

Inspector's Overview

Unsustainable growth of the protection prisoner population needs to be better managed

Over the past 10 years the number of prisoners requiring protection in Western Australian prisons increased by 275 per cent, but during the same period the adult male prison population only increased by 42 per cent. There are now over 700 protection prisoners held in dedicated protection units in Acacia, Casuarina and Hakea prisons. We commenced this review because of concerns about the significant growth in numbers and the capacity of individual prisons to offer protection prisoners a range of services comparable to mainstream prisoners.

There are no specialised protection units for women or young people, and we were told that vulnerable individuals are instead managed on a case by case basis.

Historically, prisoners were placed in protection due to the nature of their offence and the risks to their safety that arose if they were placed within the mainstream population. But in recent years that profile is changing. Although offence type is still the major reason for protection placement (comprising 47 per cent, consisting mostly of people with sexual offence histories), we identified that an increasing number of protection placements are due to alerts and threats (for example debts owed to other prisoners or gangs, gang affiliations or conflicts, or links to high profile offences or crimes). Our report has identified several issues arising from these changes, including how protection units are managed, the relationships between protection prisoners, individuals not feeling safe due to threats and standovers, and the capacity of prisons to offer a meaningful daily regime.

It was clear during our review that the Department of Justice is genuinely committed to ensuring the safety of prisoners who require protection. This, perhaps understandably, has led to a degree of risk aversion which may partly explain the significant growth in the protection population. The policy that was in place during the time of our review was not sufficiently robust to ensure that the initial protection assessment was adequate and periodic reviews were being used to critically assess a prisoner's ongoing need for protection or potential to be returned to the mainstream population.

The Department, acknowledging these difficulties, implemented a new policy (COPP4.10) in December 2021. This has more robust assessment and review processes, including a comprehensive review of each individual every six months by a multi-disciplinary team. This commendable initiative has also introduced a level of governance and head office oversight that was previously missing. However, there remains a lot of uncertainty as to whether this new policy will lead to a reduction in the protection population. It is too early to form any judgments, but it will be one of our focus areas in our ongoing inspection work.

Our review has also identified that protection often comes at a price. Many prisoners we spoke to during our review told us of their feelings of isolation and boredom, their reduced sense of safety, their fear of other protection prisoners, their lack of access to services, and the negative impact this was having on their mental health and wellbeing.

There is no doubt that many prisoners genuinely require protection. The reality is that protection units must be isolated from other units. Unfortunately, this often means protection prisoners will

have less access to mainstream services such as: education and training; employment; recreation; and programs. There have been attempts in some prisons to improve access to these types of services, for example the laundry at Acacia Prison has recently been relocated to the protection precinct providing more jobs, but more needs to be done.

Many prisoners expressed to us the difficulties they experience trying to access services in protection and the impact this has on their life. For instance, the review found that only 24 per cent of protection prisoners were able to complete their recommended treatment programs prior to being released. As a result, many in protection could reasonably assume that their parole applications would be denied for unmet treatment needs. Protection status ought not be an excuse for a lesser standard of service and the Department and individual prisons should maintain a focus on addressing the gaps identified in this report.

Our report contains ten recommendations for improvement, the majority of which the Department supported (2), supported-in-principle (1), or supported as a current practice or project (5). Only two recommendations were not supported. Although this was generally a positive response, we were a little confused by the response to Recommendation 3, which relates to “increasing” the range of employment opportunities for protection prisoners and “investigating” adaptive approaches that can be implemented. The thrust of the recommendation necessarily would require the Department to do something in addition to what is already being done now (i.e. increase and investigate), but the Department’s response supported the recommendation as a current practice or project, articulated essentially what is already being done, and then closed the recommendation.

Similarly, Recommendation 2 related to mental health training for peer support prisoners, which the Department supported as a current practice or project, noting that the training had been delivered at Casuarina Prison and was planned elsewhere, but the recommendation was then closed despite not being completed.

Notwithstanding these responses, these are areas we will continue to monitor to see if there are any meaningful changes or improvements.

Consistent with our standard practice we also provided a copy of the draft report to Acacia Prison, which is privately operated by Serco, and invited a response. We did not receive a detailed submission beyond a brief response noting that it was a “fair and solid report”.

ACKNOWLEDGEMENTS

It is important to acknowledge the contribution and assistance we received in undertaking this review from key personnel in the Department and at Acacia Prison.

I also want to specifically acknowledge the input we received from many protection prisoners, both in our discussions with them and in correspondence we received during the review, which gave us an insight into their life in protection and their thoughts, feelings, and concerns.

Finally, I want to recognise and acknowledge the hard work and significant contribution of the team within our office in planning and undertaking this review. I would particularly acknowledge the work of Ryan Quinn in leading this review and as principal drafter of this report.

Eamon Ryan
Inspector

24 March 2022