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Report No.



**Report of an Announced Inspection
of Broome Regional Prison
June 2001**



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES
WESTERN AUSTRALIA

**Report of an Announced Inspection
of Broome Regional Prison - June 2001**

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The Inspector's Overview

THE COMPETING DEMANDS AND COMPLEXITIES IN RUNNING A MULTI-PURPOSE REGIONAL PRISON

Stresses upon Accommodation at Broome Prison

In the 2000/2001 Annual Report of this Office, it was stated that the 'Aboriginal prisons' of Western Australia were 'structurally racist'. By this it was meant that conditions that existed would not be tolerated if non-Aboriginal prisoners were the predominant groups. Broome Prison falls into the category of Aboriginal prison. The basic accommodation at the prison is well below acceptable national standards. The Standard Guidelines for Corrections in Australia – to which Western Australia is a party – provide that:

'5.25 All accommodation provided for the use of prisoners should meet all requirements of health. Due regard must be applied to climatic conditions and particularly to cubic content of air, floor space, lighting, heating and ventilation.'

The occupation trends in Broome Prison have quite often involved as many as 12 people sharing a cell that was originally built for three persons – and was then expanded with additional double-bunking to accommodate four – with some prisoners sleeping on the floor and others with their bodies only 30 or 40 centimetres from the ceiling. This is a clear breach of this standard. No 'non-Aboriginal prison' in Western Australia so flagrantly breaches this standard.

That is just one example of the ways in which conditions fall short of what is acceptable. However, the factors that drive this must be acknowledged. Some parts of Broome Prison are over one hundred years old and it was built for usage that bears no resemblance to today's needs. Even after numerous refurbishments, its natural capacity is to accommodate no more than 66 prisoners¹. Yet as the only prison for the enormous catchment area of the Kimberley, its normal occupancy is about twice as many.

To exacerbate this sheer weight of numbers, the range of prisoner categories means that the available bed-space can only be used rather rigidly. For example, four cells with normal accommodation for 12 prisoners are assigned for maximum and medium security prisoners; if there are, say, only six such prisoners being held, that does not free up six beds for minimum-security prisoners. The situation is similar with regard to women prisoners, for whom three cells are assigned. If the available beds are insufficient, there will be localised overcrowding in that area regardless of the state of the main prison. There are additional issues with ethnicity. In recent years there has been an influx of Indonesian prisoners, and the local policy has been to accommodate them together. This practice has now been extended to Iraqis, Afghanis and others who have been sent to the prison from the Curtin Immigration Detention Centre². Whilst this has been very sensible in terms of prison management, reflecting the preferences of all prisoners, it has of course added to the stress upon available accommodation.

¹ Western Australia has no concept of 'certified normal accommodation' – an occupancy figure that only most exceptionally should be exceeded.

² In September 2000, an influx of detainees from Curtin Immigration Detention Centre caused such pressure upon accommodation at Broome Prison that the women's accommodation was vacated for these men (who were required to remain at Broome for their trials). The Kimberley women prisoners were sent down to Roebourne Prison.

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Of equal concern is the question of those prisoners who are not accommodated at Broome Prison. Estimates vary, but there appear at any one time to be about 60 Aboriginal prisoners from the Kimberley, currently classified as medium or maximum security, serving sentences in southern prisons. The Department of Justice is quite rightly concerned about this, recognising the desirability from the point of view of rehabilitation and eventual resettlement, of these prisoners serving sentences as near as possible to their own lands and people. The present facilities are such as to make it impossible for this to occur. It is this that has led to the extensive debate about a replacement prison – a debate of equal cogency in relation to the Eastern Goldfields. I shall return to this issue later.

THE ISSUE OF RESTRAINTS AND MEDICAL SERVICES DELIVERY

Chapter 3 of this Report – ‘Security out of Balance’ – describes in detail the ways in which security issues in relation to medium and maximum security prisoners have come to have an undue influence upon the running of the prison. The most notable aspect of this was the practice of shackling or handcuffing these prisoners for movements within the prison and, in particular, to the medical centre and even during medical appointments. The Nurse-Manager has courageously and vociferously objected to the latter procedure, but to no avail.

Her objections are absolutely justified and the position of the Department is untenable. The practice epitomises a degradation of the patient status of these prisoners. National and international standards and conventions are in stark conflict with Western Australian practice.

Australian Standard Guideline 5.71 provides that ‘the medical officer has the responsibility for the maintenance of the physical and mental health of the prisoner’ – a provision that would seem to indicate that medical views upon conditions for examinations and consultations should have some primacy. Nothing in these Guidelines indicates that shackling or handcuffing is contemplated as normal or acceptable. The International Handbook on Good Prison Practice³ reinforces this view. It states that ‘doctors work in prisons because they are doctors. They are to act like doctors, i.e., only in the interests of their prisoners/patients and without interference by others or other interests.’ The Oath of Athens⁴, which builds upon the Hippocratic Oath for the practice of medicine within prisons, includes a provision that ‘our medical judgments be based on the needs of our patients and take priority over any non-medical matters’.

Of course, it is recognised that some prisoners may pose a danger to medical staff, other prisoners or officers. The Department carries a duty of care towards all of these groups and thus must take reasonable steps to safeguard them. It is also conceded that some prisoners constitute an escape risk. However, neither of these facts justifies a blanket approach to restraints; rather they invite the exercise of sensible judgment. The Standard Guidelines implicitly support this view:

³ Penal Reform International 2001, *Making Standards Work*, Penal Reform International, London.

⁴ Developed by the International Council of Prison Medical Services.

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‘5.44 Instruments of restraint ... should not be used except ... when other methods of control have failed, in order to prevent prisoners from injuring themselves or others or from damaging property.

5.45 Instruments of restraint should not be used except as a precaution against escape during a transfer or other temporary absence from the prison ...’ (my emphasis).

The Department, in its response to the draft Report of the Inspection of Broome Prison, stated that ‘the procedures currently in place are comparable to those which apply to maximum and medium security prisoners attending appointments in public hospitals.’ This is no response at all. The Health Clinic within the Broome Prison is not a public hospital; it is an integral part of the prison itself.

Recommendation 4 of this Report is calculated to achieve a balance between the competing security, duty of care and health service needs. It is not a blanket proposal that restraints should never be used; it does not mirror the Department’s view that they should always be used. The fact that this recommendation has been rejected is indicative of the extent to which the health perspective has been captured and overwhelmed by the custodial perspective within the Department. Apparently, the then Director of Prison Health Services – who works to the Director Prison Services – expressed his support for the existing practice⁵. In States such as New South Wales or Tasmania, where prisoner health services are delivered by the Health Department and are thus out of the custodial chain of command, the strict differentiation between what is appropriate in the treatment of patients and of prisoners is able to be maintained; in Western Australia it has been fudged. This lack of integrity has crept into other aspects of prisoner health services in many prisons. The key point, then, of this saga is to raise the question of whether the Department of Justice should be responsible at all for health services. My own provisional view – subject to full investigation – is that the Department is not fully competent and that responsibility for this function should be devolved to a specialist and autonomous agency, probably the Health Department of Western Australia.

THE SITUATION OF WOMEN PRISONERS

The conditions and opportunities for women prisoners are discussed at length in Chapter 4 of this Report. The position of women prisoners throughout the WA prison system, but particularly in the small regional prisons, has been seriously disadvantaged for the last century, in terms of access to programs, leisure activities, basic conditions and status. The time for addressing this cannot be delayed any longer.

It is to the credit of the Department of Justice that it has at last committed itself to the appointment of a person with special operational and policy responsibility for the conditions and services for women prisoners. In its formal response, the Department has agreed that the conditions and services for women prisoners in regional prisons will be a critical priority for this position. The Inspectorate welcomes this, and will closely monitor the outcomes in Broome Prison.

⁵ As foreshadowed above, that view is inconsistent with the Australian Standard Guidelines, the *International Handbook of Good Prison Practice*, and the Oath of Athens.

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COMMUNITY LINKS

In Chapter 6, we discuss the question of 'Prisoners in the Community'. This is Broome's best achievement, a model in fact for other Aboriginal and minimum-security prisons to aspire to achieve. The extent and nature of Section 94 activities, the relaxed way in which prisoners can move around the community to and from their work, the occasional access to recreation outside the prison, the ease of visits and the sense of welcome for visitors, the availability of a prisoner requests segment in Radio Goolari: it is factors such as these that make the prison workable in spite of the tangible deficiencies in terms of accommodation. If a test of a healthy prison – to adopt the criterion of the UK Chief Inspector of Prisons – includes a measure of the respect with which prisoners are treated, then certainly Broome Prison passes that test in relation to male minimum-security prisoners⁶.

The establishment of the Bungarun work camp has fortified these community links, and the foreshadowed opening of another work camp in the Wyndham area in principle will strengthen them further. Of course, as with all such developments, it will depend on how it is done, on what resources are made available and how much management support is received both from Broome Prison itself and from Head Office. The temptation – especially strong at a time of budgetary pressures – to do things on the cheap must be resisted.

The most disappointing aspect, relevant to community links, is the apparent inability of the Department to attract and/or retain Aboriginal staff. The recruiting drive of late 2000, which led to the appointment of 17 Aboriginal uniformed officers, does not appear to have made an impact at Broome Prison. Clearly, affirmative action is urgently required, involving a program that for example mentors potential recruits through a preparatory phase and then positively supports their presence in the uniformed workforce. And the long-running problems in relation to the position of a Prisoner Support Officer are regrettable. However, if these problems are sorted out, Broome could be said to constitute Department good practice as a community prison.

A NEW PRISON?

These developing community links cannot, must not, be put at risk. They constitute Broome's most redeeming feature. However, proposals so far put forward in relation to the development of a new prison or other correctional facilities seem to do just that.

As mentioned, the Department's objective, laudable in itself, is to be able to bring Kimberley long-term prisoners back to the general area to serve their sentences. This has resulted in a site-led solution, distorting correctional issues.

Government-owned development land is available on the Waterbank station, and the Department has apparently put its hand up for about 150 hectares for a new prison site. This area is about 12-15 kilometres out of Broome townsite on the Cape Leveque road. It has not been made clear to the Inspectorate how precisely it is proposed to utilise this site. However, it does appear that a secure unit large enough for long-term Kimberley Aboriginal prisoner population would be built there.

⁶ As mentioned, this is not the case with regard to maximum and medium security and women prisoners.

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The Department, in ways that are so far rather fuzzy, schematic and not solidly based upon research information, also hopes to develop an alternative style of imprisonment for the minimum-security prisoners – much more along the lines of self-care, productive work on the Waterbank site, and traditional links. It also wishes to extend and strengthen the use of work camps, as referred to and endorsed in this Report. Apparently, it is also considered that the present Broome Prison site, re-furbished to some extent, could be retained as a kind of in-town satellite base for minimum security prisoners.

If this sounds confused, it is because the messages being received in this Office are themselves imprecise. As far as I can, I am faithfully reproducing what has been told to me. What seems apparent is that, to date, there simply has not been enough hard thought and clear analysis put into this issue. That being so, it is premature to make any decision as to where and what kind of new facilities should be built. Moreover, from the point of view of this Office, it is still far from clear that the Kimberley, rather than the Eastern Goldfields, has a prior claim. In the Eastern Goldfields, the situation for prisoners and the needs of long term prisoners serving sentences in the Perth area are no less pressing.

With major new investments, one does not really get a second chance. The Department should now undertake a program of interactive consultation with stakeholders in each of these regional areas so that the alternatives can be thoroughly evaluated. It is not impossible, if this were done, that we would find that solutions could be found for both situations within the earmarked funds.

