



Government of **Western Australia**
Department of **Justice**
Corrective Services

Response to Review:

Smoking in Western Australian Prisons

August 2021

Version 1.0

Contents

Response Overview	3
Response to Recommendations	5
Appendix A: Inaccuracies and Comments.....	9

Response Overview

Introduction

The review into *Smoking in Western Australian Prisons* (the Smoking Review) was announced by the Office of the Inspector of Custodial Services (OICS) on 2 March 2021. As per usual process, a wide range of documentation and access to systems, policies, processes, custodial facilities including staff, prisoners and contractors were made available to OICS upon request for the purpose of the review.

On 7 July 2021, the Department of Justice (the Department) received the draft report on the Smoking Review from OICS for review and comment. The draft report has highlighted key findings and made nine recommendations. The Department has reviewed the draft report and provides comments and responses to the recommendations as below.

Appendix A contains further comments linked to sections in the report for the Inspector's attention and consideration.

Review Comments

The Department appreciates the work undertaken by OICS on the Smoking Review and thanks the Inspector for the opportunity to comment, respond to the key findings and initiate improvements as required.

The serious repercussions of smoking are one of the greatest and current health threats in the community and is ever prevalent within the prison systems, both within Australia and worldwide.

In recognition of the risks associated with smoking, the Department has been in ongoing liaison with government and other key internal and external stakeholders regarding smoking reduction and cessation initiatives in Western Australian (WA) prisons over the years. Several initiatives to assist prisoners and staff to reduce or quit smoking, and to limit exposure to secondhand smoke have been implemented by the Department, such as:

- smoking in designated areas only (an initiative that was fast tracked following concerns raised by staff and supported by WorkSafe),
- awareness initiatives through Cancer Council promotional materials,
- access to Quitline,
- cessation aids and supports,
- nicotine replacement therapies,
- engagement with facility level health centers for support with quitting; and
- confidential counselling available to staff and prisoners.

Several initiatives have been trialed however did not continue due to safety and security risks associated with fire, electrocution, and arson, e.g. the removal of lighters as part of the Greenough trial which commenced in 2008. This resulted in prisoners experimenting with other means of lighting cigarettes, including tampering with electrical devices such as power points to light a fire. This is detailed in the Greenough trial evaluation report released in March 2010, as referenced by the Inspector in his review report.

The Department is committed to providing a safe and healthy environment for staff, prisoners, contractors, and visitors and is supportive of a smoke-free environment.

The Department acknowledges current controls around smoking restrictions can be improved and there is much work to be done to effectively manage smoking in prisons. The Department also recognises that to be successful and highly effective in the management of smoking, a total ban is required, however the Department cannot do this on its own and will require multi-agency cooperation and government support. In addition, significant planning and resourcing would be required together with appropriate lead time to implement a smoke-free policy in prisons.

While continuing to make improvements to current practices around smoking and identifying new smoking reduction initiatives for implementation, the Department will continue to liaise with government and key stakeholders to gain the support, funding and resources required for a total smoking ban in WA prisons.

Response to Recommendations

1 The Government and Department should commit to a timeline to implement a smoke-free prisons policy within Western Australia's prisons.

Level of Acceptance:	Supported in Principle, subject to funding
Responsible Division:	Corrective Services
Responsible Directorate:	Operational Support
Proposed Completion Date:	31 December 2022

Response:

The Department and Government have been in ongoing liaison with regards to smoking cessation and/or smoking reduction in WA Prisons over the years. Several local initiatives have been implemented to improve controls around smoking and exposure of smoke to others in prisons.

As acknowledged by the Inspector, a total ban on smoking in prisons requires significant planning, resourcing, and inter-agency collaboration to be successful. The Department will continue to liaise with relevant internal and external stakeholders to gain support for a smoking ban in WA Prisons and a program of works will be developed subject to approval and funding.

2 Review the effectiveness of smoking-related policies and strategies to inform immediate actions that can better protect staff from exposure to second-hand smoke.

Level of Acceptance:	Supported
Responsible Division:	Corrective Services
Responsible Directorate:	Operational Support
Proposed Completion Date:	Completed

Response:

Department's current policy position requires staff, prisoners, contractors, and visitors to smoke only in designated areas and to comply with the Designated Smoking Area instruction applicable to all employees, offenders, visitors, and contractors.

This instruction is further reinforced through new custodial operational policies and procedures e.g. COPP 6.1 Prisoner Access to Health Care and COPP 2.2 Orientation. During orientation, all prisoners are informed of the smoking restrictions within the prison and availability of cessation aids / educational material in relation to quitting.

