



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

2023 INSPECTION OF WEST KIMBERLEY REGIONAL PRISON

154

MAY 2024

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The Office of the Inspector of Custodial Services acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of this country, and their continuing connection to land, waters, and community throughout Australia. We pay our respects to them and their cultures, and to Elders, be they past or present.

2023 Inspection of West Kimberley Regional Prison

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Inspector's Overview

West Kimberley Regional Prison is at a crossroad.

West Kimberley Regional Prison (WGRP) has been a unique facility from its inception back in 2005 and opening in 2012. The prison was founded on an innovative philosophy that Kimberley prisoners should be held on, or close to, country and traditional culture should inform service delivery.

The prison was designed to facilitate community style living with the majority of prisoners having responsibility for cooking, cleaning, and laundry in their allocated houses. Conceptually this would develop their independent living skills and, hopefully, reduce their likelihood of returning to prison.

As we have reported previously, over time the prison strayed away from the original philosophy, largely due to population pressures elsewhere and the demand for beds. This trend has continued, and we saw it again during this inspection. But despite some positive local initiatives designed to return towards the foundations of the original philosophy, there needs to be a concerted effort for this to succeed. The plan for a new facility in Broome is the ideal opportunity for the Department to develop a long-term Kimberley custodial plan that emphasises the role of WGRP and how it can return to the original design philosophy (see Recommendation 1).

But in the short-term significant population pressure in the Kimberley, Pilbara and across the entire system is the immediate challenge placing WGRP at a crossroad. Most regional facilities, except for Eastern Goldfields, are currently operating at or close to maximum capacity. In fact, at the time of writing all three facilities in the Kimberley and Pilbara were operating at over 100% of their stated general purpose bed capacity. This puts enormous pressure on every facility to find bed availability.

The population pressure is compounded by staffing shortages and WGRP is directly impacted by both issues. Our report highlights many of the staffing challenges faced by WGRP, including finding suitable accommodation for staff and offering sufficient incentives to attract staff to work in the prison (see Recommendation 3).

As a result there are many prisoners, both men and women, at WGRP who are not fully engaged in regular meaningful activities, and this has a significant impact on their prospects for rehabilitation. These concerns are not just our opinions; they were expressed to us by staff and prisoners alike and evidenced by the results of our pre-inspection surveys as well as our interactions with them throughout the inspection.

Commendably, most staff, and not just custodial staff, demonstrated a willingness to just get on and do their best to make it work. Around the time of the inspection, we saw relatively low levels of workers compensation and personal leave being taken. The main driver of staffing shortages was vacant or unfilled positions. We heard of staff being willing to undertake overtime or extra hours, including members of the leadership group undertaking weekend shifts, to ensure the prison operated as close to a normal routine as possible. This is something we often observe in our inspections, but it is unwise to rely on the goodwill of local staff to continue to make it work and more needs to be done at a system level to adequately staff prisons, so they are able to operate effectively.

ACKNOWLEDGMENTS

We had until recently one long serving Independent Prison Visitor for WKRP who was a community volunteer appointed by the Minister for Corrective Services. She attended WKRP on a regular basis providing an opportunity for the men and women placed there to raise issues and feedback that information to our office. I acknowledge the importance of her work undertaken and thank her for her contribution over many years to our ongoing monitoring of WKRP. She will be missed by one and all.

This creates an opportunity for community minded individuals who may wish to undertake this rewarding volunteer opportunity to give something back to the community and make a difference in the lives of people incarcerated in WKRP.

I also acknowledge the support and cooperation we received throughout the inspection from the Superintendent and staff at WKRP and from key personnel in the Department.

The men and women living in WKRP who took the time to speak with us and share their perspectives also deserve our acknowledgement and thanks.

Finally, I would like to thank the members of the inspection team for their expertise and hard work throughout the inspection. I would particularly acknowledge and thank Charlie Staples for his hard work in planning this inspection and as principal drafter of this report.

Eamon Ryan

Inspector of Custodial Services

20 May 2024

Executive Summary

Culturally appropriate prison philosophy has been eroded over time

West Kimberley Regional Prison (WGRP) was opened in 2012 with an innovative Aboriginal focus informed by traditional Kimberley Aboriginal culture. The unique architecture and community-style share households had been designed to develop independent living skills and self-determination, but in 2023, crowding elsewhere in the custodial estate pushed the prisoner population from 150 to 230. Our pre-inspection surveys suggested falling standards in quality of life, personal safety and access to meaningful employment. Even Aboriginal cultural support had fallen away.

Effective management of custodial services across the Kimberley is complex and requires comprehensive forward planning. Since 2012 the Western Australia State Government and the Department of Justice have considered expanding Kimberley custodial capacity by building a new prison near Broome. At the time of this inspection a functional brief had still not been specified and a location had not been chosen.

Without support, WGRP faced existential threat

In November 2022, WGRP celebrated its 10-year anniversary. But despite the impressive design, structural damage across the site had been accelerated by inferior build quality and the harsh Kimberley climate. Structural and mechanical repairs in the Kimberley were complex and costly, and there was a real risk that critical maintenance issues could render parts of the prison unusable.

Unlike Broome, Derby is a small community with limited retail, recreation, and tourism opportunities. WGRP had difficulty attracting and retaining its full complement of custodial staff. Fortunately, unplanned absence levels were relatively low, and few staff members were on workers' compensation leave. But staffing pressures disrupted the daily regime and prisoners' access to meaningful activity. Also, shortages in primary health care staff limited the prison's capacity to address the heightened health risk faced by the majority Kimberly Aboriginal prisoner population.

Custodial operations in the Kimberley are complex

Despite WGRP's philosophical expectation that Kimberley prisoners be 'on-Country', the limited bed capacity across the north required frequent inter-prison transfers. That caused severe overcrowding at BRP. Even so, during the inspection occupancy of the work camp at Wyndham was just 30%. WGRP staff questioned the security classification system. Trialling a modified system of security classifications for Kimberley prisoners could alleviate population pressure and increase reintegration opportunities.

Kimberley Aboriginal community members were coming to WGRP with predictable health needs. Unstable primary health staffing threatened the provision of comprehensive and coordinated medical and allied healthcare.

Although dental services were limited, basic mental health services were provided on-site by experienced Mental Health and Psychological Health Services staff. For those at risk of self-harm, the WGRP Prisoner Risk Assessment Group was operating well to support their needs.

Prison management had responded to the absence of Aboriginal Visitor Service staff on site by funding the design and construction of yarning circles. That was a positive symbolic recognition of traditional Aboriginal practice and provided a focus for structured group interaction. We recognised that elements of WKRP's foundational philosophy and design were still evident.

Everyday life did not reflect the WKRP philosophy

Apart from the male maximum security Unit 3, all prisoners lived in self-care houses at a level of accommodation equalling the top hierarchy at other prisons. That reduced the incentives available to encourage positive behaviour. And with 14 self-care houses, the single Life Skills Officer struggled to support the self-care model.

The value of recreation had been recognised in the prison's design. The main compound, accessed by male prisoners in units 1 and 2, had a central football oval, an open-sided covered hard court for basketball and volleyball, and three large activity rooms used for library, music rehearsal and indoor activities. But since a policy of minimal gender mixing was put in place, women were less fortunate, with no organised active recreation, and no time on the oval.

The WKRP philosophy focused on custodial proximity to land and family, but the vast Kimberley distances made in-person visits difficult, particularly for family from the East Kimberley. Prisoners relied on the prison telephone system to stay in touch. Despite broken phones and limited access, the prisoner survey suggested telephone contact with family had risen, and was equal to state average.

As prisoners progress towards release, their needs change

For male prisoners, education services had improved. The five full-time positions at the Education Centre were filled, and North Regional TAFE delivered training in Rural Operations and Construction for men, and Horticulture for women. The Centre provided excellent infrastructure but was only accessible for men. With just 17 female prisoners in Unit 4 at the time of the inspection, regular education and training activities for them was limited to art and horticulture.

For many prisoners, limited experience with meaningful employment makes the transition to freedom difficult. Contrary to WKRP's original philosophy, almost half the prisoners were not working, or only given unit-based jobs requiring little time or skill. WKRP struggled to recruit and retain Vocational and Support Officers, without whom workplaces were closed.

Women's access to therapeutic and voluntary programs was also limited compared to men. Nine voluntary programs were offered on site, covering personal development, leadership, family issues, parenting, re-entry life skills, cooking classes, and an alcohol & drug program (AOD). Men could join all nine, but women were restricted to AOD and cooking.

At WKRP, Centacare was the lead re-entry service provider. The contract covered re-entry and accommodation services, and parenting advice and support services. The prison's Transitional Manager referred prisoners in scope to Centacare. He also helped prisoners obtain identification documents, provided referrals to Mowanjum Driver Training for learner's permits, and to the Department of Transport for motor vehicle licenses. The five-year re-entry service provider contracts were due to expire in April 2023. In October 2023 the Department was still gathering evidence and opinion to inform decisions about new contracts.

FACT PAGE – WKRP INSPECTION



NAME OF FACILITY

West Kimberley Regional Prison



LOCATION

The prison is located near the town of Derby, 2380 kilometres north-east of Perth.



INSPECTION DATE

28 May – 2 June 2023



ROLE OF FACILITY

West Kimberley Regional Prison (WKRP) is the main custodial facility for the Kimberley region. It holds remand and sentenced men and women of all security levels.

HISTORY

Opened in November 2012, WKRP was designed after consultation with a Kimberley Aboriginal Reference Group. The prison's ethos was to have an innovative Aboriginal focus, hold Kimberley prisoners in country, develop their independent living skills and self-determination, and reduce the likelihood of them returning to custody.

CAPACITY OF RESIDENTIAL UNITS

Unit 1. Eight self-catering houses for minimum- to medium security males.

House configuration: two x 10 beds and six x 11 beds.

Total 86 beds.

Unit 2. Six self-catering houses for minimum- to medium security males.

House configuration: six x 11 beds. Total 66 beds.

Unit 3. Three non-self-catering houses in an enclosed precinct. An orientation unit for males of all security levels, and a placement option for maximum-security males.

House configuration: two x 10 beds and one x 11 beds.

Total 31 beds.

Unit 4. Five self-catering houses in an enclosed and screened precinct for women of all security levels.

House configuration: five x eight beds. Total 40 beds.