R. W. Harding

Inspector of Custodial Services

26 February 2002

Chapter 1

BROOME PRISON AND THE INSPECTION IN CONTEXT

BROOME AS A REGIONAL PRISON

- 1.1 The formal inspection of Broome Regional Prison took place in June 2001. This was the fourth prison inspection carried out by the Office of the Inspector of Custodial Services (the Inspectorate), and the first of a regional prison. Broome Prison is located in the township of Broome, in the West Kimberley region in the far north of Western Australia. Since the closure of Wyndham Prison in the East Kimberley in the 1980s, Broome Prison has become the only prison providing correctional services across the vast regions of East and West Kimberley. The prison has a population of prisoners that is mostly local, mostly male, and, like the general population in the region, mostly Aboriginal. The majority of prisoners at Broome Prison have a minimum security rating. Some have progressed through the system at other prisons and returned to Broome near the end of their sentences, but the majority of prisoners enter and exit the system locally, on short, finite sentences. Prisoners with no family or personal connections to the region are rarely kept at Broome under sentence.
- 1.2 Broome Prison has its roots in a typically harsh local colonial history. The prison was established in 1894 when the focus of Kimberley law enforcement was the protection of pastoralists and their livestock from the traditional owners of the land. Aboriginal people who transgressed colonial property laws and, importantly, laws that effectively enslaved them to the pastoral and pearling industries, were routinely treated violently by police, in the process of arrest and delivery in chains to sentencing and gaol⁷. The original buildings at Broome Prison have been replaced over the years, with one last structural reminder of the nineteenth century remaining: the ‘bull pen’, a roofed, cage-like tropical enclosure, now used as a visits centre for secure prisoners (see front cover photo). It was a dormitory back then.
- 1.3 Broome Prison is close to the centre of town, facing Hamersley Street. This is convenient for minimum security prisoners who are eligible to attend work or programs outside the prison. Many prisoners do not need transport to attend their work locations and this in itself can act as an incentive for the prison to utilise the Section 94⁸ provision to maximum advantage. Prisoners can walk to work at the police station, the courthouse or one of the churches, or cycle to the golf club. Their presence around the town is unobtrusively evident. The prison truck gang is a regular sight in the town⁹. At Minyirr Park, an Aboriginal community controlled nature reserve where some prisoners work, the tourist guide might well be wearing prison greens.

⁷ Gill, A. 1977, ‘Aborigines, Settlers and Police in the Kimberleys 1887-1905’, *Studies in Western Australian History 1*, The University of Western Australia.

⁸ Out-of-prison activities for prisoners are carried out under Section 94 of the *Prisons Act*. ‘Section 94’ is often used as an adjective to describe prisoners who are engaged in these activities, or to describe the off-site activities – generally work, education and programs – themselves.

⁹ Under the supervision of the prison maintenance officer, the prisoners provide services to the Shire estimated by the prison to be worth \$78,000 per annum. The prison receives no income from this activity. The courthouse is alone among the beneficiaries of prison labour to make a financial contribution to the prison. The courthouse provides an income to the prison of \$11,000 per annum, against an estimated work value of \$22,000.

BROOME PRISON AND THE INSPECTION IN CONTEXT

- 1.4 Most of the State's prisons are conceptualised and described according to the highest security rating available to its prisoners¹⁰. Thus Karnet, for example, is a minimum security prison farm, and Casuarina a maximum security prison. On this basis, Broome is a minimum security prison; but, like other regional prisons (at Bunbury, Greenough, Roebourne and the Eastern Goldfields), it has the capacity to take prisoners with higher security ratings 'for temporary placement in a restricted security section of the prison'¹¹. This function has come to be implied in the description of a prison as 'regional'. Following convention then, Roebourne, for example, is a medium security regional prison (a medium security rating is available to prisoners in the prison mainstream) and Broome is a minimum security regional prison.
- 1.5 Nevertheless, such neat circumscription hides the ambiguous reality of a 'minimum' security regional prison that also holds maximum and medium security prisoners. The prison regime functions with and encompasses some fundamental contradictions and competing priorities. Unlike non-regional minimum prisons (Karnet and Wooroloo, for example) Broome Prison has a locked gate and a wire-topped perimeter fence. It is relatively secure for a minimum security prison, but fairly low key as far as secure perimeters go. The steady flow of prisoners checking in and out of the prison gates throughout the day de-emphasises security. Inside the prison, however, the recently fortified secure cell block (the restricted security section for temporary placements referred to above), and the presence of prisoners being escorted within the prison complex in restraints, shift the balance of evidence. Medium and maximum security prisoners are held at the prison in the security block for relatively short periods, usually while on remand and awaiting court hearings in Broome. For reasons we explore in Chapter Three, an emphasis on security has evolved at the prison that is out of kilter with the prison's population and circumstances. It leaves an imprint on the prison as a whole and it also raises questions about the standard of care available to medium and maximum prisoners. The role and impact of security at the prison provided a focus during the Inspection.
- 1.6 While acknowledging that the systemic over-imprisonment of Aboriginal people¹² is unacceptable and needs urgent redress across all levels of the criminal justice system, it is important for Aboriginal people when they are imprisoned, to serve their time close to family and country wherever possible. Aboriginal people have suffered a history of dispossession that has left their cultures and traditional communities fractured, and largely denied their access as a race, to mainstream white Australian life chances. Much Aboriginal offending is an outcome of a colonial and contemporary history of dispossession. The ultimate 'downstream' manifestation of the colonial disempowerment of Aboriginal people is their extreme over-representation in prison. In a climate of historic and continuing deprivation, where access and opportunity has been stunted, 'family' has remained an unassailable constant for Aboriginal people. Losing contact with family is to lose a life-line; in a prison setting that can lead to serious distress and trauma.

¹⁰ See Department of Justice Policy Directive 1 – Assessment, Classification and Placement of Prisoners.

¹¹ *ibid.*

¹² Aboriginal people comprise approximately three per cent of the general population of Western Australia, but about one third of the prison population.

BROOME PRISON AND THE INSPECTION IN CONTEXT

- 1.7 Regional prisons provide a limited means for incarcerated Aboriginal prisoners to remain in contact with family members: limited because only minimum rated prisoners can serve out their sentences at the prison (the others go ‘down south’); and limited because the prison is effectively ‘local’ to only a small number of prisoners in the vast catchment area. Family visits are more expensive and more logistically problematic when long distances are involved. Nevertheless, regional prisons are vital in providing a link between Aboriginal prisoners from the area and their families, albeit a less than optimal link for reasons such as those just referred to. In fulfilling this role and its more general role of humane containment, regional prisons are required to deliver a standard of care to prisoners that meets Departmental and national standards. That standard of care should be no worse than that provided in the major metropolitan prisons.
- 1.8 In recent years, the role of Broome Prison to provide corrective services for prisoners from the region has been put under stress. An ongoing and relentless pressure comes from chronic overcrowding. Designed to house 66 prisoners originally, the current prison now copes with populations routinely in excess of 115, with peak populations of over 140. Overcrowding is a feature of the prison system¹³ as a whole and at both the system and local levels has an impact on Kimberley prisoners. Amongst other things, it effectively strangles the movement of Kimberley prisoners from southern prisons to Broome Prison for family visits, and, at the local level, reduces work opportunities for prisoners and makes for cramped, unhygienic living conditions.
- 1.9 There are increasing numbers of people entering Australian waters near the Kimberley coast as asylum seekers, people smugglers or fishermen. Designated ‘foreign nationals’, they can become inmates of Broome Prison for a variety of reasons¹⁴. In most cases they are held at Broome Prison as remandees awaiting court hearings. If sentenced, foreign nationals will generally be transferred out of Broome Prison to serve their time elsewhere in the system. Although ‘temporary’ locals, these prisoners have particular needs associated with language, health care and legal support, in addition to general needs for adequate cell accommodation and access to prison work and education. Like all prisoners, they contribute to overcrowding and, particularly with their special needs, compete for scarce resources.
- 1.10 Broome Prison, like other regional prisons of a similar ilk, pays a great deal of attention to the precarious balance between overall prisoner numbers, the availability and suitability of accommodation, and prisoners’ security classifications. Juggling prisoners’ classifications has become something of an art form in regional prisons, and authorities can push the envelope in terms of classifying prisoners

¹³ Overcrowding has been diminishing for male prisoners in many prisons, but not Broome, since the opening of Acacia Prison (male, medium security) near Perth in May 2001. Overall prison numbers have also been falling since July 2001. Whether this trend continues or not is in part dependent on Departmental policies in relation to the prisons that are currently providing inmates for Acacia. If the Department increases multiple occupancy of cells and shuts down units, as currently appears to be the case, then effectively, overcrowding and the associated problems of diminished amenity for prisoners is likely to continue. The Inspectorate will closely monitor the Department’s practices in this regard.

¹⁴ Prisoners are usually facing charges relating to people smuggling, illegal fishing in Australian waters, or in relation to alleged offences at the Curtin Detention Centre, near Derby.

down to a level so that their stay at a particular prison is assured, while being able to justify such decisions against Head Office policy directives and orders. The practice has particular application in regional areas where local prisoners are loath to be separated for long periods from family and country. It also represents a powerful and strategic management tool. All regional prisons do it, and Broome Prison is no exception¹⁵.

- 1.11 The challenge for the local prison in its management of prisoners, including their classification, is about holding the tension and finding a fair balance between prisoners' needs, local prison management needs and system-wide policies.

INSPECTION METHODOLOGY

- 1.12 The Inspectorate's formal, announced prison inspections are intended to look largely at systemic issues and to hold prisons to account for the regimes they conduct for their prisoners. The Department of Justice (the Department), on the other hand, conducts a kind of audit of its prisons – called a Service Review – prior to each of this Office's inspections. The Broome Prison Service Review had taken place some months before our Inspection, and we were able to observe during our Inspection some reforms arising out of that Review. For example, the prison was a cleaner place than it had been some months earlier when we made our first liaison, or pre-inspection, visit, and it had installed shade and playground equipment for visitors and their children. There were many other examples of change in the months between the Service Review and our Inspection. The Inspector was pleased to see better amenity in these areas, but the Inspectorate's main focus in its inspections is with more fundamental matters. Why at Broome, for example, were alcohol and violence programs not offered to prisoners, and why were secure prisoners kept in restraints during consultations with medical staff in the prison medical centre?
- 1.13 As the Broome Prison Inspection was the third announced inspection since the establishment of the Inspectorate in 2000, and the fourth overall¹⁶, the formal Inspection of Broome Prison benefited from some considerable preceding groundwork. The Inspectorate has developed a system of regular liaison visits to prisons throughout the State. The liaison team appointed to Broome Prison had made two prior familiarisation visits, one of which also involved surveys of and interviews with prisoners and prison officers.

¹⁵ During the recent fortification of the security section, where ongoing work made it impossible for prisoners to remain in the unit during the day, the prison shifted some of its security population to Roebourne, and reclassified suitable prisoners where possible so they could remain at Broome in the main (minimum) prison. This limited the number of prisoners subject to the less-than-ideal short term arrangements for the remaining secure prisoners.

¹⁶ An unannounced inspection of the Induction and Orientation Unit and the Special Handling Unit at Casuarina Prison was the first inspection undertaken by the Inspectorate in December 2000 (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*, Report 1). All Reports of the Inspector are available at www.custodialinspector.wa.gov.au

- 1.14 The liaison scheme is, or should be, mutually beneficial to the Inspectorate and to the particular prison. Where the liaison officers find shortfalls in practice that can be addressed readily by the prison – generally fairly minor matters that are not necessarily system-wide – the liaison team brings these matters to the attention of the superintendent. This provides an opportunity for immediate redress, rather than delayed action if the matter waits for the formal inspection and subsequent report, and allows the superintendent to avoid public exposure by acting on the matter. The liaison system has been effective in having minor matters addressed, and it has provided a breadth and depth of information about each prison that is useful in preparing the formal inspection and helping to form an appropriate focus for this work.
- 1.15 Before the Broome Prison Inspection, the Inspectorate’s research manager and liaison officers spent a week at Broome Prison conducting focus groups with Aboriginal prisoners, with the help of local facilitators. They also conducted a survey of prison officers. Four Caucasian prisoners opted to complete a prisoner questionnaire, rather than participate in a focus group. Eight groups of prisoners were interviewed: seven Aboriginal groups (including a group of women, a group of maximum and medium rated prisoners, three groups of minimum rated prisoners, the peer support group, and prisoners at Bungarun work camp near Derby), as well as one group of Indonesian prisoners (through an Indonesian speaking facilitator). Information from the prisoners and from the prison officer surveys provided the foundations for the formal Inspection.
- 1.16 An influx of mainly Middle Eastern foreign nationals into the prison just before the research/liaison team’s arrival meant that numerically they formed a viable group for interview, but in reality they could not be included in the formal focus group schedule. This was mainly because three foreign languages were involved and translator/facilitators were not available at such short notice. The team did, however, have a lengthy, informal discussion with the group with the help of their English-speaking prisoner friends, and one prisoner was interviewed using the telephone interpreter system. This particular group of prisoners was still at Broome Prison at the time of the Inspection a month later.
- 1.17 The Inspection Team spent a week inspecting Broome Prison. Although much of this time was spent in and around the prison, outside agencies that provided programs, educational services or daily employment for prisoners were visited. Representatives from other outside service agencies were interviewed at the prison. The Bungarun work camp and associated work locations in the Derby area were also inspected.
- 1.18 To establish a picture of the regime at Broome Prison that was comprehensive and open to analysis, the Inspection focussed on a series of interlinking themes. These were: the imprisonment of Aboriginal people; the policy and practice of security in a ‘minimum’ security regional prison; prison management, including relationships with Head Office; the management of diverse groups, especially women; constructive activity for prisoners; and, services for prisoners, with health services as a major focus. The themes relate to the four cornerstones, as the Department of Justice refers to them, of correctional policy and practice: care and wellbeing; rehabilitation; reparation; and, custody and containment.

