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Report No.



Report of an Announced Inspection
of
Riverbank Prison



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES
WESTERN AUSTRALIA

Contents

	PAGE
THE INSPECTOR'S OVERVIEW:	
The Story of Riverbank: New Vitality, Management Drift, Fading Optimism and Future Potential	4 - 8
RIVERBANK SITE PLAN AND FUNTIONAL LAYOUT	9 - 10
CHAPTER 1:	
The Riverbank Inspection in Context.....	11 - 17
The Site of the Inspection.....	11 - 12
The Methodology of Inspection	
The Purpose and Ambit of An Inspection	12 - 14
The Inspection Team	13 - 14
Framework and Benchmarks.....	17
Key Issues	
Riverbank's Purpose	14 - 15
Meeting Expectations: Staff and Prisoners	15 - 16
Rehabilitations and Prisoner Wellbeing	16
Prisoners with Special Needs and Circumstances	16 - 17
Making Prisons Work	17
CHAPTER 2:	
Expectations: The Promise of Riverbank	18 - 26
Infrastructure and Amenities	
Accommodation	19 - 20
Workshops, Programs and Recreation Areas.....	20 - 21
Program Venues; Canteen; Visits, Visitors and other Facilities	
Program Venues	21
Canteen	21
Visits and Visitors' Facilities.....	21-22
Other Facilities.....	22
Human Resources	
Staff.....	22-24
Prisoners	24
Riverbank's Budget	25
Planning Regimes and Programs.....	25-26
Summary	26

Contents continued

CHAPTER 3:

Taking Stock - Staff and Prisoners Two Years on	27 - 37
Prison Officers	
Staff Selection	27 - 28
Staff Training	28 - 29
Desirable Qualities and Skills for Staff	29
Defending and Defining Staff Roles	29 - 30
Staff Perspectives on Entry and Exit Criteria and the 'Riverbank Ethos'	30 - 31
Staff Perspectives on Prisoner Employment	31
Staff Perspectives on Prisoner Safety	32 - 33
Prisoners	
Just Another Prison	33
Safety and Interpersonal Relationships	33 - 34
Orientation	34 - 35
Keeping in Touch	35
Food	35 - 36
Timely Access to Programs	36 - 37
Summary	37

CHAPTER 4:

Purposeful Sentences	38 - 46
Rehabilitation or Reparation	38 - 39
Constructive and Structured Day	39 - 43
Case Management	43 - 45
Summary	45 - 46

CHAPTER 5:

Prisoner Wellbeing	47 - 53
Prisoner Safety and Distribution of Power	47
Medical and Allied Health Services	
Medical Services	47 - 48
Allied Health Services	48 - 49
Preventative Health Care	49 - 50
Visits	50
The Aboriginal Visitors Scheme	51
Peer Support	51 - 52

Canteen.....	52
Recreation	52 - 53
Summary and Comments	53
CHAPTER 6:	
Special Needs in Focus	54 - 59
Intellectual Disability	54 - 57
SOTP Group	58 - 59
Prisoners with Indefinite Sentences.....	59
CHAPTER 7:	
Making Prisons Work: Closing the Gap Between Theory and Practice	
The Need for Anchor Points and Boundaries.....	60 - 63
Accountability	60 - 61
Weighing the Future.....	61 - 62
Concluding Comments	62 - 63
RECOMMENDATIONS	64 - 66
APPENDIX A:	
Review of Facilities, Engineering and Security Infrastructure at Riverbank Prison	67 - 75
APPENDIX B:	
The Riverbank Inspection Team.....	76
APPENDIX C:	
Response of the Department of Justice to the Recommendation of the Report.....	77 - 81

The Inspector's Overview

THE STORY OF RIVERBANK: NEW VITALITY, MANAGEMENT DRIFT,
FADING OPTIMISM AND FUTURE POTENTIAL.

The pragmatic and urgent necessity to address overcrowding within the adult prison system was the catalyst for re-commissioning the Riverbank Juvenile Detention Centre as an adult prison in November 1998. For all that, the Ministry of Justice to its credit saw the new accommodation as much more than a human warehouse. Its potential as a small 'boutique' prison (as it was informally dubbed), offering a therapeutic and safe environment for prisoners who had special needs, was clearly perceived and spelled out in its commissioning brief.

However, soon after Riverbank's opening, the government of the day committed itself to the Acacia prison project – a 750-bed medium security men's prison to be located at Wooroloo in the Avon Valley. Thus, it could be anticipated that overcrowding stresses would be substantially relieved in the foreseeable future. In that context, an open-ended commitment was not made to Riverbank; in the first instance, a life of two or three years was all that was assured.

Nevertheless, at first the vision for Riverbank seemed to be working out well. Sex offenders were successfully mainstreamed – something not fully achieved in any other prison in the state¹. Critical incidents were minimal. The prisoners were encouraged in theatrical activities. Officers contributed to and appreciated the changing cultural ethos, in terms of relations with prisoners. Some innovative management initiatives, particularly that of assigning portfolio responsibilities to officers, seemed to point the way towards more meaningful and constructive career opportunities than those available in the larger, more regimented prisons. Riverbank seemed to be an emblem of positive correctional practice, and press coverage² was very supportive.

Yet at the time of our inspection, half way through the third year of the prison's operation, all was not well at Riverbank. We found significant slippage from its earlier aspirations and standards. The reasons for this can be found in the very lack of commitment that characterised its beginnings. This manifested itself in numerous ways.

MANAGEMENT STRUCTURES

There were important flaws in the management structures. The first concerned the tenure and status of the Superintendent. Although a foundation or commissioning Superintendent was soon appointed, her tenure lasted only a few weeks before she was seconded to another prison as acting Superintendent. She never returned to Riverbank. Her successor as acting Superintendent (she could not be appointed to the substantive position for this 'belonged' to the first appointee throughout that period) remained at Riverbank for two years before she, too, moved on – to be followed in short order by two other acting Superintendents.

In all areas of organisational management, the impact of visible leadership temporariness is likely to become deleterious. For hierarchical institutions, such as prisons, this observation is particularly

¹ Both Bunbury and Karnet prisons balance their sex offenders with other categories of prisoner, but maintain a marked degree of internal separation.

² See *The West Australian*, 19th August 2000. A feature story reported that Baroness Vivien Stern and Dr Andrew Coyle, of the International Centre for Prison Studies at Kings College London, who visited Riverbank briefly in March 2000, praised the prison in fulsome terms: 'What is going on there is quite remarkable, and everyone involved deserves the highest praise, particularly the staff and prisoners who have clearly put so much of themselves into developing good relationships'.

THE STORY OF RIVERBANK: NEW VITALITY, MANAGEMENT DRIFT, FADING OPTIMISM AND FUTURE POTENTIAL.

valid. To some extent, the leader loses internal authority. More importantly, the standing of that person within the broader councils of the Ministry of Justice is undermined. Both staff and prisoners perceive these things and question the extent of official commitment to the enterprise. My observation over many years has been that the Ministry, whilst admittedly constrained by industrial relations policies and obligations, has tended to utilise the device of acting appointments too often and for too extended periods in relation to key prison administration positions. This has been so in relation to Riverbank, and is a significant factor contributing towards its slipping performance.

A related weakness is that, at Riverbank, the acting Superintendent has been the only non-uniformed management person, the only person without direct line responsibilities. As mentioned, the development of the idea of portfolio responsibilities to be met by uniformed officers was the imaginative, if pragmatic, response to this. At its best, this could have increased both accountability and job satisfaction. However, in practice it has come to work in exactly the opposite way. Training for the assigned tasks has been non-existent; machinery for proper coverage of staff absences has not been established; and because of the lack of any alternative (all staff members being assigned to some portfolio), those who are performing unsatisfactorily cannot be replaced in their respective portfolios.

A good idea has not borne fruit, therefore. Had an Assistant Superintendent position been created – desirable from the point of view of better quality management generally – it may well have been that the strong points of the portfolio system could have been strengthened and the weak points covered. A promising innovation was not sufficiently resourced, and so has failed when it could have succeeded.

THE BUILDINGS

As indicated in detail in the main body of the Report, there are major duty-of-care issues in relation to electrical systems, air circulation and double-bunking in cells that fall well short of Australian standards for single accommodation. Whilst it is, at a practical level, understandable that Head Office would wish to hedge its financial bets, the fact is that tangible risks have not been actively managed. There simply would be no legal comeback in the event of, say, a fatal cell fire caused by an electrical fault or a case of lung cancer attributable to passive smoking via the air circulation system³ or the passing on of an infectious disease such as TB in the cramped double-bunking situation. Given that a decision had been made to re-commission the institution, more should have been done to address these issues.

PROGRAMS

The commitment to programs has now become ambivalent. For example, at the time of our Inspection, staff involved in the delivery of the intensive sex offender treatment program (the Ministry's flagship rehabilitation model) had just, they told us, heard from prisoners who had in turn heard from custodial staff that the next scheduled nine-month program would not take place after all. We were informed by the acting Superintendent that an aspect of this decision was to free up

³ Riverbank also permits smokers to share cells with non-smokers: see paragraph 2.9. and footnote 16 of the Report. This practice is indefensible and creates a major legal risk.

THE STORY OF RIVERBANK: NEW VITALITY, MANAGEMENT DRIFT, FADING OPTIMISM AND FUTURE POTENTIAL.

single cells (required for participants in the program for its duration) either for double occupancy or as incentive accommodation for other prisoners – a comment that seems to confirm that custodial issues had started to drive rehabilitation considerations at Riverbank.

It may well be that the current status of that ‘decision’ has changed. However, the key points are: the uncertainty that this sort of thing epitomises, the demoralising impact that it has on prisoners who are awaiting these programs as a prerequisite to possible release on parole, and the improper way in which this decision was evidently made and transmitted.

An inspection of Riverbank, because it was intended to be a ‘programs prison’, highlights the fact that generally, across the prison system, there is a serious lack of fit between prisoner placements, program delivery schedules, the timing and availability of parole, home detention or work release, and Parole Board dictates. Not infrequently, prisoners are in the wrong prison at the wrong time; or program availability is delayed to a time so far beyond their earliest date of release that they decide there is no longer any point in participating; or the range of programs in any given prison is too narrow. The total effect of this is to cause a significant waste of Ministry resources – and the fact that this does not appear in the ‘bottom line’⁴ does not belie that observation.

This theme will be pursued further in the report of the inspection of Karnet – another programs prison. For the time being, the following examples are recorded:

- At the time of my own preliminary visit to Riverbank in September 2000, there were nine prisoners residing there who were required to do a violent offenders treatment program before they would be granted parole or work release. No such program was available at Riverbank. Several prisoners stated that they were not prepared to transfer back to Hakea Prison (a maximum security regime) to participate in such a program even if a place happened to become available.
- During the inspection itself, many of the offenders doing their sex offenders treatment program at Riverbank were already past their earliest date of release, even though they had been willing to participate earlier. (As mentioned, offenders in other prisons have told us that, once they have gone a certain way past that date, they choose not to participate at all.)
- Another sex offender stated that he had been transferred to Riverbank even though he was regarded as being ‘in denial’ and was therefore ineligible for the main program. His status as a ‘denier’ arose out of the fact that he was still appealing his conviction on legal grounds – something that is his constitutional right. Yet Riverbank does not offer a Deniers Program – and even if it did, one wonders whether it would be applicable to such a person.

Problems such as these are not necessarily of Riverbank’s making. The prison is simply one of several settings in which this kind of general mismanagement manifests itself.

⁴ The cost of a program, as recorded in annual accounts, does not vary according to whether the appropriate people participate in it at the appropriate time. Nor do prison expenditures record whether the prisoners upon whom funds are being expended could, if better managed, have been out of the system altogether at some earlier point.

THE FUTURE OF RIVERBANK

The central question is whether the prison should continue to operate at all and, if so, in what way. There are several cost factors that bear upon any decision.

First, because it is such a small prison, there are no achievable economies of scale. We were informed that the additional cost of running Riverbank, over and above what it would cost to house the same number of prisoners (i.e., the ‘overcrowded’ number of 60) in another medium security prison, was of the order of \$1 million per annum.

Second, capital investment would be necessary if Riverbank’s future were to be more than temporary. As mentioned, electrical circuits and air circulation pose a tangible duty-of-care risk. Also, the present cells would, even if re-furbished, only be suitable for single occupation. Reducing the population would obviously accentuate the cost-per-prisoner imbalance referred to above. That being so, additional accommodation would have to be erected on the site – a capital outlay to reduce costs-per-prisoner so as to bring them back to somewhere approaching the mean for this category of prisoner.

In that regard, this Office has had extensive correspondence with the Ministry of Justice about the flood plain, the Swan River Management Plan and related matters. Our position remains that this matter is worth exploring thoroughly, not in a blinkered way, and this position has been elaborated in paragraph 7.11 of the Report itself.

It should be noted that accommodation blocks in medium security prisons (and the reality is that Riverbank is at present, and is likely to remain, a low-medium institution) are often over-designed in terms of internal security, with significant impact upon costs. Dynamic, or procedural, security systems are typically under-developed within the Ministry, and too much reliance is placed on high-cost physical assets. Any exploration of the expansion possibility should take account of this.

Nevertheless, these cost factors are substantial. They could only be finessed for a worthwhile correctional objective. So what would be the rationale for refurbishment and re-development, and would it constitute value-for-money?

Undoubtedly, there is a need for a small, secure, treatment-orientated prison in Western Australia. For example, although mainstreaming sex offenders is desirable, it poses problems, and it could be that programs would best be delivered in a specialised environment. Alternatively, the growing number of intellectually impaired prisoners could be accommodated safely at Riverbank, with appropriate support and remedial programs to match, in an environment that would be quite distinctive from that found in other prisons.

Another need – yet to be addressed by the Ministry – relates to life-sentence and very long term prisoners, the numbers of whom are also increasing. Yet another alternative relates to a drug rehabilitation prison, one whose modus operandi depends on remaining drug-free. This is virtually impossible in larger prisons.

There are, then, a host of possibilities worth exploring for their correctional value. Also, it is in the state’s interests to maintain a public sector benchmark prison committed to rehabilitation against

THE STORY OF RIVERBANK: NEW VITALITY, MANAGEMENT DRIFT,
FADING OPTIMISM AND FUTURE POTENTIAL.

which to measure the performance of the private sector Acacia Prison, as it becomes fully operational⁵.

A decision to close Riverbank should not be made, and cannot sensibly be made, therefore, until some or all of the above possibilities have been evaluated. Each should be weighed up in cost terms, not only in terms of the ultimate value-for-money they offer the community (successful rehabilitation) but also against other money-saving possibilities. For example, as Acacia becomes fully operational, it may be possible to mothball a Unit in one of the larger prisons. The Ministry must do some lateral thinking about correctional needs.

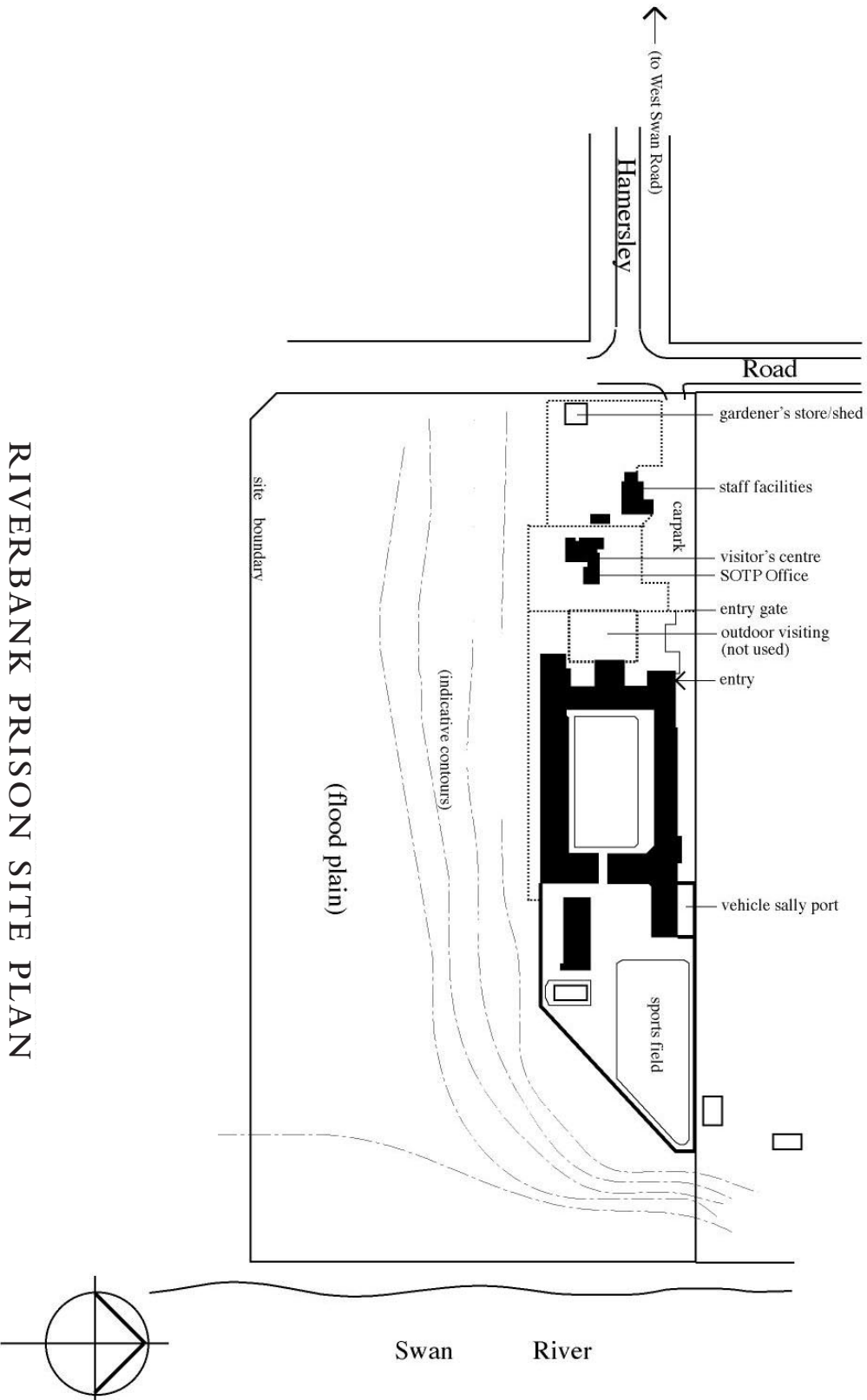
Riverbank can probably struggle along whilst these decisions are being made - though not without risk. But it is rapidly running out of time. If it is not re-furbished and re-developed, it should be closed.

Professor Richard Harding
Inspector of Custodial Services.

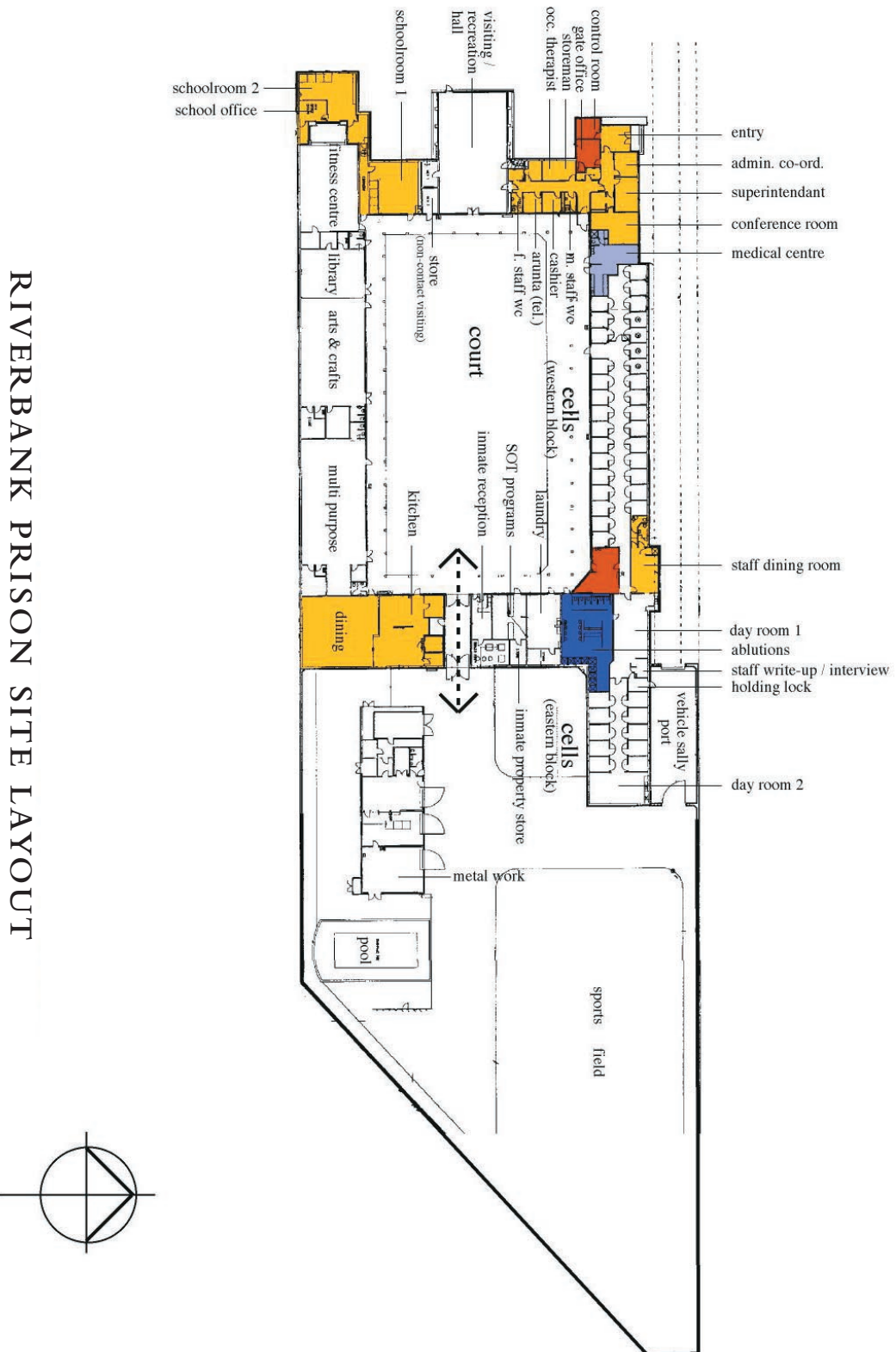
3rd July 2001.

⁵ Occasions may also arise where it is not feasible or safe to send a medium security rated prisoner to Acacia.

RIVERBANK SITE PLAN AND FUNCTIONAL LAYOUT



RIVERBANK SITE PLAN AND FUNCTIONAL LAYOUT



RIVERBANK PRISON SITE LAYOUT

Chapter 1

THE RIVERBANK INSPECTION IN CONTEXT

- 1.1 Riverbank, a small, medium security prison for males situated on the outskirts of the Perth Metropolitan Area, was inspected by the Office of the Inspector of Custodial Services in February, 2001. The Inspection commenced on Sunday 28 February, and concluded four days later. The Riverbank Inspection was the first announced Inspection to be undertaken by the Office since its establishment in June 2000.

