

# The Inspector's Overview

## INADEQUATE INVESTMENT IN WOMEN'S IMPRISONMENT AND SLIPPING PERFORMANCE AT THE STATE'S MOST COMPLEX PRISON

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This report of an announced inspection of Bandyup Women's Prison, conducted from 27 March to 1 April 2011, contains many more recommendations (33) than our other recent reports.<sup>i</sup> There are two main reasons for this. First, Bandyup is a very complex multi-purpose prison, catering for a particularly complex group of prisoners. Secondly, our 2005 and 2008 inspections noted a marked improvement at Bandyup since 2002. But while there are still areas of good practice, in many respects the prison has slipped back in terms of its strategic direction and performance.

In particular, for most prisoners and staff, there is now a distinct lack of fit between official policy documents which promise a 'women-centered' philosophy of corrections (in other words, a philosophy where the specific needs of women are not only acknowledged but are also actively provided for) and the position on the ground. Indeed, we found several areas where the needs of women (as mothers and women as well as prisoners) are not being met as well as their male counterparts in other prisons. This raises the potential prospect of challenges under equal opportunity laws.

This report should not be read as a criticism of staff and management who have generally done their best in difficult times. There have been two main factors in the slippage. First, whilst there have been some noteworthy new investments, especially Unit 5 ('self-care') and a new gatehouse, there has not been sufficient funding to improve or rebuild most of the ageing and ailing areas. Despite being submitted to government on a number of occasions, 'Stage Three' of the Department's master plan for Bandyup has not been funded and no alternatives to 'Stage Three' appear to have been developed. Secondly, although massive resources are being put into additional accommodation for male prisoners across the state, there has been comparatively little investment in (or concrete planning for) additional new accommodation for women prisoners.

Although this report raises many areas of concern, it is important to emphasise that it is not too late to address the issues. But planning and investment are urgently required for Bandyup and more generally for female prisoners in the state. If such planning and investment are not forthcoming, there is a very real risk that the achievements which have been made since 2002 will be further eroded. If Bandyup is reinvigorated through further investment, there is every reason to believe that the staff can meet the challenge and that the prison's role in reducing recidivism can be significantly enhanced.

It is not possible or appropriate in this Overview to summarise the report as a whole, but four areas require comment in order to understand the context and nature of the challenges: the role and complexity of Bandyup Prison; health and mental health services; the question of numbers, planning and funding; and some issues of equality.

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i The recommendations and the responses by the Department of Corrective Services can be found at Appendix 1 to this report.

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**BANDYUP: THE WOMEN'S PRISON AND THE MOST COMPLEX PRISON IN THE STATE**

Bandyup is smaller than most of the male prisons in terms of the number of prisoners, but it is probably the most complex, multi-purpose prison in the state. In terms of its formal 'profile', it manages sentenced prisoners and remandees, prisoners received 'off the street',

and women of all security classifications (maximum, medium and minimum). In terms of prisoner demographics, a large number are Aboriginal (and many are 'out of country'), many are mothers with significant family responsibilities; and some are pregnant. The prison also houses a number of babies, who, subject to the necessary approvals, are able to live with their mothers until 12 months of age. Despite the opening of Boronia Pre-release Centre for Women in 2004, Bandyup also remains by far the largest releasing prison for women in the state.

**HEALTH AND MENTAL HEALTH**

As noted earlier, the women at Bandyup have very significant physical and mental health needs. Our broad conclusion is that health services and custodial staff are providing an impressive level of service in the face of burgeoning patient numbers, insufficient staffing, a lack of training and professional support and inadequate infrastructure.

In recognition of the importance of these issues, eight recommendations are made (recommendations 26 to 33). We were disappointed in some of the Department's responses but this is a matter which readers can assess for themselves.<sup>ii</sup>

It is difficult to overstate the extent of the prisoners' general health needs, especially with respect to mental health. It is sobering to reflect on the fact that the state's secure forensic mental health unit, the Frankland Centre, opened in 1993 with 30 beds for both men and women. The state's prison population has increased by 135 per cent since 1993 and mental health is universally recognised as an increasing problem. Yet the Frankland Centre's capacity remains unchanged and there are no specific mental health units for prisoners (male or female).

Bandyup Unit One is a particularly 'hard' place in terms of its impoverished infrastructure, the obvious levels of mental illness and the palpable anxiety and despair. It is difficult to avoid the conclusion that to some extent it doubles as a de-facto secure unit for people with a mental illness as well as a prison. But it is the antithesis of a therapeutic environment and is not staffed by professional mental health experts. Consequently, the pressures on staff as well as prisoners are high. There are also significant deficits in terms of training for custodial staff.<sup>iii</sup>

It is also very concerning to report that, due to Bandyup's limited capacity to use other measures to keep women who are in distress safe, the prison makes far more use of its restraints bed than comparable male prisons.<sup>iv</sup> And to add to these concerns, the bed was in a dangerous and unsafe condition at the time of the inspection, with one of the limb cuffs

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ii See Appendix 1.

iii See recommendations 9 and 28 in Appendix 1.

iv See paragraphs 7.33 – 7.34

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featuring a protruding nail and broken stitching. It has no doubt now been fixed but that is hardly the point.