1.19 The Inspection Team arrived at the prison in time to observe visits and recreation on the Sunday afternoon. The Inspection commenced formally the next day with a presentation to the team by the Prison Superintendent. It concluded on the Friday with the Inspection Team's presentation of some preliminary findings to the prison management team. The liaison officers and the Inspectorate's consultant on health and Aboriginal issues also spoke to interested prisoners about the Inspection. About one third of the prisoner population voluntarily attended this feedback session, which was held during the evening recreation period.

TERMINOLOGY USED

1.20 Prisoners with a minimum security rating are referred to as minimum, or minimum security, prisoners. Prisoners with a rating of medium or maximum are referred to as secure prisoners. These prisoners are held in what we call the security section. Throughout the report we refer to 'Aboriginal prisons' and, to differentiate regimes, 'non-Aboriginal prisons'. There are four prisons we call Aboriginal prisons: the regional prisons at Roebourne, Eastern Goldfields, Broome and Greenough. They are Aboriginal prisons because they hold a majority of Aboriginal prisoners, almost all of whom come from the region. They are not Aboriginal in the sense of being special purpose prisons (i.e., specifically for Aboriginal prisoners). The Aboriginal prisons also hold a small proportion of non-Aboriginal prisoners and therefore are not Aboriginal prisons in the exclusive sense that Rottnest Prison was in the nineteenth century¹⁷. 'The Inspector' refers to the Inspector of Custodial Services.

OUTLINE OF THIS REPORT

1.21 While Chapter One has placed Broome Prison in a regional context, Chapter Two focuses on the prison itself: its physical presence and how it appears to function. It looks at the buildings, layout and functions of the prison; issues and profiles relating to staff and prisoners; and, the underpinnings of Broome Prison policy and practice. The themes that are dealt with directly and indirectly in Chapters Three to Seven are nascent here.

1.22 Chapters Three to Six pick up the themes. Chapter Three deals directly with issues relating to security. It discusses both the tangible and intangible aspects of security: where secure prisoners are housed and how they are treated, and how the priority given to security impacts on the regime. The current use of mechanical restraints on secure prisoners at Broome Prison, including shackles (leg irons) at times, mirrors the recent past in Western Australia where the chaining by police of Aboriginal prisoners by the neck and ankles was common practice in the regions¹⁸. We discuss the use of restraints in the context of security, health care, Aboriginal culture and the wellbeing of prisoners.

¹⁷ Thomas and Stewart point out (Thomas, J.E., and Stewart, A. 1978, *Imprisonment in Western Australia: Evolution, Theory and Practice*, University of Western Australia Press, Nedlands) that although Rottnest was established as a 'native' prison, a small number of white prisoners, mainly trades people, were sometimes sent there.

¹⁸ There is evidence of this still occurring in the North West in the 1940s.

- 1.23 Chapter Four explores issues of prisoner diversity, with a major focus on the treatment of women prisoners at Broome. With substandard accommodation and different regimes applying, the fundamental question regarding women prisoners at Broome was not one of best practice but of minimum standards. With few exceptions, women prisoners at the time of the Broome Prison Inspection were undemanding and reluctant to challenge the status quo. Our major task was to understand how this had happened, what factors were involved, and how the prison could resolve the situation and improve the regime for women. Issues relating to foreign nationals are also explored in this Chapter.
- 1.24 Chapters Five and Six deal principally with duty of care, rehabilitation and prisoner resettlement issues. Chapter Five focuses on services for prisoners and constructive activities that take place within the prison – work, education, health and welfare services, treatment programs, recreation and leisure time activities, canteen and visits – and provides background information for Chapter Six. In Chapter Six the scene changes to services and activities outside the prison where participating prisoners have, in principle, moved a step further to their release into the community. This Chapter looks mainly at Section 94 activities in the form of community-based work, attendance at TAFE and participation at Bungarun work camp, near Derby.
- 1.25 Chapter Seven provides the conclusion to this Report and picks up issues to do with the fundamental role and purpose of a regional prison like Broome, as well as issues of good management. Given its age and other shortcomings in relation to its regional role, Broome Prison will eventually be replaced. Talk of a replacement has been on and off the Department of Justice’s agenda for many years. The Inspectorate has considered this issue with the information to hand and outlines in Chapter Seven its position on the planning and development of a new prison. Recommendations arising from the Inspection follow the concluding comments.

Chapter 2

BROOME PRISON IN FOCUS

PRISON LAYOUT AND FUNCTIONS

- 2.1 Broome Prison has an unassuming presence. The dust coloured perimeter fence does not extend across the administration section, the grassed and paved areas (doubling as the minimum visits area) at the front of the prison, or the maintenance workshop. These areas are accessible from the street. For non-prisoners, the entrance is across the grassed area in front of the administration block and then through the gate house, located on the Hamersley Street side of the prison. Prisoners on foot use a side gate adjacent to the gate house, near where vehicles pass through the main prison gates, which face Hamersley Street. The rear of the prison backs onto its own unused land, and a Water Corporation reserve. The tank on this land is to be de-commissioned and we understand that the land will be made available for other purposes, yet to be decided.
- 2.2 The prisoner reception area and the two multi-purpose cells for isolation and observation are in the rear section of the administration building and gatehouse. An internal passageway connects the reception/multi-purpose cells area to the prison's administration and gatehouse, and to the prison yard. The prison buildings are mostly located around a central courtyard, which holds a well used basketball court (with night lighting), an outdoor television viewing area, and a shaded, grassed outdoor eating area. The store and canteen, the medical centre, the women's section, laundry and bull pen, referred to in Chapter One, are positioned on the Hamersley Street side of the courtyard. The cell blocks for minimum males run in an 'L' shape along the Hamersley Street side of the courtyard beyond the bull pen, and along the northern end of the prison behind the TV viewing area. The kitchen and dining room are on the opposite, east side of the courtyard. The dining room is too small to hold the prison population in one sitting, hence the choice, which seems to work well, of eating out of doors.
- 2.3 The security block faces the basketball court, on the east side. It is heavily fortified across all external faces with high grade steel mesh, and consists of four cells and what amounts to a kind of open day room at the end of the walkway that provides access to the cells. The intense fortification appears anomalous in the context of a minimum security prison. A minimum rated prisoner, seated on a chair in the sun and chatting to a secure prisoner through the mesh, makes for a discordant image. Past the kitchen and dining room and behind the reception area, is the education centre. Arts and crafts take place in a covered outdoor space, behind the workshop and adjacent to the education centre.

The cells

- 2.4 The 22 cells (in six blocks, including the female section and the secure section) at Broome Prison were originally designed to hold three prisoners each. The 'modified' capacity of each cell is now four. Such modest populations have long been superseded: the prison operates continuously at well over capacity, and male cells generally hold six to eight prisoners. When the population soars for some reason¹⁹, to a figure of around 140, some cells hold up to 12 prisoners. A cell housing

¹⁹ Local reasons include the return of prisoners who are being held elsewhere to Broome Prison to attend District Court hearings. Growing numbers of foreign nationals seeking illegal entry into Australia also have an impact on the prison population (whether to do with charges in relation to people smuggling, or to incidents occurring at the Curtin Immigration Detention Centre). In a more global sense, system overcrowding and policy changes also impact on Broome Prison, as they do on all prisons.

Indonesian prisoners recently held 13. When they have friends and relatives in the prison, prisoners generally opt to share a cell with them. This makes the overcrowding more bearable. At the time of the Inspection, each male minimum cell had prisoners sleeping on mattresses on the floor, and some minimum prisoners were sleeping in the maximum block in order to have a bed. Prisoners lose personal space through such temporary arrangements and have nowhere that is theirs to retreat to, especially during the day when extra mattresses are stored out of the way. The mattresses on the floor, the extra bedding, and the personal belongings that cannot be put away because of a lack of storage, create cluttered and untidy cells. The fire risk is significant and mattresses are reportedly flammable. As cells are locked at night, the consequences of a night time fire in such overcrowded conditions would be devastating. The upper bunks are only for the agile and sound of sleep, as they have no ladders and are perilously close to ceiling fans. Bedding in the minimum male section is often dirty and some mattresses and pillows were being used without bed linen.



Male minimum security cell

- 2.5 The women's section consists of one block of three cells opening off a covered, secure walkway²⁰. After the women are confined to quarters at 7.00 p.m., due to the confined nature of the women's section only sedentary activity is possible. This occurs in the walkway (watching television) or in the cells on the bunks. The third cell, for secure female prisoners, is entered through a lockable gate across the walkway. As with the male prisoners and within the limits of the cells available, the women choose their cell mates.
- 2.6 The cells for women contain a toilet and shower. The men's cells contain a toilet and there are separate ablutions for showering. In the overcrowded conditions that typify Broome Prison, in-cell and out-of-cell ablutions are heavily used. According to the male prisoners, maintaining clean in-cell ablutions is a problem and one for which no-one much takes responsibility. There is no exhaust system for the cell toilets, a problem detected by the Health Department in its environmental health assessment of the prison (September 2000), and acknowledged by the prison. The Health Department Review also commented on the poor hygiene standards in cells, a problem the Department considered could be overcome with adequate supervision and regular inspections by prison staff.
- 2.7 The male and female cells had been repainted very recently and the appearance and 'feel' was a considerable improvement on conditions that prevailed during our liaison visits. We were told that

²⁰ The women's section had undergone a partial refurbishment before our Inspection. Refurbishment of the ablutions was still an urgent priority. The plan for the following financial year involved the provision of a secure, covered exercise yard that would enable women in the secure section to have some exercise. It was intended that the minimum women would also have access to this area, presumably after their 7.00 p.m. confinement to quarters. Provision was being made to address issues of privacy that arose because of the proximity to the women's section of the prison laundry.

the paint peels fairly quickly, as preparation work is not thorough, so to maintain a reasonable standard, particularly in the challenging conditions of extreme overcrowding, painting needs to be either better²¹ or frequent. The female ablutions (all in-cell) have yet to be refurbished and are in a poor state. The prison expects to be funded for an upgrade of the female section; however, approval was still pending as at February 2002.

- 2.8 The accommodation for secure prisoners is bleak and substandard. The secure cladding for this unit cost about \$210,000, almost half of total funds allocated for the preventive maintenance of the entire prison.

The education centre

- 2.9 The education centre is a small building – too small to fully accommodate the prisoners wishing to make use of it. There is an air of purposeful activity in the education centre, and of invitation, at least for the male prisoners. The women prisoners are uncomfortable about approaching the education centre when they know male prisoners will be there. There seems to be a mix of reasons for this and we explore these in Chapter Four. The education centre is quite pivotal at Broome Prison because its reach and budget extend across education, work, training and leisure time activities, and it is inclusive of prisoners across a range of ethnic and racial backgrounds and levels of literacy and educational achievement²².

Reception

- 2.10 The reception area is the second of three areas of the prison considered to be secure (the third is the bull pen). Prisoners are received here, either directly into the system from police lockups in the region, or as transferees from other prisons. The Inspection Team observed the reception of twelve new prisoners, who had arrived at dusk on the AIMS²³ transport from Kununurra.

Twelve hours in transit produces disoriented prisoners who are usually dehydrated and hungry, and without exception in urgent need of toilet facilities.

