



Government of Western Australia
Department of Corrective Services

Office of the Commissioner

All enquiries: (08) 92649783

Your reference: 0601

Our reference: AF92871

Mr Neil Morgan
Inspector of Custodial Services
Level 5, 469 Wellington Street
PERTH WA 6000

Dear Mr Morgan

DRAFT REPORT: WESTERN AUSTRALIA'S PRISON CAPACITY

Thank you for your letter dated 30 September 2016 enclosing a copy of the draft review "Western Australia's Prison Capacity."

The Department notes your findings and that the recommendations made will be considered by whole-of Government policy positions and legislative settings.

Please find attached the Department's response to the six recommendations.

Yours sincerely

James McMahon DSC, DSM
Commissioner

17 NOV
October 2016



Response to the review of ‘Western Australia’s Prison Capacity’

Department of Corrective Services

October 2016

The Department of Corrective Services acknowledges the review of Western Australia's Prison Capacity.

The Department has reviewed the report and noted a level of acceptance against the 6 recommendations.

The recommendations will be considered as part of the Department's strategic reforms, as outlined in the 2015-2018 Strategic Plan, *Creating Value through Performance*. Recommendations will be assessed against this plan to ensure priorities are considered against departmental priorities that are focused on security, safety and rehabilitation.

Appendix A contains a number of notes for your attention.

Response to Recommendations

- 1 That the Department commence planning and seek government approval for a new metropolitan prison catering primarily for male remandees.**
- 2 That the government commit to a progressive replacement of old facilities, ensuring replacement facilities meet the *Standard Guidelines for Prison Facilities in Australia and New Zealand*.**
- 3 That the Department commit to adhere to international best standards and best practice in the use of single cells.**

Response:

These recommendations have significant resourcing implications and are influenced by whole-of-Government policy positions and legislative settings. Government will continue to ensure that future infrastructure spending ensures a secure, safe and humane custodial environment, which is cognisant of other Government priorities and value for money.

Level of Acceptance: Supported in principal

- 4 That the Department evaluates and improves the use of not-to-share alerts on TOMS.**

Response:

The premise utilised by OICS for the Predatory Behaviour Alert is incorrect. The behaviour deemed to be predatory can be directed to any person, not just another prisoner, and majority of alerts involve (actual or perceived) behaviour directed to staff of the opposite gender. The Not-to-Share Alert is utilised when there is a duty of care requirement for a prisoner to be separated from other prisoners or for health reasons. The Department uses both alerts to ensure prisoners are held within a safe and secure environment and as such the use of these alerts is appropriate and does not require evaluation.

Level of Acceptance: Not Supported

- 5 That the Department return to 'design capacity', as defined in this review, for reporting purposes.**

Response:

The term 'design capacity' does not count beds that have subsequently been added to cells. These beds, often known as 'double bunking', are a humane and secure approach to managing prisoners. To adequately measure the number of prisoners that a prison can accommodate the Department uses the term 'total capacity', which counts the total number of beds available. This is a more accurate reflection of the number of prisoners that can be accommodated within a prison.

Level of Acceptance: Not Supported

6 That the Department commit to being open and accountable through full disclosure of procedures for modelling population projections and custodial infrastructure planning, and publication of its custodial infrastructure plan and contingencies.

Response:

The Department undertakes future infrastructure planning in line with whole-of-Government policies and procedures. As infrastructure planning involves budget decisions these policies ensure that plans are kept confidential. This enables agency heads, ministers and Cabinet to freely consider and debate infrastructure issues during the budget process. Publically releasing these documents would undermine these whole-of-Government processes. The Department will ensure that future infrastructure planning considers a range of options, aligns to demand and delivers value for money.

Level of Acceptance: Not Supported

Attachment: Inaccuracies and Comments

OICS Reference	OICS Information	Comments
Page 5	The government, through the Department, has signed up to the Standard Guidelines for Prison Facilities in Australia and New Zealand (1990).	The Department requests that OICS acknowledge that these standard guidelines are an aspiration document.
Page 13	Demountable accommodation of various types has also been installed over the years. None of this meets the Australasian Standard Guidelines 1990. The new demountables include rooms with ensuites installed at Karnet and Bandyup, which were double-bunked. The high quality new work camps have rooms that are only 6.1 m ² in size, but the issues here are mitigated as the camps are spacious, and prisoners are not locked in their rooms.	It should also be noted that prisoners are not locked within rooms at Karnet either.
Page 18	On 16 June 2016, there were 64 prisoners with a Predatory Behaviour Alert. They are people who have already caused significant harm to other people within the custodial environment.	This statement is incorrect. The Predatory Behaviour Alert is used when a prisoner/detainee is known to prey on others for self-gratification of a violent or sexual nature. It is ongoing behaviour that can be for personal gain or exploitation of the vulnerable. The alert is predominately utilised to alert staff to actual or perceived unwanted attention being directed towards staff members of the opposite gender. The alert is usually placed on a prisoner prior to any physical harm occurring.
Page 24	The result has been to hide the extent of the problem.	This statement implies that the Department has intentionally hidden information. This is incorrect and the Department requests that OICS change the use of negative language and report on evidence based facts not assumptions.