### NUMBERS, PLANNING AND FUNDING

The report sets out in some detail the trends with respect to women's imprisonment.<sup>v</sup> The key point is that women have constituted an increasing proportion of a growing prison population for 15 years or more. From being between five and six per cent of the prison population for much of the 1990's, women now constitute around eight per cent.<sup>vi</sup>

The number of prisoners in the state rose particularly rapidly from mid-2008 to mid-2010. Much, though not all, of this change reflected changes in Prisoners' Review Board policies and practices from April 2009 onwards. Urgent action was needed to meet the pressures created by additional prisoner numbers, and in the male estate this eventuated. In addition to a program of adding bunk beds to cells originally designed for single occupancy,<sup>vii</sup> there is an ongoing program to build 640 extra maximum security beds, to add additional capacity at minimum security facilities, and to introduce more capacity at work camps.<sup>viii</sup>

Given the clear long and short term trends, one would have expected women's imprisonment to have been afforded a particularly high priority in departmental planning and in government decisions about investment in new accommodation during 2009 and 2010. It is true that in terms of numbers alone, there were more additional male prisoners than there were female prisoners. But in proportionate terms, the rate of female imprisonment was rising much faster than male imprisonment.<sup>ix</sup> And on the ground at Bandyup, which bore the brunt of the population increase, the impacts were all too clear.

Unfortunately, the response to female prisoners was delayed, piecemeal and hesitant, especially when compared with the actions taken in the male estate. The two main measures that have been taken to date to address the pressures are: (i) the installation of double bunk beds in many of Bandyup's single cells (to replace mattresses on the floor); (ii) from mid-September 2010, an extra 12 prisoners have been placed at Boronia Pre-release Centre (an increase from 70 to 82 prisoners).

In addition, some demountable units, originally intended for Karnet Prison Farm, a male minimum security facility, have been redirected (with slight modifications) to Bandyup. However, at the time of writing it is not clear when these new units will be commissioned or opened. Their location and design also place limitations on their potential role.

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v See Chapter two.

vi There were no relevant legislative changes but changes in the interpretation and application of the law.

vii This Office acknowledges that this became necessary as a temporary short term measure. But the 'double-bunking' of cells which were never designed for that purpose must not be seen as an acceptable norm.

viii The 640 maximum security beds will be at Casuarina, Hakea and Albany prisons. Minimum security capacity has been increased at Karnet, Wooroloo and Pardelup Prison Farms. Acacia prison is also due to be expanded. Some older and smaller work camps are being closed, including Bungurun (near Derby) and Mount Morgan's (near Laverton) but larger new work camps have or are being opened, including Warburton and Wyndham.

ix Between 5 March 2009 and 4 March 2010 the number of male prisoners increased by 312 and the number of female prisoners increased by 73. In March 2008, female prisoners were 7 per cent of the state's prison population. The figure increased to over 7.5 per cent in March 2009 and to 8 per cent in March 2010.

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In terms of further plans, some additional capacity for women in the regions will come on line in 2012 (Derby) and 2015 (Eastern Goldfields). It was also announced in February 2010, somewhat unexpectedly, that Greenough Regional Prison would have a new 30-bed female unit.<sup>x</sup> But no concrete progress has been made on this proposal in the intervening 18 months and it is far from clear that Greenough is the right location.<sup>xi</sup> At the time of writing there has been no announcement as to whether or when the proposal will proceed or whether the existing facilities for women at Greenough will be improved.

### EQUALITY

This report raises two main issues relating to equity and equality. The first relates to the position of women prisoners as a whole. There are certainly some 'highlights' in metropolitan women's prisons, including Boronia Pre-release Centre. However, the vast majority of women remain at Bandyup and it is difficult to avoid the view of staff and much of management that the prison is just having to 'make do' when compared with the male estate. The high quality of accommodation in Unit 5 ('the village') should not be allowed to detract from the realities in other parts of the prison.

One of the most telling shortfalls relates to visits. Unlike the male metropolitan prisons, Bandyup is not serviced by public transport and the Department does not provide a bus service from the nearest station. This means that visitors without cars face an arduous and expensive journey. The external Outcare facility, where visitors attend on arrival, is in very poor condition (probably the worst in the state). The internal visits facility is the worst in the state. It was opened in around 1991, at which time Bandyup housed approximately 100 prisoners and compares very poorly with the male prisons. It is crowded and loud and does not cater adequately for children. The play area is small and there is no outdoor area or purpose built interactive space for mothers and their children. Departmental plans for a new visits centre have been approved but remain unfunded. Staff invariably do what they can but the infrastructure deficits are totally at odds with the principles behind a women-centred approach to corrections.

The other main issue relating to equity concerns Aboriginal women. In terms of accommodation, they remain concentrated in the most impoverished parts of the prison. In terms of services, much remains to be done in terms of developing more culturally appropriate rehabilitation programs, better health screening, improved access to health services<sup>xii</sup> and reducing barriers to maintaining family and community contact. Our recommendations target the outcomes of more equal distribution and better services.

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x Hon C Porter MLA, Attorney General and Minister for Corrective Services, *Metropolitan and regional prisons get new accommodation units*: Media Statement, 5 February 2010. The announcement was made in the context of reversing the to add new units for males at Greenough which had been announced three months earlier: see Hon C Porter MLA, Attorney General and Minister for Corrective Services, *Further 640 beds announced for prison System*: Media Statement, 1 November 2009.

xi The conditions for women prisoners at Greenough undoubtedly need improvement (see OICS, *Report of an Announced Inspection of Greenough Regional Prison*, Report No. 66, June 2010). However, there are probably not sufficient women from the region to justify an additional 30-bed unit being located there.

xii It is generally accepted that Aboriginal women have particularly high physical and mental health needs but they are not accessing health services to an extent that is even proportionate to their numbers at the prison.

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**CONCLUSION**

The Department has supported most of the recommendations contained in this report. However, it has not supported some significant recommendations relating to better health services, alternative funding models, and developing management strategies to improve the situation of Aboriginal women. There is also a long way to go to achieve actual outcomes with respect to many of those recommendations which are said to be already the subject of departmental initiatives.

In summary, action and investment are urgently required to address current deficits and to ensure greater equality.

Neil Morgan

5 August 2011