The resources in Reception are stretched in such circumstances and it is debatable whether the reception area is able always to maintain the failsafe standards of security the prison insists must prevail for non-minimum and remand prisoners elsewhere in the prison²⁴. We saw nothing that made us question the appropriateness of actual security arrangements during the reception process, but it could not be described as failsafe. It raised questions for the Inspection Team about the role and

²¹ Painting should, of course, be undertaken by prisoners as a set of skills to be taught with associated accreditation. This does not happen.

²² At the time of the Inspection, the Senior Education Officer had been acting in the position for some time. She was appointed to the position some six months later.

²³ AIMS, Australian Integrated Management Systems, are the contractors for custodial services and court services. They provide most of the prisoner escorts in the State.

²⁴ Prisoners awaiting receipt are held behind a grille in the adjacent multi-purpose cell area when these cells are not occupied by prisoners. During our observations, one of the cells was in use so the ten male prisoners were kept in a room adjoining the reception area while the two women sat in the throughway in the reception area. This matter is referred to in Office of the Inspector of Custodial Services 2001, *Report of an Announced Inspection of Adult Prisoner Transport Services*, Report 3.

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purpose of security, about consistency in its application, and about how appropriate the secure classifications were for some prisoners. Inconsistency in policy and practice is, more generally, a recurring theme at Broome Prison.

Areas outside the fence

The maintenance workshop

2.11 The maintenance workshop is not enclosed by the secure fence and opens onto the unpaved parking area. The prison truck and bus are parked outside the workshop and it is from here that prisoners leave for TAFE and the 'truck gang' for shire maintenance work. The workshop is a large shed with a wire mesh lockable front. It is currently being extended to the rear where it will impinge to some extent on the area used by the arts and crafts group.

Minimum visits area

2.12 Visits for minimum prisoners take place at tables and chairs in a shaded paved area near the workshop but closer to the street, or on the grass under umbrellas, in front of the administration section. The visits areas are screened from the street by (non-secure) fencing and shrubbery. Some children's play equipment has been installed since the Service Review of the Prison by the Department of Justice. These and other changes, including the construction of toilets for visitors, have considerably enhanced the amenity of the minimum visits area.

Administration

2.13 Management staff not involved in day to day interaction with prisoners are located in the administration building directly accessible from the street. The Superintendent and the Business Manager have their offices here. The Assistant Superintendent Prisoner Management, nurse manager, education officer and part time prisoner liaison officer, all have offices within the prison compound. Broome Prison is fortunate in that accessing the yard from the administration area is neither cumbersome nor time-consuming, as it is in most other prisons, including the other minimum security regional prison in the Eastern Goldfields. The management should capitalise on this fluid access and visit the yard more often. Relatively unimpeded access between administration and the prison maximises opportunities for information flow between those who deal with prisoners and senior management, and for a superintendent to see and hear at first hand what goes on in his or her prison.

HUMAN RESOURCES

Prisoners: Profile and snapshot of daily regime

2.14 The prisoner population on 25 June, at the time of our Inspection, was 138. Fifteen of these prisoners were resident at the work camp near Derby. There were eight women in the prison: two maximum, six minimum and all Aboriginal. There were five male prisoners from Indonesia, all on remand and rated minimum, and of the twelve other foreign nationals at the prison, there were eight prisoners who had been charged with offences at the Curtin Detention Centre. These prisoners were

also on remand and were rated minimum. Ten prisoners were non-Aboriginal Australians. Three of these were maximum security prisoners. There were 111 Aboriginal prisoners altogether: eight women and 103 men. Of the males, eight were rated medium, nine maximum and the rest minimum security. Aboriginal prisoners represented 100 per cent of the female population, 79 per cent of the male population, and 80 per cent of the total prisoner population.

- 2.15 After being unlocked in the morning prisoners help themselves to cereal and toast in the dining room²⁵. Early risers are assured of an adequate breakfast, but those who get up late, either through inclination or late unlock (often the women) risk having breakfast foods run out. While the Inspection Team was there we received complaints from women prisoners that the dining room had been locked without warning on several recent occasions to deter 'late' arrivals to breakfast. Since women were late arrivals by virtue of their late unlock – a matter over which they had no control – this action appeared to be, and was, discriminatory. The women who spoke to us were very angry about what they believed was an unauthorised and discriminatory action.
- 2.16 Many of those who work outside the prison take a packed lunch with them. Prisoners whose work locations are near the prison return there for lunch at about 11.30. Broome Prison is making good progress with its use of the Section 94 provision to give prisoners productive respite from the overcrowded and enervating conditions of the prison, and in some cases to promote meaningful work experience and training. Not all work in community locations is full time. There were 58 prisoners attending regular work outside the prison (including prisoners from Bungarun work camp near Derby) and on-campus study at TAFE at the time of the Inspection. None of these prisoners were women.
- 2.17 After breakfast, the minimum prisoners with jobs in the prison go about their tasks. There is insufficient work to keep many of the prisoners fully occupied and some prisoners have no work at all. Overcrowding and a lack of supervision are important factors, but there is a complex of reasons for the lack of work. As it stands, much of the work in the prison is mundane, requires little or no training or expertise, and is generally unsupervised²⁶. Opportunities to benefit both the prison and the prisoners are lost. Of the non-working group of prisoners, most would prefer to have a job. During the day, the non-working prisoners keep a low profile. In the evenings, when all prisoners have returned and the formal recreation periods begin, leisure time activities are more overt, noisy and sociable.
- 2.18 The Section 94 provision enables minimum security prisoners to leave on the prison bus, for a short period (about an hour) of recreation in the community: the beach in summer or the town oval, where prisoners kick a football or walk. Although Section 94 recreation is scheduled daily (twice daily on weekends), its actual occurrence depends on officer availability. Trips are often cancelled, especially on weekends. Women prisoners prefer the beach to the oval, but they seldom 'sign up' for Section 94 recreation in any case. At the prison itself, some gym equipment has been installed in an outdoor location, near the bull pen. Its use is predominantly by non-Aboriginal male prisoners.

²⁵ Prisoners going out to work or who work in the kitchen (all males at the time of the Inspection) are unlocked at 6.10 a.m. General unlock is at 7.00 a.m. The women complained that they were regularly unlocked later than 7.00 and that as a result they often missed out on breakfast.

²⁶ There is a cook instructor in the prison, but no formal training in certificated catering courses.

2.19 Dinner is at 5.30 p.m. In the evening, prisoners play basketball, watch television and videos communally, play cards, talk, and listen to the radio. A local radio station – Radio Goolari – is very popular. Once a week it runs a request program for prisoners. At the time of the Inspection, one or two prisoners, remnants of a group involved in a short music workshop for which an amplifier, three electric guitars and a set of drums were purchased, would regularly take out the equipment and play most evenings before dinner. Bingo sessions are held one night a week; with women attending if they want to, outside the hours when they are normally locked in the women’s section. Women are locked in their section at 7.00 p.m. (except if they are at Bingo). Men and women are locked in their cells at 10.00 p.m.

Officers

2.20 Broome Prison has 36 officers on its roster. This includes four senior officers, two officers allocated to the work camp²⁷, and four industrial officers. Only one officer is Aboriginal and there are two women officers. Many officers believed there was a shortage of staff at the prison, especially of women officers. The Inspector believes there is also a shortage of Aboriginal officers, and indeed of Aboriginal staff members generally.

2.21 Before the Inspection, we surveyed prison officers who were not on leave and were on the current roster. Eleven officers out of 27 returned the surveys, but one form was returned too late for inclusion in the analysis. Hence ten officers gave us information for the profile that follows. Most of the following commentary relates to the surveyed group. It is clear from the context whether the source is survey data or the Inspection Team’s observations about staff generally.

2.22 A majority of officers surveyed was over 50 and close to retirement. We had been told on other occasions that this was the profile of Broome prison officers as a whole. The ten officers who responded to the survey had had an average length of service in the system of almost 16 years: long service by any standards. On average, this group had each spent about six and a half years at Broome Prison. For many of them then, service at Broome had been preceded by a long stint in the service at another prison. A context for this was suggested to us by several people: prison officers from down south were coming to Broome for lifestyle reasons – sun, fishing and relaxation before eventual retirement to more of the same. While this may be so, being drawn to Broome for lifestyle reasons is not necessarily limited to prison officers, and it is of course possible for officers enjoying a chosen lifestyle also to be professional and industrious in their jobs.

2.23 The officers themselves gave various reasons for their moves to Broome. Many clearly involved lifestyle choices, and others preferred the nature of work in a regional prison with a ‘friendly’ prisoner population. In contrast to officers at prisons elsewhere, the Broome officers commented on the location of Broome prison as a major ‘best thing’ about working at the prison. Most officers in other prisons say it is their colleagues that make the job worthwhile. The officers (nine out of ten) did say elsewhere that they felt supported in their work by fellow officers, at the same time as they felt unsupported by head office (eight out of ten) and management (seven out of ten), and kept out of the information loop (nine out of ten).

²⁷ An additional staff member to supervise prisoner work groups in Derby was about to be appointed. Only one officer is on duty at the camp at any one time, for what is a round-the-clock responsibility.

- 2.24 It was suggested to us by prison management that some prison officers may have been underperforming. However, we could not really determine whether this was so. What was apparent was a rift between management and a significant proportion of officers. In fact, nine out of ten surveyed officers cited management as the major problem for them at the prison. At Broome Prison, if underperformance were an issue, so too was low staff morale and management style and practices. Clearly, the problems were multi-layered, and any long term resolution of these problems would need to take account of this.
- 2.25 Prison officers at Broome, like prison officers everywhere the Inspectorate goes, undergo generalised training that focuses primarily on security. In the previous twelve months the surveyed officers had all received training in the use of restraints, and half had been trained in the use of chemical agents. They had all been trained within the previous three years in CPR and first aid, although some were due for refresher courses. The surveyed officers indicated they had had no training within the previous five years in suicide prevention, or in Broome-specific areas such as Aboriginal culture and cross cultural awareness²⁸.
- 2.26 Officers need to maintain security in a prison and be trained to do so. However, the emphasis on security related training should be leavened with an equal focus on training that fits officers to understand and relate to prisoners and assist the resettlement process. It should also be tempered by the needs of the particular prison. The standard of security for Casuarina, the male maximum security prison in Perth, should not be the standard for a regional prison such as Broome, and the training balance should reflect this. 'Reasoning and Rehabilitation' – the Department's flagship interpersonal and cognitive skills course – has not yet been extended to Broome staff and prisoners. In any case, if and when this occurs, it will need to be underpinned by a culture, currently not apparent, that is comprehensively supportive of such approaches to prisoner management and rehabilitation. Moreover, the Inspectorate is not convinced as yet, that the cognitive skills course is in an appropriate format for use in contexts where Aboriginal prisoners predominate.
- 2.27 What the surveyed officers actually said they wanted was TOMS²⁹ training – understandable given the pressure on them to be competent with the Department's data management system, but ironic given that the demands of the system alienate officers from their jobs and diminish the time available to prisoners.
- 2.28 Surveyed officers at Broome believe that anyone working at the prison needs skills in understanding and communicating with Aboriginal people. While officers did not seek training in this area, on the face of it implying that they thought they already had those skills, more than half the officers surveyed acknowledged they did not have sufficient information in this area to do their jobs at Broome. This suggests that many officers would welcome appropriate training in Aboriginal cultural

²⁸ In its formal response to this Report, the Department of Justice said that the majority of its staff received suicide prevention training in the form of training in 'at risk' matters, in line with Departmental policy on the PRAG ('at risk') process. The Department also said that since 1997 all officers have received Aboriginal Cross-Cultural training as part of their initial training.

²⁹ TOMS is the integrated computer record system that all Departmental staff are expected to master and are required to use on a regular basis. In their formal response to this Report the Department said most of the staff at Broome Prison had received two days training on TOMS. Apparently this was not enough for the surveyed officers to feel competent in using the system.

issues and cross-cultural awareness, were it to have the imprimatur of the prison and the Department, and be readily available. From what we observed at the prison at both management and officer levels, very few staff have a good understanding of Aboriginal cultures and history, or of the impact on Aboriginal offending and imprisonment of colonialism, dispossession and a criminal justice system that is effectively discriminatory. Few seem guided in their work by such understandings. Stereotyped views of 'Kimberley Aborigines' and what is best for them are the norm; communication is generally one-way and authoritarian.