THE SITE OF THE INSPECTION

- 1.2 Riverbank was first opened in 1960 as an institution for male juvenile offenders. Like the other juvenile institutions built around this time - Nyandi, for females and Longmore for remandees and sentenced males - the detention centre was designed to provide a secure, therapeutic, inwardly focussed, controlled environment. At Riverbank, the central courtyard provides the physical and symbolic focus of the place. The space is defined by the accommodation unit, prison services facilities and program areas. The courtyard at Riverbank is now a lush place, with a water feature, grassed areas, gardens, tables and benches, and a rotunda. It is visually appealing and serves a useful aesthetic and social purpose.
- 1.3 Riverbank's sibling institutions were built within what was to be a temporary backdrop of urban pine plantations. Ultimately more enduring and picturesque, however, was the Swan River floodplain and vineyard setting of the more distant, more secure Riverbank. The prison complex is sited unobtrusively on two hectares of land near the banks of the Swan River, 2.5 kilometres north of Guildford. The entrance to the prison is unassuming and well screened by trees. Two residential-style buildings, used as offices for program staff, storage, staff amenities and as a visitors' centre, provide a low key entranceway to the site. The high wall that surrounds the prison exercise area and maintenance workshop is out of the public eye, to the rear of the facility. There are no signposts to direct visitors to Riverbank¹.
- 1.4 Riverbank was de-commissioned as a juvenile institution and mothballed in 1996, due to the establishment of a new juvenile detention centre, Banksia Hill. At the time of the de-commissioning there were unresolved issues relating to the presence of asbestos in the fabric of the main buildings. The pressure of overcrowding in the Western Australian prison system, however, ultimately led to Riverbank being re-commissioned as a prison for adult males. It eventually resumed operations in late 1998, after some limited upgrading and refurbishment, as a medium security prison housing a high proportion of 'special needs' prisoners. Riverbank was intended at this stage to house prisoners for about three years, pending the commissioning of the new medium security, privately managed prison, Acacia². The future of Riverbank after Acacia's opening is uncertain.

¹ The Inspection team was told that the decision not to erect signposts was linked to gaining the support of the facility's neighbours for Riverbank's re-opening. Whether or not this is so, it is time for the facility to be placed - literally - on the map, in the way most public institutions are and should be. Taxpayers have a fundamental interest in the prison system: what it costs and how it works. They should know where prisons are, and, if needs be, be guided there by appropriate signage.

² Acacia prison, managed by Australian Integrated Management Services (AIMS) and the first private prison to be operational in Western Australia, was opened in May, 2001.

THE RIVERBANK INSPECTION IN CONTEXT

- 1.5 Some minimal structural changes were made to Riverbank as part of the refurbishment. The cells were refurbished and provided with new beds; security was upgraded; and, coiled razor wire was introduced to the perimeter of outdoor spaces. Twenty five of the cells, already small by national and international standards³, had double bunks installed, bringing the capacity from the original 35 to 60. During the Inspection there were 53 prisoners at Riverbank.
- 1.6 The Riverbank population usually includes a relatively high proportion of intellectually disabled prisoners (8 were registered with the Disability Services Commission at the time of the Inspection, but historically the figure has been much higher than this), as well as prisoners who, in the mainstream, require protection. The remainder of the prisoners are intended to be generally low risk prisoners with good management records, no court appearances pending, and not known current drug users. In any prison, many of the prisoners requiring protection are sex offenders. There is a high proportion of prisoners at Riverbank serving sentences for these kinds of offences. Eleven sex offenders were undergoing the nine month intensive Sex Offender Treatment Program at the time of the Inspection. Unlike the situation at most prisons in the state, all sex offenders at Riverbank fully participate in the mainstream regime.
- 1.7 Riverbank is a small prison with an operating budget in 1999/2000 of \$1.8 million. Unlike larger prisons, it does not have the advantages of economies of scale⁴. To justify its existence over the longer term, if indeed that option is being considered by the Ministry of Justice (the Ministry), a small prison like Riverbank needs to provide specialised, high quality services, that are not readily available elsewhere and that are optimised by their very provision in a small, contained setting. Such an objective would be to focus - appropriately - on broader correctional purposes rather than merely on prisoner management.

THE METHODOLOGY OF THE INSPECTION

The Purpose and Ambit of an Inspection

- 1.8 It is the business and practice of the Ministry, as the agency that manages all current operational prisons in Western Australia, to conduct service reviews, or audits, of their prisons. These reviews are concerned principally with operational standards and practices - matters that the Ministry should know about and monitor, and put right if need be⁵. The Inspections carried out by the Office of the Inspector of Custodial Services (the Inspectorate) are not service reviews; by contrast, they are intended to scrutinise these standards and practices and produce public information about corrections policies, systems and strategies (how they are meant to work, how they are actually working, and whose benefit they serve), as manifested at the prison being inspected.
- 1.9 Collecting information of this type and at this level is not a linear, time-bound task. It does not

³ See Appendix A, section 2.4, for details relating to standards.

⁴ *The Ministry of Justice Annual Report 1998/1999* makes the related point that the decrease in the cost of imprisonment per prisoner between 1997/98 and 1998/99 could 'be attributed to the dramatic increase in the muster over the financial year', p. 72.

⁵ The Ministry reports its service reviews and makes these available on request. The Riverbank review was made available to the Inspector.

start and end with the designated, in-prison Inspection. Normally, an Inspection will be preceded by several visits from the designated Inspectorate liaison officer⁶, who maintains contact with the prison indefinitely, before and after Inspections. After the Inspection, the liaison officer has an ongoing role with regard to disseminating information from the Inspection Report, and with monitoring the prison's actions associated with the Report recommendations.

- 1.10 With the Inspectorate being newly established, the liaison period for the first Inspection was necessarily restricted. The liaison visits to Riverbank actually took place during the formal planning period of the Inspection.
- 1.11 In the pre-Inspection planning stage, two significant data sources were accessed. Information bearing on the running of the prison, ranging from prison-wide policies to the local orders of the prison, to individual sentence plans, was sought from the Ministry. The second data source was survey information the Inspectorate collected from prisoners and prison officers. Inspectorate research staff carried out a confidential survey of Riverbank prisoners and prison officers several weeks ahead of the Inspection. Most prisoners (92%) contributed to the survey, either by filling out the questionnaire themselves, or by giving oral responses that were documented by research staff.
- 1.12 Just over half (11/20) of the prison officers at Riverbank returned their questionnaires. The Inspection Team found that prison staff were still uncertain as to the role of the Office of the Inspector of Custodial Services, and they felt 'over-reviewed' due to a series of departmental investigations and reviews that the prison had been involved in in the preceding months. This no doubt contributed to the caution with which officers responded to the survey invitation. Responding to the questionnaire was, of course, voluntary for all parties.
- 1.13 The responses by prisoners and prison officers to the survey instruments provided a set of information that could be followed up and evaluated during the Inspection in a variety of ways: through document searches, interviews, focus groups, observations, and so on.

The Inspection Team

- 1.14 The Inspection Team included the Inspector of Custodial Services, seven Inspectorate staff, and specialist consultants. The Inspection Team is listed at Appendix B. Riverbank has a high proportion of prisoners older than the norm in the general prison population, and usually a relatively high proportion designated as having some form of intellectual disability. In addition, any prison population has psychiatric and health issues which distinguish it from norms pertaining to the community at large. The Inspectorate appointed a medical/psychiatric consultant to provide a specialist focus on these services.

⁶ The liaison visits serve to familiarise prison staff and prisoners with the Inspectorate's work and its team members. They also help Inspectorate staff to acquaint themselves with important aspects of the prison - layout, regime, programs, etc., that eventually the Inspectorate will come to inspect. Liaison visits also provide additional opportunities for issues concerning the prison to be brought to notice and dealt with without waiting for an Inspection to raise these matters. This is particularly the case if the matters are not systemic, and fit more readily into the 'service review' category. This practice is consistent with the Inspectorate's role to encourage continuous improvement, rather than permit poor practices to develop before exposing them.

- 1.15 Two consultants were appointed to inspect the physical infrastructure of Riverbank⁷, partly to fill gaps in the information supplied by the Ministry, and partly because of residual safety issues dating from the era before Riverbank was re-commissioned.

FRAMEWORK AND BENCHMARKS

- 1.16 The framework adopted for the Inspection reflected the Ministry's own theoretical approach to imprisonment, as well as the language of that approach. We looked at the way the prison met its responsibilities in relation to the Ministry's 'four cornerstones' – custody, care and well-being, rehabilitation and reparation.
- 1.17 There were two benchmarks against which the Inspection measured how well Riverbank met its responsibilities in these four areas. The first was the standard Riverbank had set itself: what this Report refers to as the Riverbank blueprint. This was outlined in an information package produced by Riverbank and affirmed in a presentation to the Inspection Team by the Acting Superintendents of Riverbank⁸. The blueprint is not a static historic document but rather an idea of somewhat indeterminate genesis. Nevertheless, since this has become Riverbank's internal standard, it is an important benchmark against which to measure practice. The second benchmark was to do with more objective good practice. The Ministry's four cornerstones provided the template for best practice in corrections. They represent the articulation of a newly adopted official philosophy that shifts the emphasis from security alone to a more harmonious balance with offender development and wellbeing.

KEY ISSUES

- 1.18 The key issues outlined below represent the overarching themes or issues that arose from the Riverbank Inspection. The four cornerstones – custody, care and wellbeing, rehabilitation and reparation – are dealt with in context, rather than providing the organisational framework of the Report.

Riverbank's Purpose

- 1.19 Riverbank had an immediate role associated with its re-commissioning: to absorb temporarily some of the overflow from the overcrowded major prisons. A prisoner profile was developed for Riverbank and thus a second layer was added to the prison's purpose. It became the prison that took in a population of medium security prisoners, who could be expected not to create problems for management (or to alarm the local community), but who comprised a group with a high proportion of special-needs prisoners. Operationally, Riverbank's purpose became at the same time

⁷ See Appendix A

⁸ The Acting Superintendent who had been in the position for most of the period from Riverbank's re-commissioning, had been appointed Acting Superintendent of another prison just prior to the Inspection. Another Acting Superintendent had recently taken up the position at Riverbank. Both of the Acting Superintendents made themselves available to us at Riverbank for the period of the Inspection, and both of them were involved in the presentation to the Inspection Team on day one of the Inspection. Since the Inspection another Acting Superintendent has been appointed to the position.

more inclusive, as well as more focussed. The purpose was to provide for the needs of special groups of prisoners while developing a particular focus on rehabilitation for the Riverbank prisoner population as a whole. Within this scope, because of its modest size and appropriately generous staff/prisoner ratios, Riverbank was able to offer full employment and active case management of individual prisoners.

- 1.20 In the light of uncertainty as to Riverbank's future, the Inspection Team looked at how Riverbank had defined and articulated its purpose and at how well it had sustained it; how effectively it had linked theory to practice; and, what changes of vision and practice might be needed to give the place a viable future.
- 1.21 Chapter 2 outlines the blueprint and looks at how well equipped the prison was from the start to enact the blueprint. It looks at the human components of the blueprint, prisoners and staff, and at the physical possibilities and limitations of the prison from the time of its re-opening. It also introduces the idea of the Riverbank ethos, a concept that underpins how Riverbank prioritises and addresses the four cornerstones of custodial services.

Meeting Expectations: Staff and Prisoners

- 1.22 One of Riverbank's seminal claims seems to have been that specially selected ('hand-picked') and trained staff would run a case-management focussed regime for prisoners, many of whom were in special-needs categories. Riverbank presents itself as innovative because of its focus on staff working more clearly and comfortably with the two cornerstone responsibilities of rehabilitation, and care and wellbeing, with a special emphasis on disability and the care of vulnerable prisoners. With the selection of prisoners to Riverbank providing an inbuilt filter in favour of compliant prisoners, custodial functions could justifiably take a much lower profile.
- 1.23 In addition to staff having, by other prisons' standards, an atypical bias to their roles, Riverbank staff were also asked to take on portfolio responsibilities that normally would fall to assistant superintendents in a larger prison. (Because it is a small prison, there are no designated portfolio managers at Riverbank apart from the Superintendent.) If it worked well, this arrangement would not only provide staff with multi-faceted, interesting jobs and give them unique career opportunities, it would ensure more direct lines of accountability.
- 1.24 Assessing the selection, training, roles, work arrangements and practices of staff was an important feature of this Inspection, as it is in any prison inspection. It was particularly important at Riverbank, however, where the notion of being able to shift traditional prison officer responsibilities and cultures underpinned Riverbank's approach to staffing arrangements, and was assumed with the articulation of the prison's stated purpose and modus operandi. In Chapter 3, we assess current practice against the blueprint. We also look at the prisoner population at Riverbank and profile how they see important elements in the regime. A comparison of staff and prisoner perceptions discloses the potential for and reality of gaps in expectations and practice.

Rehabilitation and Prisoner Wellbeing

- 1.25 Given Riverbank's self-defined disposition to being a prison that rehabilitates prisoners⁹, the Inspection Team had a particular interest in how well the prison carried out this function. There are several facets to rehabilitation in a prison context. In Chapters 4 and 5 we look at the management of prisoners' cases and sentences, how prisoners are helped to address their offending behaviour, programs to assist their re-integration in the community, and what useful social and functional skills they might expect to acquire in a purposive, well functioning prison regime. In looking at whether the self-termed 'Riverbank ethos' of rehabilitation constituted good practice, and if this was in balance with the other cornerstones of custodial care, we looked at how strategically resources were used, at the agendas and purposes relating to programs, services and practices, and at how the needs of particular prisoner groups were met.
- 1.26 Systems for maintaining prisoner health and being responsive to prisoners who are at risk play a central part in the wellbeing of prisoners. Policies and processes need to be in place to maintain or enhance prisoners' physical, mental, psychological and spiritual wellbeing. There should also be a co-ordinated preventive health focus. While much of this centres on the core medical and allied health systems, a prisoner's wellbeing is also affected by daily pressures and circumstances from within and outside the prison. We highlight the role of peer support in providing a service that deals with the impact on prisoners of some of these situations and events, and, in light of Riverbank's stated model of positive staff/prisoner relationships, comment on management arrangements and supports for this service.
- 1.27 In a small prison like Riverbank, in-house medical and allied health services are necessarily limited. In this case, the success of formal health care services for prisoners is particularly dependent on the skills, energy and personality of the staff members concerned, and on the arrangements that are set in place for referrals. The day to day medical services at Riverbank were run with dedication and energy by the nursing sister. The system was not without its gaps, however, and we point to a number of areas where the service needs attention, including preventive health.

Prisoners with Special Needs and Circumstances

- 1.28 In Chapter 6 we focus on three particular groups of prisoners in this category: a group of intellectually impaired prisoners; a small group of prisoners serving indeterminate sentences; and, a group of prisoners whose reason for being at Riverbank was to undertake the nine month residential sex offender treatment program (SOTP). Given that a major plank of Riverbank's raison d'être was to provide appropriate containment and programs for groups with special needs, the Inspection Team focussed on how well these groups' needs were being met. In relation to each of the first two groups there were varying levels of shortfall between best and actual practice. By contrast, the SOTP was particularly well catered for at Riverbank, but there were administrative problems which put the program under threat and which served to highlight some inconsistencies in Riverbank's aims and objectives.

⁹ The Riverbank information package states: 'Riverbank staff believe they can rehabilitate offenders and reduce recidivism' ('Riverbank Prison', no page number).

Making Prisons Work

1.29 In Chapter 7 we provide an overview of what Riverbank Prison has achieved and the way it has achieved it. We look at issues of accountability and where the match between theory and practice has been met or has fallen short.

1.30 Finally, on the basis of good practice in the area of corrective services and sustainable management of the prison, we make some observations about future directions for Riverbank.

Chapter 2

EXPECTATIONS: THE PROMISE OF RIVERBANK

- 2.1 Riverbank had defined a role for itself to provide an innovative and rehabilitative regime for up to 60 medium security prisoners, many with special needs. The value-added component of the role became known within the prison as the Riverbank ethos. Without being well defined, the term is used to differentiate Riverbank from other prisons, in terms of its staff and regime. It implies uniqueness linked to an emphasis on selecting and matching people (staff and prisoners) to tasks, programs and purposes, with an overarching emphasis on therapeutically oriented rehabilitation. Riverbank's role was initially bounded by a three year time frame and linked to the time when Acacia prison was expected to become fully operational. Because most of the staff and prisoners want to stay at Riverbank in preference to moving or returning to other metropolitan prisons, they would like the prison to remain functional, even after Acacia has taken in its full complement of prisoners¹⁰.
- 2.2 There was an 'atmosphere' at Riverbank, amongst prisoners as well as management and staff, of wanting to articulate some sort of sustainable justification for the prison's continued operations. This means that Riverbank should have a defined and cohesive role or vision that is linked purposively and strategically with the theory, practice and needs of the prison system as a whole.
- 2.3 In its short life as an adult prison, Riverbank has made much of fulfilling a unique role. Part of the Inspection Team's objective was to see if the prison had achieved that in practice. To do this, we needed to look first at the blueprint for Riverbank: the 'givens' of infrastructure, the human and operational components, and the expectations on which Riverbank developed its regime.

INFRASTRUCTURE AND AMENITIES

- 2.4 All the buildings at Riverbank, the administration block included, have high windows that prevent staff and prisoners alike from having an 'outlook'. The perimeter wall in the open parts of the prison completes this pattern. Such a physical model reflects criminological theory of the time that downplayed the structural and social aspects of criminality and favoured explanations that focussed on individual pathology instead. A focus that looked outward (towards the community) for causes of and responses to crime, was overlooked in favour of a treatment focus that looked physically and therapeutically inward.
- 2.5 Riverbank re-emerged from its refurbishment with all of the physical features that once defined its life as a treatment oriented juvenile detention centre intact. The facility lives with these constraints, as it must, but inevitably there are varying levels of residual influence on some current areas and programs. With regard to program areas, reflections of the culture and architecture of a by-gone era are best epitomised in the severe and bunker like education centre. The punitive atmosphere of the centre, linked to its 60s thinking and design, was hard to camouflage in the refurbishment, and requires pro-active measures to bring the culture of education into the 2000s.
- 2.6 The prisoners' cells provide another example of 60's thinking and juvenile corrections architecture. Built when personal ownership of electrical and electronic items was not considered, the cells were

¹⁰ Acacia is expected to be operating at full capacity in early 2002, after a slow 'fill' of prisoners during the latter half of 2001.

EXPECTATIONS: THE PROMISE OF RIVERBANK

adequate to sleep in and be contemplative about one's offending behaviour, but not big enough for adults to live in or to share. With double bunking, the small designed capacity – 35 – swelled to 60.

Accommodation

- 2.7 Most prisoners at Riverbank share a cell¹¹. The cells are smaller than most cells in Western Australian prisons and smaller than international standards specify¹². They have no natural airflow and little natural light. The windows do not open, are high and small, and are fitted with opaque glass and security grilles. In practice, they provide no appreciable outlook for prisoners. A number of prisoners, particularly Aboriginal inmates, were disturbed by the absence of outlook, not just from cells, but from any point in the prison. One prisoner even commented that 'Fremantle was better'¹³. Staff, even in the administration block, are in a similar situation.
- 2.8 Many features of the cells are substandard, as the consultant's report at Appendix A specifies. Some of these bear on security (cell doors, window grilles, non-standard fittings), safety/fire risk (overloading of electrical sockets; degraded light fittings), and occupational health and safety standards. At the time of the Inspection, the punishment cell was in a state of disrepair – as a result of damage inflicted by a prisoner. The observation cell, however, was suitably equipped for distressed prisoners, except for the bleak colour scheme¹⁴.
- 2.9 The air-conditioning system, installed in the 1980s, recycles air through corridors and cells that have a toilet and no fresh air ventilation. This contravenes the current Building Code of Australia. As prisoners are permitted to smoke in their cells (with the door closed), a perplexing arrangement that sits uncomfortably with another rule forbidding smoking in any building within Riverbank¹⁵, the air conditioning system also adds to the problem of passive smoking¹⁶.
- 2.10 The air-conditioning system was a source of complaint from prisoners. The system disperses cold air differentially to certain cells, so is often turned off at night. This means that in summer some



Cell

¹¹ See also paragraphs 7.9 and 7.11.

¹² See Appendix A. Footnote 3 also refers.

¹³ The nineteenth century Fremantle Prison was replaced by Casuarina Prison as the primary maximum security prison for Western Australia in 1991. The multi-storied building provided a vista of the urban landscape.

¹⁴ A less depressing colour scheme would make the observation cell more suited to holding psychiatrically disturbed prisoners.

¹⁵ See Riverbank Orientation Booklet, p. 12.

¹⁶ One non-smoker sharing a cell with a smoker said he had been required to sign a document (which the Inspection Team sighted) claiming he had entered into the arrangement voluntarily. While his preference was to share with a fellow non-smoker, he thought he had no real choice in the matter, and did not want to be 'sent back to Casuarina'. By this means, the prison sought to abdicate its responsibility for any health issues thus created.

prisoners' cells are uncomfortably hot and airless. The peer support group complained on a number of occasions that the system was not working and had yet to be seen to.

2.11 The inmates were allowed an array of personal items in their cells. This probably compensates somewhat for the cramped and closed-in design of the cells, while at the same time adding to the problem. Many inmates have personal computers, often acquired through a computer recycling scheme run at Riverbank that also provides recycled computers to the community. Prisoners were allowed up to five electrical items per cell¹⁷ (excluding the television). The Inspection Team saw more than five items plugged in to the single available electrical socket simultaneously, a situation the Inspectorate's consultants noted as an inherent fire risk (see Appendix A). The inherited cell design allowed little room to manoeuvre and encouraged staff to condone unsafe and inadvisable practice.

2.12 In summary, the basic accommodation for prisoners does not meet acceptable Australian Standards.

Workshops, Programs and Recreation Areas

2.13 Riverbank is well served with workshop facilities (woodwork, metalwork/maintenance, and arts and crafts centres), a fitness centre, a multi-purpose hall (formally the gym), an education centre and a library. All of these are located off the courtyard, with the exception of the education centre, which is accessed from the courtyard via an austere passageway; and the workshop, which is sited at the eastern end of the complex, along with the small swimming pool and outdoor recreation area. The education centre has a depressing, bunker-like feel to it. It has an atmosphere of inaccessibility and discipline, and this is unleavened by the light and fresh air that flows from the courtyard area into the woodwork and arts and crafts areas.

2.14 The workshop areas are well equipped for creative work and for teaching skills related to woodwork, metalwork and signage.

2.15 The multi-purpose hall serves as the visits area on weekends, and is used for recreational activities such as boot scooting classes at other times. The prisoners were hosting a 'hoe down' in the hall the day after the Inspection ended, with visitors from outside the prison.

2.16 The fitness centre is well set up with a range of equipment, but it appears to be used regularly by only a handful of prisoners. There were four prisoners using it during recreation time the day we inspected it.

