs over the years, in particular, for centrally located infrastructure for services accessible to all prisoners. Most of these have been included in business cases to secure capital funding including:

a gymnasium, library, education and training centre, new larger video link, and official visit centres, and facilities for programs and counselling. Following the 2012 inspection, a bid was made for a modern new management unit, to manage difficult and uncompliant prisoners more safely.

- 10.32 It is understood that capital resources were budgeted for certain central facilities at Hakea in 2012/13 and 2013/14. However, these resources had to be diverted to the security refit of the five new units in maximum-security prisons (including Units 11 and 12 at Hakea) in late 2012, the establishment of the Hakea Juvenile Facility and repairs and security upgrades at Banksia Hill in the first half of 2013, and asbestos remediation at Hakea in the second half of 2013 and early 2014. The only substantial capital works funded in 2014/15 was a million dollar expansion of the visits centre, and half a million provision for asbestos remediation. Another \$22 million was set aside for development of a women's facility at Hakea, most of which was deferred to 2015/16.
- 10.33 The reality is that Hakea is now far from providing a decent standard of accommodation and services for persons accused but not yet convicted of a crime. And it is working at its fullest capacity, way over its design capacity. We heard notions during the inspection of drop-in units adding to capacity, thereby losing outdoor space, converting half-empty industry workshops to other purposes, potentially further reducing industries, and other partial solutions. But the utility and longevity of the older parts of the existing site are questionable and substantial rebuilding will eventually be needed.
- 10.34 The West Australian government needs to prioritise the development of a new modern metropolitan remand prison that incorporates aspects of design that will facilitate best practice and technology in remand prisons, and meet international obligations with regards to meeting the rights of unconvicted persons in custody.

Appendix 1

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Appendix 2

ACRONYMS

| | |
|--------|--|
| AA | Alcoholics Anonymous |
| ACCO | Assistant Commissioner Custodial Operations |
| AIHW | Australian Institute of Health and Welfare |
| ALESCO | A proprietary HR system |
| ARMS | At-Risk Management System |
| ASO | Assistant Superintendent Operations |
| ASSP | Accommodation Support Service Program |
| AVS | Aboriginal Visitor's Scheme |
| BOAS | Building on Aboriginal Skills |
| CBI | Cognitive Brief Intervention |
| CCU | Crisis Care Unit |
| CVAC | Commissioner's Vacancy Approval Checklist |
| CGEA | Certificate of General Education for Adults |
| DCS | Department of Corrective Services in Western Australia |
| DTWD | Department of Training and Workforce Development |
| EGE | Elementary General Education |
| ERA | Economic Regulation Authority of WA |
| EVTU | Education and Vocational Training Unit |
| FTE | Full-Time Equivalent |
| ICM | Internal Costing Model |
| ICT | Information Communication Technology |
| IOM | Individualised Integrated Offender Management |
| IMP | Individual Management Plan – an individual management plan of residential and program placements for medium- and longer-term prisoners |
| JP | Justice of the Peace |
| LS/RNR | Level of Service/Risk Needs Responsivity – proprietary assessment checklist used to ascertain offending treatment needs |
| MAP | Management and Placement |
| MDL | Motor Driver's Licence |
| MHC | Mental Health Commission of WA |
| MLA | Member Legislative Assembly |
| NAIDOC | National Aboriginal and Islanders Day Observance Committee |
| NGO | Non-Government Agency |
| NHMRC | National Health and Medical Research Council |