WKRP CAPACITY



223

STANDARD ACCOMMODATION



8

SPECIAL PURPOSE ACCOMMODATION

NUMBER OF PRISONERS HELD AT COMMENCEMENT OF INSPECTION

205

List of Recommendations

Recommendation	Page	DOJ Response
Recommendation 1 Finalise a Kimberley Custodial Plan that builds on the Kimberley Aboriginal Reference Group philosophy and specifies distinct roles for West Kimberley and Broome Regional Prisons.	3	Supported in Principle
Recommendation 2 Establish maintenance and replacement schedules for systems, equipment, and infrastructure at West Kimberley.	5	Supported – Current Practice / Project
Recommendation 3 Deliver better regional incentives and parity for local staff.	7	Noted
Recommendation 4 Ensure health centre staffing resources are maintained.	9	Supported in Principle
Recommendation 5 Increase access to Wyndham Work Camp by trialling a modified system of security classifications for Kimberley prisoners.	11	Supported – Current Practice / Project
Recommendation 6 Ensure a voluntary Alcohol and Other Drug program is available at West Kimberley Regional Prison.	12	Supported in Principle
Recommendation 7 Develop and publish a plan to provide dental services in Derby.	12	Noted
Recommendation 8 Improve protections and supports for prisoners with disabilities through better collaboration between the Departments of Justice, Health and Disability Services.	15	Supported – Current Practice / Project
Recommendation 9 Staff Unit 5 at West Kimberley Regional Prison whenever a prisoner is in cell.	16	Supported – Current Practice / Project
Recommendation 10 Implement a less invasive drug testing procedure.	16	Supported – Current Practice / Project

Recommendation 11 Ensure that fire mitigation planning is effective and specifically addresses identified risks.	17	Supported – Current Practice / Project
Recommendation 12 Increase resources to support the self-care model.	21	Supported – Current Practice / Project
Recommendation 13 Increase prisoner employment by minimising Vocational Support Officer redeployment.	28	Supported in Principle
Recommendation 14 Provide an appropriate intensive addictions Individual Management Plan program for delivery in regional prisons.	29	Supported in Principle

1 Culturally appropriate prison philosophy has been eroded over time

1.1 A prison designed for the Kimberley

West Kimberley Regional Prison (WGRP) was opened in 2012 with an innovative Aboriginal focus. The philosophy underpinning the prison was developed from consultations with Aboriginal leaders and community members, coming together in 2005 as the Kimberley Aboriginal Reference Group (KARG). The philosophy stated Kimberley prisoners should be held on or close to Country and that traditional Kimberley Aboriginal culture should inform service delivery.

The then Department of Corrective Services had included key recommendations from the KARG in its operational framework for the new prison. Design and operation emphasised the five KARG philosophical principles:

- custodial proximity to land and family
- cultural responsibilities
- spiritual relationship to land, sea, and waterways
- kinship and family responsibilities
- community responsibilities.

In practice, the unique prison architecture allowed most prisoners to live in community-style share households, doing their own cooking, cleaning, and laundry. The goal was to develop prisoners' independent living skills and self-determination to improve their chances of not returning to custody.

At the time of opening, prisoners lived in single cells in four groups of buildings. Ninety of the 120 male beds were in two units - 14 self-care minimum-security houses, surrounded by trees and gardens. A third unit with 30 beds for medium-security men was behind a secure perimeter. Thirty women were separated from the rest of the prison in five self-care houses, also behind a secure fence. Appropriate design, strong leadership, and positive interaction across the prison community helped prisoners take self-care responsibility beyond the expectations of some early critics.



Photo 1: Unit 4 Houses



Photo 2: Boab Tree in Unit 4

1.2 Increasing prisoner population and resource pressures threatened service delivery

Early positives at WKRP were eroded quickly and by 2017 we found the prison under strain. Crowding elsewhere in the custodial estate was driving the population of WKRP above 200 (OICS, 2017, p. xiii). Second beds were added into many cells and the male house populations went from seven to 11. The Life Skills Officer (LSO) position, pivotal in delivering self-care/self-catering training, was vacated and the lack of Vocational and Support Officers (VSOs) across the prison limited prisoners' access to employment. Custodial staff shortages also reduced WKRP's capacity to allow safe supervised interaction between male and female prisoners.

Similarly, Aboriginal cultural support services had fallen away. The Aboriginal Visitors Scheme (AVS), established in 1988 to provide support to Aboriginal people in police and corrections custody, had no presence at the prison. We recommended WKRP re-examine its priorities and procedures to better meet the cultural needs of Kimberley Aboriginal prisoners, and that it should develop a strong and sustained program of activities to facilitate cultural expression (OICS, 2017, p. 42).

Our third inspection of WKRP, scheduled for late March 2020, was curtailed by the COVID-19 pandemic. To limit the risk of infection and transmission, our onsite inspection was set aside in favour of conducting the inspection remotely. Individual staff members were interviewed by telephone, and we 'met' with two groups of prisoners using video conferencing.

We found WKRP was still focused on providing custodial services appropriate for Kimberley Aboriginal prisoners. The Department of Justice (the Department) had begun identifying those prisoners elsewhere in the prison system and transferring them back north. In 2020, a higher proportion of those prisoners were back in the Kimberley. We also found that although an LSO had been appointed, crowding still threatened the self-care philosophy. As such, we recommended second LSO position to promote self-determination, self-management, and personal responsibility.

This inspection, our prisoner survey suggested falling standards across several areas. The rating of quality of life, and positive opinion about personal safety at WKRP had fallen but were still at or above the state average. Prisoner opinion regarding access to various types of sport and recreational activities had also declined. Only 49% of prisoners felt their time was usefully spent, down from 53% in 2020 and 67% in 2017. The staff survey was similar, only 24% of respondents thought there was meaningful employment for prisoners.

1.3 Sound custodial philosophy undone by inadequate long term planning

Managing custodial operations in the Kimberley is complex. Balancing the KARG principles with the extremes of distance, climate, isolation, and expense requires comprehensive forward planning. This has been lacking, not just for WKRP, but for the Kimberley as a whole.

Seven years before WKRP opened, after the second inspection of BRP, the Inspector called for hard thinking about a total custodial management strategy for the whole of the Kimberley (OICS, 2005, p. iii). That advice was refined two years later: 'The Department should develop an Aboriginal-focused custodial service delivery model for the Kimberley' (OICS, 2007, p. 3). Ten years on, the Inspector reiterated that call for a clear, long term Kimberley custodial plan (OICS, 2017, p. vi).

However, in 2023 we have still not seen tangible outcomes. Since 2012 the Western Australia State Government and the Department have considered expanding Kimberley custodial capacity by building a new prison near Broome. In 2019 the then Minister for Corrective Services announced funding to plan for that new facility, but at the time of writing a functional brief had not been specified and a location had not been chosen.

Effective decisions about funding for future custodial services in the Kimberley will depend on far-sighted planning. How will the operational philosophies of WKRP and a new BRP differ? Are the needs of Kimberley prisoners changing? Will lack of custodial and support staffing continue to erode service delivery? With planning for the new BRP stalled, the Department should prioritise providing this direction.

Recommendation 1

Finalise a Kimberley Custodial Plan that builds on the original philosophy and specifies distinct roles for West Kimberley and Broome Regional Prisons.



Photo 3: Gatehouse

2 Without support, WKRP faced existential threat

In November 2022 OICS was invited to the 10-year anniversary celebration at WKRP. The prison had much to celebrate, but continuing operations faced ongoing pressures of climate and isolation and the impacts these had on infrastructure and availability of custodial and essential support staff. The result is a prison and a prison community under significant pressure.

2.1 Failing infrastructure

Infrastructure maintenance was a significant and ongoing challenge

Two years after WKRP opened, the Inspector had found it exceeded expectations (OICS, 2015b, p. iii). Built at a cost of \$150 million it was an impressive physical facility with outstanding basic design. However, even then, we found evidence of a poor-quality build and inferior fittings (OICS, 2015b, p. v). Subsequent inspections found that this, combined with extremes of climate in the Kimberley were accelerating structural damage across the site (OICS, 2017, p. 46) (OICS, 2020, p. 26).

In 2023, just 10 years after opening, some infrastructure was in a precarious state. We saw failing infrastructure in prisoner houses, including:

- Plumbing leaks that caused mould, rust, stains, and water wastage.
- Air conditioning and hot water systems that had been out of order for months.
- Showers that ran continuously for weeks because taps were faulty.
- Shower stalls leaking into walls and poorly designed floor slabs causing steel frames to rust at the base.

We heard that access to repair leaks required the removal of air conditioning units and exterior cladding, which was both expensive and time consuming.



Photo 4: Structural corrosion

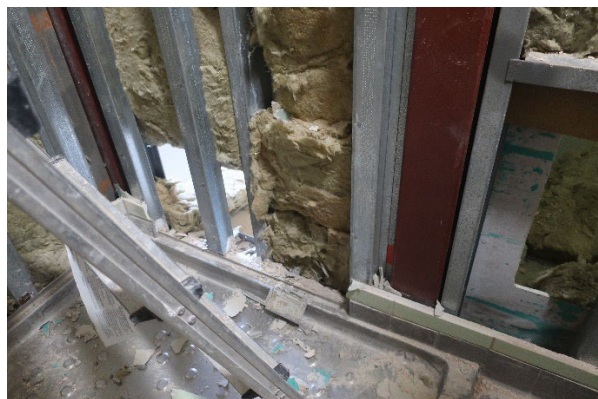


Photo 5: Repairs to Unit 4 House

Repairs were often delayed because the prison's remote location limited access to contractors and replacement parts. Further challenges presented when contractors were on site because staff were drawn away from prison operations to escort them.

Structural and mechanical repairs in the Kimberley were complex and costly, and there was a real risk that maintenance issues could render parts of the prison unusable. For example, in November 2022 the Department was quoted over \$8 million to replace air conditioning across the site and remove and prevent associated mould growth. However, the quote did not include fixing the many other identified needs.

Despite the existence of detailed annual routine maintenance schedules for systems, equipment and infrastructure, the extent of infrastructure degradation seen across the site was significant. In its response to the draft report, the Department advised that routine maintenance is managed by its Procurement, Infrastructure and Contracts Branch (the Branch). It seems that communication over the years between the prison and the Branch regarding the state of WKRP's failing infrastructure was not effective. Significant ongoing investment in local maintenance beyond the items listed on the annual schedule is needed to ensure the continued viability of the prison.

Recommendation 2

Establish effective maintenance and replacement schedules for systems, equipment, and infrastructure at West Kimberley.



Photo 6: External corrosion



Photo 7: Water damage to concrete pad

2.2 Custodial staff shortages

WKRP struggled to attract and retain sufficient staff

WKRP has 82 full-time equivalent prison officer positions but had difficulty maintaining its full complement of custodial staff. At the time of our inspection, there were 15 prison officer vacancies, two pending transfers out and one officer scheduled for promotion to Senior Officer (SO). Only one officer from another prison was confirmed as transferring to the prison and there were no other staff expected to transfer in.

The prison also had three custodial officers acting in senior management positions: Assistant Superintendent Operations (ASO), Assistant Superintendent Security, and Facilities Manager. These acting arrangements created further vacant lines in WKRP's roster.

Staff reported that working five short of the rostered day shift was common. At times they had been up to 13 short which equated to half the rostered day shift. The prison suffered similar issues in VSO ranks, with up to half the VSO positions vacant.

Fortunately, unplanned absence levels were relatively low. Only four staff were on workers' compensation leave and four or five were on personal leave each day. That level of absence could have been comfortably covered by the prison's overtime allowance of seven shifts per day. However, the high number of vacant prison officer positions compounded the overall daily shortages.

Staffing pressures disrupted the daily regime and meaningful activity

The standard daily routine for prisoners allowed for access to meaningful and constructive activity including up to six hours of work, education, training, or rehabilitative programs, and up to two-and-a-half hours of recreation. However, the daily routine was regularly disrupted by staff shortages of both prison officers and VSOs. Prison officer shortages meant that prisoners spent more time locked in houses or cells while the VSO shortages impacted prisoners' access to meaningful activities like employment and recreation.