- 2.29 We witnessed several examples of mis-communication or poor communication between officers and Aboriginal prisoners. Officers are often unaware that language and cultural differences can distort their verbal messages to prisoners. They need to ascertain not only that prisoners have heard the message, but how the message has been understood. Further, it is important that officers evaluate prisoners' responses in this light. Often this does not happen, and officers can deliver instructions, provide information or ask questions, in the mistaken belief that the prisoner has indeed 'got the message'. We were particularly aware of this kind of mis-communication taking place during the reception process, partly because reception is a cumbersome and uneasy procedure in an Aboriginal context, and partly because multiple receptions from the escort vehicles are commonplace at Broome and in these circumstances resources are stretched and participants in the process are stressed.
- 2.30 The system needs to deal far more pro-actively and effectively with what is fundamentally an ethnocentric approach to prisoner management. A shift in priorities and attitudes at policy level is needed, as well as appropriate and ongoing training at the individual level in Aboriginal cultures and histories, and in communication (including cross-cultural) skills.
- 2.31 Nine out of ten officers acknowledged they needed more information about Indonesian cultures, six out of ten thought they needed more information in the area of psychology, but only half thought they needed more information about the principles of rehabilitation and less than half (four) thought they needed more information about sentence management. The term 'sentence management' is ill-defined in the prison context and, given most sentences are short and finite, not much of it is formally required at Broome Prison. Half the officers thought the regime at Broome Prison, including its work and training opportunities, programs, health service and case management processes, were effective in preparing prisoners for release. The half who did not, implied that even the most rehabilitative prison regime would be ineffective, because of the conditions and circumstances many Aboriginal prisoners returned to.
- 2.32 The officers were generally supportive of attempts to get prisoners out of the prison to work, at the work camp at Bungarun and on Section 94 activities around the town.
- 2.33 Seven out of ten surveyed officers thought their relationships with prisoners were either good or very good. Prisoners were far less sanguine. When there is little communication between the groups, as at Broome Prison, it is easy for those in uniform to interpret the status quo as positive. One officer, however, thought the aggressive relationship between staff and management had been detrimental to staff/prisoner relationships and that staff no longer cared.
- 2.34 The officers believed that, on the whole, prisoners felt safe. They were right. The officers said that prisoners choosing their cell mates and having good access to family members through the generous

visits arrangements, if they were locals, helped create an environment where the tension associated with overcrowding was somewhat ameliorated, so prisoners generally felt safe. The incidents of assault, bullying and verbal abuse (including racist remarks) which officers said sometimes happened between prisoners, seemed to be mainly of a lower order of seriousness, and were attributed to over-crowding, resentment of non-locals taking up bed space and jobs ahead of locals, and 'family conflicts'.

- 2.35 Verbal abuse, although not a regular practice, was seen by the officers to run through the prison community. Prisoners were seen to abuse each other, some officers were seen to abuse prisoners, and, most common of all according to the officers, prisoners abused them. The behaviour from prisoners that officers said they experienced, as a group, included racist remarks and, surprisingly, bullying.
- 2.36 A clear majority of officers (between seven and ten in each case) thought the prisoners had adequate clean bedding and food, and adequate access to health care, the telephone, sport and recreation, work, culturally relevant reading material, and programs. A slightly smaller majority (six) thought they had sufficient access to management. While 'adequacy' is arguable in relation to some of these areas, in others, such as culturally relevant reading material, programs and work there is no doubt that access and availability are restricted. This survey question exposed, perhaps more than any other, gaps between some prison officer perspectives on the regime and what is adequate or appropriate for prisoners in terms of good correctional practice.
- 2.37 Most officers believed that Broome was, in essence, a minimum security prison and it should be run as one. For the majority, there was a clear difference of opinion with management about the purpose of and emphasis on security in the prison.

CONCLUSION

- 2.38 The constants (and context) of Aboriginal imprisonment in Western Australia are a criminal justice system and a corrections system that are effectively discriminatory. These constants underpin any inspection of an Aboriginal prison and they also underpin the ebb and flow of policy and practice that mark such a prison over time. Broome Prison has its roots in a brutal local history of treatment for Aboriginal people; however, it has also existed more recently through an era in corrections when local imprisonment was in some ways more responsive to the local population. Broome prisoners have a long history of imprisonment, both as individuals and as a people. They told us stories about recreational activities – some even for secure prisoners – that were allowed inside and outside the prison in the recent past, and of officers with whom they had a mutually respectful relationship. Essentially, the stories were of a prison whose purpose was containment, rather than rehabilitation, but at least it achieved this meagre purpose without an undue focus on security diverting it from some important aspects of prisoner care and wellbeing.
- 2.39 We do not present this manifestation of Broome Prison as a model. Even from so brief a glimpse its limitations by modern correctional standards are obvious. However, it is clear that Broome Prison has become a complex place with a history and associated practices that are cumulative and not transparent. In its latest manifestation, the prison tries to juxtapose its putative minimum status with an unsympathetic preoccupation with security. As the reader has already glimpsed there are contradictory policies and practices, and competing agendas associated with the prison regime that impact on the prisoners and affect the way they do their time. We explore the first of these, security, in the next Chapter.

Chapter 3

SECURITY OUT OF BALANCE

- 3.1 Five regional prisons in Western Australia have a separate facility for the temporary placement of male prisoners whose security rating exceeds that of the prison mainstream. The sixth regional prison, at Albany, does not have such a temporary facility because the full range of security ratings is available in the prison mainstream in any case. Broome and Eastern Goldfields Prisons have only a minimum rating available for their mainstream populations, hence these two prisons have a discrete security section that holds medium and maximum rated male prisoners, generally for short periods. At both of these prisons, the mainstream population and regime is enveloped to some extent by the security measures targeted to the small transient group of secure prisoners. Mainstream (minimum) prisoners at Eastern Goldfields Regional Prison, endure a plethora of security interventions such that they themselves have become in some respects, defacto, secure prisoners. At Broome Prison, the effects of security for the few have much less direct impact on the mainstream minimum population. However, the lack of priority given to programs and training is an indirect consequence of the privileging of security. A major issue at Broome Prison concerns the secure prisoners themselves; particularly the relevance and intensity of new escort procedures and measures.
- 3.2 In this Chapter we look at the concept of security in prisons, the underpinnings of security as a reflection of policy, and the question of balance between the four cornerstones³⁰. We look specifically at the particular emphasis on security at Broome Prison, its impact on the secure and minimum prisoner populations, and also at the regime and accommodation of secure prisoners.

THE CONCEPT OF SECURITY

- 3.3 Prison security is associated with the correctional cornerstone of custody and containment. It represents the principal mechanism for maintaining the separation of prisoners from the community; and, within the prison, for controlling prisoners who could be a risk to the community, and protecting those who are vulnerable. Prison security is an outcome of both physical features (the style of building, surveillance equipment, perimeter fences, etcetera), and strategic procedures, such as orders for the security of the prison and various checks and balances built into the daily regime. An example of these at Broome Prison is the Superintendent's order to hold secure prisoners in restraints when they are attending a medical consultation. We deal with this matter in substance below.
- 3.4 Security is conceptualised as 'static' or 'dynamic', although the arrangements in prisons reflect different combinations of these approaches. Static security is traditionally represented by secure perimeters and armed guards – Fremantle Gaol (now closed) was a classic example. Casuarina Prison³¹ has updated versions of this, including inner and outer perimeter fences, and electronic surveillance equipment. Inside a secure prison, an array of other mechanisms, such as grilles, control posts and other barriers operate to monitor and control the movement of prisoners. In Western Australia, static security as a means of managing prisoners has regained ground in recent times: Casuarina Prison with its newly segregated and fenced-off accommodation units exemplifies this trend.

³⁰ Rehabilitation, reparation, care and wellbeing, and custody and containment.

³¹ Casuarina Prison was built in the 1980s and commissioned in 1991 to replace the maximum security prison at Fremantle.

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- 3.5 The current situation at Casuarina represents in some ways a failure of the theory behind the notion of ‘dynamic’ security. The fencing off of the main accommodation units at Casuarina was a Departmental response to a riot at the prison in December 1998. Formerly, behind the secure perimeter, Casuarina prisoners inhabited an open-plan campus and were allowed a considerable degree of freedom of movement. For such an arrangement to work successfully, prison relationships and processes must be in good working order. Relationships and dynamic security arrangements are symbiotic: the positive elements of each feed into the other. A prison that emphasises dynamic security is likely to operate a regime where prisoners are meaningfully and fully occupied, are not resentful about their treatment, and can access the advice and help they need (often through the gateway provided by well trained, professional prison officers). Such prisoners essentially represent a low security risk. A key element in this ideal model of dynamic security is meaningful and adequate work; key relationships are those between prison officers and prisoners. The causes of the riot at Casuarina were complex and associated with fundamental stresses to the system and other systemic and procedural failures and inadequacies³². However, for the riot to have occurred, and with such antagonism towards staff, it is clear that, amongst other precipitating factors, staff/prisoner relationships – and along with them dynamic security – had broken down. Consequently, rather more static security measures now fill the gap.
- 3.6 Dynamic security is about intangibles and is not amenable to the quick fix. This essentially is the dilemma at prisons such as Broome and Eastern Goldfields, where the Departmental response to major breaches of security – escapes – is to opt for the quick and obvious solution: an upgrade of the physical security and more restrictive procedures. A regime that focuses on dynamic security should be developed on a policy foundation that gives support to the concept, provides training for officers, and ideally supports the provision of suitable work and programs for prisoners. Unlike the traditional and reactive forms of maintaining prison security, this arrangement links into the other cornerstones of correctional practice: care and wellbeing, rehabilitation and reparation.
- 3.7 At Broome Prison the debate around security is more complex than simply being a matter of static versus dynamic security. Although there are ripples throughout the prison from the recently upgraded focus on security, the heavy handed Departmental response to an escape from the security section has had its most significant impact on the security section and the secure prisoners themselves. The major issue revolves around the extent and appropriateness of new (or newly enacted) procedures for the secure population, and the considerable loss of amenity for these prisoners: at ‘security’ usurping the cornerstone of prisoner wellbeing.

LAW AND POLICY – THE UNDERPINNINGS OF PRISON SECURITY

- 3.8 The Prisons Act 1981 is the paramount source of authority for the establishment, management and security of prisons in Western Australia. The legislation broadly articulates the balance to be achieved between the State’s obligation to protect society and punish offenders on the one hand; and on the other, its duty of care to prisoners and its responsibility to promote prisoners’ reintegration to the

³² See Smith, L., Indermaur, D., Boddis, S., and Smith, C. 1999, ‘Report of the Inquiry into the Incident at Casuarina Prison on 25 December 1998’, Report to the Director General, Ministry of Justice, Western Australia.

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community. The Act identifies a framework of responsibility and accountability in the administration of prisons.

- 3.9 As Chief Executive Officer, the Director General of the Department of Justice is responsible for the management, control and security of all prisons and the welfare of all prisoners. Interestingly, this reference to prisoner welfare in Section 7 (1) is not taken up and elaborated in the Act, apart from a brief reference to welfare programs for prisoners in Section 95³³. Management, control and security, however, are the subject of detailed scrutiny in eighteen sections (35–53) in Part V. The Director General's Rules are the means by which correctional definitions, responsibilities and associated processes are formalised and articulated for operational purposes. At the local prison level, the superintendent of a prison may, with the approval of the Director General, make and issue written standing orders with respect to the management and routine of the prison. Officers (including non-uniformed staff of a prison) are required to obey the Director General's Rules and the orders of the superintendent. They must report to the superintendent every matter that may jeopardise prison security or the welfare of prisoners. It was of interest and some concern to the Inspector, that at Broome Prison a 'static' intervention designed to uphold prison security – the use of restraints on secure patients in the prison clinic – actually placed the welfare of those prisoners in jeopardy. The two acts – upholding the security intervention and maintaining prisoner welfare – were and are in conflict. We return to this issue below.