ACRONYMS

| | |
|---------|---|
| OMCG | Outlaw Motor Cycle Gang |
| OHS | Occupational Health and Safety |
| OICS | Office of the Inspector of Custodial Services (as referred to as ‘the Office’) |
| PAST | Prisoner Addiction Services |
| PCS | Prisoner Counselling Services |
| PFM | Programmed Facility Management |
| PIN | Provisional Improvement Notice |
| PRAG | Prisoner Risk Action Group |
| PTS | Prisoner Telephone System |
| PRAG | Prisoner Risk Assessment Group – collaborative group for case managing persons on ARMS |
| SAMS | Support and Management System |
| SOG | Special Operations Group (formerly Emergency Services Group) |
| TASS | Transition Accommodation Support Service |
| TM | Transitional Manager |
| The Act | Prisons Act 1981 |
| TOMS | Total Offender Management Solution – the custodial offender database of DCS |
| VOIP | Voice-Over Internet Protocol – internet based telephony |
| VRO | Violence Restraining Order |
| VSO | Vocational Support Officer – a distinct category of uniformed officers employed for particular functions, including those with trade skills |
| VJ | Visiting Justice |
| WAIRC | Western Australian Industrial Relations Commission |
| WAPOU | WA Prison Officers Union of Workers Inc. |

Appendix 3

RESPONSES TO RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|--|--|
| <p>1. The WA Government and the Department of Corrective Services prioritise and fund the construction of a new purpose-built remand facility for the Perth metropolitan area that incorporates aspects of design that will facilitate best practice and technology in remand prisons, and meet international obligations with regard to meeting the rights of unconvicted persons in custody.</p> | <p>Not a decision for the Department</p> <p>Response: Any funding decisions regarding new facilities will be made by Government. The Department will support the Government to ensure that any investment in new infrastructure considers a range of options, aligns to demand and delivers value for money.</p> |
| <p>2. Ensure that every new prisoner is provided contact with a family member or other community contact person during reception or, if unsuccessful, upon placement in their Unit.</p> | <p>Supported – Existing Departmental Initiative³</p> <p>Response: It is current practice within the Department’s initial reception process that new prisoners make contact with a family member or community member upon reception. If this is unable to be facilitated, it is followed up upon placement within their unit.</p> <p>Action Required: No further action required.</p> |
| <p>3. Create privacy booths or shells for people using the Prisoner Telephone System.</p> | <p>Supported in Principle</p> <p>Response: Prisoners access to privacy when utilising the Prisoner Telephone System is supported, although previous attempts to install privacy booths have resulted in damage and vandalism creating an unacceptable security risk. The Department will explore a more robust design which does not create any unnecessary risk to safety or security.</p> |

³ For additional response from the Department on this recommendation see Appendix 4.

RESPONSES TO RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|--|---|
| <p>4. The Department review prison catering at Hakea Prison against the 2013 Australian Dietary Guidelines, and implement a system of meal choices in line with the prison's role as a remand facility which houses people with diverse health and cultural needs.</p> | <p>Supported in Part</p> <p>Response: Independent review of the prison's catering against the 2013 Australian Dietary Guidelines is supported. Prisoners with specific cultural or health needs will continue to be catered for on an individual basis. The provision of a system of meal choices will be considered within affordability parameters against other facilities priorities that are focused on effective and safe operations.</p> |
| <p>5. Hakea Prison should provide facilities that allow all prisoners to properly wash and dry their own undergarments.</p> | <p>Not Supported</p> <p>Response: The current laundry process is of a commercial standard where health and hygiene is maintained. Current infrastructure does not allow for the installation of washing machines and dryers within units. Plant and equipment considerations like this, will be considered within affordability parameters against other facilities priorities in future plans, builds or renovations.</p> |
| <p>6. Hakea Prison should provide regular and frequent opportunities for fathers to have visits with their children in a normalised environment, following appropriate risk assessments.</p> | <p>Supported – Existing Departmental Initiative</p> <p>Response: Hakea Prison will continue to promote and facilitate family friendly visits in accordance with safety and security. Hakea currently provide 12 Family Incentive Visits per year.</p> |
| <p>7. The Department should implement Skype or other telepresence technologies as a way to facilitate social contact in all prisons, and should trial community-based 'e-visit centres' where families can attend for such visits.</p> | <p>Supported in Part</p> <p>Response: A piloted trial of a new e-visit model is currently under way. The effectiveness of this model will be assessed against a range of criteria to determine its effectiveness as a mode of contact.</p> |
| <p>8. Hakea management to consult and collaborate to implement a recreation program that is safe and accessible to all prisoners.</p> | <p>Supported – Existing Departmental Initiative</p> <p>Response: A new recreation matrix providing more out of unit time was developed and implemented in October 2015.</p> |