Therefore, we were not surprised that our pre-inspection prisoner survey revealed only 49% of respondents felt their time was spent doing useful activities. During the inspection, we saw too many prisoners with little to do.

In its response to the draft report the Department said that members of the leadership team worked on many weekends to ensure recreation went ahead. The Department was also commencing campaigns to improve regional recruitment.

Staff dissatisfaction was reflected in vacancies and resignations

Unlike Broome, Derby is a small community with limited retail, recreation, and tourism opportunities. At the time of the inspection the nearest dental care and ancillary medical services were 220 kilometres away in Broome. Despite that, we were told that departmental employees in Roebourne and Broome were given better financial support than those in Derby.

Staff told us that WKRP regional allowances were not enough to offset the disadvantages of living and working in such an isolated location. Also, the pay and conditions offered to work at the prison were not competitive, with other companies and government agencies in Derby offering better salary and conditions.

We have noted previously that attracting and retaining Aboriginal staff supports Aboriginal prisoners and contributes to their rehabilitation (OICS, 2020, p. 5). In 2023 we met with 14 Aboriginal staff members at WKRP, and they suggested strategies to increase their presence at the prison. Most were local, established members of the Derby community. They enjoyed social and cultural connections with Kimberley Aboriginal communities and brought valuable insight to the management of the majority Aboriginal population at the prison. To boost local recruitment, they suggested including an Aboriginal staff member on the prison's employment selection panel and helping local applicants with the aptitude test.

But Aboriginal staff felt undervalued. They said cultural protocols were poorly understood. They saw yarning with prisoners as positive interaction, but some non-Aboriginal staff said it was unprofessional. The Department's response to the draft of this report noted that the benefits of yarning were understood and encouraged by the prison leadership.

We heard of frustration with the Department's insistence on conflict of interest forms whenever a prisoner was known to prison staff which was unrealistic in a small regional town. On the positive side, Aboriginal staff actively supported each other.

Many staff employed at the prison raised concerns that the limited stock of subsidised housing in Derby would likely get worse, as 10-year leases were running out. Competition already existed between state government departments for Government Regional Officer Housing (GROH) accommodation. We have found dwindling GROH stock restricting prison staffing elsewhere (OICS, 2023, p. 5).

Recommendation 3

Deliver better regional incentives and parity for local staff.

Tension between staff and management presented risk

A rising proportion of staff held negative views of senior management and head office which was a significant deterioration since the last inspection. In part, this could be explained by a perception that communication between local management and staff was poorly structured. Monthly meetings between SOs and unit staff, and between SOs and the Principal Officer (PO) gave an opportunity for custodial staff to provide feedback to management. But this was always via SOs or the PO. Staff suggested there may be an opportunity for occasional all-staff, town hall style meetings to improve communication locally between themselves and management. Such meetings would provide a structured forum for exchange in addition to the quarterly staff breakfast meetings.

35%

of staff thought support
from local management
was poor (up 22%)

50%

of staff thought support
from head office
was poor (up 22%)

Staff wanted more emergency response training

Every Wednesday morning prisoners were locked down to provide an opportunity to deliver staff training. A half-day training lockdown was common practice in prisons throughout the state, but WKRP struggled to comply with training requirements. And surveyed staff reported declining satisfaction with training in three key areas.

25%

of staff thought they were given adequate training in emergency response – fire, natural disaster (down 27%)

25%

of staff thought they were given adequate training in emergency response – loss of control (down 21%)

38%

of staff thought they were given adequate training in workplace health and safety (down 29%)

2.3 Primary health staff shortages

For the six months before this inspection the Aboriginal prisoner population of WKRP was above 95%. Western Australian Country Health Service (WACHS) statistics suggested a heightened health risk for all Kimberley residents, and Kimberley Aboriginal residents lived with even higher risk (WACHS, 2018). But short staffing had impacted WKRP's capacity to assess the health status of Kimberley Aboriginal prisoners and provide for their wellbeing while in custody.

Fragile health centre staffing

Primary health care at the prison had lacked stable staffing for many years. The Clinical Nurse Manager (CNM) position was only filled substantively in February 2023. But between February 2023 the start of our inspection in late May that year, there were no other nursing staff on site.

The new CNM had received a limited handover and, other than the senior medical receptionist, was alone in managing the clinical needs of all WKRP's prisoners for her first 10 weeks in the position. WKRP operates a seven-day health service, and we heard the CNM was required to work each day to meet prisoners' basic health needs which involved initial health screening, dispensing medication, and emergency treatment.

Support from non-medical prison staff was limited and the daily dispensing of medication caused friction. Under the relevant departmental policy, uniformed staff can distribute medications where prescribed processes are followed (DOJ, 2021c, pp. 3-4). But at WKRP some staff refused to do so and the service was disrupted further when WKRP's doctor took leave.

In its response to the draft report, the Department noted that the resistance to SOs dispensing medication was driven by the officer group, and by the Union's challenge to the legality of the relevant policy.

There were many perspectives expressed regarding health services and why the CNM was not receiving appropriate on-site support. But whatever the cause of the tension, the unacceptable result was the same, prisoner health should have been paramount to everyone.

Fortunately, since the inspection some changes have occurred to WKRP's health centre operations. Health management from Perth had visited the prison and were providing ongoing support. An agency nurse provided some relief to the CNM for a short period and was replaced on a longer-term

contract by two more experienced agency nurses. With three medical staff now on site, an effective roster system could be established, and routine service delivery was possible.

Recommendation 4

Ensure health centre staffing resources are maintained.

3 Custodial operations in the Kimberley are complex

3.1 Bringing them home

Custodial capacity was limited and meant unnecessary travel

We accept that a proportion of Kimberley Aboriginal prisoners are placed at prisons outside the region for security, health, or specialist service requirements. Our 2017 inspection had found that more than half of the Kimberley Aboriginal prisoners were at other facilities (OICS, 2017, p. v). This figure dropped in 2020 to 29% of Aboriginal men and 28% of Aboriginal women who were not ‘at home’ in the Kimberley (OICS, 2020, p. 5). However, in 2023 the proportion of Kimberley prisoners located at prisons outside the Kimberley increased marginally to 34%. Part of this could be explained by the shortage of bed capacity at WKRP and BRP.

Table 1: Location of Kimberley prisoners as at 5 May 2023.

Facility	No. of prisoners at facility	Percentage
Total number of Kimberley prisoners in Western Australia	373	100%
Total number of Kimberley prisoners in Kimberley prisons	248	66%
Number of Kimberley prisoners placed out of Country	125	34%

Despite the Department’s concerted attempts to keep most Kimberley prisoners on or close to Country, with limited bed capacity it meant frequent inter-prison transfers. These weekly movements between prisons were distressing for prisoners and draining for staff.

Ventia Services Group Limited (Ventia) is the state-wide prisoner transport contractor. On Thursdays and Fridays, to make space for new arrivals from court and police custody, Ventia was moving prisoners between WKRP, BRP and metropolitan prisons. Groups of up to 12 were spending Thursday nights at BRP before flying south, causing severe crowding in the male maximum-security section of that prison.

Security classifications were too strict in the Kimberley context

Also concerning was the persistent under-use of the Wyndham Work Camp (Wyndham). Carefully selected minimum-security male prisoners can benefit from progression to a work camp at the end of a sentence. Work camps are a valuable asset within the custodial remit as they offer opportunities for reparation, rehabilitation, and reintegration, while enhancing responsibility and reducing recidivism (OICS, 2015a, p. iii).

Opened a year before WKRP, Wyndham had a capacity of 40, but during the week of our inspection, just 12 men were placed there. WKRP staff questioned the security classification system. Many Kimberley prisoners attract higher than minimum classifications based on offences committed while under the influence of alcohol and/or due to their histories of imprisonment. Some of those are unlikely to reoffend when not under the influence, and credit should be given for their good conduct in minimum security in the past. Trialling a modified system of security classifications for Kimberley prisoners could alleviate population pressures elsewhere in the custodial estate while increasing reintegration opportunities.

Recommendation 5

Increase access to Wyndham Work Camp by trialling a modified system of security classifications for Kimberley prisoners.

3.2 Providing health care

WACHS statistics show that Kimberley Aboriginal community members live with elevated health risk.

- For 2006-2015, the overall hospitalisation rate of Aboriginal Kimberley residents was significantly higher than the Aboriginal state rate. This rate was also over five times higher than the non-Aboriginal Kimberley rate (WACHS, 2018, p. 48).
- The potentially preventable hospitalisation rate for Kimberley Aboriginal residents was seven times as high as the non-Aboriginal Kimberley rate (WACHS, 2018, p. 35).
- The Aboriginal Kimberley mortality rate was significantly higher compared to the state. The five leading causes of mortality for Aboriginal Kimberley residents were ischaemic heart disease, intentional self-harm, diabetes and impaired glucose regulation, cerebrovascular diseases, and transport accidents.
- The high rates of chronic mental health conditions including dementia in the Aboriginal community, often noted at a younger age, may indicate increased frailty, disability, and functional decline at a younger than expected age (WACHS, 2018, p. 45).

Kimberley Aboriginal community members were coming to WKRP with predictable health needs. To ensure safe, quality care for prisoners, it is vital that prison health services provide initial, continuing, comprehensive and coordinated medical and allied healthcare (RACGP, 2023, p. 1). The importance of adequate health care at WKRP cannot be overstated.

WKRP lacked meaningful alcohol and other drug services

The prison's *Drug Management Strategy 2019-2021* was out of date. Like other prisons, it focused heavily on supply reduction through security measures. At WKRP demand reduction measures were limited, relying on health and support staff rather than programs and intervention that addressed the root cause of addiction. No pharmacotherapy was offered because there was no prospect of continuing the treatment in the surrounding communities.

There were also limited resources to address alcohol misuse. The health centre was only able to provide a detoxification pack if an arriving prisoner was identified as withdrawing from alcohol use. There were no Alcoholics Anonymous or Narcotics Anonymous groups available to support prisoners with substance addictions. And with health centre staff shortages, no education or harm reduction strategies could be reliably scheduled.

Prisoners rated addictions help at WKRP poorly. The pre-inspection survey revealed only 37% of prisoners felt they could access substance misuse help through health services, while even fewer thought there was this assistance through programs (22%) or counselling (21%). Prison staff also reported feeling ill-equipped to assist with only 21% feeling capable to manage prisoners with substance issues. Ideally, alcohol and other drug (AOD) services should also include throughcare counselling for people with addictions issues.

Recommendation 6

Ensure a voluntary Alcohol and Other Drugs program is available at West Kimberley Regional Prison.

No dental services and external health appointments were frequently cancelled

The town of Derby had lost its dentist some months before our inspection, and with that, WKRP had lost access to a local dental service. The CNM had not been able to secure any appointments to cover the six weeks before the arrival of another dentist in Derby. While members of the general community could travel to Broome for appointments, nothing was in place for prisoners. We met several men managing severe dental pain for which the CNM and doctor could only give pain-management medication.

The risk to prisoners' general health from ongoing dental infections and pain is serious, as highlighted in our report on prisoner access to dental services (OICS, 2021, p. iv). When responding to our dental-related recommendations, the Department often points to its memorandum of understanding with the Department of Health to provide dental services. That does not absolve it of responsibility. The Department has the ultimate duty of care to guarantee essential health services, including adequate dental care.