2.17 The pool, like the outdoor recreation area and the maintenance workshop, is situated to the rear of the prison, away from the major avenues of prison activity. The use of the pool had been curtailed in the few weeks preceding our visit, and was no longer made available to prisoners during weekend hours when there was no direct supervision (i.e., during visiting hours). We were told this replicated the arrangements that had applied when Riverbank first re-opened, but no-one could explain adequately the reasons behind these fluctuations in policy and practice. The Inspectorate

¹⁷ See new Riverbank Orientation Booklet, p. 12. This new handbook was not distributed to prisoners at the time of Inspection.

EXPECTATIONS: THE PROMISE OF RIVERBANK

was informed by the Ministry in its formal response to this Report, that ‘pan, tilt and zoom cameras ... monitor this area adequately’. On this basis, it is difficult to reconcile diminished availability of the pool for prisoners with gaps in direct surveillance capacity.

PROGRAM VENUES; CANTEEN; VISITS, VISITOR AND OTHER FACILITIES

Program Venues

2.18 Riverbank hosts a number of programs run periodically by the Ministry. One of these is the intensive, nine month sex offender treatment program (SOTP). A room is made available for the course that is also used as the reception room, the orientation room, and the property room. The mix of uses seems to work in practice, given that there are few new arrivals. Each participant in the SOTP is required to have a single cell for the duration of the course, a situation Riverbank is able, with difficulty, to accommodate¹⁸. Non-core programs contracted by Riverbank are held in the library and education centre.

Canteen

2.19 The prison has no canteen. This is a problem of size and viability, rather than space. The prisoners send through their requests to the canteen at Wooroloo Prison once a week, the orders are filled and returned to Riverbank, and the prisoners collect their goods on Fridays.

Visits and Visitors’ Facilities

2.20 Visitors have access to a well run visitors’ support centre located in one of the residential buildings outside Riverbank’s secure perimeter. This provides not only a support service and crèche, but also toilet facilities that are unavailable to visitors once visits have commenced. The visitors’ centre has been functioning since the prison was recommissioned. Visits take place in the hall on weekend afternoons and public holidays. Some prisoners did not know that visits were scheduled on public holidays. One prisoner who spoke to us had missed booking visitors in on a recent public holiday because, despite asking around, no-one could or would tell him what the regulations stipulated. The relevant information is available in the local orders and should, as a matter of course, be effectively communicated to incoming prisoners¹⁹.

2.21 The outdoor visits venue is not utilised, ostensibly because of difficulties with supervision and security. Non-contact visits are meant to take place in a small room off the hall, which is currently being used as a store and is essentially unavailable for its primary purpose. The officers maintain the need for non-contact visits (and hence the need for a designated room) never arises because of a zero tolerance approach to serious infringements. In these cases prisoners are returned to a

¹⁸ The need for single cell accommodation by SOTP participants places pressure on a system where single cells are at a premium. We discuss this point further in Chapter 6.

¹⁹ In its formal response to this Report, the Ministry pointed out that this information was contained in the new orientation handbook issued to prisoners. The handbook in use at the time makes no mention of visits on public holidays. More information on the accessibility of orientation information can be found at paragraphs 3.32–3.34.

EXPECTATIONS: THE PROMISE OF RIVERBANK

maximum security prison rather than being disciplined by loss of privileges such as the removal of contact visits²⁰. In fact, however, the facility should be available for visits between sex offenders and their children (who may be victims), when non-contact visits have been stipulated.

Other Facilities

- 2.22 There is a dining area and well equipped kitchen that provides freshly prepared meals for Riverbank prisoners twice a day, as well as catering apprenticeship opportunities for prisoners. The small laundry provides employment for three prisoners and a service for Riverbank that the prisoners believe is high quality.
- 2.23 There is a small medical centre, where a nurse and visiting doctor see patients. The limited medical and allied health facilities, and hence the associated resources, presuppose a prisoner population with few needs for psychological services, without chronic or unusual illnesses, and without regular need for allied services such as physiotherapy. This means that prisoners requiring inpatient treatment or observation, and patients with chronic, resource intensive conditions have to be re-located to another prison. Allied health services are mostly accessed outside the prison.
- 2.24 Out-of-cell ablution facilities are adequate and well sited to minimise assaults²¹.
- 2.25 There is no designated chapel, but visiting clergy hold services, only on weekdays, in the library.
- 2.26 The library is centrally situated and open to prisoners throughout the day, seven days a week. It is managed by a member of peer support in conjunction with the officer having portfolio responsibility for the library. Prisoners sign out their own books and the system appears to work well. The room has little natural light but apart from that has a relaxing and inviting atmosphere.

HUMAN RESOURCES

Staff

- 2.27 Riverbank embarked on its new role with officers specially selected for their ‘prison officer knowledge, their interpersonal skills, their capacity to effectively interact with various types of offenders, and their capacity to be innovative’²². Being able to select, train and oversee staff, as Riverbank has sought to do, gives management the edge in helping shape the regime. Staff were selected after a call for expressions of interest and those selected underwent an initial refresher training course during the three months of their initial employment at the prison, prior to its recommissioning. The course included Worksafe matters, safety and security issues, at-risk management procedures and report writing. A half day information session on disability was included.

²⁰ This ‘zero tolerance’ approach skews somewhat the prison’s original rehabilitative purpose. If threats provide an overarching ‘big stick’, privileges and trust become somewhat redundant.

²¹ One prisoner complained that he had been sexually assaulted in the bathroom. The incident had been investigated and ultimately placed in the hands of the police.

²² From the Riverbank information package, no page numbers and undated, but current in 2001.

EXPECTATIONS: THE PROMISE OF RIVERBANK

- 2.28 The prison had 30 approved FTEs (full time-equivalent positions) at the time of the Inspection. This included six senior officers, four first class prison officers, thirteen prison officers, and four industrial officers. Two of the industrial officers entered the prison service from outside the system, via an open selection process, to take up positions in the Riverbank workshops. Riverbank has an unusually generous prisoner to officer ratio of two to one.
- 2.29 The Superintendent is the only formal manager at Riverbank. In other words, Riverbank does not have the assistant superintendent layer of management in place that larger prisons do. The Superintendent position is therefore a key one in terms of providing leadership and direction in the prison. If the position is in doubt, or in any way unstable, this can affect morale and practice within the prison, and negotiating power with the Ministry. The person appointed as Superintendent initially filled the position for a short period, then moved to an Acting Superintendent position at another prison. Since this move, for a period of two years, the position at Riverbank has been filled in an acting capacity. Having Acting Superintendents in charge for so long destabilises a prison and makes it difficult for the incumbent to manage with her/his own formally endowed authority.
- 2.30 At Riverbank, portfolios that in most other prisons are held within a designated management structure, are allocated to uniformed prison officers. Training and oversight are fundamental to these arrangements working well. Again, instability in the leadership will undermine the effectiveness of these arrangements. The roster system for prison officers also impacts on the continuity and quality of service. When an officer responsible for a portfolio is off the roster for long periods the portfolio languishes or is managed in a caretaker capacity.
- 2.31 Staff allocated these responsibilities at Riverbank were not, then or now, given portfolio specific training. The prison attempts to allocate portfolios to officers with some experience or interest in the particular area; however, the Inspection Team was left with the overwhelming impression – from both prison officers’ and prisoners’ responses to the survey as well as from direct discussions – that some of these portfolio areas were floundering. Peer support, recreation and sentence planning/case management are areas we have focussed on in this Report and exemplify these problems. What was originally a good idea – to involve and interest uniformed staff in management activities – has been undermined by a lack of dedicated training, support and direction, and effectively allowed to lapse.
- 2.32 The portfolio responsibilities that place some emphasis on rehabilitation and/or case management, important components of the Riverbank regime, include:
- Constructive day for offenders,
 - Computer recycling project,
 - Recreation,
 - Unit conference coordination,
 - Peer support,
 - Minimum security offenders planning,
 - Offender programs,
 - Men’s group,
 - Offender mentoring,
 - Drama coordination,

EXPECTATIONS: THE PROMISE OF RIVERBANK

- Arts and crafts and computer signage,
- Multi-purpose workshop,
- Workshop mentoring²³.

2.33 Other Riverbank staff and service providers include the nursing sister, a visiting GP, a part-time occupational therapist appointed to help with a special program for intellectually impaired prisoners, visiting Forensic Case Management Team (FCMT) staff members, a senior education officer, part-time tutors, and two administrative staff.

Prisoners

2.34 According to the Riverbank information package, prisoners intended for Riverbank should have a medium security rating, not be an escape risk, have no court appearances pending, and be non-violent and tolerant towards others. Prisoners' 'intellectual levels' and protection needs should be 'considered' - an indication that the prison actively selects intellectually impaired and vulnerable prisoners - and if prisoners are sex offenders, the level of violence of their crimes should be 'low to medium'. The package suggests that a proportion of white collar offenders should be included in the Riverbank population²⁴.

2.35 The Ministry's recent Service Review Report of Riverbank Prison²⁵ states that the 'initial commitment was to have prisoners with disabilities comprise one quarter to one third of the population. The population with disabilities would comprise the vulnerable group, with most of the prisoners coming from protection units at the larger prisons'. Prisoners convicted of white collar crimes were expected to expand the population to 50-60 individuals²⁶.

2.36 In practical terms, these criteria ensure that the resources of a small prison like Riverbank are not spent on managing individual rule breakers or people whose individual needs place a disproportionate drain on the system, but are spent, rather, in a more proactive way on meeting the needs of specified groups²⁷. To contain the cost of providing for special needs groups, however, and to establish a more representative prison community, a proportion of the population should be low-maintenance and if possible of potential assistance within the regime, hence the bias towards the selection of white collar offenders.

2.37 However, when we inspected Riverbank the population had shifted significantly from the prisoner profiles of the original blueprint²⁸.

²³ Taken from Riverbank information package, no page numbers and undated, but current in 2001.

²⁴ From the Riverbank handbook, no page numbers and undated, but current in 2001.

²⁵ The Ministry of Justice completed a service review of Riverbank shortly before the Office of the Inspector of Custodial Services Inspection of the prison. The undated report of the review (*Riverbank Prison Service Review Report*) was released by the Ministry in 2001.

²⁶ Ministry of Justice 2001, *Riverbank Prison Service Review Report*, p. 12, Ministry of Justice, Perth.

²⁷ For example, prisoner escort services are expensive (although these are now contracted out so the issue has less currency for the prison), so if a prisoner has ongoing needs for externally based health services, and the costs of this service are not tempered by economies of scale, it will impact significantly on the running costs of a prison. Similarly, the management of prisoners who present as escape risks or as 'discipline problems' adds to the cost of prisoner management.

²⁸ See particularly paragraph 3.21.

RIVERBANK'S BUDGET

- 2.38 While most prisons submit branch plans, including budget estimates, to the Ministry each year, the final allocation does not seem to bear a close relationship to these budget bids. That relationship is better tracked through the final year expenditures which resemble and even exceed the budget bids by the prisons. This arbitrary system impedes service planning at the local prison level, and may also be inefficient.
- 2.39 The operating budget of Riverbank for the year 1999/2000 was \$1.8 million. Per head of population, Riverbank's allocation appears generous; however, economies of scale do not apply at Riverbank, and the prison is intended to administer designated, resource intensive special programs and services.
- 2.40 As is the case in most prisons, the largest slice of the budget at Riverbank is spent on staff salaries. At 75 per cent of the budget, this figure is significant and one would expect the generous allocation of staff to Riverbank to deliver value for money.

PLANNING REGIMES AND PROGRAMS

- 2.41 There are many aspects to a prison regime that relate to the holistic care and management of prisoners. Some of these are generic (such as security), and not specific to the kind of regime Riverbank has opted to run. We address these issues in context throughout the Report²⁹. This section is more concerned with how Riverbank planned its regime, including programs, to meet the requirements of its particular population. Foremost here is the strategy for managing and rehabilitating prisoners, and the activities and programs made available to prisoners.
- 2.42 Like other prisons, Riverbank offers programs under two operational frameworks. First, there is the daily regime where prisoners are, or should be, engaged in purposeful activity and work. Riverbank calls this the 'constructive day' part of the regime, and it takes in the activities that are run in the workshops and the education centre, the other employment and training opportunities (such as catering apprenticeships), and recreation. It includes under another name (structured day) the daily programs and activities that cater for the needs of intellectually impaired offenders. No special arrangements were made initially for prisoners with intellectual disabilities. It seems to have been assumed that the facilities and programs on general offer would operate flexibly enough to absorb the intellectually impaired prisoners. This situation changed about twelve months ago with the introduction of the structured day concept for intellectually impaired prisoners. Both the structured and the constructive day programs include ad hoc contracted programs that Riverbank provides from time to time.
- 2.43 The second framework includes those programs provided to all prisoners by the Ministry - often in a less than timely way³⁰ - that are linked to release on parole. This includes programs for sex offenders, substance abusers and violent offenders. It also includes the anger management program.

²⁹ Security as a function of hard equipment and physical arrangements is discussed at Appendix A.

³⁰ See Chapter 6 for a full discussion of this issue, as it relates particularly to the SOTP.

EXPECTATIONS: THE PROMISE OF RIVERBANK

- 2.44 Depending on the offence for which the prisoner is serving his sentence, completion of a designated program is often a major criterion for the prisoner gaining parole. In theory, these programs are undertaken at appropriate stages in prisoners' sentences and address their offending behaviours. For a variety of reasons, particular programs do not run at all prisons, so prisoners timetabled to complete a particular program who are not already at a participating prison, will need to be transferred. Riverbank does not run the violent offender treatment program (VOTP), perhaps because, despite its current population, its blueprint does not include violent offenders³¹. Sex offenders are usually considered in the category of violent offenders, but at Riverbank violent offenders and sex offenders are referred to as discrete groups. While this may make it easier to rationalise policies and practices that might otherwise be considered inconsistent, it does not aid the cause of transparency and accountability. Neither does it meet the needs of prisoners required to undertake the violent offender program for parole purposes.
- 2.45 Riverbank does run the intensive sex offender treatment program and a significant proportion of its prisoners are expected to participate in this program³².
- 2.46 The Riverbank regime claims to have a strong case management focus and interactive relationships between prisoners and staff. Providing such a focus exists in practice, it should serve to assist prison management (the notion of dynamic security) and be complementary to the overall rehabilitation focus.

SUMMARY

- 2.47 Riverbank seems to have had a clear intent and purpose by the time it was recommissioned. It started out with what seemed a good fit between its purpose and its initial plans and resources.
- 2.48 Nevertheless, Riverbank also started its refurbished existence with some impedimenta from the past - notably the cells and education centre - which effectively defied attempts to transform them. These areas were left with some potential to detract from the ideal of the blueprint and affect activities associated with them. There was another, less liminal footprint from the past: Riverbank's constructive/structured day contains elements of the therapeutic orientation of the former juvenile institution.
- 2.49 From this initial promise, the Inspection Team looked at what had transpired in the subsequent years.

³¹ There were a number of violent offenders at Riverbank, over and above the sex offenders. These prisoners might still have met the Riverbank entry criteria, however, by meeting the less permeable standard of not being a 'management problem'.

³² See Chapter 6.

Chapter 3

TAKING STOCK - STAFF AND PRISONERS TWO YEARS ON.

- 3.1 This Chapter discusses current staff perspectives on Riverbank, its regime, and prisoners. It looks at what is happening currently compared to the blueprint on staff selection, training and practice. It then goes on to address current prisoner perspectives on a range of matters. We make comparisons, where possible, between staff and prisoner perspectives, and between past promise and current practice.
- 3.2 The information in this Chapter is drawn from, and structured around, the surveys of uniformed staff and prisoners at Riverbank, carried out several weeks before the formal Inspection. Where appropriate, we also refer to relevant supporting information from Ministry documentation and the Inspection. The surveys provided, amongst other things, an important means of taking stock. They told us what Riverbank prisoners and surveyed staff perceived the current issues to be, gave us some insight into gaps or inadequacies in services and where slippage over the years had occurred, and highlighted areas of confusion for either or both groups. They also indicated areas where Riverbank met its expectation.
- 3.3 We do not give an exhaustive coverage of the survey data, but rather deal with those issues which tend to highlight points of agreement between staff and prisoners, and between the blueprint and current practice, and also areas of slippage.

PRISON OFFICERS

- 3.4 In this Chapter, except where we wish to differentiate between the two groups, we refer to prison officers and industrial officers collectively as ‘officers’. Mostly these references are to officers who responded to the questionnaire. Where this is not the case, and we are referring instead to officers generally at Riverbank, it is clear from the context.
- 3.5 All prison officers and industrial officers were issued with the questionnaire and invited to respond. Only eleven officers responded. We do not know how representative this group was of all the officers at Riverbank. We take the respondents’ perspectives as indicative rather than representative.
- 3.6 We found a strong allegiance to Riverbank and the ‘Riverbank ethos’ among those officers who did complete the survey. Eighty per cent of the respondents had been at Riverbank for more than two years; sixty per cent of officers who answered the survey were over 40 years of age; and sixty per cent had worked as prison officers for over ten years. In other words, more than half had had lengthy service in the wider prison system before Riverbank. The industrial officers (uniformed staff whose role is to teach industrial skills, and whose initial training for the uniformed component of the job, compared with career prison officers, is limited) represented an exception to this. Some of them had applied for their industrial officer positions from outside the prison service.

Staff Selection

- 3.7 Seven out of eleven surveyed officers had been at Riverbank since around the time of the prison’s re-commissioning. A general complaint from management, staff and prisoners who spoke to us during the Inspection, was that Riverbank was losing control over staffing. Senior officers and officers seconded out of the prison were now replaced with officers not specially selected for the job but with staff from the Ministry’s general transfer list. Rather than having ongoing access to

‘hand-picked’ staff and hence to people with the requisite ‘talents and interests’, the prison was starting to get ‘just anyone’, including staff who were seen to be resistant to change and unable or unwilling to meet Riverbank’s challenges. Without saying so directly, the officers seemed to be saying that other officers representing a mainstream prison officer culture, were not well suited to Riverbank. Interestingly, both officers and prisoners who were in a position to notice changes, commented negatively on a recent trend towards the (mainstream) status quo at Riverbank.

- 3.8 Some surveyed officers also highlighted staff selection as a concern. With an average of 11 years 9 months service per surveyed Riverbank officer, the group was well qualified to understand first hand the nature and resilience of mainstream prison officer culture. Not a single officer regretted coming to Riverbank, and many compared it favourably to other prison experience. One noted that at Riverbank, unlike at other prisons, he could actually put new knowledge and skills into practice without being subjected to derogatory comments from colleagues. On the other hand, the surveyed officers with less prison service (and hence less exposure to the prison officer culture) were more likely than longer serving officers to consider prisoners and their needs above the interests of prisoner management.

Staff Training

- 3.9 There was a lack of fit between the type of in-service training the officers had actually undertaken in the preceding five years and the blueprint for the population at Riverbank. In fact, the profile of the current population deviated extensively from the blueprint so any mismatch between the actual training and the prisoner ‘targets’ of that training was more complex than this. Riverbank does not, in theory, accommodate difficult-to-manage prisoners, yet the in-service training was predominantly to do with restraints and chemical agent training. While this sort of training is foundational to the custodial role of any prison officer, one would expect it to be complemented with prison-specific training that met the unique demands made of officers in the Riverbank setting, and reflected in the comparatively generous staffing arrangements at the prison. This was not the case.
- 3.10 Most officers had received training at some stage in first aid and CPR, but much of it was out-of-date. This was of particular concern, given that metal and wood working tools and machinery were in use in the prison workshops after the mid-afternoon departure of the nurse from the prison premises.
- 3.11 Four officers had received cognitive skills training³³, two had received case management training, and none said they had been trained in intellectual disability matters. Despite this, almost all the prison officers surveyed thought they had enough information and professional support to fit the Riverbank blueprint and be good case managers. Most of them also thought the case management system at Riverbank was effective in preparing prisoners for release to the community. This compared with the responses of prisoners, who found their case management to be ad hoc, dependent on the particular case manager, and more often than not so low key that they didn’t really know what was going on. Interestingly enough, during the Inspection a couple of officers acknowledged that they were poorly equipped to undertake the case management role, particularly

³³ This training is due to be extended to all officers in the system and is not prison specific.

in relation to sentence planning. This adds weight to the prisoners' views of case management expertise being rather hit and miss.

- 3.12 By contrast with their ideas about case management training, most surveyed officers believed they needed training to work more effectively with prisoners with intellectual disabilities or mental impairment. As a prison that stakes its claims to best practice at least in part on its provision of appropriate services for intellectually impaired prisoners, it is extraordinary that no ongoing inservice training is provided in this area. While the Disability Services Commission (DSC) and the Ministry's own Disabilities Services Unit (DSU) jointly prepared and presented a half day information session to staff when Riverbank first opened, neither training, nor that initial three way liaison (between the prison, the DSU and the DSC) was ongoing. The Inspection Team was informed that discussions were being held with the DSC to prepare some form of training for the future. The DSU and the prison appear to have very little to do with each other, despite some staff at Riverbank maintaining that the DSU had a key role in relation to its programs for the intellectually impaired prisoners.

Desirable Qualities and Skills for Staff

- 3.13 The surveyed officers knew what was expected of them as staff of Riverbank, and what qualities and skills - notably patience, understanding, and an array of interpersonal skills - they thought would make them good at their jobs. In other words, they had an idea of what was needed to enact the Riverbank ethos and live up to its somewhat mythic standards.
- 3.14 No officer regretted coming to Riverbank, and many felt their stay at Riverbank would ultimately enhance their promotional opportunities. Some officers mentioned that it was the opportunities to relate to prisoners in a more meaningful way that gave them job satisfaction at Riverbank. Over 80 per cent of the surveyed officers believed that relations between prisoners and officers were excellent, and we did observe that interactions between prisoners and officers were mostly friendly and polite. Yet the Inspection Team observed very little planned (as opposed to incidental) interaction between officers and prisoners, either formal or informal. In other words, the officers seemed unaware that their brief at Riverbank required considerable proactive and purposeful relationships with prisoners as part of ongoing and effective case management.
- 3.15 The Inspection showed there was some shortfall between how officers saw themselves doing their work and how the regime operated in practice. There was an awareness at the level of rhetoric of how things ought to be, but there were real gaps in the translation into practice of the 'Riverbank ethos'. This is not surprising, given how vague the notion is, and how amenable to individual definition. The responsibility for this shortfall in practice should not be attributed to individuals. It is manifestly about schisms between theory and practice at the institutional level.

Defending and Defining Staff Roles

- 3.16 Riverbank prison officers are no less collegial than their peers elsewhere in enjoying the support and companionship of a good team. This ranked high in the surveyed officers' lists of 'good things' about the prison. The perceived good relationships with prisoners was rated equally highly. In

many cases this was related to personal job satisfaction: good relationships make prison life less stressful, safer and sometimes more rewarding. For a couple of officers it was also about making the regime work better for prisoners. There was a small majority of respondents who felt Riverbank would benefit from having more women officers, either for reasons of principle (equal opportunity), or because it made certain things easier in practice. Officers with less exposure to previous prison officer culture were more inclined towards ‘equal opportunity’ reasons. This confirms yet again the importance of staff selection, education and training, and highlights how the links between theory and practice need to be clearly, and regularly, articulated and reinforced by management.