RESPONSES TO RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|---|---|
| <p>9. Within security requirements, Hakea should ensure that prisoners of all faiths have regular, routine, and equitable access to religious, pastoral, and cultural services.</p> | <p>Supported Response: Hakea Prison is currently working with the Chaplaincy Program to ensure all faiths are represented.</p> |
| <p>10. Hakea health centre should proactively follow up with prisoners in relation to pending appointments and extra patients should be scheduled for each GP session to ensure that the services of medical staff are not wasted by non-attendances.</p> | <p>Supported in Principle Response: Prisoners retain their right to decline medical treatment including attending appointments. Implementing innovative strategies to improve attendance is being considered in collaboration with custodial staff.</p> |
| <p>11. Ensure that food safety training is consistently delivered to all food handlers in the kitchen and accommodation units regardless of the presence or absence of particular members of staff.</p> | <p>Supported Response: A nationally accredited training unit for food handlers has been identified and was trialled successfully late 2015. This is scheduled to be rolled out across all sites to commence early 2016. The training unit will be targeted to all prisoners working in the kitchens and accommodation areas, handling food.</p> |
| <p>12. Provide access to effective cleaning agent to all prisoners for the purpose of reducing transmission of blood-borne viruses through the sharing of tattooing instruments and needles.</p> | <p>Supported – Existing Departmental Initiative⁴ Response: The introduction of specific harm reduction strategies such as effective cleaning agents and or a needle /syringe program is difficult due to the security and safety risks posed to prisoners and custodial staff. The Department already provides a number of harm reduction activities, such as the provision of condoms and lubricant dispensers, hepatitis C treatment, a hepatitis B vaccination program and harm reduction and blood-borne virus education. The Department will continue to explore specific strategies to minimise the spread of blood-borne viruses.</p> |

⁴ For additional response from the Department on this recommendation see Appendix 4.

RESPONSES TO RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|---|--|
| <p>13. The Department should implement a concerted, sustained, and multi-pronged campaign to reduce smoking among prisoners and should eliminate unwanted cell sharing by non-smokers and smokers..</p> | <p>Supported – Existing Departmental Initiative Response: A Smoking Reduction Strategy was developed in 2015 in response to the Government’s position on smoking in WA prisons and the Department’s Strategic Plan 2015-2018. The Smoking Reduction Strategy is applicable to both Departmental staff and prisoners.</p> |
| <p>14. Re-establish a suitable alternative placement within Hakea Prison for people needing extended support and monitoring under the SAMS program.</p> | <p>Supported – Existing Departmental Initiative Response: A dedicated area of Unit 6 is already utilised at Hakea Prison for providing a suitable placement for prisoners needing extended support and monitoring under SAMS.</p> |
| <p>15. Prioritise the creation of appropriate interview facilities to facilitate assessment and counselling of prisoners.</p> | <p>Supported in Principle Response: The issues raised in this section of the report will be considered as part of the Department’s reform project to implement Individualised and Integrated Offender management.</p> |
| <p>16. Ensure all protection prisoners, regardless of accommodation placement, are given equal access to all services provided to mainstream prisoners, including recreation and education.</p> | <p>Supported in Principle Response: Subject to safety and security, protection prisoners will be provided with mainstream prisoner services including education and recreation in accordance with available infrastructure and resources.</p> |
| <p>17. Revise incentives to ensure that Aboriginal prisoners are strongly and appropriately represented within the peer support team at Hakea Prison, including reception and orientation.</p> | <p>Supported in Principle⁵ Response: Due to the importance of the peer support team, it is important that prisoners want to fulfil the role, and is not simply placed into the role to increase diversity. Consideration will be undertaken into attracting a more diverse group of prisoners to the roles.</p> |

⁵ For additional response from the Department on this recommendation see Appendix 4.