Recommendation 7

Develop and publish a plan to provide dental services in Derby.

We were also concerned by the frequency of external health appointment cancellations at WKRP. The Department informed us that in 2022 only 48% of all external appointments were successfully completed. In two months of that year, 95% were cancelled, and in seven months of that year more than 60% were cancelled. The reason for those cancellations was clear: before June 2023, responsibility for external escorts rested with the prison which meant that when WKRP was short-staffed, escorts were cancelled. Very few were cancelled by the external health provider.

Fortunately, a contract extension that took effect in June 2023 transferred responsibility for local prisoner transport to Ventia. For the first time Ventia staff and a vehicle were stationed in Derby. If Ventia can ensure consistent reliable staffing, then it should increase prisoners access to external medical care.

Basic mental health needs were being met and there were strong at-risk management processes

The WACHS regional health profile suggested that Kimberley prisoners could suffer a range of mental health illnesses, including paranoid schizophrenia, psychosis, anxiety, and depression (WACHS, 2018, p. 44). We also know that prisoners are at increased risk when they first arrive in prison. They may feel anxious or be experiencing substance withdrawal.

Mental health services were provided on-site by a long-serving and experienced Mental Health Nurse (MHN), and an experienced Psychological Health Services (PHS) counsellor. Psychiatric services were also available monthly via tele-health and supplemented with a bi-monthly fly-in session at the prison. Prisoners' experience of mental health services remained consistent with our findings in 2020, with only 19% stating it was poor.

For those at risk of self-harm, the WKRP Prisoner Risk Assessment Group (PRAG) was operating well to support their needs. The PRAG included the ASO, MHN, PHS and the Unit SO. The Prison Support Officer would usually attend, but during our inspection she had been called away. The PRAG met regularly to support at-risk and vulnerable prisoners, discussing individual risk factors and relevant historical information. Sound processes and knowledge of individual prisoners took them beyond desk-top reviews.

The PRAG team took note when cultural factors impacted a prisoner's mental health. They understood it was important to allow space for traditional cultural healing, balancing that with mainstream medical practice. Distressed prisoners appreciated the opportunity to meet with a cultural healer.

With high suicide risk across the Kimberley, it was appropriate that PRAG had access to a screening tool that quantified the severity of a prisoner's suicidal ideation and self-harming behaviours. Using the tool meant risk was not underestimated.

Limited structured cultural support, but some exceptions

AVS is a state-wide initiative, established to provide support to vulnerable people in custody. In 2017 we recommended the Department and WKRP take urgent steps to engage AVS and local community Elders to support Kimberley prisoners but by the time of our last inspection that had not occurred (OICS, 2020, p. 6). Since then, the AVS position had been filled on a part time basis, but by 2023, it was again vacant.

In 2023, the absence of AVS staff on site was a significant gap. As the WACHS data shows, targeting mental health treatment and suicide prevention for the Kimberley prisoner population is essential (WACHS, 2018). We were aware of an ongoing project in head office to review the AVS, but local management had not been informed about any progress.

During this inspection we were pleased to find a local cultural initiative. WKRP management had funded the design and construction of yarning circles in the mainstream living compound and in the female Unit 4. That was a positive symbolic recognition of traditional Aboriginal practice and provided a focus for structured group interaction. We also recognised that elements of WKRP's foundational philosophy and design remained. Prison infrastructure and accommodation were spread across native gardens, providing a relaxed feel. Historical connections between prisoners and staff had built rapport, and the Women's Support Officer position was filled, providing an additional layer of support for women. Prisoners could establish contact with external counsellors before release, increasing the chance of continuity of care.



Photo 8: Male precinct yarning circle

Trauma-informed care was available but with scope to improve

Staff had mixed opinions about the extent of trauma informed care and support that was available. It was positive that PHS worked therapeutically with patients rather than only focusing on crisis management. As well as offering mainstream talking therapies to address past trauma, patients could learn tapping, an emotional freedom technique used to treat pain and emotional distress.

Staff also identified gaps. We heard there was no specialised counselling service for prisoners who disclosed sexual abuse, assault, or trauma. Staff were aware that victim survivors required sensitive and professional support, but felt they lacked the skills to work with this group. A protective behaviours program for women was scheduled in the latter half of 2023, but male survivors would miss out.

Some vulnerable prisoners had guardians

Protections are available for any person who, because of illness, disability, or injury, is not able to make decisions about their personal life or finances. A legally appointed substitute decision maker can manage lifestyle, medical or financial matters on their behalf and in their best interests. In the prison environment, a guardian can make decisions about a prisoner's medical treatment, and even consent to a National Disability Insurance Scheme (NDIS) plan making additional resources available. They can identify accommodation, services, and supports that may be required after release.

At WKRP, we found mixed support for vulnerable prisoners. A guardian had been appointed for two prisoners with cognitive impairments or psychosocial disabilities. Both were NDIS participants. They had been allocated funding for disability-specific supports when released. Several other prisoners who were NDIS participants with diagnoses including Foetal Alcohol Spectrum Disorder and psychosocial disabilities did not have a guardian to act on their behalf.

Ten other prisoners had no guardian or NDIS support, despite suffering a range of cognitive issues that would interfere with their decision making, including intellectual and cognitive impairment. Some were not registered with or supported by Disability Services. In some cases, staff could follow file notes indicating individual support requirements like communicating with diagrams or pictures and repeating simple instructions.

We understand the Department's Perth-based Disability Coordination Team activates an alert on an internal database when a prisoner is appointed a guardian or administrator. However, the process to apply for a substitute decision maker can be complex and lengthy. Prison staff are already time poor and are not well placed to initiate a referral to the State Administrative Tribunal. Collaborative practices between the Departments of Justice, Health, and Communities (Disability Services) need strengthening to ensure that prisoners with complex needs have the necessary protections and supports.

Recommendation 8

Improve protections and supports for prisoners with disabilities through better collaboration between the Departments of Justice, Health and Disability Services.

3.3 Local risk management under question

Safety in crisis care and multipurpose cells was not guaranteed

WKRP has five multi-purpose cells for punishment or segregation, and three safe cells in the Crisis Care Unit. All are in Unit 5, which was only staffed when a prisoner was present. However, we found occasions when Unit 5 was occupied by prisoners but was not staffed. Instead, the cells were monitored by camera from the Master Control room. We were told this was standard practice as the prison was regularly short of staff.

This was concerning because officers in Master Control monitor the whole site. Constant observation of Unit 5 cells was not possible and the image resolution from cameras in those cells

was poor. Prisoners in Unit 5 often huddled under a blanket and slept, making visual detection of illness or self-harm difficult. In an emergency, the time taken to call a code and dispatch officers to the unit also presented risk. We were told the SO Security did attend Unit 5 for short periods on occasions but would still require the assistance of a second officer should a cell door need opening.

Recommendation 9

Staff Unit 5 at West Kimberley Regional Prison whenever a prisoner is in cell.

Improved security procedures, but drug testing was not culturally appropriate

Effective security procedures are essential for the safety of prisoners and staff. In the weeks before the inspection, security routines had been tightened. Information from twice-weekly security briefings with SOs had shared intelligence findings. Thorough site search procedures had been put in place.

However, to detect drug use, WKRP was still using urine testing, which involved a strip search. Between August and November 2022, average monthly urine tests at WKRP exceeded 200, all with a negative result. That was challenging for prisoners and staff alike. Many of the majority Aboriginal prisoners at WKRP maintained traditional cultural practices, and Elders found strip searches highly embarrassing and disrespectful. The Department's Drug Detection Unit has trialled less invasive test procedures to detect drug use (OICS, 2019, p. 29). Improved procedures should be adopted.

Recommendation 10

Implement a less invasive drug testing procedure.

WKRP faced fire risk

Outer-metropolitan and most regional prisons are exposed to bushfires. WKRP is located on the highway six kilometres south of Derby. The prison is surrounded by native bush which, in the Kimberley climate, presents a significant fire risk. The prison had no memoranda of understanding with either the Department of Fire and Emergency Services (DFES) or the Western Australian Police Force in Derby.

Although joint emergency management exercises had been conducted with DFES volunteers in 2022 and the prison was compliant with departmental requirements, engagement with DFES since had been limited to a site visit the following year. Regular joint live exercises could familiarise DFES with the layout of the prison and reinforce professional working relationships.

We also found fire risk inside the secure perimeter. Houses in Unit 4 had been designed with a single entrance beside the kitchen. As previously noted, in the event of a cooking fire, that exit would be blocked, and women would be trapped (OICS, 2015b, p. v). The emergency plan was to use battery powered tools to cut a temporary exit. But since the large-scale loss of control incident at Greenough Regional Prison in July 2018, an executive order has been in place ensuring battery

powered tools at all prisons were stored off site. At WKRP, it would take too long to retrieve those tools and bring them through the gatehouse. A second executive order had required the removal of fire hoses from all on-site fire hydrant boxes, further eroding fire management capacity.

This situation presented an unacceptable risk in the event of a fire emergency within these units.

Recommendation 11

Ensure that fire mitigation planning is effective and specifically addresses identified risks.



Photo 9: Unit 4 House



Photo10: Unit 4 yarning circle

4 Everyday life did not reflect the WKRP philosophy

4.1 Prisoners need clear introduction to local procedures

Reception processes were sound but struggled to keep up

Reception functioned well, managing new admissions and transfers in and out. It was run by a single VSO with other staff helping as needed. The VSO was also supported by one female and two male prisoner workers. They cleaned the reception hall and helped prepare clothing and welcome packs for newly received prisoners. However, management of incoming property was slow, taking up to seven days. Prisoners have a reasonable expectation to access their property within several days of arrival. However, it was not surprising WKRP reception was struggling to keep up with property as departmental data showed that it had the least staffing of any regional reception centre.

Effective communication during the reception process is essential. A local policy was in place for receptions (DOJ, 2021b). While otherwise satisfactory, it made no provision to use a translator, other than a peer support prisoner or house coach (DOJ, 2021b, p. 4). When receiving an Aboriginal prisoner from a remote community we believe a more professional approach is needed to ensure effective communication. For many years, an interpreting service has been available in the Kimberley, now part of Aboriginal Interpreting WA. That service, or something similar, should be used routinely to improve communication and prevent the unnecessary involvement of other prisoners in the reception process.



SUGGESTION

Update local policy to include the option and necessary procedures to use a translator where required.

Orientation was good but could be better

In 2020 we recommended that orientation at WKRP be improved 'to ensure every prisoner receives a comprehensive orientation to the prison (OICS, 2020, p. 11). Locally, reform of the orientation process had been codified in a new WKRP standing order (DOJ, 2021a). It specified those elements of assessment and orientation that should occur on the day of arrival, within the following three working days, and within the first month after arrival.

For new arrivals, a comprehensive Orientation Handbook was available at reception and in some prisoner houses, but many Kimberley prisoners struggled with written information. A presentation had been prepared for screening in the reception waiting rooms, but it was only on a USB stick which, for security reasons, was not allowed into the prison. An audio/visual presentation should be revisited.