BALANCING SECURITY AND THE WELFARE OF PRISONERS

- 3.10 If the *Prisons Act* maintains a narrow focus on prison management and security, in its 'four cornerstones' the Department of Justice has articulated a focus that encapsulates its broader correctional responsibilities to prisoners and to the community. At the level of theory, the 'four cornerstones' represent a balance between the concerns of community safety, duty of care, the wellbeing of prisoners and their responsibility to the community, and prisoner rehabilitation. At the level of practice, the importance of the three cornerstones – care and wellbeing, rehabilitation and reparation – is often outweighed to varying degrees by the cornerstone of custody and containment (where prison security is the major feature). The compromising effects of 'security' on the other cornerstones, particularly on prisoner wellbeing, is most marked in contexts where a focus on security is imposed where none in particular was originally intended. Regional, minimum security prisons such as Broome are prime candidates here.
- 3.11 Security, as the core facet of custody and containment, is favoured when it comes to prison priorities and the allocation of resources. Direct evidence is seen in the recent upgrade of the security section at Broome Prison, which came at a substantial cost; but there are more insidious ways in which the security focus captures the budget and has a direct or downstream effect on policy and practice. The security focus of in-service training for prison officers (see Chapter Two) is one such example, and so is the lack of support for rehabilitative programs and also formal training for prisoners.

³³ There is a range of legislation that is a source of authority on prison security and prisoner wellbeing. There is other State and Commonwealth legislation that affords prisoners fundamental welfare rights, and in some way bridges the welfare-related gaps in the State Prisons Act. The State *Equal Opportunity Act*, the Commonwealth *Crimes Act 1914*, and the *Human Rights and Equal Opportunity Commission Act* cannot be over-ridden by the State *Prisons Act* or other legislation.

3.12 The Department of Justice has outlined guiding principles of prisoner management that place considerable emphasis on humanitarian treatment and concerns³⁴. In successive years (1999, 2000, 2001) these guiding principles have been redrafted for subsequent business plans. The guiding principles change substantially from year to year. For example, the latest version does not include a guideline about prisoners' access to fair grievance procedures, or to the retention of their rights as citizens, but it does include for the first time guidelines on gender and cultural differences, and a statement on Aboriginal culture, diversity and over-imprisonment:

- 'People are sent to prison as punishment, not for punishment: the punishment associated with imprisonment is the loss of liberty arising from being in custody.
- Prisoners shall be treated humanely and their dignity respected.
- Prison Services is responsible for preserving the health, safety and well being of prisoners, employees and visitors and minimising the detrimental effects of imprisonment.
- Prison Services is responsible for providing appropriate opportunities to prisoners for skill development and rehabilitation to increase the potential for successful reintegration into the community.
- Prison Services recognises and respects gender and cultural differences and is committed to initiating and developing services that meet the identified needs of a diverse workforce and prison population.
- Prison Services acknowledges Aboriginal culture and diversity and is committed to ongoing consultation and collaboration with indigenous people in addressing the issues relevant to the criminal justice system, particularly the over-representation of [A]boriginals in custody.
- Every member of staff is valued in their own right and as a member of the Prison Services team.
- Encourage prisoners to take responsibility for conducting themselves in a manner that will support their reintegration into the community'.

3.13 Guiding principles for delivering prison services to Aboriginal people in particular are still in draft format³⁵. Given the consistent over-representation of Aboriginal people in Western Australian prisons since colonial times, and particularly since the 1970s when 'modern' penal policies associated with Aboriginal imprisonment took effect³⁶, such a delay in developing formal standards and protocols is unconscionable. Our concern at Broome Prison, particularly in the security section, was that some of the Department's general guiding principles were differentially adhered to and at times discounted, while guiding principles for managing Aboriginal prisoners were informal, often ill-informed and ad hoc.

³⁴ See Ministry of Justice (undated), 'Prison Services Business Plan 2001-2005'.

³⁵ Department of Justice (undated), 'Aboriginal Services Strategic Plan 2001', Draft Discussion Paper.

³⁶ Thomas, J.E. and Stewart, A. 1978, *Imprisonment in Western Australia: Evolution, Theory and Practice*, University of Western Australia Press, Nedlands.

THE IMPACT OF 'SECURITY' ON MINIMUM SECURITY PRISONERS

- 3.14 The beginnings of a new emphasis on security at Broome Prison – its primacy and upgrade – can be traced to 1996, when the number of officers escorting prisoners to areas outside the security section was increased by order of the Superintendent from one to two. Escorts within the prison are predominantly to and from the secure reception area and the secure visits area (the bull pen), and to the clinic, which is not considered to be secure. Following some escapes from the security section itself, the Superintendent's order was revised to require the use of mechanical restraints when such prisoners were moved beyond the confines of the security section. This seems illogical when escorts were not the point of escape; however, the order to restrain secure prisoners as a matter of regular practice illustrates how emphasising security is self-reinforcing and it ultimately has flow-on effects for policy and practice throughout the prison. Increasing the person power involved in movements associated with secure prisoners reduces the availability of officers for different types of contacts with prisoners of all security classifications. Any situation that decreases relaxed, positive contact between officers and prisoners is detrimental to prisoners, officers and the overall well functioning of the prison. It reduces prisoners' opportunities to draw on officers' knowledge of the system and its rehabilitative possibilities, and detracts considerably from an officer's well-rounded professional role. It leaves officers less attuned to the pulse of the prison and this in turn is detrimental to the responsible management of the prison.
- 3.15 Minimum prisoners being transported to court by the private contractor responsible for prisoner transportation are required to wear handcuffs while outside the vehicles. This mandatory restraints policy has been adopted by the contractors to ensure they do not incur the hefty fines imposed for exceeding the allowable number of escapes. Many minimum security prisoners spoke to us about the practice and all but one found it offensive and inconsistent: offensive because they felt ashamed to be seen in public in this way; inconsistent because they regularly moved about the town as prisoners under Section 94, un-escorted and un-restrained. While the prison system is not responsible for the private operator's restraints policy, prisoners do not necessarily understand the division of custodial responsibilities or appreciate their own role as part of a commercial operator's profit margin. What they often perceive instead is an ambiguous message from the prison system – perceived as an entity – about trust, and a reminder of how beholden they are as minimum prisoners to the priorities of security³⁷.
- 3.16 The lack of rehabilitative programs, especially for women prisoners, and the overall lack of formal training for prisoners – again, especially for women – has already been mentioned. This compares with the human and financial resources that support the high priority being given to security at the prison.
- 3.17 Minimum security women at Broome Prison, more than other minimum prisoners, are enveloped by security measures intended for their secure peers. Women of all security ratings are accommodated together in a confined, compact area, consisting of a row of cells and a few metres of walkway. Further, women prisoners are exposed to an additional layer of 'security', imposed on them because

³⁷ See Office of the Inspector of Custodial Services 2001, Report Number 3, *Report of an Announced Inspection of Adult Prisoner Transport Services*, Report 3.

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they are women and also few in number, in order to minimise opportunities for sexual contact between males and females. After 7.00 p.m., while male prisoners are still moving around the compound, women are locked in their accommodation block. Issues of gender, safety and security in prison are complex and cannot be fairly solved by the continuation of discriminatory policies.

THE SECURITY SECTION: THE REGIME FOR SECURE PRISONERS

3.18 The majority of prisoners in the security section are prisoners on remand awaiting court appearances. Aboriginal prisoners are generally classified as medium or maximum security prisoners in these circumstances (see also paragraph 4.32). A significant proportion of local prisoners housed in the security section ultimately receive short sentences, which are served in the main (minimum security) prison. In other words, for Aboriginal prisoners, their remand status is effectively the most significant factor in their pre-court security classification, rather than the nature of the alleged offence. Remand status for local prisoners inevitably means poor conditions, ultra-confinement and minimal access to limited prisoner services. Ironically, the treatment for most prisoners at Broome Prison is immeasurably better when they are convicted offenders rather than suspects who have been charged.

3.19 While most prisoners are not held for more than a few days in the security section, some are held there for extended periods. An average length of stay is, apparently, five days – a fairly meaningless figure (provided to us by the prison) that conceals a significant population of longer stayers. Departmental records covering a recent six month period (December 2000 to May 2001) showed



The security section

that six prisoners had been held in the security section for periods exceeding one month, while a further 51 prisoners had been held for longer than ten days. Whereas issues of education and physical recreation, for example, are not critical for short term prisoners completing the average length of stay, these and other issues become highly relevant for prisoners serving longer periods. It is unfortunate if a convenient 'average' masks the very real need for services to be extended to the hidden, longer term group.

3.20 Security prisoners live in what amounts to a large cage, enveloped in close weave steel mesh. The block comprises a double gated lobby, seven cells, an access way to the cells, and an ablution block and small day room at either end. The day room is used for recreation, where a pool table, playing cards, a dart board, exercise machine and a television set are available. There is no space or opportunity for active exercise. Prisoners themselves have few personal effects in their cells and little storage space in any case.

3.21 During the day the prisoners can move between their cells and the day room, a distance of a few metres. Prisoners are paid, at the lowest level, to clean their cells and the ablutions. There is virtually

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no purposeful activity for secure prisoners and limited, passive recreation only. Up until the early 1990s, secure prisoners were allowed to join minimum prisoners for a supervised game of basketball in the minimum area of the prison. They wore brightly coloured tops to differentiate them from minimum prisoners. As far as we know, there was no breach of security, no escape, ever arising from this practice. This sort of activity is impossible under the new regime, not only because of the Superintendent's order, but also because staffing policies and levels reduce the availability of officers for this kind of prisoner-focused work. Security should be responsive to circumstances, not an end in itself with needs that are self-serving and that detract from the welfare of prisoners.

3.22 Secure prisoners have sporadic, informal access to some resources from the education centre (books perhaps, or drawing materials), but virtually no access to the education officer who does not enter the block. Non-custodial staff are discouraged by the labour intensive procedures, involving two officers, for accessing the prisoners in the block. Officers have complained about the two-officer escorts since they were first introduced in 1996, and non-custodial staff appear to be reluctant to precipitate these resource-intensive escorts. As a consequence, services to secure prisoners fall away.

3.23 Secure prisoners, including the women, have their visits in the bull pen. Staff take the prisoners across to the visits area in handcuffs. During visiting hours the bull pen can become very crowded ('jammed up', according to some secure prisoners) and prisoners complain about the very public nature of their visits. Secure prisoners describe other prisoners, officers and other visitors of 'sticky beaking' on their conversations – 'no privacy to talk to my wife'. The conditions are primitive and all that is provided for visitors, including children, comes from the prisoners themselves in the form of biscuits and cool drinks. The secure visits facilities are in sharp contrast to those attractive and generous facilities now available to minimum security prisoners. The prison as it stands does not have a lot of leeway when it comes to providing an appropriate visits environment for secure prisoners; however, some refurbishment of the bull pen in line with prisoners' and visitors' suggestions, is urgently needed.

The issue of restraints

3.24 Restraints are mechanical devices, most commonly handcuffs but also leg irons (or shackles), used to inhibit the free movement of a prisoner and reduce his or her chances of escape. The use of restraints outside the prison is authorised under the Prisons Act, Section 42 (1)(c), and outlined in the Director General's Rules. The use of restraints within a prison is authorised through Local Orders made by the prison superintendent. At Broome Prison, male and female prisoners who have a security rating of medium or maximum are moved about the prison – to the medical centre, for visits, to the interview rooms – in handcuffs. This is a practice prescribed by a Local Order of the current Superintendent.

3.25 Prior to 1996, the practice regarding secure prisoners was to move them with a single officer escort, but without restraints. Again, there were Local Orders in place prescribing the practice. In 1996, a medium security prisoner escaped over the perimeter fence while under escort in the minimum part of the prison. Between 1996 and 2000, different arrangements that have included double escorts and a subsequent reversion (for medium prisoners) to single escorts have applied. Restraints were used

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during this period only in exceptional circumstances. In 2000, the new Superintendent ordered the mandatory use of restraints for secure prisoners being moved outside the three secure areas (reception, the security block and the bull pen). This move does not seem to be associated with any particular incident, or a rash of escapes. The data we received from the Department show no escapes of secure prisoners under escort or from non-secure areas since the incident in 1996. In the period 1996–2000 there were five escapes by secure male prisoners from the security unit itself. After the arrival of the new Superintendent in July 2000, a further escape from the security unit preceded an upgrade of security in the unit.

3.26 Prison officers on the whole have not been supportive of the escalating security arrangements. It was staff complaints that led to a partial revocation of the order requiring two-officer escorts of secure prisoners. During the Inspection, many prison officers maintained that, since they knew most of the prisoners, they could handle secure prisoners on a case by case basis and rarely use mechanical restraints in the process. These officers believed that the mandatory use of restraints was unnecessary.