RESPONSES TO RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|---|--|
| <p>18. Based on staff and prisoner consultation, Hakea management should develop a new system of meaningful, achievable, and reliable prisoner incentives.</p> | <p>Supported – Existing Departmental Initiative Response: The Department’s Responsible Prisoner Model will provide a new system of meaningful, achievable and reliable prisoner incentives.</p> |
| <p>19. Construct a new purpose-built Management Unit within Hakea Prison that can safely administer the full range of services and regimes currently required by Unit 1.</p> | <p>Supported in Principle Response: The Department is reviewing its approach to population management and is considering best practice approaches to address the needs and requirements of prisoner cohorts.</p> |
| <p>20. The Department of Corrective Services and the Department of the Attorney General better communicate and coordinate court services to ensure more efficient, effective, and predictable video court operations across the state.</p> | <p>Supported in Principle Response: The Department has been upgrading its existing audiovisual facilities and will continue to investigate approaches to improve communication operations.</p> |
| <p>21. The Department of Corrective Services must meet its legal obligation to provide adequate access to appropriate legal resources, materials, and equipment to enable all remand and appeal class prisoners to fully participate in their cases, should they wish to do so.</p> | <p>Supported Response: The Department is examining ways to improve the existing capacity and accessibility to appropriate legal resources, materials, and equipment for all prisoners.</p> |
| <p>22. In line with the findings in this report, the Department should improve the welfare component of Unit Management at Hakea.</p> | <p>Supported Response: The Department is progressing development and implementation of an Individualised and Integrated Offender Management framework to improve and streamline its service delivery. Remandee welfare will be considered within the IIOM project.</p> |

RESPONSES TO RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|--|--|
| <p>23. The Department’s self-paced learning project should be transferred out of Hakea to become a Head Office project, and the existing staff should re-establish a broad range of education and training courses.</p> | <p>Not Supported</p> <p>Response: The current model of service will be maintained at Hakea Prison.</p> |
| <p>24. Initial Individual Management Plan assessments should be undertaken by staff based at the facility in which the prisoner is accommodated, not remotely from the Hakea Assessment Centre.</p> | <p>Supported – Existing Departmental Initiative</p> <p>Response: The Department is progressing the development and implementation of an Individualised and Integrated Offender Management framework to improve and streamline its service delivery. The IIOM implementation project will include aligning assessment and classification processes to better determine and allocate offender program needs, develop greater efficiencies in allocation of offenders to programs, and improve prioritisation and sequencing of programs.</p> |
| <p>25. Monitoring and recording systems in control should be upgraded, system maintenance prioritised, and CCTV coverage extended to minimise blind spots.</p> | <p>Supported in Principle</p> <p>Response: The Department has an ongoing obsolescence program and via this program will continue to consider the current configuration and placement of cameras against technical and security requirements.</p> |
| <p>26. The Department should examine the security benefits and cost-effectiveness of providing public access to the Women’s Remand and Reintegration Facility from Warton Road, and of installing a boom gate to better control access to staff car parks and other service areas alongside the Hakea Prison perimeter wall.</p> | <p>Not Supported</p> <p>Response: The Women’s Remand and Reintegration Facility is being delivered according to an approved and funded program of works. Any changes to this program will be considered via the governance and steering committees that oversee the WRRF program.</p> |