In its response to the draft report the Department stated that the Orientation Booklet had been updated in November 2023, and a PowerPoint presentation had been developed to better inform prisoners with low literacy, or for whom English was not the first language.



SUGGESTION

Find an appropriate solution so the visual orientation presentation can be used to reach a wider audience.

We were pleased to find peer support prisoners met with new prisoners, worked through a checklist of discussion topics, and concluded with a tour of the site. While the process was comprehensive for male prisoners, women complained that their tour was only inside Unit 4, rather than the whole prison.

Prisoners were also taken to the education centre within a month of arrival for a brief assessment of prior learning and to discuss the range of education and training options available. That was followed by a Work Health and Safety induction which prepared them for employment or training. Foodstars training for safe food handling was delivered separately by the LSO in conjunction with kitchen staff.

Treatment assessments were overdue causing delays in initial IMPs

Assessments and case management were run by the Case Management Coordinator, assisted by a single writer on a three-month secondment. The assessments writer role is complex, and we question the effectiveness of such a short contract, particularly as the writer was frequently redeployed to other positions. By contrast, Roebourne Regional Prison, with a similar population, has two writers, and although one was often redeployed, the other stayed on task.

An initial Individual Management Plan (IMP) is required for prisoners with over six months to serve before they can be released on parole. The IMP includes education and treatment assessments and specifies therapeutic programs that the Prisoner Review Board may require before granting parole. These are all tasked to head office. Some are then assigned to one of the programs officers at WKRP and others are done remotely by assessors from other parts of Western Australia. At WKRP, 14 initial IMPs were overdue due to outstanding treatment assessments, some of which were up to six months late. Another 13 prisoners were not eligible for an IMP because they had less than six months to serve before they were eligible for release.

Delayed IMPs left some prisoners without enough time to complete their required programs before their Earliest Eligibility Date (EED) for parole. Some will have the option to complete their course after the EED and be considered for parole later. Others may simply have their parole denied, with failure to address their treatment being a key factor in that decision. It is fundamentally unfair for prisoners to be denied a timely assessment of their treatment needs which would give them a genuine opportunity for rehabilitation and reasonable chance at parole.

4.2 Changing prisoner demographics challenged WKRP's design

Increasing numbers of people held on remand

In 2020, 32% of prisoners were on remand. The majority of those were held in the male maximum-security Unit 3, appropriately separated from sentenced men. In 2023 almost half the population was remanded, and the overflow from Unit 3 was such that they outnumbered sentenced prisoners in the male self-care Unit 1. It showed that WKRP's original design lacked the necessary flexibility to comply with best practice.

Prisoners are paid gratuities as reward for engaging in work, programs, and education. However, due to their unconvicted status, remandees had limited options – they were not required to work, they

could not access IMP programs and they had restricted access to education. It was unsurprising then that almost two-thirds of those on remand were on the lowest gratuity, Level 5. By comparison, just over one-third of sentenced prisoners were Level 5.

Some services to remandees appeared to function effectively, including access to the prison telephone system, weekday visits with friends or family, e-visit contact with lawyers, and court appearances (mainly via video-link). Legal materials however, did not appear to be readily available in either prison library, and we saw no basic legal education to help prisoners better understand the law, their legal rights, or legal processes.

The range of incentives and earned privileges was limited

Apart from Unit 3, all prisoners lived in self-care houses at a level of accommodation that equalled the top hierarchy at other prisons. That was positive for Kimberley prisoners but left no true hierarchy of accommodation, reducing the incentives available to encourage positive behaviour.

For just ten prisoners, earned supervision status provided them with additional privileges including extra visits, higher phone account allowances, longer phone calls, and higher spends limits. But they represented less than five per cent of the population. There may be opportunity for WKRP to make privileges more widely available.

4.3 WKRP philosophy was not reflected in everyday life

Although prisoners liked the food, there was limited support for the self-care model

WKRP was established as a self-care prison where most prisoners are responsible for preparing their own meals. Each day, all houses other than three in Unit 3 were delivered fresh supplies of meat, fruit, vegetables, eggs, and bread. Prisoners were also responsible for ordering other cooking supplies and pantry staples against an allocated budget.

The 2023 prisoner survey results were positive about the quality and quantity of food supplied, and with a 71% approval rating, were better than in 2020. Sufficient ingredients were provided to follow a suggested daily menu. Whether the prisoners followed that menu or prepared the ingredients in a different way was up to them. Responsibility for cooking was also decided by house members, whether volunteered, rostered, or each individual self-catering. A house coach was designated to coordinate those decisions, supported by the LSO.

A recent independent dietician review of the WKRP meals had been positive. It made some minor recommendations for improvement but noted that the quantity, variety, and balance of ingredients provided was appropriate. What the review could not account for, however, was how the ingredients were prepared, whether all the ingredients provided were used, and how meals were shared in each house.

In previous reports we have noted the increasing prison population and the lack of resources dedicated to supporting the self-care model (OICS, 2017, pp. 11-14) (OICS, 2020, p. 12). Both threatened the ongoing viability of that model. So much so that in our 2020 report, we recommended establishing a second LSO position to support prisoners in self-care.

In 2023, the prison still had a single LSO position. With 14 self-care houses and more than 150 men, the two male mainstream units were often crowded, and some houses had prisoners sleeping on a mattress on the floor. In those conditions, maintaining cleanliness and hygiene was challenging. Ideally, an LSO would regularly visit each house to provide guidance and supervise cooking and cleaning. But with so many houses, the single LSO did not have the capacity to monitor each closely. The role was compromised further as the LSO, who was female, was not permitted to enter male houses alone. Coordination of cooking, cleaning and other chores was largely left to the prisoner house coaches and other prisoners.

The LSO was also responsible for managing the internal stores and the logistics of distributing goods to all houses. She had only been able to run one or two cooking classes each week. Because they took place in an art classroom with capacity for only four prisoners at a time, she was not reaching enough of the prisoner population. Classes also only tended to attract those who already had an interest in cooking.

Concern over changes to the laundry

Cleanliness and hygiene varied from house to house. While the pre-inspection survey had suggested that prisoner satisfaction with access to clean, appropriate clothing and bedding had improved, we were concerned by changes to the laundry process. Since the last inspection, the central laundry had taken on responsibility for all male prisoner laundry. The domestic style washing machines previously placed in units 1 and 2 for a self-care washing service were not robust. With constant use and the extreme environment, they broke down frequently. In 2023, the equipment in the main laundry was under pressure. It had not been upgraded to cope with the increased volume created by the centralised service, and breakdowns were common.

Male prisoners appeared to approve of the move to a centralised laundry service. Despite that, we were disappointed that this was another example of how the prison had drifted away from its original self-care operational philosophy. There is an opportunity to refocus on the self-care model and philosophy of the prison. That would also help to address the shortfall in meaningful activity.

Recommendation 12

Increase resources to support the self-care model.



Photo 11: Main Laundry

Funeral attendance had declined

In 2020 we noted that changes to departmental policy the previous year had acknowledged that Aboriginal kinship and extended family relationships should be regarded as significant when considering access to compassionate leave (OICS, 2020, p. 8). By late 2021, this order was replaced by a new procedure which stated:

Prison officers shall establish the nature and significance of the relationship, including kinship relationships and community or cultural obligations, between the prisoner and the deceased as immediate or extended family (DOJ, 2022a, p. 8)

The Western Australian prison system in general and WKRP in particular have become more understanding about the significance of extended family relations and cultural obligations for Aboriginal people. Unfortunately, despite better policy, poor outcomes were again driven by distance and short staffing. At the time of the inspection, Ventia, the prisoner transport contractor, was based in Broome, not Derby. To attend a funeral, WKRP prisoners were first transferred to BRP, even for funerals in Derby. It was illogical and expensive. The cost of the 37 successful attendances in 2021 was \$42,830 but only ten funeral attendances were approved in 2022.

For a time, when the Ventia service was not available, the prison conducted funeral escorts locally. But that option was lost when custodial staff escorts could no longer be provided. Then Ventia management decided against conducting escorts involving travel on gravel roads, or at certain locations regarded by police as presenting a critical risk at funeral times due to conflict within that community.

It was concerning that funeral attendances had fallen, but there is cause for hope. At the time of this inspection, Ventia had recently won a contract variation that provided for transport staff and vehicles to be based in Derby which may improve access to funerals.

Poor access to recreation, particularly for women

The value of recreation had been recognised in the prison's design. The main compound, accessed by male prisoners in units 1 and 2, has a central football oval, an open-sided covered hard court for basketball and volleyball, and three large activity rooms used for library, music rehearsal and indoor activities – pool and darts. Although men in Unit 3 had limited recreation equipment in their own unit, they were given monitored access to the main compound.

Staff oversee all prisoner activity. For most of 2022, the Recreation VSO position was vacant. Although a basic recreation program was in place, it relied on supervision by uniformed staff. When the new Recreation VSO came on board at the end of 2022 he developed a program that included some access for women. Unfortunately, by the time of our inspection, the Recreation VSO had already resigned, and the role was vacant again. We found little structured recreation occurring. Positively, for the men, the very popular Australian Football League competition and training afternoons continued to be facilitated by uniformed staff, but access to other organised sport and the three activity rooms was unreliable.



Photo 12: Male precinct covered basketball court

Women were less fortunate. Since a policy of minimal gender mixing was put in place, recreation for women has been limited. They had no organised active recreation, and no time on the oval. Because the Unit 4 hard court was uncovered, it was not used in hot or wet weather. Their static exercise equipment was also uncovered. We saw bicycles with flat tyres outside the Textile Room. There was even confusion about whether the women were allowed on their own basketball court.



Photo 13: Unit 4 exercise equipment



Photo 14: Unit 4 uncovered basketball court

4.4 Contact with family was made difficult by distance

The KARG philosophy focused on custodial proximity to land and family, but the vast Kimberley distances made in-person visits difficult. WKRP is relatively close to Broome and the coastal communities on the Dampier Peninsula, but far from the towns and communities in the East Kimberley, home to over 80 prisoners at the time of our inspection.

Those family members could face a 10-hour trip to visit the prison. For those that did make the journey, we were concerned that weekend visit times had been cut from two hours to just one.

Given the distances, prisoners used the phone to stay in touch with family and friends. We did hear complaints about broken phones, limited access, and issues getting phone numbers added to a

prisoner's call list. Ideally, prisoners wanted a phone in each house, more calls, and more time on each call.

Some new prisoners were stressed because staff had trouble contacting family or friends to get their permission to receive calls from the prisoner. That was made more difficult when the prisoner was unsure of the phone number, when relationships were strained, or when children were in care.

Given those complaints, we were surprised at the prisoner survey result – 78% found it easy to phone family, which was higher than in 2020, and equal to the state average.

Since 2020, the use of e-visits had grown, as more people in the community were able to configure devices to receive video calls. E-visits were also used by official visitors, particularly lawyers and corrections staff. During 2022, 64 social visits and 219 e-visits were classified as special visits, arranged by staff outside normal visits arrangements to accommodate special needs. That showed an understanding of the difficulty that family from remote communities faced in booking visits ahead or arriving on time.

Information about visit processes in the Orientation Handbook was limited. Only basic phone, visits and e-visit information was provided. Although some interfacility visits did occur using video technology, the handbook did not explain that process well. Family e-visit information was also limited. It would be useful to explain how friends and family could learn more about how to receive an e-visit.