3.27 The more onerous orders regarding escorts and the use of restraints, and the more restrictive interpretations of local orders that have occurred since 1999, have had the effect of diverting officers from a role that focuses on prisoners and their wellbeing, to security-focussed tasks. Ultimately, this shift affects the way their job is conceptualised, and which roles and tasks take priority. Such incremental shifts eventually ensure the status of security, relative to other considerations, and new standard practices evolve that serve the perceived needs of prison security above prisoners' needs.

3.28 If a prisoner is moved between two areas considered to be secure – from the security section to the bull pen, for example – the restraints are removed once the prisoner is inside the secure location. The clinic, however, is not considered to be secure, and once inside the clinic secure prisoners are, under the Superintendent's latest order, required to remain in restraints. It should be noted that, as far as we could ascertain, no prisoner has effected an escape from the medical centre. The use of restraints extends to prisoners undergoing medical examinations and consultations. In practice, the prisoner



Secure prisoner ready for medical examination in the prison clinic

stays handcuffed to one of two officers who are present throughout the consultation; or, if the mechanics of an examination make this necessary, the handcuffs are removed and the prisoner's feet are placed in shackles. If the shackles need to be removed, two officers are required to stay in close attendance. The prisoners hate this and bitterly resent the loss of privacy and confidentiality that is the inevitable consequence. The issues that arise in relation to this practice have serious implications for the proper delivery of health services to prisoners, the dignity and wellbeing of prisoners, and for the professional integrity of clinic staff – a triad of matters that are integrally connected. It is recognised that at times security issues in relation to a security prisoner-patient should take precedence; however, these occasions should be exceptional, rather than standard practice. The Inspector's concerns are with the probity and relevance of this new

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standard practice.

- 3.29 Best practice in the provision of health care has a fundamental basis in the establishment of a trusting and comfortable relationship between patient and health professional. Having a patient restrained against his or her will compromises this relationship and by definition counteracts best practice. The standard practice of restraining prisoners regardless of the actual risk they pose, places clinic staff in a compromising situation: senior clinic staff at Broome Prison are professionally committed to providing a superior model of care and are profoundly opposed in principle to the use of restraints. This is most unfortunate, given the high standards of health care provision for which the clinic aims. With good reason, the clinic staff and visiting medical staff believe that the local order regarding the use of restraints in the clinic is more onerous and restrictive than the Departmental Policy Directives applying to prisoners under escort in hospitals and in other community health services³⁸.
- 3.30 Clinic staff screen and check the health status of all incoming prisoners. On a daily basis they deal with security prisoners in restraints. Thus, with every security classified prisoner clinic staff are faced with the need to decide whether or not and in what circumstances he or she should be freed from restraints. Decision making of this ilk, where the usual priority accorded patient health is undermined as a matter of course, and where knowledge of security-related issues is required in any case to make an informed judgement in such matters, is inappropriate for nursing or medical staff. It compromises their role as carers and clinicians.
- 3.31 Security procedures should be resolved so they do not compete routinely with the health and welfare of a prisoner. The Superintendent's order regarding the mandatory use of restraints needs to be revised and enacted in a way that allows for the use of discretion. Recommendation 4 of this Report would introduce a structured basis for the exercise of discretion, balancing custodial concerns with health imperatives. The solution is not intended to be forthcoming from the planned upgrade of the clinic, as that is intended to address other issues to do with the delivery of health care services (see paragraph 5.19).
- 3.32 Clinic staff have a professional duty of care to all their patients. This includes providing health services that are accessible and appropriate to the particular patient group. At Broome Prison a high proportion of the patient population is Aboriginal – a group whose health status is one of the lowest in the developed world. Amongst the deleterious effects of prison on Aboriginal people, deterioration in physical health status should not be one of them. In fact, prison can offer a window of opportunity to deal with health matters that might be missed in the community, if the particular service is one the prisoners feel comfortable with and able to access. Clinic staff at Broome Prison are well placed to make their prison service a value-adding one: they are informed, motivated and professional and know how to develop a service Aboriginal prisoners can trust and utilise.

The routine use of handcuffs and shackles on secure prisoner patients, reminiscent as it is of colonial-style policing and custody in the area, blurs the health provider's role with one of policing, and undermines the development of good patient-doctor/nurse relationships. Two doctors who worked

³⁸ See Department of Justice, Policy Directive 28 – Prisoner Escorts. In its formal response to this Report, the Department simply stated that the Local Order complied with Policy Directive 28 whose provisions are applicable to hospital escorts.

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at the clinic after the introduction of the new blanket provisions were unequivocal in their condemnation of the practice as a routine measure. They were not supported in their opposition by prisoner health services management at the Department's Head Office³⁹.

CONCLUSION

3.33 The tension between prison security and the well-being of all prisoners will never be completely resolved in a regional prison such as Broome, as long as the security section for short-term prisoners is conceived of as an add-on to the main prison, that usurps staff resources and impacts on mainstream prisoner services. These issues will need to be properly addressed when the putative new prison for the region is conceptualised and designed. However, the negative impacts of the Broome Prison security arrangements on both minimum and secure prisoners would be helped by the use of discretion in relation to policies on the use of escorts and restraints for secure prisoners. This would free up custodial staff for duties more associated with prisoner well-being, encourage non-custodial staff to deliver more services to secure prisoners, and provide for better, more dignified health services to secure prisoners who do not pose an actual, substantial risk of escape. In turn, this would help shift the focus from an over-preoccupation with security and help develop a culture in the prison that was more receptive to the wellbeing and rehabilitation of prisoners: in other words to support a more balanced correctional regime. This would ultimately have tangible results in terms of priorities and practices across the entire regime, particularly in relation to staff training and prisoner programs.

³⁹ See the Department's formal response to Recommendation 4 in the Action Plan at Appendix 2.

Chapter 4

DIFFERENT GROUPS, DIFFERENT TREATMENT

ESTABLISHING THE BENCHMARK

4.1 The extreme over-representation of Aboriginal people in Western Australian prisons is well documented. Aboriginal people comprise about three per cent of the adult population in the State but about one third of the prisoners. On this basis, their rate of imprisonment is more than twenty times that of non-Aboriginal people. The four regional 'Aboriginal prisons' (Broome, Eastern Goldfields, Roebourne and Greenough) between them hold almost half (45%) of the Aboriginal prisoner population at any one time. Male Aboriginal prisoners comprise about 90 per cent of this figure, and make up anywhere between about 60 and 90 per cent of the total population of the particular prison⁴⁰. In other words, far from Aboriginal people in these prisons representing a minority, they represent a kind of mainstream. 'Mainstream' has limited application in these circumstances because the majority group of prisoners is not part of the cultural mainstream: non-Aboriginal cultural values prevail in the management of these prisons. Nevertheless, male Aboriginal prisoners – their conditions, opportunities, sentences and case management needs – set the norm, and a kind of uneasy benchmark, for the daily regime.

The regime for Aboriginal male prisoners

4.2 At the local level and in a variety of ways, Broome Prison makes an attempt to meet what might be seen as some requirements of an 'Aboriginal' prison. The clichéd version of Broome town – tropical, racially tolerant and relaxed – can be detected in a real though limited sense in the prison: in the convivial feel in the yard once the heat of the day has subsided, in the sociable outdoor setting for TV viewing, and in the generous conditions for family visits to minimum prisoners. Importantly for local Aboriginal prisoners, the regime allows for some development of community within the prison, and for family connections, both inside and outside the prison to be sustained. This is particularly important in the constant climate of overcrowding.

4.3 Good practice in the management of Aboriginal prisoners is also evident in other areas. The prison has appointed a Senior Education Officer with highly relevant skills and experience; it embraces and supports the Aboriginal Visitors Scheme, although the Scheme itself is moving away from its original intent; and, it utilises community-based Aboriginal services (such as the Broome Region Aboriginal Medical Service), at least in principle although particular arrangements sometimes fail. All of these examples work less than optimally because of Departmental policies and funding constraints the prison itself can do little about.

4.4 While these are positive attributes of a regime for mostly male Aboriginal prisoners, they are tempered by a level of discrimination that produces difference in service either for marginalised groups (including the male Aboriginal majority) within the prison, or for prisoners as a whole, because of their imprisonment at a remote, Aboriginal prison. Poor service for Aboriginal and Indonesian prisoners at the canteen is an example of the former; the policy and practice of mandatorily restraining secure prisoners in the clinic exemplifies the other.

⁴⁰ On 4 October, for example, Aboriginal prisoners comprised 61 per cent of the population at Greenough Prison and 88 per cent of the population at Roebourne Prison.

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The Inspector believes the practice regarding restraints would not be tolerated in a metropolitan, 'non-Aboriginal' prison, and that, furthermore, the practice would not be supported, as it is at Broome Prison, by the Director of Prisoner Health Services at the Department's Head Office⁴¹.

- 4.5 Prison work, programs and training opportunities are also vulnerable to complaints of discrimination. We have spoken of diminished program opportunities because security is privileged over prisoner welfare; discrimination is the other dimension informing the vacuum in programs and the less than optimal commitment to training. The surveyed officers touched on this when half of them implied that Aboriginal prisoners' lifestyles and circumstances outside prison would neutralise anything rehabilitative learned in prison. This suggests a case of selective inaction sanctioned by negative stereotypes of Aboriginal people and a poor understanding of the potential advantages to marginalised people of effective and relevant education. Metropolitan and other non-Aboriginal prisons do not suffer a program deficit in the way Aboriginal prisons do.
- 4.6 The benchmark regime at Broome Prison then, is one where Aboriginality and maleness have gained tenancy, but that in itself displays evidence of neglect and discrimination. The treatment of two differently marginalised groups, women in particular, and foreign nationals, highlights some of the issues relevant to this particular discussion.

WOMEN

- 4.7 Women prisoners traditionally, by virtue of their relatively small numbers, have experienced a prison regime that is stereotyping, confining, and limiting in terms of work and training, compared with regimes for male prisoners. This occurs even in designated women's prisons, because typically such prisons are not purpose built, and are secure enough to house all security levels at the same complex. Bandyup women's prison in Western Australia, currently undergoing an overdue and extensive refurbishment, is an example.
- 4.8 At Broome Prison there were eight women prisoners at the time of the Inspection. Eight women lack critical mass: they are seen as a group for the purposes of the regime but they comprise, rather, a small band of individuals with diverse competencies, skills and interests. At least one prisoner had manifest mental health problems. As one staff member put it, 'With such small numbers, how do you form a viable group [for programs]?' The women were impotent as individuals and, unnervingly, just as impotent as a 'group'. Their powerlessness was manifest as apathy, which enabled staff and management to lay blame at the feet of the women themselves, for the failure of the prison to meet their needs. The women's apathy exasperated staff, who could not fathom or explain it. Ironically, the fact that the women could effectively flummox staff and expose their inability to change the situation, gave the women a fleeting and somewhat distorted taste of power.
- 4.9 In its treatment of women prisoners, Broome Prison differs from the traditional model only by degree. At a small prison like Broome, women prisoners suffer more from stereotyped views about women, are more confined, and have even fewer opportunities to learn skills and be productively occupied while serving their sentences.

⁴¹ In Western Australia, prisoner health services are the responsibility of the Department of Justice.

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At Broome Prison, where white males invariably constitute the management group, and Aboriginal males comprise the majority of inmates, stereotyped views about women and women prisoners are reinforced by non-Aboriginal stereotypes about Aboriginal women, and by attitudes to Aboriginal women that prevail in some Aboriginal communities. It is a complex mix to unravel in trying to understand fully why women prisoners at Broome are so disadvantaged.

Conditions and opportunities for women prisoners

Lockup and unlock times

4.10 The main prison and facilities at Broome Prison, as described in detail in Chapter Two, are predominantly the province of men. They are conceived of as men's facilities and resources, and operate according to a schedule constructed around the male prisoners. Women's access to the facilities and resources is predicated on a very male-focused foundation. Women prisoners leaving their small enclosure each morning step into a male prison, not a gender neutral prison. The impact on how, and in what frame of mind women actually engage with this male prison, with its black male population and its white male authority and culture, is not well understood or appreciated by management and staff. It is not understood by the male prisoners either, for that matter.