RESPONSES TO RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|---|---|
| <p>27. The Department should consider additional non-invasive solutions for detection of contraband in prisons, for use with visitors, staff, contractors, and prisoners.</p> | <p>Supported in Principle Response: The Department is reviewing the use of a range of technology options for additional non- invasive solutions for the detection of contraband in prisons, which requires ongoing consideration given to financial and infrastructure limitations.</p> |
| <p>28. The Department of Corrective Services should ensure that accounts are paid in accordance with <i>Treasurer's Instruction 323</i> which requires that 'all commercial payments shall be paid within 30 days of the receipt of the creditor's claim'.</p> | <p>Supported – Existing Departmental Initiative (no further action required) Response: The Department has processes in place to ensure accounts are paid in accordance with Treasurer's Instruction 323.</p> |
| <p>29. The process associated with the Commissioner's Vacancy Approval Checklist be amended, so the Department of Corrective Services adheres with section 7 of the <i>Public Sector Management Act 1994</i> that 'public sector bodies are to be so structured and administered as to enable decision to be made and action taken, without excessive formality and with a minimum of delay.'</p> | <p>Supported – Existing Departmental Initiative (no further action required) Response: The process associated with Commissioner's Vacancy Approval Checklist already adheres with all legislative requirements.</p> |

Appendix 4

ADDITIONAL RESPONSES TO RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|--|--|
| 2. Ensure that every new prisoner is provided contact with a family member or other community contact person during reception or, if unsuccessful, upon placement in their Unit. | <p data-bbox="722 495 1263 524">Supported – Existing Departmental Initiative</p> <p data-bbox="722 539 848 568">Response:</p> <p data-bbox="722 577 1313 752">It is current practice within the Department’s initial reception process that new prisoners make contact with a family member or community member upon reception. If this is unable to be facilitated, it is followed up upon placement within their unit.</p> <p data-bbox="722 790 973 819">Follow Up Response</p> <ul data-bbox="710 853 1335 1715" style="list-style-type: none"><li data-bbox="710 853 1335 987">• All staff at Hakea have been reminded of the requirement for new prisoners to be provided with contact with a family member or community contact.<li data-bbox="710 1003 1335 1111">• Policy Directive 36 Communication Appendix 2 7.3 – advise family member or other person of their whereabouts.<li data-bbox="710 1126 1335 1335">• Immediate Needs Checklist Module 1 is completed by Reception Officer immediately on reception and information handed over to Orientation Officer and Unit Officer. (8. Does your family (or other significant person) know that you are in prison? Yes/No Details Action.)<li data-bbox="710 1350 1335 1525">• Immediate Needs Checklist Module 1B is completed by Unit Officer within 24hrs of receipt. (6. Does your family need assistance e.g. advice, transport, accommodation, finance? Yes/No Details Action.)<li data-bbox="710 1541 1335 1715">• Aboriginal Visitor Scheme provide support to Aboriginal prisoners, and can assist with community contact. They are available by request for visitation and also via a free telephone service to all Aboriginal prisoners. |

ADDITIONAL RESPONSES TO RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|--|---|
| <p>12. Provide access to effective cleaning agent to all prisoners for the purpose of reducing transmission of blood-borne viruses through the sharing of tattooing instruments and needles.</p> | <p>Supported – Existing Departmental Initiative</p> <p>Response:</p> <p>The introduction of specific harm reduction strategies such as effective cleaning agents and or a needle/syringe program is difficult due to the security and safety risks posed to prisoners and custodial staff. The Department already provides a number of harm reduction activities, such as the provision of condoms and lubricant dispensers, hepatitis C treatment, a hepatitis B vaccination program and harm reduction and blood-borne virus education. The Department will continue to explore specific strategies to minimise the spread of blood-borne viruses.</p> |
| | <p>Follow Up Response</p> <ul style="list-style-type: none"> • Tattooing instruments and needles are prohibited items and present an unacceptable security and safety risk to prisoners and staff. The Department’s alcohol, and drug strategy has been focused on supply reduction, demand reduction and harm reduction. The provision of a cleaning agent for prisoners to use on prohibited items presents an unacceptable security and safety risk to staff working within those facilities. • A BBV Coordinator located at WSQ provides support to Medical and Nursing teams at all sites. • A mandatory education program called HIP HOP (Health in Prison / Health Out of Prison) is run in all adult prisons by external contractors from Hepatitis WA. It covers blood borne viruses, sexually transmissible infections and harm minimisation practices. The HIP sessions is delivered to all new prisoners and the HOP component is delivered to all prisoners within 3 months of release. • A range of treatment programs are offered that cover alcohol and drug dependence. • A Pharmacotherapy program is also provided to all adult prisoners that are assessed as suitable. |