SUGGESTION

Review the Orientation Handbook for important inclusions about ways for prisoners to contact their families.

5 As prisoners progress towards release, their needs change

5.1 Education services had improved

Education Centre staffing had improved, and TAFE involvement boosted participation

The Education Centre, located in the main compound, has five full time positions: Campus Manager (CM); two Prison Education Coordinators (PECs); one Aboriginal Education Worker (AEW) and one clerical assistant. Funding is available for three casual tutors. In 2020, the AEW and one PEC position had been vacant. Although all five positions were filled in 2023, four were recent appointments.

Student numbers at the Centre were limited to 30. The presence of a Duty Officer (DO) was required to monitor student behaviour. At the time of the inspection one PEC was running a literacy class two days a week, with one peer support prisoner in class to settle students. The Centre was closed on Wednesdays.



Photo 15: Education centre veranda



Photo 16: Education Centre courtyard

Early in 2023, the CM had engaged Derby radio station 6DBY to deliver music recording and radio production training at no charge. That had evolved to the point that Goolarri Media, a Broome-based registered training organisation was delivering Certificate II Creative Industries (audio production) for eight men. Elsewhere on site North Regional TAFE delivered training in Rural Operations and Construction for men, and Horticulture for women.

Excellent infrastructure for male prisoners but little for women

The Centre has an administration block and three large classrooms for vocational education and training, adult basic education, and a computer room for digital literacy. Two smaller classrooms are dedicated to music and audio recording. A large open-sided area is used for art activities. Overall, it was excellent infrastructure but was only accessible to the men.

Female students did not come to the centre. With just 17 female prisoners on site at the time of the inspection and a wide range of competence and interest, regular education and training activities in Unit 4 were limited to art and horticulture. Delivery was further restricted by lack of staffing and infrastructure. The Unit 4 DO, previously allocated to education, had been moved to the unit office. The Unit 4 library room was closed after a ceiling collapse, and library books were heaped on the

Unit 4 computer room floor. All that was available was a small corner room with no computer and a broken door. There was no appropriate teaching space for the art course, so artwork had been limited to the production of mosaics.



Photo 17: Unit 4 library books in computer room



Photo 18: Unit 4 veranda

5.2 Employment opportunities were limited

Recruitment and retention of VSOs was a significant issue

For many prisoners, limited experience with meaningful employment makes the transition to freedom difficult. Sound custodial practice gives prisoners the opportunity to choose a workplace that mimics a mainstream job. There, prisoners gain useful skills and are encouraged to learn how to work.

In prisons, industrial workshops and other prisoner employment areas like kitchen, laundry and gardens are run by VSOs. Most VSOs have a qualification or trade background relevant to their workplace. But WKRP struggled to recruit and retain VSOs. The pay and conditions offered were not competitive with other employers in the region, particularly for qualified tradespeople. Turnover in VSO positions had been high which may explain the prisoner survey responses that indicated a weak relationship with VSOs.



Photo 19: Main Kitchen



Photo 20: Mechanic workshop

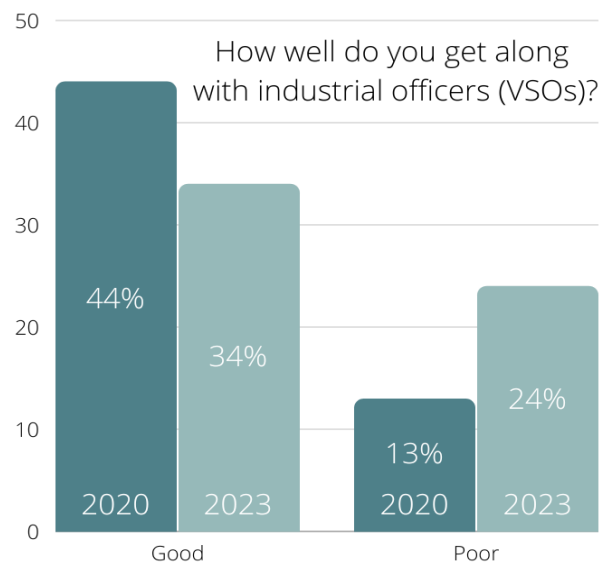


Figure 1: Prisoner survey rating of relationship with VSOs, 21 March 2023

There were five vacant VSO positions at the time of our inspection. Two had new appointees starting within three to four weeks. But there were another five VSOs either resigning, transferring to another prison, or undertaking prison officer training. Of the 20 VSO positions at WKRP, up to half would soon become vacant. That contributed to a shortage of meaningful employment for prisoners.

Not enough meaningful employment for prisoners

We regard unit work, where prisoners are given unit-based jobs that require little time, effort or skill, as under-employment. In 2020 we found that 46% of the WKRP prisoner population were unemployed or under-employed and we recommended that industries should be developed to support more employment (OICS, 2020, p. 21).



Photo 21: Woodwork shop

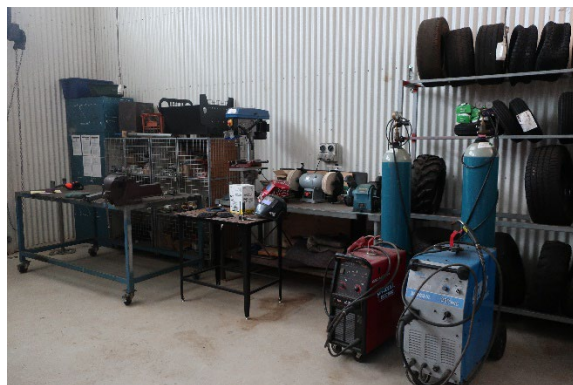


Photo 22: Metalwork shop

In 2023, the proportion of prisoners under- or unemployed had not improved. In fact, custodial and VSO staff shortages meant fewer prisoners were meaningfully employed than the records suggested. During the inspection the grounds and gardens team was idle because the Relief VSO covering the Gardens VSO position was on leave. There was no beekeeping activity because the second Relief VSO covering that position had been redeployed to cover other essential industries. There was no activity in the mechanical workshop or in recreation because those VSO positions were

vacant. That represented at least another 15 prisoners who were employed on paper but not actually working.

Community work was very limited. Only one prisoner had approval to work outside the prison as provided for in Section 95 of the *Prisons Act 1981*, and the Section 95 officer was frequently redeployed to cover other VSO positions. Although the Section 95 Female officer position was vacant, we were told it would be filled on a three-month contract from early July 2023.

Our survey results indicated both prisoners and staff had negative views about employment and other meaningful activity. Only 24% of staff rated the effectiveness of meaningful employment as acceptable. And only 49% of prisoners felt their time was spent doing useful activities.

WKRP's original philosophy included a focus on providing employment, vocational training, and skills that prisoners could take back to their communities after release. The lack of meaningful employment undermines the prison's ability to deliver on that important objective.

Recommendation 13

Increase prisoner employment by minimising Vocational Support Officer redeployment.

5.3 Therapeutic and voluntary programs were available

Not Our Way and Pathways were delivered often, but Pathways had been modified

After a treatment assessment, prisoners with a medium or long-term sentence may be required to undertake one or more therapeutic programs as part of their IMP. But only two IMP programs were available at WKRP, Not Our Way (NOW) and Pathways.

NOW is an indigenous family violence program run by Anglicare staff based in Broome. Since the last inspection two NOW programs had commenced in 2021, one in 2022, and two were planned for 2023. In mid-2023, Anglicare was running NOW at the prison one day each week, which extended delivery up to five months.

Pathways is an intensive addictions program. At WKRP, Pathways has only been delivered to male prisoners. Two Pathways programs had commenced in 2021, three had commenced in 2022, and two more were planned in 2023. No intensive substance use programs for women were offered since our last inspection.

We have previously questioned the suitability of Pathways for Aboriginal prisoners, particularly those from remote communities (OICS, 2017, p. 23) (OICS, 2020, p. 18). Developed in the United States, Pathways relies on participants already having a base level of literacy and a capacity to participate in group activities. It uses examples and contexts not familiar to WKRP prisoners. Recognising this, the two senior programs staff at the prison have used their long experience in the Kimberley to adapt aspects of the program for a better cultural fit.

Unfortunately, adapting Pathways in that way has undermined its clinical effectiveness. Evidence of a program's efficacy is only valid when facilitators adhere closely to its manual, something which is difficult at WKRP. A more appropriate program should be sourced or developed.

Prisoners should also be helped to sustain the considerable skills and motivation developed through completing an intensive program like Pathways in the months before and after release. Self-help groups like Alcoholics Anonymous or Narcotics Anonymous can fill that essential role, but they were not available at WKRP.

Recommendation 14

Provide an appropriate intensive addictions Individual Management Plan program for delivery in regional prisons.

Some effective voluntary programs were available but mainly for men

Only 35% of WKRP prisoners were eligible for the IMP programs. Many others, including those not eligible, know they need help to manage addictions, anger, and family relationships. For them, voluntary programs are a genuine source of hope.

Nine voluntary programs have been offered at WKRP, covering personal development, leadership, family issues, parenting, cooking classes, re-entry life skills, and AOD.

Table 2: Voluntary programs participation at WKRP in 2022

Program	Further details	Provider	Males	Females
KEHLP	Kimberley Empowerment, Healing & Leadership program	Centacare	31	
PASS	Parenting/reducing family violence program	Centacare	20	
PREP	Re-entry lifeskills/money management program	Centacare	20	
Personal Development		Centacare	12	
Mad Bastards – Be the Best You Can Be	Attitudes, culture, family relationships, identity	Men's Outreach	14	
Leader in Me	For peer supporters	Men's Outreach	4	
Community groups		Prison Fellowship	31	
AOD	Alcohol & Drug Program	WKRP MHN	60	17
Cooking class		WKRP LSO	21	3

Unfortunately, none of the programs run by external groups were available for women. Centacare, the contracted re-entry service provider, was aware of that gap and was considering developing culturally specific programs for women.

Not listed as a group program, but relevant here was the prison radio and associated studio training, song writing and recording program. Song writing and radio skills can be a valuable vehicle for personal reflection and change.

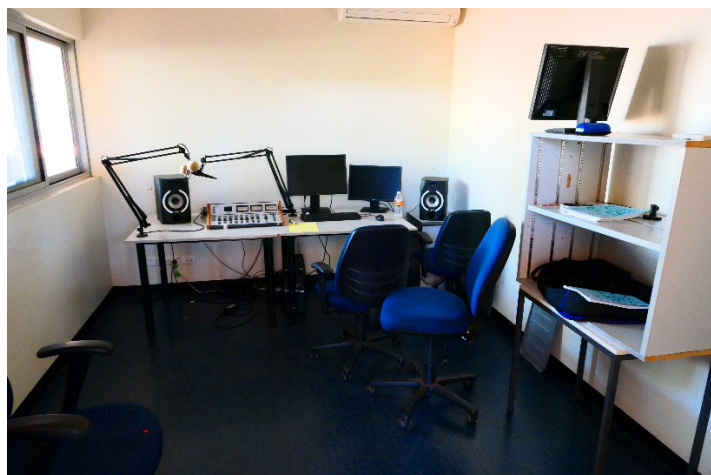


Photo 23: Audio studio training room

Future delivery of a volunteer AOD program was uncertain

The MHN had been instrumental in adapting and delivering the culturally appropriate AOD program, one of the few that we have seen. It had been popular among male prisoners and was one of the only two voluntary programs for women. Unfortunately, the MHN resigned on the first day of our inspection. His experience and connection to prisoners will be missed.