- 3.17 We asked a question about balancing security and rehabilitative needs in managing prisoners. Most officers thought there was a good balance in practice, and only one officer thought there needed to be more time devoted to case management. The question raised issues for the Inspection Team about boundaries: whether officers blurred the boundaries between their different roles, and what impact this might have on the regime.
- 3.18 We wondered whether the Riverbank ethos, and the ‘relaxed, friendly environment’ so often noted by officers throughout the prison, had obscured how they understood their roles, leading them not only to be less than dynamic in relation to their rehabilitative responsibilities, but also to some poor judgements about custodial matters. The Inspection noted sloppiness in relation to cell searches and medical parades, and apparent inconsistencies in the ‘zero tolerance’ approach to drugs. The Inspection Team also found that records relating to prisoner prosecutions were haphazard and little thought had gone into developing a transparent and secure record system. In this case, the primacy of the Riverbank ethos as a guiding symbol seemed to obscure the boundaries between what was procedural and what was not³⁴.
- 3.19 As we have noted, the Riverbank ‘ethos’ is not particularly well defined in terms of theory linked with practice, and its very fuzziness gives it the capacity to be used inappropriately as a justification for mediocre practice. Again, good staff selection, more appropriate training, and proper ongoing monitoring and guidance would go a long way to addressing these issues.

Staff Perspectives on Entry and Exit Criteria and the ‘Riverbank Ethos’

- 3.20 When asked about the entry criteria for prisoners entering Riverbank, the surveyed officers generally described the prisoner profiles in a way that was consistent with the original blueprint. It was a compliant, non-violent group that they described: vulnerable, intellectually impaired, some white collar. Some of the surveyed officers described prisoner attitudes as a qualifying criterion (should be ‘open to change’), and two saw Riverbank and its ethos as providing an optimum service to vulnerable prisoners (helping build social skills in the right environment).
- 3.21 Over Riverbank’s short life span as an adult prison, the prisoner profile has shifted significantly from the blueprint³⁵. The Ministry’s Service Review of the prison found there were only three prisoners

³⁴ The evidence for the prosecution is kept in a safe that is accessible to any Senior Officer at any time. There appears to have been no thought given to the continuity of evidence, and there was no comprehensive record to enable an assessment of prosecution activity.

³⁵ Paragraphs 1.4, 1.6, 1.22, 2.34, 2.35 and 6.13 refer.

convicted of white collar crimes, while most other prisoners in the population at that time had committed crimes against the person³⁶. They pointed out the rise in the proportion of intellectually impaired prisoners, from the intended one third of the population, to about a half (this would equate to roughly 26 prisoners), 17 of whom were registered with the DSU (the Ministry's service review did not specify the number registered with the DSC). At the time of our visit the number of intellectually impaired prisoners registered with the DSC was 8 (the number registered with the DSU was not provided by the prison), the 'white collar' component was still 3, and of the remainder, only 9 prisoners had committed property crimes rather than offences against people. The current profile then is significantly different from the blueprint, and different from current officers' perceptions of it.

- 3.22 The purpose of Riverbank, which is to do with providing a range of appropriate and specialised custodial services to specified groups of prisoners, has melded for many officers into a confused interpretation of the 'Riverbank ethos'. That officers are confused about Riverbank's purpose and role, especially with regard to its place within the broader prison system, was nowhere clearer than in their responses to a question about exit criteria for prisoners leaving Riverbank. One officer said he did not know what the exit criteria were - understandable in the context. Only three of the other officers referred to a prisoner's progression to minimum security and hence to another prison, as the important criterion for departure. One of these officers commented on the types of pre-release activities a prisoner should engage in before release, that were not available from Riverbank. In other words, these officers saw and evaluated Riverbank as part of a larger correctional system and process that assisted prisoners towards parole and freedom. Four officers saw exit criteria in a more limited way: they mentioned types of behaviours (bullying, assaults, drug use) that would trigger a transfer back to maximum security. In other words, their focus was on management issues and was prison specific. The range of responses reflected the confusion at Riverbank about the prison's role and purpose.
- 3.23 How can the officers' misconceptions and different understandings be explained? The surveyed officers clearly believed in the 'ethos' - it was why they were there at Riverbank. For whatever reason, they wanted to believe in it. Either they had gone to Riverbank for a different experience after working at one of the large prisons, or they really wanted to make a difference. Whether individual explanations lay in either or both of these reasons, believing in the sanctity of the ethos was central to working at Riverbank. By using the rhetoric, they could still maintain that the ethos reflected and informed practice. The blueprint no longer held, but staff at the inwardly focussed Riverbank, were not able to see it.

Staff Perspectives on Prisoner Employment

- 3.24 Surveyed prison officers thought employment opportunities for prisoners at Riverbank were either 'good' or 'excellent'. This assessment was based on the principle that everyone was occupied. Only two officers considered whether Riverbank employment fitted prisoners for work in the community on release. Work was seen as activity, as providing structure to the day, and as being part of some undefined form of therapy. We saw more evidence of this attitude during the Inspection.

³⁶ Ministry of Justice 2001, *Riverbank Prison Service Review Report* p. 12, Ministry of Justice, Perth.

Staff Perspectives on Prisoner Safety

- 3.25 Despite their support of the prison and the policy of ‘no tolerance’ for certain behaviours, the surveyed officers were candid enough to admit that, between prisoners, ‘incidents do occur, sometimes’. It was clear from the Inspection that there was no systemic problem with any of the detrimental behaviours we asked about, from prisoners or staff, and prisoners also generally supported that conclusion. Where there were perceived to be problems between prisoners, four officers made reference to sexual abuse, and insults between prisoners regarding disability, while physical assaults, racist remarks, other verbal abuse or bullying were each mentioned by two officers. The suggestion of a higher incidence of sexual abuse and insults regarding disability is probably not altogether surprising, given the make-up of the prisoner population. We followed up one report from a prisoner about a sexual assault and found that proper procedures had been followed in investigating the complaint. Only one officer suggested that his or her peers ever ‘overstepped the line’ and engaged in verbal abuse or bullying of prisoners. Prisoners’ responses indicated this sort of behaviour occasionally happened, and that it came from one or two particular officers. On the whole, both groups seemed to take pride in relationships between prisoners and officers being, at the very least, respectful.
- 3.26 Officers were not inclined to admit to drugs coming in to the prison. Only one respondent acknowledged that illegal drugs do get in. We wondered how the officers know the prison is clean of drugs. There were few searches, especially of cells and visitors, and according to at least one group of prisoners, too few random drug tests carried out³⁷. The latter is an unconventional view to associate with prisoners and as such invites attention.
- 3.27 The prison’s performance in relation to searches and random drug tests do not necessarily constitute bad practice: the prison has not adopted standards more suited to a maximum security prison, and from this perspective has developed practice that it judges to be more suited to its actual prisoner population. The Ministry’s formal response to this Report emphasised this. However, viewed in the context of the prison’s ‘no tolerance’ policy on drugs (immediate transfer back to maximum security) the prisoners’ responses to current drug testing practices start to make sense. No matter how well or how badly Riverbank meets its correctional aims, for most prisoners it is a place of considerably less stress than the large prisons, especially for sex offenders, as we demonstrate elsewhere in this Report. Prisoners do not want to return to a more stressful environment, although some of the advantage to be gained at Riverbank is mitigated, ironically, by the underlying level of stress generated by the no tolerance/transfer policy.
- 3.28 Prisoners know (and readily say) that from time to time there are drugs in the prison. In fact, shortly before our visit a syringe had turned up in the grounds. It makes some prisoners nervous for their own secure tenure at Riverbank that more effort is not made to ensure the prison is clean. Keeping most drugs out of the prison operates more through veiled threats (of transfer out) than through a system of drug testing that both fits the particular prisoner population and also allows prisoners to demonstrate that they are clean. Many prisoners apparently do not want to be

³⁷ Riverbank tends to target prisoners for drug testing. Some prisoners, including some who were obviously targeted, said they sometimes ‘targeted the wrong ones’.

associated with drug taking: they want to conform and be seen to conform, with the 'no tolerance' policy. At least one group of prisoners advocating for their peers, wanted more rigorous and regular drug testing of prisoners, voluntary drug tests, and more consistency in dealing with those occasional few who did transgress.

PRISONERS

3.29 Of the 53 prisoners in the population at Riverbank, only five did not contribute at all to the survey. A total of 49 questionnaires was distributed, and 48 questionnaires were completed. The Riverbank group of prisoners was older (average age 42.5 years) than the norm for most prisons, and had a lower proportion (10%) than the state prison average (34%) of Aboriginal prisoners. Nearly 70 per cent of the prisoners came from the Perth metropolitan area. Only 15 per cent of the prisoners had been at Riverbank for more than two years; that is, from around the time the prison re-opened.

Just Another Prison?

3.30 Nearly half (44%) of the prisoners did not know why they had been transferred to Riverbank. It suggests they were not fully aware of the entry criteria for Riverbank, and hence were not really privy to or concerned with, the meanings attached by staff to the Riverbank ethos. The remaining 56 per cent of prisoners said they had come to do courses, be near family, because their security status had changed, or for reasons of protection. Two did not know their current security classification. We did not have any prisoner tell us he had come to Riverbank because it provided a better regime for the intellectually impaired. Despite the fact that most prisoners liked the regime at Riverbank compared with other prisons, Riverbank for prisoners was less precious than it was for officers. Ultimately, most prisoners approached Riverbank as just another prison, albeit a more benign one to be in³⁸.

Safety and Interpersonal Relationships

3.31 Almost all prisoners felt safe at Riverbank, either all of the time or most of the time. This view would not surprise officers, who believed that the regime was intolerant of abusive behaviour and that little such behaviour passed undetected. Two prisoners said they never felt safe and did not trust the regime. One prisoner said: 'I feel safe here, but there are some who do not feel safe. They are intimidated, threatened, and stood over by other prisoners.' A few prisoners had concerns about bullying and standovers by other prisoners, and one said two staff members were themselves bullies. Three prisoners had been called names associated with their intellectual disability, by other prisoners; one prisoner said a staff member had called him names. A prisoner noted that occasionally a prisoner with an 'attitude' to sex offenders 'slips through' and tries to make life uncomfortable for them. Generally, sex offenders felt safe at Riverbank, especially compared with other prisons they had been in previously.

³⁸ Some of the 11 SOTP prisoners, however, felt Riverbank had unique and positive advantages for them. We discuss this in Chapter 6.

- 3.32 The general view was that most officers were ‘reasonable’, ‘respectful’ and ‘willing to help out with queries’, and a small number of officers were obstructive or abusive (‘there will always be some bad eggs’; ‘some are OK, but some are arseholes’). A number of prisoners complained that staff were inconsistent and responded differently to different prisoners.
- 3.33 The peer support programs and informal mentoring seemed to play a large part in maintaining vigilance against bullying by prisoners and dealing with it when it occurred. For this and other key roles associated with hard-to-manage prisoners and sensitive issues, the peer support group was given little practical support and assistance from staff. One of a number of examples of matters agreed upon by the peer support team but not actioned by the relevant member of staff, related to training for peer support members. This had been ‘looked into’ by the staff member with portfolio responsibility, meeting after meeting, for over a year, as were a number of other matters of importance to the prisoners. It is hardly surprising that other prisoners who valued the work done by peer support³⁹, nevertheless believed that peer support was not a timely mechanism for registering grievances with the Superintendent.

Orientation

- 3.34 In a prison where the purpose and functioning of the regime has been well theorised and planned, one would expect to find sound orientation processes for new prisoners. This was not the case at Riverbank where ad hoc, largely informal arrangements applied. To put this in context, Riverbank is a small prison (as one prisoner said, ‘It is so simple you don’t need orientation, you can see what is here’), and all prisoners have been transferred in from other prisons. However, as another prisoner said, ‘It’s always nerve-wracking in the first few days [at a new prison]’. Orientation is not just about being told by an officer what is expected of a prisoner (as one respondent assumed), it is also linked to settling in. It is partly about finding the dining room, understanding the daily routine, and learning the rules, but it is also about prisoners being able to make sense of the regime at a personal level, starting to think about how they will manage their stay and preparing to engage in required programs. While peer support seems to play a major role in settling prisoners in, nevertheless there needs to be more regular, structured input from management and some formal control over the process of orientation and the distribution of information. While most prisoners said they wanted above all else to see peer support members, medical staff and personal visitors in the first few days of their arrival at a new prison, a number of prisoners also said it was important to see senior officers, case managers and sentence planners, thus indicating that they wanted to get on with the strategic business of sentence planning as soon as possible. While it may be easy for new prisoners at Riverbank to find the facilities, incoming prisoners’ needs in the first few days are in fact more complicated, extensive, and far reaching than this.
- 3.35 Prisoners who came in en masse, for example for the start of a new SOTP, seemed to benefit from a more formal and comprehensive orientation; but for most prisoners, the information they received was rather hit and miss, both in its content, who delivered it, how, and in what form. We noted an example in paragraph 2.20: one prisoner missed a visit from his family on a public holiday because

³⁹ Accessing peer support was a priority for incoming prisoners.

no-one could tell him in time that public holidays were regular visit days. A copy of the local standing orders⁴⁰, which contain this information, is available in the library. Given the importance of visits to prisoners, it should have been standard, accessible orientation information, and beyond this, any prison officer should have known.

- 3.36 One of the local standing orders (No 2.1) concerns 'Advice to Offenders'. Prisoners are required to be familiar with the contents of this order and copies are apparently available in the library. The reality for most prisoners to access such material, even assuming they have functional English literacy levels (and many at Riverbank do not), is that information like this needs to be appropriately distributed, displayed and explained. We have been told that Riverbank is currently reviewing its orientation book for all incoming prisoners. It is to be hoped that there will be formal procedures to make sure that incoming prisoners with low English literacy and comprehension levels are made familiar with all the necessary information.

Keeping in Touch

- 3.37 Nearly 70 per cent of prisoners at Riverbank came from the metropolitan area and were close enough to family and friends for regular visits to be possible, providing they had access to private transport. For those prisoners not receiving visits, good access to phones and affordable phone calls is a priority. The Arunta phone system is expensive for prisoners to use and, as might be expected, there were complaints from prisoners who relied on the service. Many prisoners, including Aboriginal prisoners, relied heavily on the telephone to keep in touch, especially when family were unable to visit them. As we noted in the first Report from the Inspectorate⁴¹, the contractual arrangements between Telstra and the Ministry are disadvantageous to prisoners. Given the poor reliability of the system and high cost of the service, there is an urgent need to assign a higher priority to reviewing the service than is currently evident. The arrangements were due to be reviewed in December 2000.

Food

- 3.38 Food can be a major issue in a prison if it is of poor quality, and badly prepared and presented. Prisoners generally accorded high praise to the food at Riverbank, which was in the hands of an instructor and two apprentices. As an employer, trainer, and provider of services, the kitchen is an example of good practice. As a provider of healthy food, the kitchen needs to develop better standards.
- 3.39 Prisoners remarked most favourably on the quality, quantity, variety and freshness of the food. A small minority of prisoners felt that despite this, the kitchen failed to meet their health needs, and a number qualified their satisfaction with the food by acknowledging that it had a high fat content. Deep fried foods, including the ubiquitous chips, were popular and the kitchen kept producing them, thus reinforcing demand. Given the number of overweight prisoners at Riverbank, the

⁴⁰ Local Order 2.2 'Staff and Prisoners' refers.

⁴¹ *Report of an Unannounced Inspection of the Induction and Orientation Unit and the Special Handling Unit at Casuarina Prison*, Office of the Inspector of Custodial Services, 2001.

limited opportunities for active recreation, and the current lack of sustained physical recreation opportunities suitable for older prisoners, this was a matter of real concern. The kitchen staff justifiably prides itself on the quality and responsiveness of its service and would undoubtedly be open to more nutritional guidance in the planning and preparation of meals. The kitchen needs to be an active ally in a preventive health care focus for the prison, a matter addressed more fully in Chapter 4.

Timely Access to Programs

- 3.40 A proportion of prisoners was at Riverbank to undertake programs to fulfil release criteria. Eleven were enrolled in the intensive Sex Offender Treatment Program. This program runs at a limited number of maximum and medium security prisons and is offered to prisoners nearing the end of their sentence. Prisoners are expected to have optimal benefit from the program if they are released soon to freedom, where they put their new understandings and skills into practice, rather than being re-socialised into a custodial environment that generally counteracts what has been learned.
- 3.41 Asked about where they were in the progression of their sentences, almost one third of the prisoners believed they had passed their earliest eligibility date for parole. Asked why they thought they were still in prison, most said it was due to system delays in accessing the SOTP. Two said it was because recent policies of Ministerial review ultimately built long delays into the system for some prisoners. The general issue of sex offenders on appeal or who maintain their innocence was also raised by several prisoners. Such prisoners, by virtue of maintaining their innocence, are ineligible for the SOTP⁴², yet attendance at the course is highly valued by the Parole Board in considering these prisoners for release on parole. Unless they are exempted from the program for some reason⁴³ these prisoners might well serve out their entire sentences and then be released into the community without supervision.
- 3.42 These problems are not created by Riverbank. They are system wide problems that amount to prisoners being held in custody beyond the date that might reasonably represent a time for their release. However, Riverbank, like other prisons that run programs that are over-subscribed, has to deal with the repercussions of this system failure. Although Riverbank is a medium security prison, just over one quarter of the population was classified as minimum security. Most of this group was made up of prisoners who have already achieved a minimum security classification but who had been brought to Riverbank to undertake the intensive, live-in SOTP. Their release on parole depended on the completion of the program and many had passed their earliest eligibility date for parole. Other prisoners had particular needs that made it dangerous for them to move to a larger medium or minimum security prison, and effectively kept them at Riverbank. These prisoners currently do not have access to the full range of programs, such as the VOTP, that are associated with release on parole. The implications of this shortfall in services are clear.

⁴² Prisoners must admit their offence as a foundation criterion for program eligibility.

⁴³ The Inspectorate has been told of one rare occasion where an application was made to have a prisoner exempted from the program because of a unique set of individual, physical and cultural circumstances. His application was successful. It raises issues about the generalisability of the course across circumstances and cultures.

- 3.43 While Riverbank cannot improve a system that does not provide timely access to mandatory programs, it nevertheless must address collateral issues affecting its regime. In fitting its regime to the actual clientele, Riverbank needs to address how it manages a significant population of minimum security prisoners, and it needs to consider its function as a release prison.

SUMMARY

- 3.44 This overview looked at the slippage between blueprint and current practice, between the image of the Riverbank blueprint and its manifestation, as prisoners and staff told of their experiences.
- 3.45 The slippage occurred in relation to staffing (selection was no longer in the hands of Riverbank), and practice that relied for its quality and effectiveness on having well trained staff, attuned to Riverbank's needs and modus operandi. There were shortfalls in relation to case management, provision of high quality and informed services for the intellectually impaired, and in pro-active engagements between prisoners and staff.
- 3.46 Riverbank officers experience a significant level of job satisfaction. In the absence of benchmarks and formative guidance, they believed they were doing not only a good job, but the job they were meant to be doing. Imbuing staff with the vague but potent concept of the Riverbank ethos tended to create confusion of role and purpose, rather than clarity. Officers were not aware that the Riverbank ethos, which seemed in a vague sort of way to guide their work, had become a fairly meaningless concept and one whose goal posts were constantly adjusting to encompass whatever was happening at Riverbank. The prisoners were more pragmatic: their concerns were not for enshrining a lofty ethos, but rather for keeping stress levels down and maintaining a status quo that was preferable (for most) than that in other prisons. Others were concerned to keep track of their route to release and do mandated programs on time, a process only marginally in the control of Riverbank. Even so, better sentence planning and case management for prisoners would have been assisted by more staff training and supervision.
- 3.47 The blueprint for Riverbank had a different profile for prisoners than currently applies. This can play havoc with a prison that sets itself in relief from other prisons by gearing a regime to particular groups of prisoners. The changes to the profile of the prisoner group at Riverbank seem to have outstripped Riverbank's capacity to target and meet their needs in a systematic and purposeful way.
- 3.48 The prison was not as client centred as the rhetoric would have us believe. Questions were raised for the Inspectorate by the comments of prisoners and staff about whose needs the prison served, and whether maintaining the rhetoric around the ethos was more important than ensuring comprehensive good practice. From entry and orientation to case management and planned departure, the prisoners' needs were unevenly met. We pick up some of these issues in detail in the chapters that follow.

Chapter 4

PURPOSEFUL SENTENCES

- 4.1 Making sentences purposeful means recognising and enacting the rehabilitative and reparative aims of custody. As a rule of thumb, programs (including education) are potentially rehabilitative; work can be rehabilitative and reparative. The two notions are not mutually exclusive. Rehabilitation is about fitting a prisoner to take his or her place in the community, with a sufficient measure of survival and employment skills, understanding of social responsibility, and insight into his or her condition and behaviour to give the ex-prisoner a reasonable chance of leading a sustainably law abiding life. There is a strong emphasis on rehabilitation at Riverbank.
- 4.2 The notion of reparation – putting offending behaviour in the context of its impact on the community and making good the damage or repaying the cost – supports the acquisition of some of these attributes. For example, the acquisition of social skills within a framework of values about community and individual responsibility taking is clearly compatible with reparative work and programs. If social skills are learned out of context – displaced from a set of values about individual and community responsibilities – they are unlikely to be particularly functional. While an appropriate balance between the cornerstones is ideal, at Riverbank the concept of reparation is largely obscured by other focuses and priorities.

REHABILITATION OR REPARATION?

- 4.3 Apart from the prisoners undertaking the SOTP, the largest groups of prisoners are engaged in some capacity in the workshops (arts and crafts, woodwork and maintenance). Given the costs associated with establishing and running the three workshops and their potential to contribute to the reparative purpose of the prison, they are under-utilised. The maintenance workshop at the time of our Inspection was being used to construct a pair of steel gates for the private purchase of a prison officer at another prison, a practice that is contrary to Ministry of Justice policies, and is in any case a highly questionable use of the facility. Sign-making for other prisons, which takes place in the arts and crafts workshop, seemed to be a protracted and limited process, and certainly was in no sense a production line. For these tasks to be considered reparative they would need to contribute to the public good, either to the prison system as a whole (as a prison farm might supply meat to other prisons) or to the community. The computer recycling program is in fact a cameo example of reparative work undertaken by the prison⁴⁴.



Workshop

⁴⁴ The prison receives obsolete or damaged personal computers which it repairs and rebuilds. It then donates some of these computers to needy individuals in the community, through charitable organisations. Some of the computers are loaned to prisoners who use them in their cells as part of an incentive scheme.

PURPOSEFUL SENTENCES

- 4.4 We concluded that the workshop areas were intended to be less about reparation, and more about rehabilitation, or even therapy: echoes from the former life of the prison as a therapeutically-oriented detention centre. We acknowledge the difficulties associated with ‘gearing up’ Riverbank to perform a truly reparative function: the size and nature of Riverbank’s population make the task far from straightforward. We also note that rehabilitative purposes and practices – firmly grounded in appropriate correctional theory – are both necessary and laudable; however, many Riverbank prisoners have committed serious (including sexual) offences, that have had a profound impact on the community. Reparation is warranted, therefore, whether on the grounds of correctional theory, prisoner intervention, or moral obligation. Given that the essential equipment and materials are to hand and industrial officers are generally motivated and skilled, there should be a parallel focus on reparation.