The COPPs are operationalised through Standing Orders at each prison providing further information on the management of smoking in prisons, including the designated smoking areas, staff and prisoner supports available for those who wish to quit smoking, management of smoking breaches and the sanctions and disciplinary action that can be taken in the event of non-compliance with the smoking restrictions. COPP 10.1 Prisoner Behaviour Management (currently PD3) provides further guidance for staff on the expectations and management of prisoner non-compliance with smoking restrictions.

Implementation of COPPs and development of Standing Orders is an ongoing program of works, including periodic review.

3 Develop and implement a monitoring framework to measure the ongoing success and effectiveness of actions taken under Recommendation 2.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support
Proposed Completion Date: 30 June 2022

Response:

The requirement for all prisons to comply with relevant smoking instructions is captured within the Standing Orders and monitored through local OSH Committees at the prison level.

The Department will identify possible compliance tests that can form part of an Operational Compliance Framework that can be used to monitor the overall management of smoking in prisons. The level of monitoring will be subject to the level of resources available and compliance monitoring priorities.

4 Introduce nicotine lozenges into prison canteens across Western Australia.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Offender Services
Proposed Completion Date: 30 June 2022

Response:

The Department will explore the feasibility of introducing nicotine lozenges into prisons.

This will include consultation with custodial operations to determine the effectiveness of nicotine lozenges vs patches and a suitability and safety assessment for introduction into a custodial environment.

5 Ensure all prisoners are informed on the suite of nicotine replacement therapies and pharmacological supports available to them while in prison.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Offender Services
Proposed Completion Date: Completed

Response:

As part of the Orientation process, all prisoners are provided with information on smoking restrictions within the prison and detailed availability of smoking cessation aids and supports in relation to quitting. This is covered in COPP 2.2. Orientation and COPP 6.1 Prisoner Access to Health Care, which are operationalised through relevant Standing Orders.

Smoking cessation is also discussed routinely during prisoner consults and prisoners are offered promotional material to assist them with quitting e.g. cancer council promotional material as well as the Quitline phone number 13 78 48. The Quitline provides confidential telephone support for people who want to quit smoking. Trained

counsellors provide support and help plan and develop strategies to quit smoking as required. An Aboriginal counsellor can be requested to provide support to Aboriginal callers in a positive and respectful manner. The WA Department of Health funds Western Australia's Quitline service, which is delivered by the Cancer Council South Australia.

Changes to the availability of smoking cessation aids, smoking products and related costs are communicated via canteen processes and information available to prisoners within the units and during routine health appointments.

6 Introduce a suite of new smoking awareness initiatives across the prison estate to enable prisoners and staff to make informed decisions about their smoking behaviours.

Level of Acceptance:	Supported in Principle
Responsible Division:	Corrective Services
Responsible Directorate:	Offender Services
Proposed Completion Date:	Completed

Response:

The Department currently has several smoking awareness initiatives for staff and prisoners.

For staff, information about smoking reduction/cessation and links to appropriate resources are available on the Department's OSH webpage. Confidential counselling and resources are also available to staff through the Employee Assistance Program. Issues related to smoking are discussed at local OSH Committees on a quarterly basis.

For prisoners, the Department's current instructions, policies and procedures and health care provision as mentioned above provide sufficient awareness initiatives to enable prisoners to make informed decisions about their smoking behaviours. The policies and procedures undergo periodic reviews as part of continuous improvement processes.

7 Review de-escalation training and provide regular opportunities for staff to refresh their understanding of de-escalation techniques.

Level of Acceptance:	Not Supported
Responsible Division:	Corrective Services
Responsible Directorate:	Operational Support
Proposed Completion Date:	N/A

Response:

A review of de-escalation training is not required as the Department's Use of Force Theory Refresher Training is based on best practice and contains specific elements related to communication and the 5-step de-escalation process. This training is mandatory, and all officers are currently required to complete the training on an annual basis.

The use of tobacco as a management tool is not recognised as operational practice nor is it reflected in training syllabus as a management or de-escalation tool.

8 Ensure all Local Orders regulating smoking within prisons are consistent with contemporary practices and current legislative requirements.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Operational Support
Proposed Completion Date: Completed

Response:

The Department is phasing out the use of Local Orders as part of the COPP Project. All COPPs provide consistent and clear policy which is operationalised through Standing Orders at each facility. The COPPs / Standing Orders which include smoking related requirements regulate instruction and required compliance with smoking provisions and restrictions in prisons.

As previously stated, the Department will continue ongoing liaison with Government and key stakeholders regarding smoking cessation / reduction in WA Prisons.

9 Ensure tobacco pricing is consistent across all facilities and remains at retail price, as a minimum.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons
Proposed Completion Date: 31 December 2022

Response:

The Department supports this finding and will review state-wide practices relating to tobacco pricing. An action plan will be developed with the view to working towards greater consistency, taking into consideration pricing rules and operational needs.