Because the MHN had also provided tele-health clinics at Broome and Roebourne regional prisons, his loss will be felt widely. The position should be filled as a matter of urgency, and continuation of the Kimberley AOD program should be a priority for the new MHN.



SUGGESTION

Prioritise the delivery of the culturally appropriate Kimberley Alcohol and Other Drug program.

All women and some men must transfer out to participate in programs

WKRP does not offer IMP programs for women. Their only option to complete required programs is to transfer south. Men too must leave the Kimberley to undertake serious violence or sex offending programs.

The Department provided a gap analysis of programs prior to the inspection. Only seven women had a treatment need identified through a treatment assessment, and only one had completed a program. Three had refused to undertake a program for which they would have to transfer out, one was listed as deferring their program, and two were classed only as 'identified', meaning nothing had yet been done to address their treatment need.

The gap analysis identified 67 men with treatment needs, of which just 15 had completed a therapeutic program, but another 24 were booked or enrolled. Approximately half of the 67 men were identified as needing addictions treatment (33), but two refused to participate and the program was unavailable to another six. For the 27 men with family violence treatment needs, eight had completed a program and 14 were booked onto an upcoming program. None of the six men requiring sexual offending programs would successfully complete these as the program was unavailable or the prisoners refused to participate.

We understand that some Kimberley prisoners were at other facilities participating in required programs. We also know that therapeutic programs must have minimum participant numbers without which they may not be clinically effective (DOJ, 2022b). WKRP rarely has enough prisoners to warrant running programs for male prisoners with sexual offences, for those requiring an intensive violence program, or for women needing IMP programs. Consequently, we have often urged the Department to address those needs remotely. That could include the use of video-conferencing technology, self-paced online learning, use of reading materials, and even provision of very short-term transfers for intensive delivery blocks (OICS, 2022, p. 48).

5.4 Improved re-entry support but the contract was under review

Historically, the Department has chosen to outsource delivery of adult rehabilitation and reintegration services. In 2017 it terminated long-running contracts with external service providers. In April 2018 new five-year contracts were awarded by region. In the north, Centacare Kimberley (Centacare) became the lead service provider, joined by consortium members Nirrumbuk Aboriginal Corporation, the Kimberley Aboriginal Medical Service and Milliya Rumurra Aboriginal Corporation.

The contract covered re-entry and accommodation services, and parenting advice and support services. It specified annual client numbers of up to 230 participants from BRP and WKRP, and up to 90 participants from Adult Community Correction Centres in Broome, Halls Creek, and Kununurra. The total contract value was \$8.85 million.

Our discussions with departmental staff in 2019 suggested the original contracts had lacked clarity. The contract management team had not been sufficiently resourced, and neither contract managers nor prison staff were getting enough information about clients after release. It was positive that a contract management plan had recently been put in place.

Prisoners approaching release are supported by a prison-based Transitional Manager (TM). As at other prisons, the WKRP TM helped prisoners obtain identification documents, provided referrals to Mowanjum Driver Training for learner's permits, and to the Department of Transport remote licensing team for motor vehicle licenses. Some Kimberley residents, especially for those from remote communities, had several names which created complication. Commonwealth Government agencies like Medicare and Centrelink could record the same individual differently. Fortunately, the State Government had simplified the process of verifying an individual and was issuing birth certificates free of charge.

Operationally, across the state, TMs work in conjunction with the designated contracted re-entry service provider. In 2023, of the more than 200 prisoners at WKRP, the TM had identified 79 as within six months of possible release, making them eligible clients of Centacare. A further 17 were at

BRP and the Wyndham Work Camp. The TM checked client availability weekly, using facility discharge dates on the Department's database. Previously, Centacare had criticised the TM over low referral numbers. That seemed no longer an issue.

Centacare came on site on Thursdays and Fridays, with voluntary program delivery in the mornings and meetings with clients in the afternoons. Two staff were based in Derby and two in Broome. Centacare delivered four voluntary programs one of which was being evaluated by Curtin University for possible inclusion as an accredited therapeutic criminogenic program.

Under the re-entry contract, Centacare also had an obligation to help clients with transport from the prison back to home communities, and to keep in contact with them for 12 months after release. Unfortunately, vast distances and inaccessible remote communities made that follow-up difficult. Centacare also struggled to attract and retain staff, limiting engagement with clients and success in meeting KPIs.

The five-year re-entry service provider contracts were due to expire in April 2023. In October 2023 the Department was still gathering evidence and opinion to inform decisions about the new contract. We continue to follow the Department's process awarding the new contracts with interest.

An employment program was funded by the Commonwealth Government

Men's Outreach Service, based in Broome, came to WKRP to deliver the Time to Work Employment Service (TWES) under contract with Commonwealth Government Department of Education, Skills, and Employment. TWES helped Aboriginal offenders make the transition from prison to community life and improve their chances of employment after release.

TWES also provided prisoners with a psychological test two weeks before release to assess their readiness for work. The TM said two-thirds of WKRP prisoners fell into the lowest of three categories that attracted substantial funding for hands-on training and support after release. They were also automatically registered for Centrelink, which helped their transition back into society.

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Appendix B Acronyms

Term	Expansion of Abbreviation
AEW	Aboriginal Education Worker
AOD	Alcohol and other drug
ASO	Assistant Superintendent Operations
AVS	Aboriginal Visitor Scheme
BRP	Broome Regional Prison
CM	Campus Manager
CNM	Clinical Nurse Manager
COPP	Commissioner's Operating Policy and Procedure
COVID-19	Coronavirus disease
DO	Duty Officer
DOJ	Department of Justice
EED	Earliest Eligibility Date
GROH	Government Regional Officer Housing
IMP	Individual Management Plan
KARG	Kimberley Aboriginal Reference Group
LSO	Life Support Officer
MHN	Mental Health Nurse
NDIS	National Disability Insurance Scheme
NOW	Not Our Way
OICS	Office of the Inspector of Custodial Services
PEC	Prison Education Coordinator
PHS	Psychological Health Services
PRAG	Prisoner Risk Assessment Group
RACGP	Royal Australian College of General Practitioners

SO	Senior Officer
TM	Transitional Manager
TWES	Time to Work Employment Service
VSO	Vocational Support Officer
WACHS	Western Australian Country Health Service
WKRPP	West Kimberley Regional Prison



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

Response to OICS Draft Report:

2023 Inspection of West Kimberley Regional Prison

March 2024

Version 1.0 Final

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Response to Recommendations 5

Response Overview

Introduction

On 23 January 2023, the Office of the Inspector of Custodial Services (OICS) announced the 2023 Inspection of the West Kimberley Regional Prison (West Kimberley), to occur between 28 May – 2 June 2023.

To assist with the inspection, the Department of Justice (the Department) provided a range of documentation as well as access to systems, custodial facilities, staff and prisoners.

On 9 February 2024, the Department received the draft inspection report for review and has provided comments and responses to the 14 recommendations.

Appendix A contains comments linked to sections in the draft report for the Inspector's consideration when finalising the report.

Department Comments

The Department welcomes the findings detailed in the draft report following the fourth OICS inspection of West Kimberley. Like all custodial facilities in Western Australia (WA), West Kimberley is not without its unique challenges and issues, although it was pleasing to note OICS acknowledged the prison's operating philosophy remained focused on Kimberley First Nations culture, and that satisfaction levels of the First Nations prisoners remained in line or above the State average.

West Kimberley has evolved since opening in 2012. Maintaining its original philosophy while managing a growing cohort of prisoners – that is nearly 50 per cent remand and younger – has placed pressure on resources.

An overall increase in the prisoner population across WA's custodial estate has resulted in more prisoners being accommodated at West Kimberley, which in turn can restrict the Department's efforts to keep most Kimberley prisoners on or close to Country. The limited bed capacity and strain on resources present service delivery challenges that are mirrored across the custodial estate.

The Department supports developing a Kimberley Custodial Plan, however, is cognisant of the complexities involved. As noted in the OICS report, *managing custodial operations in the Kimberley is complex and balancing the Kimberley Aboriginal Reference Group (KARG) principles with the extremes of distance, climate, isolation, and expense requires comprehensive forward planning*. This is not something the Department can achieve on its own and will require a whole of government solution.

The planned new Broome Regional Prison (Broome) will significantly increase the level of services and opportunities available to prisoners in the Kimberley region. Planning of the new Broome facility is in the early stages of development. In the interim, the Department is working on a number of prisoner population management strategies to increase bed capacity across the entire custodial estate, which is expected to ease the pressure on West Kimberley and Broome.

Recruitment and retention of staff is an ongoing issue for the Department not only at West Kimberley, but also for most regional locations. A recurring issue for the Department in regional locations is securing Government Regional Officer Housing (GROH), which is facing severe shortages as existing 10-year leases for subsidised housing near expiry. For the remaining GROH housing, there is strong competition

between Government agencies. Pay conditions are also not comparable to those offered by other employers in the region, including mining companies, particularly for qualified tradespeople.

Every effort is being made by the Department to recruit and retain staff, including focused regional recruitment campaigns to recruit locally based staff and a review of regional incentives to ensure parity across regions and for local and non-local staff. Ongoing engagement is occurring with the Department of Communities, the administrators of GROH, to advocate for further housing availability. In addition, a review of allowances and incentive entitlements for local and non-local staff is being undertaken, recruitment campaigns for key custodial positions are in progress and a Clinical Workforce Committee (CWC) has been established to identify and implement solutions to address the critical skills shortage of clinical staff across the custodial estate.

The Department commends West Kimberley's response to natural disasters, including the resilience of staff and prisoners during these times. The prison's response capabilities were put to the test during a 'once-in-100-years' flooding crisis in early 2023 after ex-tropical cyclone Ellie caused widespread damage to infrastructure and roads leading into Derby, isolating the town from receiving essential goods and services including food, medication, fuel etc.

In September 2023, West Kimberley experienced another natural disaster scenario with the outbreak of a bushfire at the nearby Curtin Air Force Base. The fire eventually came within about 1km from the prison boundary. West Kimberley's response was a testament to the natural disaster emergency management training of staff to ensure they were adequately prepared. Throughout the emergency, staff on-site worked collaboratively with the Department of Fire and Emergency Services (DFES) to protect the prison perimeter.

Following OICS' inspection, significant changes have been made to the earned privileges and incentives regime at West Kimberley. A review conducted by the senior management team (SMT) in August 2023 saw Unit 2 repurposed as an earned supervision self-care unit. It now offers prisoners a greater opportunity to improve their independence by performing daily skills themselves, such as cooking and cleaning. Unit 2 infrastructure upgrades including the replacement of old kitchen equipment and the installation of washing machines will help encourage prisoners to take self-care responsibilities.

Unit 1 remains as a standard supervision unit, however, two houses within the unit have been designated as transitional accommodation to Unit 2, providing additional self-care opportunities to assist in their transition to full self-care.