CONSTRUCTIVE AND STRUCTURED DAY

- 4.5 Employment for prisoners encompassed services for Riverbank (gardening, maintenance, the kitchen and the laundry), arts and crafts (for sale by individuals), signage for other prisons, other workshop activities, woodwork, maintenance at Bandyup prison, participation in Ministry programs (essentially the SOTP), and education. These activities form the core of the prisoner’s constructive day. Riverbank also runs programs from time to time from its own budget and delivered by private providers. We are concerned about quality control issues here, as there did not seem to be in place a formal and professional process for assessing prisoner needs against type of program, or the quality of the service being offered⁴⁵.
- 4.6 The industrial officer in charge of the maintenance workshop at Riverbank was engaged several days a week in doing maintenance work at Bandyup⁴⁶. He was accompanied by two minimum security Riverbank prisoners undertaking Section 94 work. The arrangement was advantageous to Bandyup, but at Riverbank it resulted in the remaining prisoners employed in the maintenance workshop effectively working (and learning) on a part time basis, since this facility was closed in the absence of the instructor. Such arrangements are inappropriate, and undermine the argument put forward by Riverbank management, and that the Inspector supports, that unstable staffing arrangements are deleterious to good management and good practice at the prison.
- 4.7 The constructive day for prisoners assessed with a mental disability or as having some form of deficit that placed them beyond the general reach of mainstream programs, was called a ‘structured’ day, giving a Riverbank twist to the term in general use in the prison system where it is synonymous with ‘constructive’ day. The structured day for these prisoners generally revolved mostly around the education centre, with some participation in other activities on an individual basis. Some structured day prisoners were registered with the DSC, which seemed to furnish a

⁴⁵ Some ad hoc arrangements made in the absence of professional input can have harmful potential. A case in point was the assessment tool introduced by management for officers’ use, as a preliminary test for prisoners suspected of having a mental disability. According to our information, this tool is not accredited and is dismissed within the Ministry.

⁴⁶ The Ministry has indicated subsequently that this officer now attends Bandyup one day a week. The issue of prisoners at Riverbank being left without instruction and without work in the absence of the industrial officer remains unaddressed.

PURPOSEFUL SENTENCES

sufficient condition for being assigned to the program. Other prisoners were included in the program as a result of some kind of internal assessment. At Riverbank we were assured that the Ministry's DSU was a key part of the assessment and decision making process. However, the DSU spokesperson maintained that her input was not sought in practice.

- 4.8 We heard very few complaints, and some praise, about the employment on offer for constructive day prisoners. By contrast, the structured day prisoners were far from happy with the framework developed for them. Although the structured day program was described by the education officer as voluntary, the prisoners we talked to who were involved in the program felt coerced and that they had little real choice but to be part of it. One former structured day prisoner had left the program to take up a preferred employment opportunity that came his way, so there was clearly some voluntariness to the program, for those lucky enough or enterprising enough to find an acceptable alternative. Given that current structured day prisoners felt they had no choices, entry criteria and assessment procedures for the program need to be transparent and professionally based. We saw no evidence that this was the case. Structured day prisoners were tied to daily activities they felt were often boring, sometimes inappropriate or redundant, and at times demeaning.
- 4.9 We were given several versions of what it was that triggered the development of the structured day, about twelve months previously. Whether the emphasis was on providing programs of ultimate benefit to this group of prisoners (the management version), or keeping the group from being a nuisance to staff (the prisoner version), we cannot say – most likely it was a combination of both. However, we were surprised that some sort of special programming for this group had not been put in place right from the start, given Riverbank's commitment to a dedicated intake of such prisoners. The structured day that we saw may have served to keep prisoners busy, albeit in activities that did not for the most part enthuse them, but it did not amount to an appropriate rehabilitative program for this clientele⁴⁷. Where they did feel that the activity was inherently purposeful rather than merely being busy-work, they had low expectations of the outcomes: as one prisoner said, "I've done literacy, and I still can't read".
- 4.10 This is not to say that other aspects of the Riverbank environment were not advantageous to the prisoners with intellectual disabilities, rather that the structured day arrangements did little to enhance and build upon the positive features of the Riverbank environment for these prisoners⁴⁸.
- 4.11 The education centre lacked vitality and a sense of purpose. The structured day prisoners we observed there were either bored and listless, or angry and frustrated. Prisoners who undertook more mainstream educational programs in the centre were not fully occupied and also seemed frustrated. The classrooms were cavernous and relatively empty of voluntary students. Computers were locked in metal roll top cages, adding to the punitive air the education centre conveyed. It

⁴⁷ The categories of activities on the structured day program included craft, cooking, life skills, social skills, men's group, numeracy, literacy and calligraphy. It was not the categories themselves that were the problem, and not even most of the activities within those categories, but rather the way the program was run, and the lack of linkage with participants' real needs and interests. Even well intentioned, educationally sound parts of the overall structured day program, such as the externally provided go-karts course, succumbed over time to the imperative of keeping people busy rather than providing student-friendly routes to learning.

⁴⁸ See Chapter 6.

PURPOSEFUL SENTENCES

appears that most resources linked to the education centre are locked away and are inaccessible to students out of formal hours or in the absence of available staff. If external students can study in their cells, one wonders why internal students cannot also have access to tapes and other resources after hours. We suspect that 'education' was not a popular form of occupation even for those who had a choice. A number of former education students felt that the programs on offer seemed to lack rigour, purpose and direction.

- 4.12 The Ministry has policies about the way computers are used by prisoners for private and educational uses⁴⁹. The guidelines as we understand them seem to be governed by security and cost factors: security because new micro technology makes illicit access to the Internet easier for prisoners to achieve, and cost relating to printing prisoners' documents. We assume systems are secure in the education centre, because they are not connected to the internet, so cost appears to be the main factor at issue here. Using dot matrix printers or non-colour cartridges would largely address these issues, especially when the number of users is small.
- 4.13 Since computers are, or can be if used to advantage, an aid to literacy and written expression, their use should be encouraged in prison education centres. In other educational environments most students of literacy, remedial students, and adult education students would be encouraged to use everyday activities - letter writing to friends and businesses, for example - to practice literacy. This means using a computer for an educational purpose that coincides with a personal purpose and an individual priority. It also coincides with a rehabilitative purpose. This is not innovative: it is simply good practice, and is part of sound educational theory. It makes the process of learning and practising reading and writing relevant and meaningful. It encourages 'education' to be seen as an ongoing activity, rather than a rule bound activity confined to a particular, stentorian site. We were told students were only allowed to use the centre's computers for officially designated tasks, and that they were not allowed to use computer equipment to write personal letters, even when formal work had been completed and the prisoner was otherwise unoccupied. We could see no good reason for this. Riverbank has few students and high levels of boredom. Allowing them to complete tasks that are interesting and important to them might be one way of addressing these problems.
- 4.14 We got the impression that enrolling students in courses that were formally accredited, regardless of the educational level at which they were pitched, was more important than meeting the needs and interests of the individual students. Rather than targeting programs to the needs of individual prisoners, the education centre was more concerned with seeming to meet some formulaic criteria of its own performance, that had little to do with actual performance in relation to its students. For whatever reason, the prison's need to justify its role with numbers (in this case in accredited courses) displaced the essential, prisoner-oriented purpose of the education program. Clearly, there is merit in engaging students in accredited courses when they stand to gain valuable knowledge and skills and a future meal ticket from the exercise, and performance indicators based on numbers of students in accredited courses can be met at the same time. But where the need is for self-esteem building,

⁴⁹ The Ministry has subsequently justified its practices regarding computer use at Riverbank by referring to the potential for damage to computers by prisoners.

PURPOSEFUL SENTENCES

personal empowerment, the acquisition of foundational skills, and the promotion of formal learning, then the needs and interests of the individual should be foremost. If this purpose conflicts with meeting existing performance indicators, then the performance indicators are poorly designed and need to be changed.

- 4.15 The individual needs and interests of students can only be ascertained through empathetic and regular consultation with students, by coordinators and teachers who prepare programs for individuals instead of being over-reliant on pre-prepared modules. As one tutor said, 'There are better learning outcomes when links are made by the teacher to the student's interests and experiences'⁵⁰.
- 4.16 The structured day group clearly suffered from unilateral decision making on their behalf, as a group rather than as individuals. Such practice is educationally counter productive and out-of-date. We cannot comment on all the components of the structured day, and it is clear that some of the activities were enjoyed by some of the prisoners. However, the purpose of the structured day needs to be re-visited, as does the assessment of its clientele; the nature, content and individual relevance of the program; and, the program's delivery⁵¹.
- 4.17 The senior education officer is a teacher, not a member of the custodial staff, but there was evidence in the education centre that the boundaries were blurred. Ironically, separating training from custodial roles did not seem to be a problem for the industrial officers. Moreover, we saw no evidence to suggest the industrial officers confused a custodial function with being punitive. These officers managed well and appropriately, as far as we could see, the two roles that made up their formal function.



Classroom

- 4.18 The education centre needs to develop an education based philosophy and match this with sound practice. While proper standards must be observed, these standards must apply to the delivery of meaningful education to individuals, rather than the delivery of standardised courses to non-standard students. Performance indicators should concentrate on the quality of the output, rather than the

⁵⁰ The issues in the education centre are to do with clarity of purpose and leadership, not about individual tutors whom we did not inspect and assess.

⁵¹ Most of the active teaching involving the education centre at Riverbank is concerned with full or part time structured day prisoners. There are four full time students altogether, one of whom is not on the structured day program. Most of the 'mainstream' part-time students are there to do one or two sessions each week on computers. The senior education officer is the only staff member working in the centre who has qualifications in disability education, and yet this officer is the only education centre staff member who does not formally teach. Even allowing for her administrative work and responsibilities in relation to Riverbank's external students and apprentices, there appears to be little justification for the officer to be in a non-teaching vacuum - even, apparently, when a class is unexpectedly without a tutor. During the Inspection we observed some prisoners from the structured day program returning from the education centre to their accommodation unit for that session, because a tutor had rung in sick.

PURPOSEFUL SENTENCES

uniformity of the input. From what we were told, Riverbank encourages prisoners to enrol in external, TAFE and other accredited courses. This is both positive and desirable. But there are shortfalls and gaps in educational services to students who spend considerable programmed time in the education centre. The centre needs to be attractive to prisoners, in ways that appeal to the senses, and with a promise of energy and creativity. Above all, it needs to offer programs that the prisoners find stimulating, useful and purposeful.

CASE MANAGEMENT

- 4.19 Riverbank initially had optimum conditions to achieve high standards of practice in case management. It had specially selected staff, small numbers of prisoners, prisoners with high needs that added a sense of priority to case management, and a generous staff to prisoner ratio. Most of these conditions still apply, although the number of staff remaining who were part of the specially selected intake is diminishing over time. It was suggested to us that the quality of case management at Riverbank has suffered since the prison ceased purposefully to select its new staff.
- 4.20 The purpose of case management is to help the prisoner manage his sentence as part of his progression towards release. This includes prisoners on indefinite and life sentences, whose eventual release must be anticipated and planned for. Case management is not sentence planning, although all staff are involved in sentence planning to some extent⁵². Although incoming prisoners, because they come from other prisons, already have a sentence plan, these plans need to be reviewed and updated from time to time. Case management represents the officer/prisoner interaction that can, if well done, be pivotal for maximising the chances for sentence plans to achieve correctional outcomes⁵³. It involves staff encouraging contact with the prisoner, and identifying and resolving issues concerning the prisoner as they arise and before they become large problems.
- 4.21 At Riverbank, each officer manages a small caseload of prisoners – usually four to six. The prisoner is allocated a case manager on arrival at the prison. The case manager is expected to complete a report on the prisoner and his anticipated needs, within four weeks of the prisoner's arrival. The officers are generally untrained in the assessment process. A key function of the assessment is to determine how intense the needs of the prisoner are, and on this basis for the case management review team to decide when next it should review the prisoner's case. Case management review meetings are held weekly, and a prisoner may be seen at intervals ranging from one week to a year, depending on his perceived needs.
- 4.22 The case management review meeting at Riverbank is attended by the Superintendent, the case officer (manager), the unit officer (senior officer) and, if possible, the gate senior officer. In addition,

⁵² Some of the larger prisons have dedicated sentence planning teams.

⁵³ Sentence plans are the manifestation of the Ministry's rehabilitation cornerstone. The primary system support for this is case management. This link between the cornerstone – or outcome – and the policy and practices is not well understood by those charged with undertaking it. Parts of the whole tend to be carved off to serve the micro purpose of prisoner management, and hence lose their import in the larger correctional purpose. A sentence plan is also the Ministry's primary framework for guiding decisions about a prisoner's security classification, placement and program participation, and for charting progress in release preparation. A revised sentence planning framework – individual management plans (IMPs) – has been piloted at five prison sites and will be implemented in all prisons over time.

PURPOSEFUL SENTENCES

the senior education officer, the nurse manager and the occupational therapist usually attend. The prisoner whose case is discussed is not present. His interests are represented by the case manager, who gives a verbal report, based on his review of the case and a pre-meeting discussion with the prisoner. The only formal notes that appear on the prisoner's file will be contained in a copy of the minutes from the meeting. The minutes are meant to be placed on the central case management file.

- 4.23 Despite an environment essentially supportive of case management, the reality is that most officers at Riverbank are poorly equipped for the task. Prisoners, some officers, and the Inspection Team confirmed this view. This is not to say that some officers were not particularly helpful to prisoners, or that there were none who were good case managers. We heard examples of officers managing prisoners' cases with good intentions but few skills to put their ideas into practice, and a case where an officer was praised by a prisoner's mother for trying to find her son employment in the community on his release. What is needed, however, is a more uniform, and uniformly good performance. Training, information on available resources, and processes that encourage good practice need to be instigated.
- 4.24 The input of prisoners is not encouraged or greatly valued. Going through the motions of case management, however well intentioned the individual officer might be, is no substitute for the real thing. Protocols about consulting, representing and reporting back to prisoners are loose, and subject to few formal checks and balances. A number of prisoners who spoke about their experiences of case management to the Inspection Team were confused about how the system operated and what its purpose was, and most denied having any input into the process at all.
- 4.25 The Inspection Team undertook a formal check of two prisoners' files, selected on the basis of anticipated high case management review needs. Both cases were complex and involved prisoners with intellectual impairment. In the case of one prisoner, his original sentence plan was on file, as was one case review report, but there were no case management review meeting minutes at all. Neither were these minutes on the central case management file, despite the prisoner's name appearing on the agenda of the case management review meeting from time to time. There were a number of meeting agendas filed for which there were no associated minutes. We had no way of knowing whether the problem was administrative, or whether the meetings had simply not occurred. The file of the second prisoner contained one set of minutes only, that in terms of timing were not associated with the date this prisoner's name appeared on the agenda. Record keeping was haphazard and, in both the cases we put to the test, managed to obscure whatever was happening to each of the prisoners.
- 4.26 The case management review minutes do not reflect the structured, weekly review process outlined by the Superintendent, and the formal claim that Riverbank 'allow[s] the prisoners to 'own' their [case management] plans'⁵⁴ seems self-deceiving in the face of actual processes that distance the prisoners from the process.

⁵⁴ Riverbank document "Riverbank Prison Case Management".

PURPOSEFUL SENTENCES

- 4.27 Case management, like other terms and concepts in use at Riverbank, was not well understood or defined for those meant to practice it and those meant to benefit from it. At Riverbank, case management is less about good practice for meeting correctional outcomes than it is about ‘doing’ case management, for its own prison specific sake.
- 4.28 Many of the prisoners did not really understand the role of the case manager, the bureaucratic arrangements that stemmed from the practice, or the purpose of the job. Perhaps the prison officers did not understand these dimensions either, since there was little evidence that they passed on information explaining the process to the prisoners.
- 4.29 It became clear to the Inspection Team that prisoners were confused about both terminology and processes associated with the management of their cases and sentences. They associated the terms ‘case management’, ‘unit conference’, ‘case conference’ and ‘sentence planning’ with some kind of review, but were not aware of the different purposes and implications associated with each process. This sometimes led to misunderstandings, frustration and anger when the outcome of one of these reviews did not meet the prisoner’s expectations. An example of this involved a prisoner who had, by his definition, ‘been case conferenced’. Since his case conference had not been due, we assume that he had been the subject of a case management review, a process with no formal protocols for feedback to the prisoner. Thinking that the review had been a case conference, the prisoner was indignant that he had not been informed of the outcome and blamed the case manager. The problem was not understood by the case manager, so the outcome was a dialogue at cross purposes between the officer and the prisoner, a perplexed case manager, and a prisoner with an unresolved grievance.
- 4.30 To avoid this kind of confusion and the resentment and stress that can accrue for prisoners, case managers need to be assisted towards having more understanding of their job and a more professional approach to it. The prison management needs to give priority to case management and training to staff, and develop procedures that actually, rather than notionally, include prisoners.

SUMMARY

- 4.31 While rehabilitation is the focus at Riverbank and the motivation underpinning much of the regime, there are shortfalls in practice between what is mooted and what is achieved in that area. There is scope for, and should be, greater balance between rehabilitation and reparation, but the latter is barely functional at Riverbank. Riverbank has the potential, and arguably the resources, to be far more systematic and effective in performing its rehabilitative and reparative responsibilities.
- 4.32 Having scoped the prisoner profile of Riverbank to include a high proportion of intellectually impaired prisoners, the prison has been tardy in addressing their needs and has not fully grasped its responsibility to provide genuinely targeted and educative services to this group. The prison has failed to actively engage the Ministry’s own Disabilities Services Unit in their programming for intellectually impaired prisoners⁵⁵, and has not made the most of its own resources and opportunities to cater productively for this group. Riverbank is fortunate in having sufficient full employment

⁵⁵ The Ministry claims that now there is weekly liaison between the DSU and Riverbank. This was not the case at the time of the Inspection.

PURPOSEFUL SENTENCES

opportunities for prisoners and should capitalise on these opportunities to make the regime more responsive to prisoners' re-socialising needs.

- 4.33 Case management is more a good idea at Riverbank than a well functioning means of helping prisoners deal with their sentences and meeting correctional outcomes. The staff seem willing to be good case managers, and they are motivated by the impetus to do something they think makes a difference. However, they are confused about the purpose and practice of case management, and have little guidance in the form of clearly defined policy, training, and good structures and procedures to guide them. Prisoners are confused about the review procedures that concern them and need more information and guidance to enable them to make sense of, and benefit from, case management. Much more genuine prisoner involvement is needed in the processes which are about and affect prisoners, and for that to happen there need to be shifts in focus from prison needs to prisoner needs. Having a permanently appointed member of staff in the Superintendent's position would take away some of the uncertainty and self-serving focus that is inevitable in such unstable situations.
- 4.34 Record keeping is poor, and again exposes the fractured focus of a prison in a state of flux.

Chapter 5

PRISONER WELLBEING

- 5.1 Feeling safe is fundamental to prisoner wellbeing. It underpins the other components that define responsibilities in relation to care and wellbeing. If prisoners feel safe this is reflected in low levels of bullying and standover tactics, and in positive and regular interactions between staff and prisoners. How power is used – between prisoners, and between prisoners and staff – is an important indicator of safety and wellbeing in a prison. Having purposeful work and activity in a prison is another.
- 5.2 We have discussed these issues in other contexts and merely summarise the main points here for the sake of brevity. We then go on to look at issues relating to care and wellbeing that have not been dealt with in the body of the Report so far: medical and allied health services, the detection and management of disturbed and at-risk prisoners, arrangements for prisoners’ access to family, the peer support service, canteen and recreation.

PRISONER SAFETY AND DISTRIBUTION OF POWER

- 5.3 The issue of prisoner safety and the distribution of power has been discussed in Chapter 3. Prisoners felt safe overall, and felt that in general, staff acted swiftly to curtail violence, standovers, the use of drugs, and name calling of sex offenders. However, we were told by a number of prisoners that a few prisoners were accorded latitude by some officers, that a few officers were inconsistent in their treatment of prisoners, and that some prisoners needed to ‘watch their backs’ because of intimidation and insults from other prisoners. This suggests that the prison is generally a safe and relatively non-stressful place to be, but that power is sometimes misused in the prison, leading to some abuse. We can infer from the reports of abuse that misuse of power is hierarchically interdependent. In other words, if there is an abuse of power at a particular level, it will be reflected in other levels in the system. In relation to Riverbank, a system of management has developed that allows considerable slippage between stated policy and actual practice. Unfocussed management helps establish an environment with boundaries that are overly flexible and where power can be misused. This helps create an environment where rule breakers on either side of the staff/prisoner divide can operate without much fear of coming to formal notice or being sanctioned.

MEDICAL AND ALLIED HEALTH SERVICES

Medical Services

- 5.4 The quality of the staff is a major factor in prison health services being valued and accessed by the full range of prisoners who need the service. At Riverbank there is one nurse position shared by two individuals. The nurse leaves the premises by 2.30 p.m. on week days and at 11.30 a.m. on weekends. She deals mainly with minor medical matters, administration and general health matters, and is valued by prisoners and staff. The nurse also takes calls from officers after hours, presumably when officers are not sure whether the doctor should be notified. From the nurse’s point of view, the doctor on call system works well.
- 5.5 Formal referrals to the doctor were made by the nurse, but sometimes requests for referrals were channelled to her through prison officers and the occupational therapist. In effect, this allowed prisoners scope to approach the doctor through someone they felt comfortable with, an important

entry criterion to the medical system. We did not receive any complaints from prisoners about the basic medical service. A number of prisoners suggested it was better and more accessible than services in the bigger prisons.

- 5.6 A prison psychiatrist attends occasionally or on request. There were a number of issues raised and criticisms of the psychiatric service made by a range of interested parties, on their own and others' behalf. It is a service where prisoners with a direct interest in it often have little capacity, for one reason or another, to articulate their experiences. However, some advocates and prisoners expressed the belief that the service often did not meet the prisoners' needs, and that there were specific issues relating to the service that should be addressed.
- 5.7 Because the medical presence at Riverbank does not operate round the clock, prison officers are involved in dispensing pre-prepared (in sealed dosette boxes) medication each evening. This practice of dispensing medication in dosette boxes is being reviewed by other health-related organisations who have non-medical staff dispensing medication after hours. The practice relies on tight processes and adequate monitoring to work without mistakes.
- 5.8 The medication parade was conducted in an overly casual manner. At the evening parade, no attempt was made to observe prisoners swallow their medication, or to check it had indeed been consumed. Prisoners generally are a relatively heavily medicated population⁵⁶. Because of this, there will always be some trade in prescription drugs. Procedures must be in place and adhered to, to ensure that prisoners are not concealing drugs for secondary use.
- 5.9 Prisoners' personal medical files were well kept and comprehensive.