ADDITIONAL RESPONSES TO RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|---|---|
| 17. Revise incentives to ensure that Aboriginal prisoners are strongly and appropriately represented within the peer-support team at Hakea Prison, including reception and orientation. | <p data-bbox="722 495 994 526">Supported in Principle</p> <p data-bbox="722 537 848 568">Response:</p> <p data-bbox="722 577 1326 752">Due to the importance of the peer support team, it is important that prisoners want to fulfil the role, and is not simply placed into the role to increase diversity. Consideration will be undertaken into attracting a more diverse group of prisoners to the roles.</p> <p data-bbox="722 786 973 817">Follow Up Response</p> <ul data-bbox="708 848 1318 1339" style="list-style-type: none"><li data-bbox="708 848 1318 1066">• Peer Support prisoners are prisoners who assist other prisoners on such things as how things work in prison and the people to talk to for particular issues. It is a voluntary role that assist the Peer Support Team within the prison. Each unit has designated peer support prisoners.<li data-bbox="708 1077 1208 1182">• At the time of the inspection, there were four Aboriginal prisoners designated as Peer Support prisoners.<li data-bbox="708 1193 1255 1339">• Hakea's Peer Support Team is committed to ensuring Aboriginal peer support prisoner representation is increased within each unit where possible. |

Appendix 5

SCORECARD

| Recommendation No. | Recommendations Report No. 81, <i>Report of an Announced Inspection of Hakea Prison.</i> | Assessment of the Department's Implementations | | | | |
|--------------------|---|--|----------------------|------------|----------------------|-----------|
| | | Poor | Less than acceptable | Acceptable | More than acceptable | Excellent |
| 1. | Human Rights The Department of Corrective Services and the Department of the Attorney General commission comprehensive research into the factors driving the recent upward trend in remand numbers and identify whether any changes in law, policy or practice are desirable. | • | | | | |
| 2. | Administration and Accountability The Department of Corrective Services work with the courts and the Department of the Attorney General to develop agreed protocols and procedures to ensure accurate legal documentation, timely communication (including the use of more efficient modern communication tools) and improved liaison channels. | | • | | | |
| 3. | Correctional Value for Money The Department of Corrective Services, with input and support from the Department of the Attorney General, judicial officers and the legal profession, develop improved facilities at Hakea Prison for video links to courts, including more video link facilities, adequate waiting areas, more options for the separation of prisoners, and improved safety, security and supervision. | | • | | | |

SCORECARD

| Recommendation No. | Recommendations Report No. 81, <i>Report of an Announced Inspection of Hakea Prison.</i> | Assessment of the Department's Implementations | | | | |
|--------------------|--|---|-------------------------|------------|-------------------------|-----------|
| | | Poor | Less than acceptable | Acceptable | More than acceptable | Excellent |
| 4. | <p>Human Rights</p> <p>The Department of Corrective Services, in consultation with the Department of the Attorney General, judicial officers and other stakeholders:</p> <ol style="list-style-type: none"> i. Develop policies which clearly articulate the legal entitlements and needs of remand prisoners; ii. Implement strategies and practices to give effect to those policies at all of the state's prisons and detention centres; and iii. Ensure that the policies, strategies and practices which are adopted meet the obligations and legitimate expectations of modern legal practice and maximise the opportunities presented by modern technology. | | • | | | |
| 5. | <p>Administration and Accountability</p> <p>Drawing on the Department's strategic plan and the expertise of Hakea management and staff:</p> <ol style="list-style-type: none"> i. Develop a specific charter for the prison addressing its vision, roles, culture and values; and ii. Develop business plans and local procedures to embed the charter and provide appropriate change management programs and supports. | | • | | | |
| 6. | <p>Administration and Accountability</p> <ol style="list-style-type: none"> i. Improve senior management visibility in the prison; and ii. Improve communication and engagement between Head Office and the prison and between all groups of local management and staff. | | • | | | |
| 7. | <p>Custody and Security</p> <p>Open Units 11 and 12 as soon as possible. Articulate the role of these units in better meeting the needs and challenges posed by Hakea's diverse prisoner group, and develop the regimes for each unit accordingly.</p> | | • | | | |