As a result of the changes to the earned supervision regime, the number of earned supervision prisoners increased from 10 to 35 in September 2023, aligning more closely with the original self-care operating philosophy at West Kimberley and helping reduce the workload and resourcing burden on certain work locations, including the kitchen and cleaning areas.

The Department is also pleased to note improvements to re-entry supports with the Transitional Manager at West Kimberley supporting prisoners approaching release and connecting them to services in the community upon release.

A number of enhancements have already been made since the OICS inspection and the Department will continue to work with West Kimberley to implement the recommendations made, the majority of which are supported.

Response to Recommendations

1 Finalise a Kimberley Custodial Plan that builds on the Kimberley Aboriginal Reference Group philosophy and specifies distinct roles for West Kimberley and Broome regional prisons.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

The Department is supportive of the development of a Kimberley Custodial Plan to strategically guide the custodial management of prisoners in the Kimberley. Development of the plan however is complex given growing concerns over crime in the region, its isolated remote location, extreme climate, and significant expense for the provision of services. A whole of government approach is required and the Department will work with government to identify and support solutions, including the Marlamanu on-country diversionary program in the Kimberley recently announced by Government.

The plan also needs to take into consideration the planning and construction of the new Broome Regional Prison (Broome) which is expected to significantly increase the level of services and opportunities available to prisoners in the Kimberley region. Planning of the new Broome facility is in the early stages of development. Negotiations between the Department and the local council are currently underway in relation to the proposed Broome site.

Development of the Kimberley Custodial Plan will commence once the site has been confirmed and planning for the new facility is well advanced. In the interim, the Department is working on a number of prisoner population management strategies to increase bed capacity across the entire custodial estate, which is expected to ease the pressure on West Kimberley and Broome.

2 Establish maintenance and replacement schedules for systems, equipment, and infrastructure at West Kimberley.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corporate Services
Responsible Directorate: Procurement, Infrastructure and Contracts

Response:

West Kimberley has an extensive routine maintenance schedule for its systems, equipment and infrastructure scheduled for the 2023-2024 Financial Year. Priority is given to critical areas of need with the option for the facility to report major breakdowns directly to the Department of Finance for building works and through the Programmed Facility Management Service Centre for security systems, who facilitate the necessary repairs or replacements with appropriate contractors.

It should be noted that repairs in the Kimberley region are often delayed due to the remote location and challenges faced in accessing contractors and replacement parts.

End-of-life replacements, such as air-conditioning systems, require funding submissions to Treasury for approval, which is standard practice for Public Sector infrastructure.

3 Deliver better regional incentives and parity for local staff.

Level of Acceptance: Noted
Responsible Division: Corporate Services
Responsible Directorate: Workforce Services

Response:

Payments and conditions of employment for Prison Officers are as contained in the Department of Justice Prison Officers' Industrial Agreement 2022 (the Agreement). Under the terms of the Agreement, Prison Officers are entitled to incentives, concessions and allowances depending on their location. The Agreement requires that the Department and the Western Australian Prison Officers' Union (WAPOU) to undertake periodic reviews.

The Department and WAPOU will soon be commencing negotiations for a replacement to the Agreement, and this issue will be raised by the Department as part of these negotiations.

4 Ensure health centre staffing resources are maintained.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

In January 2024, the Department established the Clinical Workforce Committee (CWC) to identify and implement solutions to address the critical skills shortage of clinical staff across the custodial estate. Chaired by the Deputy Commissioner Offender Services, the CWC comprises all relevant stakeholders who can provide expertise in the recruitment and retention of clinical staff, including Health Services, Mental Health Alcohol and Other Drugs (MHAOD), Psychological Health Services, Rehabilitation and Reintegration Services, Human Resources and Workforce Services.

5 Increase access to Wyndham Work Camp by trialling a modified system of security classifications for Kimberley prisoners.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

A project has been established under the Department's Innovate Reconciliation Action Plan (RAP) 2022-2024, extended to January 2025 to facilitate an increase in the number of Aboriginal prisoners eligible to participate in section 95 work activities,

including placement at work camps, through a review of security assessment processes involving Sentence Management and the policy team.

Wyndham Work Camp is an annex of Broome Regional Prison, its location being approximately 9 – 10-hour's drive by road from West Kimberley and is one of the most remote work camps in WA in terms of distance from its host prison.

It should be noted that placement at work camps is voluntary, and prisoners approved for work camp placement cannot be compelled to take up the placement. The remoteness of Wyndham work camp has been a deterrent to prisoners' willingness for placement at the location.

6 Ensure a voluntary Alcohol and Other Drug program is available at West Kimberley Regional Prison.

Level of Acceptance:	Supported in Principle
Responsible Division:	Corrective Services
Responsible Directorate:	Offender Services

Response:

The Department is progressing the redesign of adult rehabilitation and reintegration services across the custodial estate, including exploring alternative program delivery methods and throughcare options for community-based programs and services offered via non-government organisations.

In the interim, a recently appointed MHAOD nurse at West Kimberley will be responsible for assessing prisoners for substance abuse issues and provide counselling where required.

7 Develop and publish a plan to provide dental services in Derby.

Level of Acceptance:	Noted
Responsible Division:	Corrective Services
Responsible Directorate:	Offender Services

Response:

The entire Derby community, including prisoners at West Kimberley, currently rely on a fly in dental service approximately every 3 – 6 months due to there being no local dentist.

Delivered by Dental Health Services (DHS), Department of Health, the service is significantly stretched due to the high demand for dental services in the community.

The Department's Health Services meet regularly with the DHS management team to discuss and promote increased service provision of dental care to the custodial population. The Department is also mindful of the resourcing challenges faced in recruiting specialist medical professionals including dentists within Australia, particularly in the regions.

Prisoners needing urgent dental care are transferred to Broome prison where a consultation with the Broome dentist is arranged. In the event of a serious infection, prisoners are taken to the emergency department at Derby Hospital for antibiotics in the first instance followed by a dental appointment in Broome.

8 Improve protections and supports for prisoners with disabilities through better collaboration between the Departments of Justice, Health and Disability Services.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

New disability awareness training modules for custodial and community-based operational staff have been developed to enhance the skills of staff and guidance on engaging external support services. Launched in February 2024, the training consists of four modules that focus on:

- Understanding and responding to individuals with disability.
- Disability in the criminal justice system.
- Government services for offenders with disability.
- Guardianship and Administration Orders.

In addition to the above training, the Department's Justice Liaison Officers, through the NDIS, are currently providing advice and awareness training on disability services available in the Pilbara and Kimberley regions.

9 Staff Unit 5 at West Kimberley Regional Prison whenever a prisoner is in cell.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

All prisoners housed in Unit 5 are now monitored by an officer in the unit at all times.

10 Implement a less invasive drug testing procedure.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

COPP 10.4 Prisoner Drug and Alcohol Testing has been amended to be less invasive. Current practice only necessitates strip searching when there is a reasonable suspicion a prisoner has tampered with a test. Prisoners are required to provide samples directly into testing cups under observation of custodial officers.

The use of oral fluid drug testing, which does not require strip searching, is used in the first instance for routine drug testing. Oral fluid testing generates an indicative result, with urinalysis testing performed to confirm positive results. West Kimberley is in the process of introducing saliva testing and amending Standing Order 10.4 – Prisoner Drug and Alcohol Testing. Saliva test kits have been ordered and saliva testing will commence as soon as the test kits arrive.

Urinalysis testing must still be performed in the first instance under certain circumstances, including but not limited to intelligence-led targeted testing, for substances unable to be detected via oral testing, and drug prevalence testing.

11 Ensure that fire mitigation planning is effective and specifically addresses identified risks.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

West Kimberley has established relationships with local emergency services including the State Emergency Service, DFES and WA Police where there is an understanding by all parties surrounding emergency assistance, even in the absence of a memorandum of understanding.

Joint exercises are also conducted with local WA Police, who made a site visit to West Kimberley in March 2024 to gain a better understanding of the layout of the prison, and to discuss further joint exercises and emergency response plans. Planning has commenced for an additional joint exercise in November 2024 during the prison's non-training period, which coincides with a planned site visit from the Special Operations Group, allowing for joint live activity and emergency management training to be conducted.

In addition, identified fire risks are in the process of being addressed, including contractors being sourced to install additional doors to houses containing a single point of entry/exit, focused maintenance of the fire truck and equipment, and the development of a local training package surrounding the operation of the fire truck and basic fire operations.

12 Increase resources to support the self-care model.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

A review of West Kimberley's self-care model and incentive-based regimes was conducted in August 2023. It examined the original intent of these policies and how they could be adapted to meet the needs of the current prisoner cohorts at the facility, while retaining the essence of the self-care philosophy surrounding self-sufficiency of working, cooking, cleaning, education, family and culture.

The review resulted in Unit 2 being redesignated as an earned supervision unit, increasing the number of earned supervision prisoners from 10 to 35 in September 2023.

Replacement of kitchen equipment and the installation of washing machines in the unit this year will continue to encourage prisoners to gain earned supervision status and promote self-sufficiency.

13 Increase prisoner employment by minimising Vocational Support Officer redeployment.

Level of Acceptance:	Supported in Principle
Responsible Division:	Corrective Services
Responsible Directorate:	Adult Male Prisons

Response:

The Department supports the principle of this recommendation whereby all custodial facilities strive to minimise the redeployment of Vocational Support Officers (VSOs) where possible to avoid disrupting services and constructive activities for prisoners.

West Kimberley has several recruitment processes in train to fill vacant VSO positions, which will assist in bolstering employment opportunities for prisoners.

14 Provide an appropriate intensive addictions Individual Management Plan program for delivery in regional prisons.

Level of Acceptance:	Supported in Principle
Responsible Division:	Corrective Services
Responsible Directorate:	Offender Services

Response:

The Department is progressing the redesign of adult rehabilitation and reintegration services across the custodial estate, including adopting best-practice approaches for program delivery that can be adapted to increase engagement and participation, and ensure programs are culturally appropriate and responsive to Aboriginal prisoners.

As part of this process, the Department will seek to partner with a non-government organisation for the delivery of a community-based alcohol and other drugs program.

Appendix D Inspection Details

Previous inspection		
6 April - 7 May 2019		
Activity since previous inspection		
Liaison visits to West Kimberley Regional Prison	7 visits	
Independent Visitor visits	17 visits	
Surveys		
Prisoner survey	21 March 2023	68 responses (37%)
Staff survey (online)	8 – 31 March 2023	126 responses (54%)
Inspection team		
Inspector	Eamon Ryan	
Deputy Inspector	Natalie Gibson	
Principal Inspections and Research Officer	Liz George	
Inspections and Research Officer and Inspection Planner	Charlie Staples	
Inspections and Research Officer	Jim Bryden	
Inspections and Research Officer	Cliff Holdom	
Inspections and Research Officer	Kieran Artelaris	
Community Liaison Officer	Joseph Wallam	

Key dates	
Inspection announced	23 January 2023
Start of on-site inspection	28 May 2023
Completion of on-site inspection	1 June 2023
Presentation of preliminary findings	21 June 2023
Draft report sent to Department of Justice	9 February 2024
Draft response received from Department of Justice	14 May 2024
Declaration of prepared report	20 May 2024

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



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