Forensic Case Management Team

- 5.10 The Ministry's Forensic Case Management Team (FCMT) has a central role within the prison system as a whole to manage prisoners at risk of self-harm, including suicide. Team members (forensic case managers) include psychologists, social workers, occupational therapists, prisoner support officers, and at times, mental health nurses. In any given prison, a prisoner risk assessment group (PRAG) is formed to ensure that the Ministry's at-risk management system (ARMS) is in place and operational. The FCMT is represented on the prisoner risk assessment group. At Riverbank, the at-risk management system had been utilised for seven prisoners over the preceding twelve months. This is a relatively low level of intervention.
- 5.11 Access to psychological help at the prison is minimal, and the need appears to be greater than the service provided through the FCMT allows. A member of the FCMT who is not formally qualified to undertake psychological work and counselling, and whose role in the prison is organisationally tied to the structured day arrangements for the intellectually impaired prisoners, has been doing her

⁵⁶ Two thirds of the prisoners at Riverbank are on medication, mostly for physical health problems (such as arthritis, high blood pressure, high cholesterol, and other post middle age ailments), which possibly reflects the aging population there. One fifth of the population was on anti-depressants, and four prisoners were on anti-psychotics. No schedule eight drugs were prescribed, and benzo-diazepines and codeine-based drugs were not supplied at this time. Since these drugs are potentially addictive, their absence contributes to a more positive environment at Riverbank.

best in this role. However, this is a dangerous precedent and more provision for ongoing counselling by qualified people needs to be made. While the FCMT members' central role and concern relates to prisoners designated as being at risk, the provision of services should extend to others with needs for psychological intervention and counselling. If intervention is contingent on a person's at-risk status, those whose psychological conditions are not yet urgent, but nevertheless impact on their state of mind and functioning, will not qualify for attention or even be noticed. They should not have to slip into the at-risk category through lack of timely intervention, before they come to attention.

- 5.12 Although we saw little evidence of regular or ongoing counselling, we were told by a senior FCMT member that it did happen at Riverbank, undertaken by the psychologist as well as the occupational therapist, and that records of these sessions were kept on the prisoner's medical file. Although a particular case was referred to, we found no such records in this case. What did exist was an informal record, in an exercise book kept at the clinic. It contained the name of each prisoner, the date of the session, the first name of the provider, and some brief details. Informal records are unacceptable and inadequate, and are vulnerable to misuse. The informal counselling arrangements appear to have arisen in an attempt to address an unmet need at the prison. The whole area of counselling for preventive psychological health reasons needs to be addressed.

Allied Health Services

- 5.13 Allied health services, such as dentistry, physiotherapy and podiatry, are available off-site. This always presents a problem for a prison as it requires prisoners to be transported out of the prison. It presented as an immediate and growing problem for prisoners also, as they did not like travelling in the escort vehicles used by the private contractor. We were told by several prisoners that they would rather do without the service than travel in the vehicles currently being used. Inspectorate staff hear such comments repeatedly in their inspection work.
- 5.14 With an aging population, Riverbank has a need for a variety of allied health services, such as physiotherapy, that according to the prisoners, it is unable to meet adequately. In the long term, preventive programs involving appropriate stretching and strengthening exercises for the kinds of conditions applying to older patients, should be introduced.

Preventive Health Care

- 5.15 Prisoners live in cluttered, under-sized cells, many double-bunked. They have virtually no privacy and are exposed to passive smoking in these cells. Opportunities for physical recreation are limited and spasmodic, and not consistently encouraged, and prisoners are not stimulated by the environment to make individual efforts in this direction. It is quite evident from the number of overweight prisoners at Riverbank that the attractive, high quality, but also high fat meals cooked for prisoners are being consumed in generous quantities.
- 5.16 The Ministry regularly runs information-based preventive health programs for prisoners (for example on blood borne diseases), but there is little prison-generated activity, especially to prevent

premature physical deterioration and especially geared to older prisoners. Preventive health care should be a focus at Riverbank, and should be a portfolio responsibility undertaken with advice and input from the nurse.

VISITS

- 5.17 The prison was not a convenient one to visit in terms of access to public transport. It is on the outer edges of the Perth metropolitan area and has no public transport access. Some visitors relied on lifts from other visitors, but none we spoke to raised transport as an insurmountable problem. As the Inspection Team spoke only to those visitors who had made the journey to the prison, it is not possible to say whether the lack of public transport was a significant hindrance for others. The Inspection Team also spoke to prisoners about visiting arrangements.
- 5.18 The visitors' centre was run by Kindred, a non-government organisation contracted to the Ministry to provide support services to prison visitors. It is an important role, particularly at a prison like Riverbank where family support for disabled prisoners is essential for resettlement. The service runs in one of two former residential buildings at the front of the Riverbank complex. While the building has not undergone a major refurbishment and is not physically as comfortable as it might be, the service nevertheless runs smoothly, serves the clients' needs well, and was praised by both prisoners and their visitors. In providing a service that is clearly articulated and client focussed, Kindred seems to have transcended the limitations of the building and the budget and provided the kind of service visitors need. It stands as something of a role model for other programs at Riverbank.
- 5.19 While Kindred was referred to by visitors and prisoners alike with unmitigated praise, there was an equal mix of praise and concern about the way prison staff conducted the visits. One visitor noted with appreciation the efforts of one officer to secure her a private visit with her son, because she had distressing news to impart. On the other hand there were complaints about incidents where sensitivity was lacking.
- 5.20 Other problems were identified with the booking arrangements for visits. In placing the onus to book visits on prisoners rather than visitors, it meant that visitors did not initiate visits. A prisoner generally telephones his expected visitor and arranges a date and time for the visit. This arrangement can work well, as long as prisoners are in touch with their visitors, can afford the call, and the anticipated visitor has a phone. It does not necessarily work when circumstances are not optimal, and prisoners with country visitors can be especially disadvantaged by the system. Country calls are very expensive on the Arunta prison phone system and country visitors cannot always predict when they might be visiting the city. Prisoners complained that when relatives made a spontaneous trip to the city there was no way of organising and fast tracking arrangements for them to visit. In fact, the prison can make allowances for this kind of unscheduled, visitor-initiated visit, but neither the prisoners nor their visitors knew this. As with other fundamental information to do with prisoner wellbeing, this information should be made clearly available to prisoners in written and spoken form at orientation.

THE ABORIGINAL VISITORS SCHEME

5.21 The Aboriginal Visitors from the Scheme did not feel welcome at the prison, and were not encouraged to make 'open' visits to the prison, such that they could sit in the central courtyard and simply be available to prisoners⁵⁷. As arrangements stood, they were only encouraged to enter the prison compound if there were formal requests for the service. Not surprisingly, given the limitations placed on the way the Aboriginal Visitors could carry out their work in the prison, the Aboriginal prisoners themselves seemed somewhat unattuned to the role, value and presence in the prison of the Aboriginal Visitors Scheme (AVS). Like peer support, the AVS should be encouraged and supported by the prison as an important preventive service⁵⁸.

PEER SUPPORT

5.22 The peer support group at Riverbank is run by prisoners, and has five members elected by the prisoners. A member of staff has portfolio responsibility for peer support and attends the formal meetings of the group. Sometimes these are difficult to organise and maintain, as shift and holiday arrangements erode possible meeting times when the staff member is available, and the officer's other interests on the day sometimes interfere with the smooth course of the meeting. At Riverbank, peer support members are involved with a range of activities to do with prisoner wellbeing: orientation of new prisoners, mediation in disputes involving prisoners, mentoring, looking out for and supporting distressed or depressed prisoners, and assistance and guidance to prisoners on employment and related issues⁵⁹. The list in some ways mirrors the tasks and roles that might be expected of Riverbank prison officers.

5.23 Establishing and running an effective peer support group is a feat that is clearly considered to be, and is, meritorious. It is not exactly innovative - other prisons do it - but it is the kind of activity that fits comfortably with the notion of the Riverbank ethos. Unlike other prisons, Riverbank does not employ a prisoner support officer to co-ordinate the scheme. The prison has done well to get the peer support group established and running enthusiastically - so far. However, there are clearly problems with the support arrangements through the responsible officer, and the work the peer support members do is clearly undervalued and not formally affirmed. The other prisoners value peer support, for their role with new arrivals and their support for prisoners in distress or in conflict, but when a matter requires the intervention of management they know that the peer support process fails. The story of peer support at Riverbank is one where members are very conscientious about their responsibilities to fellow prisoners, but where management repeatedly fails

⁵⁷ The Ministry formally responded to this observation by citing its directive to members of the Aboriginal Visitors Scheme that that they were only to interview prisoners who had requested to be seen, or whom the AVS particularly wished to follow up. Given the origins and aims of the AVS, the Inspectorate does not consider this to be an appropriate directive.

⁵⁸ The Official Visitors Scheme was not addressed as a specific item in the Inspection. However, from the records the service seems to have little impact at Riverbank (3 visits to the prison between March 2000, and March 2001).

⁵⁹ 'Peer Support Team - Structure and Function' Riverbank Prison document, undated.

PRISONER WELLBEING

to engage in follow-up or take the group's issues seriously⁶⁰. The Inspection Team wonders how much longer peer support will continue to do good work when the formal arrangements for the scheme are at best inadequate and at worst obstructive to their work.

- 5.24 What is now happening with peer support, however, is a common story at Riverbank. A good idea has been brought to fruition but has lost or shifted its essential purpose along the way. Good innovations are based on sound philosophies, have clearly articulated aims that are relevant to the clients of the program, personnel who know what they are doing and why, and structures that enable rather than stifle the flow of information. If peer support once had the philosophy and aims, these were not developed within a sustainable framework. Peer support is now valued for the strategic and public relations mileage it offers⁶¹, rather than for the job it does in the care and wellbeing of prisoners.

CANTEEN

- 5.25 Riverbank does not have its own canteen. Prisoners make a list of what they want to buy with their 'spends', and the order is filled and trucked in on a weekly basis from the canteen at Wooroloo Prison. For the most part, the system seems to work reasonably well, although the arrangements for the purchase of soft drinks are an exception.
- 5.26 Riverbank prisoners are not allowed to purchase cool drinks from the Wooroloo canteen. We were told this was because of a lack of refrigeration facilities for prisoners' personal use at Riverbank. Instead, Riverbank prisoners purchase their cool drinks from a dispensing machine. There were some complaints about the cost and variety of cool drinks made available, although there appears recently to have been a partial resolution to the problem.
- 5.27 The contract for supplying and managing the vending machine is with a prison officer, an arrangement we consider is very imprudent, and which the prisoners resent⁶². The prisoners use tokens (halfpennies) to make their purchases, which are often in short supply and must be obtained from the unit office.

RECREATION

- 5.28 Although there is a recreation portfolio allocated to an officer, in fact there is a very small budget for recreation (\$5,000 per annum), and a prisoner is responsible for organising activities within this stringent scope. The recreation needs of the prison are not well served. We see some indication of

⁶⁰ It came to our attention some time after the Inspection that peer support had placed a request through the officer with portfolio responsibility for peer support, for the group to meet with the Inspection Team. The Inspectorate is unimpressed that the request was not passed on to the Inspection team, and notes this as further evidence of the cynical treatment accorded peer support. A meeting between the Inspectorate's Riverbank liaison officer and the peer support group will take place in the near future.

⁶¹ While the real business of peer support has been vastly under-supported by Riverbank, the group's potential to generate numeric records has been put to use by the Superintendent, who asked the peer support prisoners to maintain 'statistics' on the nature and extent of their prisoner contacts.

⁶² The Ministry claimed in its formal response to this Report that this issue has now been addressed; however, we have learned subsequently that Bandyup Prison has entered into a contract on the same basis.

PRISONER WELLBEING

this in the numbers of overweight prisoners, and prisoners spending recreation time in their cells. While we were there a few prisoners used the pool or did laps of the outdoor recreation space, while two prisoners played mini-golf in the central courtyard. On the Sunday of the Inspection a brief darts competition was held by the prisoners.

- 5.29 The bootscooting classes are an example of active recreational activity enjoyed by the small contingent of prisoners who enrolled, and a better funded, better organised recreation portfolio should see more consistent opportunities for a greater range of such activities, including those more suited to older prisoners. Recreation needs to be taken seriously, and the portfolio cranked into action.
- 5.30 We consider that prisoner recreation should be a responsibility of the industrial officer for arts and crafts, and that there should be an additional, realistic budget associated with the portfolio.

SUMMARY AND COMMENTS

- 5.31 Prisoners mostly felt safe at Riverbank but the key practices at Riverbank which help prisoners to be safe (principally the pattern of selecting comparatively non-threatening prisoners, and the ethic of staff not tolerating disrespectful or bullying behaviour) were under threat, because of changes over time. Riverbank, like other prisons, needs to be able to select officers whose qualities and skills meet the particular needs of the prison. The prison also needs to develop more rigorous policies and practices to ensure adherence to the standards it sets itself.
- 5.32 Medical and health services need to be addressed in relation to psychiatric and psychological services, and in relation to preventive health. The transport of prisoners to external providers has the potential to become a significant issue for Riverbank, with an ageing and medically less resilient population requiring services unavailable on site and a co-existing disinclination by prisoners to endure the current transport arrangements.
- 5.33 The booking system for visits needs to be flexible to allow for unexpected visitors from the country and those who are not able to be in regular phone contact with prisoners. Prisoners should be informed that these allowances exist. Information should be made available in local orders, in orientation information, and to Kindred. There should be regular monitoring of the prison's staffing arrangements for weekend visits. Kindred provides an exemplary service.
- 5.34 Peer support is an invaluable service to the prisoners and staff of the prison. Members need to be trained, affirmed, and to know that grievances they bring on behalf of the prisoners will be taken seriously. While there may be many reasons for the inertia that seems to define the peer support portfolio, it is nevertheless unacceptable. If officers have portfolio responsibilities they need to be given the support and means to carry them out. As is the case with the prisoner recreation portfolio, the peer support portfolio responsibilities need to be redefined and the position made accountable. A realistic budget should be provided.
- 5.35 The contract regarding the cool drink machine should be re-considered, and prisoners consulted on how they would prefer to handle the purchase of soft drinks. A unified preventive health focus within the prison is needed and consistent comprehensive preventive health information provided.

Chapter 6

SPECIAL NEEDS IN FOCUS.

- 6.1 Three groups stand out at Riverbank as deserving of special coverage: those with an intellectual impairment, sex offenders on the SOTP, and prisoners on life or indefinite sentences. All of these groups can be found at other prisons, but at Riverbank it was a policy decision to include a concentration of prisoners in the first two groups. This policy decision comes with an added responsibility for the prison to shape its regime to provide some focussed services to these groups. Because of this it is not possible to discuss the regime at Riverbank without an in-depth look at these two 'special' groups.
- 6.2 We have discussed aspects of the structured day program for intellectually impaired prisoners in Chapter 4. In this Chapter we look at issues to do with accountability: assessment procedures in relation to the program, and monitoring and evaluation. We then look at overarching structures and arrangements for providing services at Riverbank to intellectually impaired or vulnerable prisoners, and discuss the efficacy for this group of prisoners of the particular Riverbank environment.
- 6.3 In discussing the prisoners on the SOTP we raise issues about the environment and programming that are specific to Riverbank, and make some general observations about the SOTP that concern all prisoners (and prisons) connected to the course.
- 6.4 The small group of prisoners on indefinite sentences are a relatively faceless group. Riverbank does not have a particular brief with regard to these prisoners, and they can be as 'lost' in the system there as they tend to be elsewhere in the system. The issue at Riverbank, is that with a case management approach and high staff-prisoner ratios, there are opportunities for this group of prisoners to be better informed and better served in relation to their cases.

INTELLECTUAL DISABILITY

- 6.5 Prisoners who have previously been registered with the Western Australian Disability Services Commission, either while in the community or through earlier assessment within the prison system, are eligible for some support services, both in prison and on discharge to the community. To facilitate this the Ministry established its own liaison unit – the Disability Services Unit – to enhance its links with the DSC and improve access to the service. The DSU was established in 1996. Its links to the DSC are through that agency's Justice Coordinator. This was the combination that developed and presented a half day introductory workshop to new staff at Riverbank, when the prison re-opened in 1998⁶³.
- 6.6 With Riverbank's brief to accommodate over-representative numbers of disabled prisoners, it might have been expected that an active and strategic partnership between the DSC, the DSU and Riverbank management would have continued. This appears not to have been the case. Without this kind of client focussed liaison a comprehensive service in the best interests of the prisoners has less chance of being provided. At Riverbank the links appear to be spasmodic and event driven (for

⁶³ See Chapter 3.

SPECIAL NEEDS IN FOCUS.

example, the need to access DSC services for a particular prisoner soon to be released), and with the DSC rather than the DSU. Perhaps this is not surprising, given the financial and practical help the DSC is able to provide in preparing registered prisoners for an appropriate discharge into the community. Support arrangements are vital for the prisoner to make a successful transition from prison to the community.

- 6.7 The fact that Riverbank was not intended to be a release prison, but has gradually assumed this role in relation to some prisoners, makes the DSC an important resource for the prison to tap into. The group that risks being somewhat disadvantaged in these ad hoc arrangements, however, is the group who would be classified as having a 'borderline intellectual capacity', just above the cut-off point for registration with the DSC. While being ineligible for DSC registration and resources, members of this group (in any prison) may well be registered with the Ministry's DSU. This would give them access to a limited set of resources. At Riverbank, this includes the two edged sword of participating in the structured day program, which receives funding from the DSU. Effectively, this group is classified for prison purposes as intellectually impaired, but the classification does not come with the same comprehensive package of support arrangements that the DSC offers its clients.
- 6.8 It is unfortunate that the major vehicle through which the DSU supports prisoners on its books - the structured day - is seen by the prisoners as being more punitive than helpful. However, there is an overall net benefit for intellectually impaired prisoners (DSC and DSU registered) doing their time at Riverbank, despite the structured day, that has to do with Riverbank as an environment. Riverbank has a contained, mostly non-aggressive population, a culture of interpersonal relationships that is mostly respectful, and a number of officers whose personal work ethic in practice lives up to the Riverbank ethos. The prison also has employment opportunities, workshops and associated staff that are beneficial to this group of prisoners. If the prison operated to its full potential, its capacity to assist vulnerable prisoners with an intellectual disability or impairment would be substantial. As it was, the Inspection Team noted two such prisoners who, because of the environment and through their access to the Riverbank workshops and the Ministry's modified SOTP, had gained in self-esteem and improved their social skills during the course of their time at Riverbank. The benefits deriving from the Riverbank experience would have been unlikely in a mainstream prison environment. Gains such as these improve a prisoner's chances of managing in the community post-release.
- 6.9 We were concerned that the Ministry's own liaison unit was not more involved at Riverbank, to ensure a relatively seamless, client centred approach to the entire group of prisoners designated intellectually impaired, and to ensure that prisoners were professionally assessed. We have already noted that, despite assertions from the prison to the contrary, the DSU appeared to have no practical input into the process for placing prisoners on the structured day program. If Riverbank is to continue to have a primary role with intellectually impaired prisoners, consideration should be given to re-locating the manager of the DSU to Riverbank and extending the role to include the officer in the prison's management team.
- 6.10 Assessing and classifying prisoners for a specially resourced program is a professional task. There should be clear, professional and transparent lines of responsibility and accountability in this regard.

SPECIAL NEEDS IN FOCUS.

This was not the case at the time of our Inspection. We could not ascertain the basis for prisoners' entry into the structured day program, or who, apart from the DSC, was responsible for classifying a prisoner as fitting the entry criteria, whatever they might be. Some prisoners not registered with the DSC disputed their classification. They pointed to people on the program with severe intellectual impairment and wondered how they came to be similarly grouped. Some prisoners felt they were in the group because of perceived social or other skills deficits, a perception of themselves they did not necessarily share. In any case they felt, and were, labelled, and because of the label they stood out in the prison population. This embarrassed them at times and made them feel resentful.

- 6.11 The Inspection Team was also concerned about the integrity of the structured day program and the apparent lack of monitoring and evaluation. In light of the participants' resentment of the program, there needs to be some objective scrutiny of the intervention itself, as well as more professional assessment procedures for entry into a specialised program. The resources available to the DSU are limited: the Unit should support programs it can identify as good practice, and which are of unarguable benefit to the prisoner.
- 6.12 Given the limitations imposed on the DSU by its small size (two professional FTEs and five mentors who work on an 'as needs' basis), the prison should be more pro-active about seeking assistance from the Unit. We were informed that the only recent contact from the prison to the DSU had been when the prison sought documentation requested by the Inspectorate prior to the Inspection⁶⁴.
- 6.13 In terms of numbers, Riverbank has a shifting population of intellectually impaired prisoners. Apart from the Ministry's initial projection of one quarter to one third of the prison's population being made up of prisoners with disabilities⁶⁵, there seem to be no consistent target numbers established for the prison population. The population of intellectually impaired prisoners had diminished considerably since the Ministry's service review team had been in the prison some four months earlier. We understand that a number of this group left the prison on parole. The questions raised by this population shift are whether and how another group of intellectually impaired or otherwise disabled prisoners would eventually replace the group that had left. At the time of the Inspection the gap had clearly been filled by non-impaired prisoners. No-one could tell us how the prison 'recruited' intellectually impaired prisoners, or indeed on what basis the designation was applied. We could not discover why only 17 of the 25 prisoners designated at the time of the service review as having an intellectual impairment were registered with the DSU. With such arbitrary target numbers and fluid criteria for the 'impaired' designation, one can begin to understand, if not sanction, the prison's current resort to reactive programs that keep prisoners busy.
- 6.14 The Inspection Team was concerned about the Riverbank ethos and whether or not it blurred the boundaries for staff when dealing with this vulnerable group of prisoners. The Ministry's service review team stated that 'there was a declared ethos in the prison of treating everyone the same'⁶⁶.

⁶⁴ See also paragraph 4.32 and the corresponding footnote.

⁶⁵ 'Riverbank Prison Service Review Report', 2001, Ministry of Justice, Perth. p. 12.

⁶⁶ 'Riverbank Prison Service Review Report', 2001, Ministry of Justice, Perth. p. 9.

SPECIAL NEEDS IN FOCUS.

The Ministry team concluded this did not place the intellectually impaired prisoners at a disadvantage, but our Inspection Team was less sanguine about reaching such a conclusion.

