

## MEDIA RELEASE

EMBARGOED UNTIL 2PM ON 22 NOVEMBER 2022

### Confinement and management regimes not perfect but running well in WA prisons

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Confinement and management regimes across Western Australian prisons were mostly being implemented well, but opportunities to improve prisoner welfare remain, finds a review published today by the Inspector of Custodial Services.

“Our review found no evidence of systemic misuse of confinement and management regimes in adult prisons across the state,” said the Inspector of Custodial Services, Eamon Ryan.

“This reflects the clear policies in place and the clear communication of those policies to custodial staff who must decide when confinement or management is appropriate, often in very high-pressured environments. While the system can be applauded for that, it is not perfect.”

The review found a comprehensive policy framework in place from the Department of Justice (the Department) underpinned good practice within the custodial estate – but outliers like Acacia Prison and those with mental health challenges remain areas of concern.

#### Managing the mentally unwell

The treatment of those suffering mental health issues remains problematic – too many individuals who should be receiving acute hospital care are being retained within the prison system.

“This is more an issue of capacity than policy. Sadly, there are simply not enough beds at the State’s only secure forensic mental health hospital – the Frankland Centre. This means many acutely unwell individuals remain in prison facilities which is not where they need to be,” Mr Ryan said.

“In some cases, these individuals are confined to observation cells for lengthy periods, which is not therapeutic and often inhumane.”

One individual spent 153 days confined at Hakea Prison before being transferred to the Frankland Centre for care. In that time, he became mute, uncooperative, was not eating and was living in squalor among rotting food and faeces.

“Cases like this are obviously disturbing. What’s needed is appropriate infrastructure, access to adequate clinical care and appropriate clinical interventions. Despite these challenges, most custodial staff do a very good job in difficult circumstances,” said Mr Ryan.

These time-starved prison staff often have limited specialised training to appropriately manage such high-risk and high-need prisoners.

25,209

confinement or management  
regimes issued to

6,841

prisoners between 1 July 2018  
and 31 December 2021

“Unfortunately, their focus must be the prevention of self-harm and suicide rather than any sort of therapeutic intervention,” said Mr Ryan.

However, the situation has been eased somewhat with the 29-bed Bindi Bindi mental health unit opening at Bandyup Women’s Prison in July 2021. A 32-bed mental health unit is also set to open at Casuarina Prison in 2024 for male prisoners.

Mr Ryan welcomed these developments but cautioned, “they don’t replace the need for acute beds in a suitable hospital setting.”

### **Acacia’s confinement practices breach policy**

The review found confinement over-use was most prevalent at Acacia Prison. Short-term confinement orders (known as section 36(3) orders under the *Prisons Act 1981*) were being issued in a way that was outside the scope of the policy framework.

This included using section 36(3) orders for longer than allowed, using multiple consecutive orders, and not providing adequate justification for their use.

“It appears there may have been some justification for some of these orders but the volume of orders at this one facility is alarming,” Mr Ryan said. “I’m therefore encouraged that Serco, the private prison administrator at Acacia, and the Department have acknowledged and are examining the issues.”

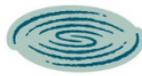
The review also found the Department’s controversial Disruptive Prisoner Policy mirrored the intent and purpose of separate confinement, and often resulted in prisoners being confined longer than the 30 days permitted under section 43 of the *Prisons Act 1981*. The Department rescinded the policy in December 2021.

“We are encouraged by what we have seen over the course of this review and pleased the Department has supported as a current practice or project all ten recommendations,” said Mr Ryan.

### **For further media information**

The Inspector, Eamon Ryan, will be available for comment from 2.00pm on 22 November 2022 and can be contacted on 0421 480 925.

The full report will be available on the Inspector’s website ([www.oics.wa.gov.au](http://www.oics.wa.gov.au)).



# Fact Sheet

## KEY FINDINGS

- In Western Australia, the *Prisons Act 1981* allows for prisoners to be confined or separately confined under three distinct scenarios. Prisoners can also be confined or have their daily routine restricted when placed on a management regime. *Refer to infographic for more information.*
- Report found:
  - Confinement and management regimes are mostly consistent with policy
  - The management of prisoners in confinement is often limited to the delivery of basic entitlements
  - Good governance overall, but transparency and oversight are poor in some areas
- All ten recommendations made to the Department of Justice were supported.

# 25,029

orders for confinement or management regimes were implemented

- Between 1 July 2018 and 31 December 2021, there were 25,029 individual confinement or management regimes enforced on 6,841 unique prisoners in Western Australia.
- Metropolitan medium and maximum security prisons recorded the highest use.
- Acacia Prison recorded almost double the use of Casuarina Prison, which recorded the second highest use.