SCORECARD

| Recommendation No. | Recommendations Report No. 81, <i>Report of an Announced Inspection of Hakea Prison.</i> | Assessment of the Department's Implementations | | | | |
|--------------------|---|---|-------------------------|------------|-------------------------|-----------|
| | | Poor | Less than acceptable | Acceptable | More than acceptable | Excellent |
| 8. | Rehabilitation Remove the blanket ban on personal computers and develop a policy that, taking into account security concerns and best practice, provides access in accordance with prisoners' reintegration, legal and educational needs. | • | | | | |
| 9. | Custody and Security Review gate house procedures, practices and resources to reduce the risks of contraband or unauthorised items entering or leaving the prison. | • | | | | |
| 10. | Human Rights Ensure clear and comprehensive documentation is maintained with respect to: i. The reasons why prisoners are placed into Unit 1; and ii. The exact regime under which each prisoner is being held. | | • | | | |
| 11. | Human Rights Ensure that peer support prisoners, prison support officers, members of the Aboriginal Visitors Scheme and Independent Visitors have regular and routine access to Unit 1 and that records of such access are maintained. | | • | | | |
| 12. | Human Rights Ensure that appropriate medical supervision is incorporated into standard operating procedures with respect to the use of the restraints bed in order to reduce the risks of medical emergencies. | | | • | | |
| 13. | Custody and Security Construct a purpose-built, stand-alone Management Unit or substantially modify an existing unit to reduce risk and to meet established need. | • | | | | |

SCORECARD

| Recommendation No. | Recommendations Report No. 81, <i>Report of an Announced Inspection of Hakea Prison.</i> | Assessment of the Department's Implementations | | | | |
|--------------------|--|---|-------------------------|------------|-------------------------|-----------|
| | | Poor | Less than acceptable | Acceptable | More than acceptable | Excellent |
| 14. | Custody and Security Improve dynamic security by increasing staff patrols and promoting stronger and more positive staff-prisoner interactions. | | • | | | |
| 15. | Staffing Issues Increase staff numbers in the Hakea health centre (both medical and administrative) in order to improve service delivery and promote continuous improvement. | | • | | | |
| 16. | Rehabilitation Provide additional addictions group places and through-care counselling for remandees. | | • | | | |
| 17. | Health Provide the nicotine replacement therapies and QUIT groups required to support the implementation of the smoking reduction policy, as originally intended. | • | | | | |
| 18. | Health Hakea management support and promote the initiative to extend the food safety program to the accommodation units to help control pest infestation. | | • | | | |
| 19. | Health In order to minimise the spread of blood-borne viruses and the risks of infectious disease transmission, implement improvements with respect to: i. The monitoring and enforcement of hygiene and infection control practices; ii. Immunisation screening and programs; iii. Harm minimisation strategies including the provision of bleach or other cleaning agents; and iv. Education about health and hygiene. | | • | | | |