- 6.15 The structured day group was not treated equally: their label ensured that they had less choice about their employment and they suffered in bearing a label no-one else had. Some prisoners maintained that certain members of the structured day group ‘got away with things other prisoners would have been transferred out for’ (treating unequals individually), and that one or two members of this group were at times subjected to being wound up and unfairly or harshly disciplined (treating unequals as if they were equal).
- 6.16 It came to our attention that one intellectually impaired prisoner had been held in isolation in the special purpose cell over an entire weekend. The prisoner had refused to attend a particular session in the structured day program, because he wanted to stay where he was in the workshop. The behaviour associated with his refusal escalated when officers attempted to enforce his attendance, and there were alleged assaults on two officers while they attempted to subdue the prisoner. The prisoner was eventually placed in the special purpose cell for three days under Section 36 of the Prisons Act, until the Superintendent returned to duty. The severity of the sanction was clearly excessive in the circumstances⁶⁷, and the incident raises questions as to the duty of care in relation to this group of prisoners. Beyond this, however, the incident also exposes the tension in the system around prisoners’ rejection of much of the structured day program, the officers’ role in having to deal with the consequences of that, and their lack of training in handling such highly charged situations in the context of intellectual impairment.
- 6.17 Clearly, there is a careful path to tread in creating, working in and maintaining a culture which acknowledges the reality of difference. This is especially the case in a prison setting where jealousies can occur when ‘special treatment’ is perceived. Most of the prison officers and most of the prisoners clearly understood the need for special treatment for disabled prisoners, despite the self-serving appeal of ‘treating everyone the same’. In the everyday regime, the intellectually impaired prisoners were well supported by officers and fellow prisoners, most of the time. It is commendable that the prison has achieved a culture of acceptance and support. However, the match between declared ethos, policy and practice needs to be formally adopted and maintained, and reflected in proper, transparent policies and procedures. Priority should be given to more professional development in the area of disability, in line with the expressed needs and desires of the officers.
- 6.18 The prison needs to face and deal with the fact that some intellectually impaired prisoners are in a particularly vulnerable position at Riverbank, with the population all ‘mainstreamed’ and including a high proportion of sex offenders. Formal recognition of the situation might not prevent isolated occurrences of assault, including sexual assault, but in recognising that this group needs special treatment, rather than equal treatment, it can help to minimise these risks. It has been noted previously that the prison responded appropriately and in accordance with regulations in dealing with a complaint of sexual assault by one intellectually impaired prisoner.

⁶⁷ In most cases a review of the penalty by a senior officer would have been carried out within several hours, or at most a day. The fact that the Superintendent was not on duty for three days is not an excuse for holding the prisoner in the special purpose cell, unreviewed, for that length of time.

SOTP GROUP

- 6.19 Sex offenders currently make up a large proportion of the population at Riverbank. The population of sex offenders fluctuates depending on whether or not there is a current intensive sex offender treatment program running at the prison.
- 6.20 Prisoners on the SOTP require single occupancy of a cell for nine months while completing the course. The program stipulates space and privacy for prisoners because of the confronting nature of the course and the demands of homework. At Riverbank, where single cell occupancy is rare and coveted, the needs of the SOTP conflict with the regime's hierarchy system, where a single cell is offered as a privilege. At present, being able to offer single cells as an incentive is perceived by management to be of more use in running the regime than any benefits arising from running the SOTP.
- 6.21 Scheduling prisoners for the SOTP is undertaken by a central assessment team. A major complaint of prisoners is that they are scheduled too late to enable them to be paroled at their earliest release date. Many of the prisoners at Riverbank for the SOTP had passed their earliest eligibility (for release) date (EED). Delays in scheduling have an even greater impact on eligibility for work release – a stage in the release process that precedes parole. As with parole, work release is unlikely to be granted if prisoners have not undertaken required courses. Successful work release provides a seamless transition to parole, so if prisoners cannot access this transition to community living because of poor scheduling by authorities, they are doubly jeopardised. Some SOTP clients had come to medium security Riverbank from a minimum security prison, because of untimely scheduling.
- 6.22 The SOTP should be scheduled for a period preceding a prisoner's work release eligibility date (and before potential changes in a prisoner's security classification blur the issue) and the waiting list should be reduced to make such scheduling meaningful in practice. These are system reforms, and not the responsibility of the particular prison where the course is run.
- 6.23 The SOTP prisoners liked undertaking the course at Riverbank – even those who had had to return from a minimum security environment to medium security. Sex offenders comprised over half the population at Riverbank. They felt safe at Riverbank – insults from other prisoners were relatively rare and most of them did not feel under physical threat. This had much to do with a regime that was able to control the environment and showed little tolerance of bullying and standover tactics. Some of the prisoners in the SOTP stressed the importance of being able to practice within the prison some of the new social skills they had learned. They considered this would not be possible in another prison, where sex offenders are not accepted by other prisoners.
- 6.24 That Riverbank makes the ideal environment for running the SOTP was affirmed by the staff of the program. We would have expected that Riverbank would use this unique capacity to strategic advantage. Rather, management was actively discouraging the SOTP from running further courses at the prison. While the prisoners and program staff knew of and were affected by an air of uncertainty about the program, they did not have any factual information about the future of the course or management's position on it. In keeping with the idea that Riverbank needs to define and cement areas of unique advantage, and in keeping with its professed rehabilitative focus, the

SPECIAL NEEDS IN FOCUS.

Inspection Team believes that Riverbank should be actively promoting itself as a progressive venue for the SOTP and other courses that fit the current prisoner profile.

PRISONERS WITH INDEFINITE SENTENCES

- 6.25 One of the issues that the prison system as a whole fails adequately to address is sentence planning for prisoners on indeterminate sentences. Such prisoners might be serving life sentences, or be under ‘the key’ – that is, to be released at the Governor’s pleasure. These prisoners have few if any anchor points during their sentences to provide some semblance of a boundary to the actual sentence to be served.
- 6.26 There was a group of eleven prisoners at Riverbank – 21 per cent of the prisoner population – whose sentences were in this category. Some had been told prior to their transfer to Riverbank that their pathway to minimum security would be smoothed by a stay at Riverbank, and that it would progress them towards eventual release. This group all agreed that the regime at Riverbank made time served ‘easy’ and relatively stress-free, but none of them felt they had made any progress towards release.
- 6.27 The prisoners blamed the system rather than the prison. Staff were sympathetic to their situation, but both the source of the problem and the remedy were well outside Riverbank’s scope. Three prisoners who maintained they were several years past their earliest eligibility dates for release, experienced interminable delays regarding reviews of their cases, and they described waiting in an information vacuum as ‘terrible’. Not surprisingly, given the lack of accessible information, the prisoners did not fully understand the processes and complexities involved in having their cases reviewed. However, they grasped where the bottlenecks in the system occurred and suggested head office (of the Ministry), the Parole Board, and the changes to the review process under the former Minister, were responsible. With extra layers of approval forming the centrepiece of these review procedures, and a backlog of psychiatric and psychological reports, the system has been effectively stalled⁶⁸.
- 6.28 One of the long term prisoners had undertaken the SOTP course some years back, in the belief that plans for his release were in train. Unless the newly acquired insights and skills are kept honed, gains from the SOTP can diminish over time. It leaves the prisoner feeling hopeless. Some prisoners in this situation will have to undertake a refresher course when they eventually move to minimum security.
- 6.29 Despite all the system constraints to achieving something positive for this group of prisoners, Riverbank is well placed, because of its high staff to prisoner ratio, its small population, and its predilection for case management and rehabilitation, to undertake active intervention to support this group and achieve some progress – or at least information – for the prisoners regarding their release. Being so ideally placed, Riverbank should consider a more pro-active role for itself in this regard, within the prison system as a whole.

⁶⁸ Indications are that in recent months the review process has been streamlined and cases that were stalled in the system are starting to be reviewed and thus to progress.

Chapter 7

MAKING PRISONS WORK: CLOSING THE GAP BETWEEN THEORY AND PRACTICE.

THE NEED FOR ANCHOR POINTS AND BOUNDARIES

- 7.1 The persistent message of Riverbank is that it is a prison operating like a windmill, tilting with the wind. There are few fixed points of reference at the prison: the current Superintendent, like his recent predecessors, is acting in the position; the prisoner population has a shifting client base and no-one admits to understanding why or how this is so; the staff come and go now, without Riverbank seeming to have any control over the process of selection. Major programs like the SOTP are in limbo, and prisoners and program staff base their assessments of what is happening on rumours. With the opening of Acacia prison the intended life span of Riverbank will have run its course. This is the fundamental uncertainty of Riverbank⁶⁹. It is a major reason why the prison functions for short term recognition and strategic gain, rather than to serve the broader correctional purposes that are encapsulated in the Ministry's philosophy of the four cornerstones.
- 7.2 While a restless and erratically focussed energy seems to have driven the prison in its quest for a permanent place on the map, the prison as a whole seems to have run out of energy. Where programs and training should be innovative and dynamic, they tend to be more anachronistic (the structured day) or low key. Where relations between staff and prisoners should be pro-active, they are largely incidental. We know some individual officers and individual instructors put effort into their interactions, not only to be friendly but also to be purposeful, but if this typified the prison, the air of vitality and purpose would have been unmistakable. It was not there.
- 7.3 The Ministry's initial purpose for Riverbank was that it should manage a specified group of prisoners over a three year period, to relieve overcrowding. Once the prison was established, however, a local purpose, to do with long term survival, became the prison's prime reason for being. The initial 'correctional' purpose and the local purpose appear to have been largely at odds. While Riverbank has established itself as a kind of shelter for both staff and prisoners, it has not developed a regime that matches either its correctional potential, or its own public relations rhetoric. The perceived short term interests of the prison have displaced the long term interests of the prisoners.

ACCOUNTABILITY

- 7.4 The Riverbank ethos has become a cover for poor policy development, inconsistent practice, lack of effective monitoring and evaluation, and careless record keeping. The general area of accountability has been neglected. Despite the prison's enthusiasm for the kinds of records, narratives and tallies that seem to give support to the prison's version of itself, the substance behind this kind of data collection is questionable. For example: records of prisoners enrolled in accredited courses give little idea of what is actually going on in the education centre, tallies of interactions between prisoners and peer support members merely mask how under-supported peer support is, and lists of externally provided courses say nothing about the quality and appropriateness of the services.

⁶⁹ The Ministry has since cited a letter sent to the local community in the Swan Valley, dated 28 June 2000, which apparently indicated a commitment to continue to operate the prison. The context of this advice was a caveat to the effect that the Ministry 'reserves its right to make further decisions or to change its stated direction for Riverbank if circumstances merit it'. In the view of the Inspector this stands as a further illustration of why management, staff, prisoners and program providers at Riverbank are gripped by uncertainties as to the future of Riverbank.

MAKING PRISONS WORK:
CLOSING THE GAP BETWEEN THEORY AND PRACTICE.

- 7.5 Sometimes information needed to assess or judge a Riverbank program or service was unclear, unavailable, incomplete or inconsistent. We have mentioned, for example, the lack of transparency in the rationales for the structured day program, the missing case management records, and the lack of comprehensiveness of the prosecution records.
- 7.6 We came across similarly opaque and inadequate procedures in relation to the use of the multi-purpose cell. The prison did not keep a dedicated file on the use of the cell⁷⁰; instead, the record was entered electronically onto prisoner's personal files and was only retrievable on that basis. This obscures the record, making it impossible to monitor events or to see what is happening at a systems level. We mentioned the case in Chapter 6 where only a random perusal of an intellectually impaired prisoner's file exposed the fact of his manifestly excessive three day isolation in the punishment cell. Both the Ministry and the prison must take responsibility for these serious inadequacies in record keeping.
- 7.7 Accountability is seriously undermined when record-keeping is haphazard, poorly designed and undervalued, when practice is not underpinned by well theorised policy, when the client group's need and interests are overlooked or undervalued, and when performance indicators are skewed towards purposes which have little bearing on how well the system is serving correctional purposes.

WEIGHING THE FUTURE

- 7.8 The responsibility for the failure of the prison to meet a purposive, correctional aim is not Riverbank's. The Ministry must take overarching responsibility both for articulating such a goal and for establishing the groundwork for the prison to meet its responsibilities in this regard. Riverbank cannot achieve a correctional goal if its blueprint is insufficiently linked to this goal and if the substance of the blueprint is constantly shifting.
- 7.9 One of Riverbank's fundamental dilemmas was about critical mass. Getting the numbers right is a juggling act: balancing competing interests; trading accommodation space for a more viable population; having small enough numbers to keep the idea of tailored programming afloat, yet large enough numbers to make programs viable. To do this in the absence of a long term plan and a steady prisoner profile, is to box with shadows; yet to manage a regime at all, these factors are important and need to be considered. No wonder these kinds of dilemmas are ongoing and unresolved and effectively work against the emergence of a viable and cohesive vision for a Riverbank of the future.
- 7.10 The fundamental decision to be made is whether Riverbank will continue to function as a prison when Acacia becomes fully operational. If the answer is yes, there must be a vision for Riverbank which is long term and sustainable, linked at all levels of policy and practice with the correctional purpose of the system, and appropriately resourced. The population at Riverbank would be qualitatively different from the population at Acacia - a defined population that would not be well served by a placement at the new mainstream prison.

⁷⁰ In its formal response to this Report, the Ministry claims that such a record now exists. At the time of the Inspection our documentation inspector asked to see this particular record. He was told by the relevant officer that no such discrete record existed.

MAKING PRISONS WORK:
CLOSING THE GAP BETWEEN THEORY AND PRACTICE.

- 7.11 The issue of critical mass and the associated problem of overcrowded, substandard cells must be overcome if Riverbank Prison is to have a future. The population needs to be increased in order to be viable, but it must not occur at the expense of appropriate standards and prisoner wellbeing. A new unit is required for any future use of the site as a prison, as well as appropriate supporting infrastructure, such as a purpose built education and programs centre. If the decision is made to retain Riverbank as a functioning prison, there is ample land available at the site for capital works. A significant part of the Riverbank site falls below the 100 year flood level, and a further portion is designated 'flood fringe' (with landfill conditions attached and approvals required from the Swan River Management Trust and the Swan Valley Development Authority). However, even without making use of the 'flood fringe' land, there are extensive redevelopment opportunities at the site. The current prison complex occupies about half of the land incontrovertibly and immediately available for construction purposes. Land we would consider available for redevelopment includes the site of the two old residential buildings.
- 7.12 There have been some lessons from the Riverbank experience that could serve the future well. The prisoners who were there during the Inspection made it clear that there was a need for the kind of respite service that Riverbank in its rather undirected way attempted to offer. The sex offenders welcomed the chance to be part of the mainstream in a small prison, and to put some of their learning into practice, and we assume the prisoners who were at Riverbank because of their need for special protection for other reasons, had a similarly positive response to the relative safety of Riverbank. This latter group was only partially served at Riverbank, however, as the prison could not meet their program requirements. If prisoners cannot safely be sent elsewhere in the system, such a deficit impacts on the prisoners' opportunities for work release and parole, and it affects the timing of and preparation for their eventual release.
- 7.13 There is a need within the system for a small prison designed to meet the needs of special groups. Riverbank has the capacity to provide an optimum environment for a drug free (voluntary drug testing) unit, for sex offenders undergoing their treatment course, for high protection prisoners, or as a special programs prison. Riverbank also has the essential building blocks in place, including a tolerant and supportive culture, to develop an excellent regime for mentally impaired and vulnerable prisoners.
- 7.14 To cater for any or all of these populations, the prison must develop a greatly enhanced program capacity to ensure its prisoners have on-site access to all programs required by the Parole Board. For prisoners with indeterminate sentences who have high protection needs such that they are unable to be released from a minimum security prison, this includes any pre-release programs they would otherwise have undertaken in a minimum security prison.

CONCLUDING COMMENTS

- 7.15 This Report has described a regime at Riverbank that has become dissociated from a larger correctional purpose. It has thus succumbed to a regime where good intentions have been undermined by a lack of transparent policy, where gaps between policy and practice are legion, and where means and ends are confused. We have given many examples of how Riverbank has failed to live up to its own rhetoric of being a best-practice prison.

MAKING PRISONS WORK:
CLOSING THE GAP BETWEEN THEORY AND PRACTICE.

- 7.16 We do not place responsibility for poor policy and diminished practice at the door of Riverbank. We have already noted that the Ministry needs to place Riverbank on a more secure footing if it expects the prison to function in any other than a short term, reactive way. The Ministry must develop a visionary and sustainable long term plan for the prison, and it must contain this within an overarching correctional framework and purpose.
- 7.17 Much of the remedial work associated with moving towards best practice at Riverbank will come, not from ticking boxes next to particular examples of poor or inadequate practice that we have identified, but from changes of vision and perspective – which must underpin the required changes in policy and accompanying practices. The shift must be made from ad hoc prisoner management to one focussing on correctional purposes, before the reforms we recommend will be meaningful and systemic and fit readily into place.

Recommendations

RECOMMENDATIONS ARISING FROM THE INSPECTION

RECOMMENDATION 1

That, on account of its unique potential to cater for a small prison population possessing special needs, Riverbank Prison be re-developed rather than closed.

RECOMMENDATION 2

That, as a prerequisite to its re-development and long-term continuation, the Ministry formulate a clear strategy and identify a primary purpose for the operation of Riverbank Prison. Purposes that should be considered include: a special programs prison; a drug treatment prison (voluntary testing regime); a prison for SOTP participants; or a prison catering for intellectually impaired offenders.

RECOMMENDATION 3

That, unless a long-term strategy is developed and resources allocated for the necessary re-development, Riverbank should be closed at a time that is consistent with the relief of overcrowding across the prison system generally and in a context where alternative strategies to deal with the present catchment population have been developed.

Whilst Riverbank continues its present operations, i.e., pending re-development or closure, the following recommendations are relevant and they will likewise be relevant if the prison is re-developed, with self-evident variations according to the precise form that this takes:

RECOMMENDATION 4

That the Prison operate in a professional and purposeful way consistent with its original 'blueprint'. In particular, intensive sex offender treatment programs should continue to be run there.

RECOMMENDATION 5

That the Prison's policies be conceptualised in terms consistent with the Ministry's four cornerstones, particularly in relation to:

- regimes and programs for intellectually impaired offenders;
- prisoner case management;
- staff training;
- management of portfolios;
- reparation; and
- record-keeping.

In addition, policies for transfer to Riverbank from other parts of the prison system require clarification.

RECOMMENDATION 6

That the Prison management, the Disability Services' Unit of the Ministry and the Disabilities Services Commission develop understandings and protocols about their respective roles, needs and

RECOMMENDATIONS ARISING FROM THE INSPECTION

responsibilities in relation to Riverbank prisoners. An aspect of this should be a review of the structured day program.

RECOMMENDATION 7

That Riverbank staff undergo a training course relevant to the appropriate management of intellectually impaired prisoners, and that the Disability Services' Unit should also arrange a short program for the general Riverbank prisoner population.

RECOMMENDATION 8

That officers be trained and supported further in their portfolio responsibilities, particularly recreation, peer support and sentence management.

RECOMMENDATION 9

That the Education Centre develop a conceptualisation of education that is clearly distinguished from prisoner management and is consistent with modern principles and philosophies of education. This should underpin the development and delivery of educational programs provided by the Centre.

RECOMMENDATION 10

That the Education Centre be appropriately re-furnished and better resourced so as to support the delivery of improved educational services.

RECOMMENDATION 11

That the Riverbank population, including minimum security prisoners and prisoners who cannot be placed in a minimum security prison for reasons of protection, have access on-site to all programs they require on their planned pathway to release.

RECOMMENDATION 12

That Riverbank develop a preventive health program and focus to address matters identified in this Report, including exercise, diet, smoking and the special needs of elderly prisoners.

RECOMMENDATION 13

That shortfalls and issues relating to counselling and psychiatric services be addressed and the Forensic Case Management Team services provide a pro-active, regular short-term to medium-term professional counselling service to prisoners in need.

RECOMMENDATIONS ARISING FROM THE INSPECTION

RECOMMENDATION 14

That practices in breach of duty of care obligations - in particular those relating to electrical fire risks, passive smoking, inadequate ventilation and overcrowding - be assessed and a management plan developed and implemented.

RECOMMENDATION 15

That prison welfare matters generally be re-examined and improved in the light of comments made in this Report in relation to the following matters - peer support, access to Aboriginal Visitors, telephone costs and the booking of visits.

RECOMMENDATION 16

That activities that contravene Ministry regulations or that appear to be in conflict of interest - in particular, industrial work commissioned by officers, the letting of the soft-drink contract to a prison officer and the deployment of the industrial officer to Bandyup Prison - cease forthwith.

Appendix A

REVIEW OF FACILITIES, ENGINEERING AND SECURITY INFRASTRUCTURE AT RIVERBANK PRISON

Prepared by
Lin Kilpatrick (Architect) and
Kerran Campbell (Engineer/Security Systems Specialist)

1.0. INTRODUCTION

This report was prepared in response to a request from the Office of The Inspector of Custodial Services to provide a review of the facilities, engineering and security infrastructure at Riverbank Prison. An inspection of the site and surroundings was undertaken on 26 February, 2001.

1.1. Overview

Riverbank Prison is located 2.5 kilometres from Guildford in the semi rural setting of Caversham. The landholding is approximately 4.8 hectares in area, located with its eastern edge sloping steeply down to the bank of the Swan River. It is bounded by Hamersley Road to the west, Riverbank Estate Wines to the south, and a private property with stables abuts the northern boundary. The landholding offers limited opportunity for expansion to the south, as this area falls below the flood plain.

The prison complex covers approximately 1.8 hectares and is generally located along the northern edge of the site. There is a significant area of unused land along the southern portion of the site. This is approximately 90 metres wide and at a lower level than the main complex. A significant part of this land, at the lower level, falls within the floodplain zone.

The secure complex is well screened from the approach road by two residential style buildings and a group of well established trees which shade the entry and car park area.

The perimeter wall enclosing the secure vehicle sally port, the sports field, and the industries facilities is located on the northern boundary.

The layout of the facility is based on a traditional introverted prison courtyard concept. It could be argued that, given the nature and category of the current muster, the design offers advantages in terms of security and privacy screening. Just on half of the occupied cells face out towards the adjoining neighbour to the north. Outbuildings on this property are constructed within six metres of the prison wall at its north eastern corner.

An attempt was made to provide some degree of external exposure and outlook for inmates by providing an outdoor visiting area. Use of this area has been discontinued due to security difficulties experienced in staffing and managing separated indoor and outdoor visiting activities.

1.2. Background

Riverbank was constructed in the late 1960s as a detention facility providing 35 beds for young offenders. It was designed and documented by the architectural division of the Public Works Department.

The design was based on turn of the century direct supervision modelling as a development in principle from what is seen at the historic prison in Fremantle. Longmore and Riverbank were two

REVIEW OF FACILITIES, ENGINEERING AND SECURITY INFRASTRUCTURE AT RIVERBANK PRISON

facilities developed at the time in a similar style to each other and to service the needs of young offenders.

A design innovation introduced to Riverbank was an under-floor copper pipe heating system (assumed to be the first of its type in WA). It was not used to full effect due (one can assume) to condensation build up on the floor slab, and probably because cooling rather than heating would have been considered more desirable.

The complex was decommissioned in September 1997 with the opening of Banksia Hill Detention Centre. A feasibility for redeveloping Riverbank was then driven by an urgent need in 1997 to address overcrowding in the male prisons. Limited funding was made available to refurbish the facility, including a basic security system to provide accommodation for a low risk medium security adult males special needs group - the upgrade to satisfy a limited lifespan of two to three years until further assessment of state-wide assets could be made.

The work was completed in September 1998 and the prison was occupied soon after. Cells were refurbished as part of this work and provided with new beds and furnishings. Double bunks were added to increase the capacity to 60 beds. The air conditioning system was installed in mid to late 1980. The security upgrade included a basic manual response system which was further automated in March 1999. Coiled razor wire was progressively added to the edge of outdoor spaces. This was not part of the original perimeter security concept for the complex, which relied more on the height of the enclosure.