Thirteen individuals accumulated in excess of 200 days in confinement or on a management regime

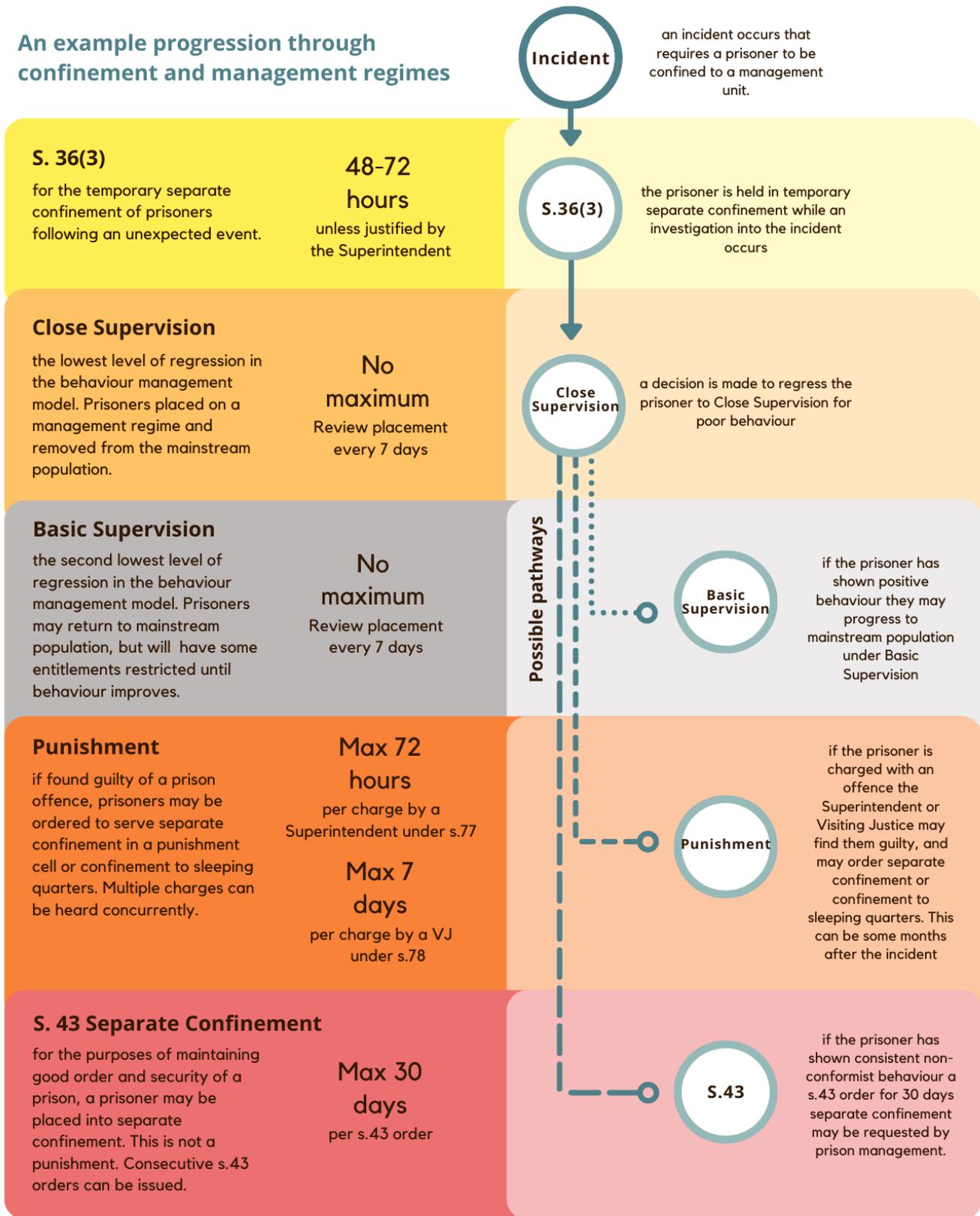
- Of the 6,841 people subject to a restricted regime:
  - 85.4% accumulated no more than 25 non-consecutive days on a restricted regime.
  - Just under 4% received between 51 and 100 days.
  - Thirteen people accumulated in excess of 200 days on a restricted regime.

# 59%

of prisoners placed in confinement or on a management regime identified as Aboriginal

- Younger prisoners and Aboriginal prisoners were more often placed under confinement orders or onto management regimes.
- Since July 2018, 43% of confinement or management regimes were for prisoners aged 25 - 34 years old, and a further 22% were for 18 - 24 year olds.
- Aboriginal prisoners were over-represented across all types of restricted regimes.

## An example progression through confinement and management regimes



## Other restrictive regime options

### Medical Observation

for prisoners with a medical condition, those withdrawing from drugs or alcohol, those with a psychological condition, and those on voluntary starvation.

**Max duration:** No maximum. Duration dependent on health assessments.

### Observation

for prisoners considered at-risk of self-harm or suicide, or those who have ingested, injected or secreted an unknown or harmful substance.

**Max duration:** No maximum. Duration dependent on health assessments.

Note: the progression through confinement and management regimes may not be as linear as the example above.



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