SCORECARD

| Recommendation No. | Recommendations Report No. 81, <i>Report of an Announced Inspection of Hakea Prison.</i> | Assessment of the Department's Implementations | | | | |
|--------------------|--|---|----------------------|------------|----------------------|-----------|
| | | Poor | Less than acceptable | Acceptable | More than acceptable | Excellent |
| 20. | Care and Wellbeing Actively promote and actually utilise Skype or other similar technologies to enable social contact, both as an alternative and as an addition to personal visits. | | • | | | |
| 21. | Care and Wellbeing Improve recreation opportunities at Hakea by providing better facilities (especially the gymnasium and oval maintenance) and by ensuring that sufficient recreation officers are on duty. | | | • | | |
| 22. | Health Review the provision of mental health services at Hakea Prison with a view to improving service delivery. This should include: i. A placement option which provides a midway point between the Crisis Care Unit and mainstream placement for those prisoners who need longer term mental health care or who need a staged transition out of the CCU; ii. Improved staffing levels; and iii. Better integration of the Prisoner Counselling Services. | • | | | | |
| 23. | Health The Department of Corrective Services work in collaboration with other departments and agencies to drive comprehensive systemic reforms to mental health services for prisoners and juvenile detainees. This should focus not only on achievable outcomes within the state's correctional facilities but also on more options for acutely unwell prisoners to reside in designated forensic mental health facilities. | • | | | | |

SCORECARD

| Recommendation No. | Recommendations Report No. 81, <i>Report of an Announced Inspection of Hakea Prison.</i> | Assessment of the Department's Implementations | | | | |
|--------------------|---|---|-------------------------|------------|-------------------------|-----------|
| | | Poor | Less than acceptable | Acceptable | More than acceptable | Excellent |
| 24. | Racism, Aboriginality and Equity Improve the processes and systems for identifying 'out of country' prisoners at Hakea and other prisons, and for meeting their needs. | • | | | | |
| 25. | Racism, Aboriginality and Equity Reinvigorate the Prison Aboriginal Services Committee at Hakea Prison and use this committee to assist in developing improved strategies for the management of Aboriginal prisoners and better coordination of services. | | • | | | |
| 26. | Human Rights Ensure that the policy relating to the management and treatment of foreign national and culturally and linguistically diverse prisoners is finalised and implemented within six months. | | | • | | |
| 27. | Human Rights Rescind the provisions of Assistant Commissioner Custodial Operations Notices 8/2011 and 14/2011 which prevent certain foreign national prisoners from remitting to their families monies which they have earned in prison. | | | • | | |
| 28. | Reparation Ensure that there are better opportunities for employment and skill development at Hakea and that the gratuity system positively promotes active engagement by prisoners. | • | | | | |
| 29. | Staffing Issues Provide an additional FTE to take over some of the responsibilities currently being performed by the Industries and Facilities Manager. | • | | | | |

Appendix 6

THE INSPECTION TEAM

| | |
|-------------------|---|
| Neil Morgan | Inspector |
| Andrew Harvey | Deputy Inspector |
| Natalie Gibson | Director Operations |
| Cliff Holdom | A/Principal Inspections and Research Officer |
| Jim Bryden | Inspections and Research Officer |
| Kieran Artelaris | Inspections and Research Officer |
| Amanda Coghlan | Inspections and Research Officer |
| Susan Stuart | Inspections and Research Officer |
| Joseph Wallam | Community Liaison Officer |
| Sarah Burns | Senior Audits and Research Officer |
| Prof Michael Levy | Expert Adviser, Clinical Director, Justice Health Services, ACT |
| Megan Reilly | Expert Adviser, Director, Hands-on Infection Control |
| Grazia Pagano | Expert Adviser, Consultant (for education and training) |

Appendix 7

KEY DATES

| | |
|--|------------------|
| Formal notification of announced inspection | 27 March 2015 |
| Pre-inspection community consultation | 24 June 2015 |
| Start of on-site phase | 25 July 2015 |
| Completion of on-site phase | 7 August 2015 |
| Inspection exit debrief | 12 August 2015 |
| Draft Report sent to DCS | 23 December 2015 |
| Due date for return of report from DCS | 4 February 2016 |
| Due date for return of report from DCS following request for extension | 18 February 2016 |
| Draft Report returned by DCS | 8 March 2016 |
| Declaration of Prepared Report | 6 April 2016 |

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



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