In August 1995 a comprehensive report was requested by the Building Management Authority and prepared by MPL Laboratories to address the state of asbestos roofing. The report provided a feasibility for both short and long term options. In principle, the long term solution was to completely remove all asbestos material and replace with sheet metal; the short term solution was to replace all broken cappings and flashings and paint with a binding type paint product.

2.0. PLANNING AND DESIGN

2.1. General Facilities

Control Room:

Arrangement of the control desk, in particular the height of the desk unit console, precludes the staff person from having a line of sight to both the entry gate and the entry lobby from a seated position.

Issue of keys and radios takes place at separate hatches (on either side of the first entry grille). This is due to the layout and storage of each item and ideally should take place at one point.

Program Facilities:

The prison is well serviced in terms of program and support space; in particular, workshops, art & crafts, woodworking, library and classrooms.

The multiple uses of the recreation hall for visiting and community activities seem to work well,

REVIEW OF FACILITIES, ENGINEERING AND SECURITY INFRASTRUCTURE AT RIVERBANK PRISON

other than lacking in toilet facilities for visitors and dedicated access for public visitors away from the administration zone.

It was difficult to assess the quality of the recreation hall/visiting space in terms of natural lighting due to the preparations for a forthcoming community event (the windows were covered with black plastic). The windows appear to be heavily security grilled and are at a height above the floor which precludes opportunity for easy outlook. The heavy grilles would preclude gaining any appreciable outlook in any case.

Rationalising of the settings for outdoor recreation is needed; i.e., taking account of practical issues associated with meaningful ball games in the restricted area of the sports field, and also taking account of the fitness level and physical ability of the inmate population. The swimming pool is poorly zoned in terms of management supervision, and the fitness centre seems to be the focus for recreation and is well located.

Day Rooms:

The kitchen/day room at the end of the eastern cell block (see day room 2, on the functional layout diagram of the prison), appears to be under utilised – being used more for storage of tea/snack food rather than as a useful active social space. The remote location of this space may be part of the reason for its under-use.

Visiting:

There are no toilet facilities for visitor use close to the visiting area, and no operational outdoor visits area. The non-contact facility is currently used for storage. Staff suggest the opportunity for non-contact visiting has not arisen.

Administration:

The windows to all rooms have sills at 1.5 metres above the floor level which prevents views to the outside for staff either seated or standing. The opportunity to gain visual relief is lost, and all spaces have a ‘closed in’ feeling. Added to this, the presence of vertical security bars reinforces the sense of working in a traditional prison environment.

Central Court:

The general landscaped quality is of a high standard and provides a substantial visual foil to the surrounding razor wire. The courtyard concept has advantages in respect of movement, sightlines, etc.; however, one is very conscious of being in an enclosed environment with no opportunity to view the horizon.

Cell Corridor (western block):

An inmate telephone is located on the corridor wall to the rear of the staff station – the associated rectangular table fixed on the wall projects into the space creating a potential hazard for both staff and inmates should any disruption occur in this vicinity.

Staff Station (cell blocks & central court):

The staff station is strategically located in terms of observation into the central courtyard and along the adjoining cell corridors. Expansion of this station into the adjoining lobby has effectively

REVIEW OF FACILITIES, ENGINEERING AND SECURITY INFRASTRUCTURE AT RIVERBANK PRISON

segregated the eastern cell block, and inmates move through the ablution facility to gain access to and from their cells. Sightlines from this station towards the western extent of the central courtyard are partly obscured by the landscaping.

Sightline into the adjoining cell corridors is mostly obscured by notices etc., pasted onto the glazing. The sightline focus is directed into the central court: this is the face which addresses inmate enquiry (through sliding windows and heavy security bars) and it reinforces separation between staff and inmates.

The rear of this staff station opens into the cell corridor 'cross over' from which access into the staff dining room is gained. Inmate enquiry is directed to the courtyard face by a notice fixed to the door. (At the time of inspection this rear door was left open.)

The physical envelope of this facility has been upgraded and appears to vary in security level. The security level of windows facing the central court has been upgraded by the addition of security grilles. The security rating of the glazing behind these grilles varies. It was unclear as to how this staff station is managed from a security view point.

Inmate Ablution Facility:

The ablution space is well laid out in terms of observation and separation between wet and dry zones. It is spacious and well maintained. The privacy afforded the toilet cubicle enclosures is good without isolating each space should an incident occur within the cubicle. A consequence of the movement through the facility along the front of these cubicles, to and from the eastern cell block, while not ideal, is that it provides extremely good covert observation of inmates activities.

Property Store:

The inmate property store is located to the rear of the SOT program room, which is not ideal in terms of potential disruption to classroom activity.

Metalwork Shed:

A television unit is located on a wall of this facility close to power operated machinery. This could present a potential hazard to safety, should machinery be operated while TV programs are in progress.

Kitchen:

The kitchen appears to have excess capacity in terms of numbers of meals required. The level of maintenance and upkeep of the space is high. The tiled floor finish is in good condition, and the quality of tiles in terms of safety and maintenance is of a high standard. There is some deterioration of the tile joint grouting. The paint finish to walls is of an inferior grade and subject to removal on cleaning. (Refer to Electrical section for comments on OHS issue regarding switches).

2.2. Functional and Management Zoning

The grouping and zoning of functions around the courtyards is generally well consolidated and there is good separation between the cell blocks and program support space.

Being away from the main inmate activity zone, the separation of the workshops from the main courtyard has advantages in terms of servicing, delivery and noise. However, there is no advantage in terms of management separation as the access link is not a security lobby, and relatively free movement seems to occur between each courtyard.

The distinct disadvantage of the two court arrangement is that the area around the workshop building is out of sight and therefore potentially difficult to manage. There are sightline obstructions (bins and containers) to both natural and technical surveillance in this area. The fragmentation of recreation activities (particularly the swimming pool) has distinct disadvantages in terms of cohesive management.

Separation of inmates from visitor entry to the visiting hall relies on strict management control to reduce risk of escape: i.e., the physical arrangement provides minimal support to staff. The level of security within the administration building is low.

2.3. Movement

Staff and Inmates:

The general movement of staff and inmates around the complex seems easy and relaxed. The relaxed movement pattern is also made possible by the limited overall size of the complex.

The central courtyard provides a good opportunity for flexible movement and is easy to supervise from any location around the space (other than into the south western corner which is partly screened by landscaping).

The movement pattern focuses on the sally port entry off the administration block as the main access into the secure zone. The doors on this sally port have been subject to heavy use and the locking/monitoring systems need special maintenance consideration: the electronic monitoring system is failing and currently requires “rattling” to alert the control room. This point has significant risk in terms of generating a false sense of security – the administration area beyond has minimal security integrity.

Movement into the education corner is less than desirable by isolating staff and inmates away from general observation.

Movement out of the eastern cell block through the ablution facility has been noted elsewhere in this Appendix, as has the movement of public visitors to the visiting hall through the administration block.

Movement of inmates as part of the reception process is undesirable in terms of separation between clothing issue and changing.

Emergency egress from the dining room is of concern as there could be upwards of 60 inmates in the space at any one time. Egress is through one narrow door, or under emergency situations would occur through the kitchen area.

REVIEW OF FACILITIES, ENGINEERING AND SECURITY INFRASTRUCTURE AT RIVERBANK PRISON

Visitors:

A similar focus and assessment of risk is needed at the visitor entry to the recreation hall. The double doors provide no management support and there is in effect no security lobby at this point.

Vehicles:

Vehicles enter the facility through the main entry gate which relies on remote technology to identify and permit access. This arrangement does not provide for adequate checking of vehicles and their occupants both into and out of the site. The vehicles then proceed into the vehicle sally port where goods, prisoners etc. are decanted or transferred in a secure manner.

We were advised that vehicles do not enter the eastern courtyard at any time inmates are in the zone. We were not in a position to witness any vehicles entering this zone. However, it was noted that at times service vehicles must enter to make deliveries to the workshops, and to collect garbage from the two large bins stored in the area. The layout and zoning of the eastern courtyard makes observation of all spaces difficult and therefore requires enhanced monitoring of vehicles into and out of the complex.

2.4. Cells

The quality of cell accommodation (in particular permanent double bunking) is below MOJ and United Nations standards. This includes engineering services and BCA requirements.

Floor area:

western block (2320 deep X 2140) 4.96 sq.m.
eastern block (2830 deep X 2170) 6.10 sq.m.

Australian/New Zealand Guidelines:

Single person cell: 7.5 sq.m.

(United Nations Standard Minimum Rules for Treatment of Prisoners states that where there are individual cells only one prisoner should occupy the room. If for special reasons here is an exception to this rule, it may be desirable to have two prisoners in a cell.)

Double cell: 11.5 sq.m.

(The above guideline areas increase by 1.25 sq.m. for inclusion of a shower).

Cell Windows:

The general appearance of the window arrangement is most “prison like”, and this is further reinforced by the obscure glazing. The windows are at a level which makes any appreciable outlook difficult.

The security grille type does not provide the physical level of containment (time rating) for the management methodology being applied.

REVIEW OF FACILITIES, ENGINEERING AND SECURITY INFRASTRUCTURE AT RIVERBANK PRISON

Note: Additional security grilles are to be fixed to outside cell windows (those not facing into the central courtyard). This retrofit will have minimal impact on reducing risk at this line unless a commensurate management methodology is applied.

Natural Lighting:

Overall size of window: 1170 X 650 0.76 sq.m.

Natural lighting requirement 20% of floor area: western block 0.99 sq.m.
eastern block 1.22 sq.m.

All cell windows are under required size for natural lighting.

Doors:

The doors to cells are not in accord with current MOJ standards, specifically in relation to door furniture. Doors are of timber panel construction; hinges are generally robust domestic “shutter type”. There is evidence of distortion in some of the hinges.

Furnishings/Fittings:

The fittings generally in the cells are not in accord with MOJ standards. This includes lighting, some hydraulics, and the A/C air inlet devices.

Curtains: It was observed that curtains were drawn in most cells. Comments from inmates as to why, seemed to be focussed on a need to keep the space cool. However, cell windows are well shaded by eaves overhangs on the north elevation and there are no west or east facing cell windows. The overriding “prison like” appearance of the window is well screened by the curtain.

Mirrors are stainless steel in various configurations.

Shelving: There is a sense of standardisation; however, the arrangements and additions appear to have taken place in an ad hoc fashion, adding to the sense of cramped confinement.

WC: Some of the cells have a WC which is built into a masonry/concrete plinth.

Note: It is interesting that while the plinth arrangement could be seen as part of traditional design thinking, the arrangement has a number of distinct advantages - easy to clean the surrounding floor area / less out of view space to conceal contraband / provides a natural shelf for locating toilet roll and accessories. It could be argued that by providing a white seat and cover the visual impact of the fitting would significantly recede, reducing the psychological impact of the function within the confined cell space.

3.0. SERVICES INFRASTRUCTURE:

Ignoring the age and “end of life” nature of some items of equipment of the engineering services, the maintenance condition of the facility was as good as we believe could be expected, without committing to major capital expenditure. The facility was clean, sanitary, and accepting the inherent deficiencies due to age, all services were operational.

3.1. Electrical

There are insufficient GPOs in the facility to satisfy the appliance needs of either the type of

REVIEW OF FACILITIES, ENGINEERING AND SECURITY INFRASTRUCTURE AT RIVERBANK PRISON

inmates, and the equipment they are allowed to have in their cells, or the general needs of a computer supported correctional authority.

The GPOs servicing the central cooking area in the kitchen, because of their location, raise potential OHS issues.

The levels of illumination in a number of inmate areas do not satisfy Australian standards, e.g., the library.

The position of the GPOs in cells raises potential OHS and fire risk issues due to the cords and plug boards in use. The use of double bunks in cells, without additional fixed illumination being provided has led to inmates manufacturing their own light fittings. Some observed were a definite fire risk.

A number of the light fittings in inmate areas do not satisfy the MOJ standards for secretion of contraband.

A number of the polycarbonate diffuser security light fittings have suffered diffuser degradation to a point where they pose a security risk if vandalised.

The normal or mains power is adequate.

The size of the essential services power supply can serve only the essential equipment, and would cause some concern and inconvenience in a prolonged blackout.

The UPS supporting the security technology is smaller than that normally provided for a facility of this nature.

The emergency lighting system is less than that normally provided for a facility of this nature.

3.2. MECHANICAL

The mechanical plant is the least serviceable of all engineering services. The plant is inefficient and the supply air duct system suffers leakage. This will degrade the cooling capacity of the system, and hence the system's capacity to satisfy cooling in a prolonged hot spell.

The fresh air intakes have the vermin screens partially removed.

Some of the large cells in the accommodation block have a vent in the ceiling that is not covered. This allows the disintegrating insulation in the ceiling to float down into cells.

The air that is introduced into the cells is returned via the undercut of the cell door during times of lockdown. There is no other ventilation in the cells, either forced or natural. Air therefore is being recirculated from rooms containing a WC. This contravenes the current BCA.

Note. The system was designed to have an economy cycle. This would introduce full fresh air, and extract full fresh air. However it would still extract it through the central corridor.

REVIEW OF FACILITIES, ENGINEERING AND SECURITY INFRASTRUCTURE AT RIVERBANK PRISON

The A/C is often turned off in the cells at night. We were advised by inmates this occurs as some cell get more air than others, therefore some cells get colder than others. As there is minimal control some cells get too hot. When the A/C is turned off there is no air being introduced into the cells.

3.3.1 Hydraulics

The hydraulic equipment in cells is not in accord with current MOJ requirements. It does not take account of contraband secretion.

3.4. Fire

It is questionable whether the fire detectors in the cells would be able to satisfy the needs of fire safety for a facility of this type. The detectors are covered with a wire grille that is used to protect the device from vandalism. The detector is also (when the A/C is operating) positioned such that the airflow is from the A/C inlet devices down across the cell to scour out the door when the cell door is open, and under the door when the door is closed. Because of the height of the cell, in either case there could be a pattern that may tend to move the smoke from an incipient fire away from the detector. A test should be undertaken to confirm the smoke pattern.

This raises safety concerns, especially when combined with the amount of electrical equipment in each cell (one cell was observed to have 7 appliances plugged in simultaneously) and the self manufactured light fittings.

4.0. SECURITY TECHNOLOGY:

The security camera in the gymnasium is not of the standard on the current MOJ requirements for visiting areas. The cell intercom call system does not have voice recording and/or magnetic recording of initiation and termination of calls made from either the cell or the officer posts.

We believe it would be of value to carry out a formal risk assessment of the facility. The assessment would include a thorough analysis of:

- The physical attributes of the rear courtyard,
- The technology used to support them, and
- Equipment and ancillary items located in the rear courtyard.

Appendix B

THE RIVERBANK INSPECTION TEAM

Professor Richard Harding	Inspector of Custodial Services
Robert Stacey	Director of Operations
Lynn Atkinson	Manager Research and Publications
Peter Upton-Davis	Senior Inspections Officer
Andy Fitzgerald	Inspections Officer
Angela Rabbitt	Inspections Officer
Natalie Gibson	Inspections Officer
Gareth Morris	Inspections Officer
Professor Robert Kosky	Medical Consultant
Lin Kilpatrick and Kerran Campbell	Structural and Security Consultants

Student interns, **Amie Gordon** and **Kerry Gorski**, also participated in aspects of the Inspection

Appendix C

RESPONSE OF THE DEPARTMENT OF JUSTICE⁷¹ TO THE RECOMMENDATIONS OF THE REPORT

RECOMMENDATION 1

That, on account of its unique potential to cater for a small prison population possessing special needs, Riverbank Prison be re-developed rather than closed.

Response:

This Recommendation will be considered in the context of overall operational and budgetary priorities.

RECOMMENDATION 2

That, as a prerequisite to its re-development and long-term continuation, the Ministry formulate a clear strategy and identify a primary purpose for the operation of Riverbank Prison. Purposes that should be considered include: a special programs prison; a drug treatment prison (voluntary testing regime); a prison for SOTP participants; or a prison catering for intellectually impaired offenders.

Response:

Subject to a decision in support of the long-term continuation of Riverbank Prison (see response to Recommendation 1), it is agreed that the Department should formulate a clear strategy identifying the primary purpose for the operation of the Prison. Its core function would be for prisoners with intellectual disabilities, and as such a specialised sex offender treatment program (SOTP) for prisoners with intellectual disabilities would be appropriate.

RECOMMENDATION 3

That, unless a long-term strategy is developed and resources allocated for the necessary re-development, Riverbank should be closed at a time that is consistent with the relief of overcrowding across the prison system generally and in a context where alternative strategies to deal with the present catchment population have been developed.

Response:

Agreed.

RECOMMENDATION 4

That the Prison operate in a professional and purposeful way consistent with its original 'blueprint'. In particular, intensive sex offender treatment programs should continue to be run there.

Response:

Agreed.

⁷¹ The Ministry of Justice became known officially as the Department of Justice on 1 July 2001.

RESPONSE OF THE DEPARTMENT OF JUSTICE⁷¹ TO THE
RECOMMENDATIONS OF THE REPORT

RECOMMENDATION 5

That the Prison's policies be conceptualised in terms consistent with the Ministry's four cornerstones, particularly in relation to:

- regimes and programs for intellectually impaired offenders;
- prisoner case management;
- staff training;
- management of portfolios;
- reparation; and
- record-keeping.

In addition, policies for transfer to Riverbank from other parts of the prison system require clarification.

Response:

Agreed.

RECOMMENDATION 6

That the Prison management, the Disability Services' Unit of the Ministry and the Disabilities Services Commission develop understandings and protocols about their respective roles, needs and responsibilities in relation to Riverbank prisoners. An aspect of this should be a review of the structured day program.

Response:

Agreed.

RECOMMENDATION 7

That Riverbank staff undergo a training course relevant to the appropriate management of intellectually impaired prisoners, and that the Disability Services' Unit should also arrange a short program for the general Riverbank prisoner population.

Response:

Agreed that further training be undertaken (note that staff training was conducted for Riverbank staff upon commissioning).

RECOMMENDATION 8

That officers be trained and supported further in their portfolio responsibilities, particularly recreation, peer support and sentence management.

Response:

Agreed.

RESPONSE OF THE DEPARTMENT OF JUSTICE⁷¹ TO THE
RECOMMENDATIONS OF THE REPORT

RECOMMENDATION 9

That the Education Centre develop a conceptualisation of education that is clearly distinguished from prisoner management and is consistent with modern principles and philosophies of education. This should underpin the development and delivery of educational programs provided by the Centre.

Response:

The Department is committed to providing prison education services which are consistent with modern principles and philosophies of education. The Department's Education and Training Unit delivers programs that adhere to the Australian National Training Authority's 'National Framework'. Education programs are internally audited according to state, national and international education standards.

As part of this ongoing internal audit and management, the Manager and the Principal of the Education and Vocational Training Unit met with the Acting Superintendent Riverbank and the Senior Education Officer Riverbank on Friday 22nd June to review practice with a view to clarify and improve the education service at Riverbank. A number of improvement strategies were identified.

RECOMMENDATION 10

That the Education Centre be appropriately re-furnished and better resourced so as to support the delivery of improved educational services.

Response:

While it is agreed that refurbishment would be beneficial, any refurbishment will be subject to the availability of funds.

RECOMMENDATION 11

That the Riverbank population, including minimum security prisoners and prisoners who cannot be placed in a minimum security prison for reasons of protection, have access on-site to all programs they require on their planned pathway to release.

Response:

This Recommendation appears inconsistent with Recommendation 4. Riverbank Prison accommodation consists of relatively expensive medium security beds. Prisoners who are minimum security should be placed not in Riverbank, but in a minimum security prison. At the commissioning of Riverbank, an agreement was reached with the local community that the prison would be a closed prison, and many of the programs and activities required for minimum security prisoners (e.g., Section 94) are not appropriate under this arrangement.

RESPONSE OF THE DEPARTMENT OF JUSTICE⁷¹ TO THE
RECOMMENDATIONS OF THE REPORT

RECOMMENDATION 12

That Riverbank develop a preventive health program and focus to address matters identified in this Report, including exercise, diet, smoking and the special needs of elderly prisoners.

Response:

Agreed that greater emphasis be given to preventive health programs.

RECOMMENDATION 13

That shortfalls and issues relating to counselling and psychiatric services be addressed and the Forensic Case Management Team services provide a pro-active, regular short-term to medium-term professional counselling service to prisoners in need.

Response:

The Department's view is that a proactive, regular professional counselling service to prisoners in need is delivered by the FCMT. FCMT is a multidisciplinary service comprised of Occupational Therapists, Psychologists, Social Workers and Mental Health Nurses. Riverbank Prison currently receives 0.5 FTE FCMT, consisting of an Occupational Therapist. The Superintendent Riverbank and the Manager FCMT jointly determined that this was the most appropriate service for Riverbank's needs. This does not preclude using the services of other mental health professionals where there is a prisoner in need of such a service.

RECOMMENDATION 14

That practices in breach of duty of care obligations - in particular those relating to electrical fire risks, passive smoking, inadequate ventilation and overcrowding - be assessed and a management plan developed and implemented.

Response:

The problem of overcrowding is acknowledged; however, given the limited number of cells available, if the practice of double bunking were to cease, the capacity of the prison would be substantially reduced with consequential implications for the viability and cost effectiveness of operating the Prison. The other matters will be investigated as a matter of priority.

RECOMMENDATION 15

That prison welfare matters generally be re-examined and improved in the light of comments made in this Report in relation to the following matters - peer support, access to Aboriginal Visitors, telephone costs and the booking of visits.

Response:

Agreed that management practices relating to peer support be re-examined with a view to improvement. Agreed that the issue of visits be addressed to enable family and friends to initiate a visit booking.

RESPONSE OF THE DEPARTMENT OF JUSTICE⁷¹ TO THE RECOMMENDATIONS OF THE REPORT

As previously advised in relation to your Casuarina Prison Inspection⁷², the cost of telephone calls is governed by a contract. This contract is being re-negotiated and this issue will be given consideration. The issue of access to AVS was dealt with in the Department's initial response to your draft report⁷³.

RECOMMENDATION 16

That activities that contravene Ministry regulations or that appear to be in conflict of interest - in particular, industrial work commissioned by officers, the letting of the soft-drink contract to a prison officer and the deployment of the industrial officer to Bandyup Prison - cease forthwith.

Response:

These matters were responded to in the Department's initial response to your draft Report⁷⁴. The soft drink contract is no longer with a prison officer and an instruction has been issued to staff that industrial work is not to be commissioned for officers. For reasons outlined in the initial response to your report, it is the Department's view that the deployment of the industrial officer to Bandyup Prison does not contravene Department regulations or constitute a conflict of interest.

⁷² Reference to Office of the Inspector of Custodial Services 2001, *Report of an Unannounced Inspection of the Induction and Orientation Unit and the Special Handling Unit at Casuarina Prison*, Perth.

⁷³ The (then) Ministry's directive to members of the AVS was cited in their response; see footnote 57 in the Report.

⁷⁴ Paragraphs 4.3, 4.6 and 5.27 (plus accompanying footnotes 46 and 62) refer to these matters and to the (then) Ministry's response.



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