4.11 That they are confined to their section at 7.00 p.m. represents for the women one of the few overt and incontrovertible manifestations of a gender biased system. The restriction of the women's section is extreme: in its totality it comprises three cells linked by a narrow covered walkway. That there is a further three hours before lock-up has little meaning to the women, who observe the freedom the minimum men have to move about the main prison compound until 10.00 p.m. The women's access to the main prison compared with the men is reduced by at least three hours, often more if the women's unlock is delayed. Not surprisingly, the women's shortened period of effective unlock has become the main focus of the women prisoners' perceptions that they are second class citizens, even by prison standards.



The women's section, showing covered walkway through to security section behind gate

4.12 The women understood that the purpose of their reduced access to the main prison was to keep them away from the men after dark. One of the women prisoners said a woman 'did something' once with a male prisoner, which was why they were segregated and locked in their section at 7.00 p.m. originally, and why it was still happening. A male Aboriginal prisoner's explanation for women's restricted unlock was less genteel: 'The screws might be frightened that [the prisoners] might be having sex here. Kids might be coming out'. The women seemed to have some understanding of their regime as being a form of

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collective, gender-biased, time-honoured and unfair punishment. Their resentment of it was not often overt (see paragraph 2.15, however), but it was there just below the surface. The men, on the other hand, whether it was management, Aboriginal prisoners, or even Indonesian prisoners, gave varying degrees of support to the patriarchal status quo. The Aboriginal males thought the differential should be reduced but not eliminated ('They could stay out at least for another hour; hour and a half'; 'The [staff] shouldn't be locking them up 'til 9 o'clock at least'), and the Indonesian men said: 'We don't think about it. It's nothing to do with us.' The women's status as second class prisoners served the interests of too many groups. No wonder they felt impotent.

- 4.13 We concluded that the evening restriction of the women, which effectively made for differential lockup times for men and women, was not only symbolic of the different and inferior regime for women but it had a profound impact on the way the women went on to react to prison life generally – without a sense of agency. The women did not engage much in formal prison life and programs, and collectively were overcome by inertia. The management, mystified as they were by this state of affairs, appeared to make no causal links between the women's condition and their (i.e., management's) own decisions and practices.

Education and training

- 4.14 The women are, by all accounts, reluctant to attend the education centre in 'mainstream' time because that is effectively men's time. A number of people – non-prisoners – offered possible explanations. One explanation revolved around the notion of shame. It was suggested to the Inspection Team that Aboriginal women were shy about displaying a lack of skills, especially in mixed company, but that this shyness was associated with (English-based) intellectual tasks and not manual tasks. The women may have been shy for this reason, but we saw no evidence of a task-related divide, since the women seemed as loath to attend art and craft sessions as they were to attend formal education in the education centre.
- 4.15 Traditional avoidance relationships provided another partial explanation for the women's reluctance to attend the centre during mainstream (men's) times. Aboriginal people who live according to the tenets of traditional culture are very cautious about approaching a building that restricts vision around corners and to its interior: successful avoidance requires early warning that the person to be avoided is in your intended path. The education centre, with its implacable façade, means people enter it blind. Whether it is for reasons associated with traditional avoidance relationships, or simply because it is confronting to effectively burst into a room full of members of the opposite sex, women prisoners are reluctant to breach the barrier. The women then, have their own time in the education centre. At the moment this occurs twice a week for a total of six hours and is in the form of the NOW (New Opportunities for Women) program. One session is spent in town at the library or Centacare.
- 4.16 In its flexible and modified form for Broome Aboriginal prisoners, the NOW program probably bears little resemblance to the 1980s TAFE course of the same name. There is a fundamental problem with the current course, and that is that the women attend the community-based component under duress. This does not seem to have anything to do with disliking 'education' per se: some women volunteered in the focus group sessions we held with them that they liked to read and do their sums.

DIFFERENT GROUPS, DIFFERENT TREATMENT

It has more to do with exercising choice – a commodity that for women in Broome Prison is in short supply – and boredom. The women resented the intervention of a tutor to encourage them to (make them) attend. The women went along grudgingly and strongly resented it. They said they found the program boring. Other people suggested to us that the women found everything boring, without distinction. What little we saw of the program was well meant but not particularly stimulating or skills oriented; on the other hand, it is hard to inspire people who are tuned out to what is on offer.

- 4.17 The way the program is run, and perhaps the program itself, needs attention. That much is obvious and has been flagged for review by the education officer. However, the program will resist the best attempts to render it vital and useful if the inertia of the women prisoners at Broome, and its source in their lack of agency, is not addressed. The women appear to make sense of their inertia by defining it as boredom and seeing it as intrinsic to the programs and facilities that cross their paths, rather than as part of a conditioned response to their experiences of being low status prisoners. In a way, claiming boredom and seeming to reject programs to which access is mostly illusory anyway, gives the women a de facto sense of agency. The canteen, TAFE courses, and Section 94 visits to the oval were all areas that women were dismissive about and where men's needs were privileged⁴².
- 4.18 Sometimes some of the women prisoners will have partners also at Broome Prison. Within the limitations established by the requirements of work and study, partners are able to associate with each other in daylight hours. The occasional couple could be seen during the Inspection holding hands or talking quietly together. It is appropriate that partners have contact, and the Inspector wholeheartedly supports this reasonable approach to the maintenance of relationships and non-sexual intimacy. However, the situation also served to expose how little agency some of the women have in their intimate relationships, as in many other aspects of their lives. This is consistent with research on women offenders over the decades⁴³. Prisoners could curtail the activities of their partners – including Section 94 work and study – by demonstrating jealousy. Or a woman might second guess her partner's displeasure at her being otherwise occupied in the prison, and simply be interminably present for her man. The time some women put into their men was not balanced in any significant way with a quest for their own parallel self-development, skilling, and preparation for independent living.
- 4.19 The pro-masculine environment at Broome Prison devalues the women and feeds their inertia, as well as reinforcing the gender roles that support wider community cultures of drinking and violence. Instead, the prison environment needs to value women and practice gender equality. It needs to provide appropriate programs that are underpinned by this way of thinking. If this happened, there would be a fair chance that these women would begin to take an active interest in meaningful rehabilitative programs and opportunities that would help them develop awarenesses, skills and longer term strategies to break the cycle of drink and violence in which many of them are caught. The pro-masculine environment needs to be challenged, on all fronts, as a necessary pre-cursor to the development of a decent regime for women and constructive opportunities for them.

⁴² The canteen stocked little of interest to the women, who said they made minimal use of it. The canteen officer professed to know nothing about 'women's needs', as he was a bachelor, and he maintained women's 'personal' needs were mediated through the female prison officers or the nurse.

⁴³ There are numerous examples, but a classic is Carlen, P. 1983, *Women's Imprisonment: A Study in Social Control*, Routledge and Kegan Paul, London.

DIFFERENT GROUPS, DIFFERENT TREATMENT

- 4.20 Prisoners who attend the Technical and Further Education (TAFE) campus are taught in classes that provide mainstream qualifications, but they are taught as a separate group. Only male prisoners attended the TAFE in the period during which we visited and inspected Broome Prison. As we outline in Chapter Six, the courses male prisoners are enrolled in are taught in short modules, optimising the men's opportunities to gain some knowledge and accreditation even if their sentences are short. TAFE classes, whether comprising prisoners or mainstream students, require a minimum number of enrolled students before they can go ahead. In theory, women with a minimum security rating can attend a course at the TAFE, but the structures that surround the women effectively prevent it from happening. On the one hand, a women's only course for prisoners would not eventuate because there are never enough women to meet TAFE's minimum requirements; on the other, the women are unlikely to join a 'men's class' when their attitudes and self concepts are shaped and reinforced in heavily male-centred environments. A TAFE tutor suggested to us that women might be less prepared than the men to show up on campus in prison greens⁴⁴. In a sartorially competitive female environment the women prisoners would be disadvantaged and ashamed. There was some indication from the women themselves that the tutor had a point.
- 4.21 We were told that attempts had been made for the prison to join forces with an Aboriginal community group to make up the numbers for a TAFE women's course, Challenges and Choices. The community partners withdrew from the arrangement before it could take effect. Efforts such as this to increase access are innovative and should be supported until they bear fruit. However, access to TAFE for women is not an end in itself. Access should result in personal development and choice and skills acquisition, just as it does for the men.
- 4.22 Back at the prison, no women prisoners were currently enrolled in art. The art teacher said she tries to recruit them, but the women do not seem motivated to come. Occasionally, she has a female prisoner whose self-confidence and energy transcends the women's enervated norm. There were twelve men enrolled in art at the time of the Inspection. They came at different times, reflecting for some a busy schedule of study and work. If productive busyness reinforces itself, as putatively it does, then it was no surprise that the women, all under-occupied, did not seek to attend.
- 4.23 One of the Aboriginal tutors had organised a school holiday sewing program during the previous Christmas break, with sewing machines borrowed from the TAFE centre. It might have been assumed that such a traditionally women's activity would have attracted mainly, if not all, women. The course commenced with four male students who apparently saw a chance to do something interesting and sew presents for their young relatives. It seemed that the men had co-opted even the 'women's' activity. Eventually, however, four women were inspired to join the course, along with a total of eight males. Somehow the course overcame the women's inertia and their apparent reluctance to work with the men. It was relevant, most probably fun, and manifestly productive. Perhaps too, the men gave it their imprimatur and it became a course with status and little risk of shame. At the end of the course, the machines were returned to TAFE.

⁴⁴ At Emu Plains women's prison in New South Wales, the prisoners attending university or TAFE campuses wear their own clothes. The men who attended the Broome TAFE campus wore prison greens. According to the Department of Justice there is no written policy to indicate that prisoners cannot wear their own clothes when they leave the prison on Section 94 activities. Apparently, Broome Prison allowed the women to wear their own dresses when they made a visit to an old person's home in Broome some time ago.

DIFFERENT GROUPS, DIFFERENT TREATMENT

4.24 The women said they enjoyed cooking, but, given the facilities, it was almost impossible to do anything meaningful without access to the kitchen and a proper training program. While this sort of arrangement should be happening now, given that there is a cook instructor at the prison; if, as has been suggested, a second cook instructor is appointed to the kitchen, there is no excuse for such a gap in services for women.

Programs

4.25 The Department of Justice is responsible for rehabilitative programs for prisoners that are linked to addressing the behaviours associated with prisoners' offences. The Department also runs some basic preventive health programs, such as the short course in blood borne diseases that it requires all prisoners to attend. At Broome Prison the women are virtual non-participants in both these areas. With regard to rehabilitative programs, there are some limited, ad hoc attempts to meet the needs, mostly of males, in the prison. Programs for women, as for the men, need to go beyond the level of general 'awareness' programs to those that teach them new ways of seeing old patterns, and develop skills (interpersonal and work related) that can help them navigate their lives more beneficially.

4.26 By not targeting programs to the kinds of behaviours and dependencies that are associated with women's offending and imprisonment cycles, the prison is compounding its neglect of women and further entrenching and reinforcing the impotence and malaise that masculinist cultures and a sexist prison regime create. In the cases of most of the women, the prison works in a context of knowing there will be negligible aftercare. It is common knowledge that community-based interventions, that potentially have a direct impact on the lifestyle and daily lives of prisoners, have the best chance of success. The prison is not responsible for this end of the correctional conduit. However, this does not absolve the prison from taking seriously its duty of care to its women prisoners and also its responsibility to provide a foundation for positive change for the women in their care, rather than reinforce their disadvantage.

FOREIGN NATIONALS

4.27 Foreign nationals, mostly males associated with illegal fishing or people smuggling, or whose alleged offences arose out of their detention as asylum seekers, comprised twelve per cent of the Broome Prison population at the time of the Inspection⁴⁵. Thirteen of the seventeen foreign nationals were from Indonesia or the Middle East, and were held in the minimum section of the prison while awaiting court appearances. In keeping with its brief to hold the local prisoner population, the prison rarely holds prisoners who are foreign nationals after adjudication. This distresses many of the foreign nationals, particularly the Indonesians, as they would prefer to stay together with their countrymen in a familiar location.

⁴⁵ Thirteen of these prisoners were held in relation to offences against the Commonwealth. Eight prisoners had been detainees at the Curtin Immigration Detention Centre. Immigration detainees can be held under any of four categories: (i) Those transferred from detention because they create management difficulties in the detention centres; (ii) Those transferred because they have been charged with criminal offences whilst in detention; (iii) Those held in prison for criminal offences who are subject to a deportation or removal order; and, (iv) Those subject to a deportation or removal order who have completed their sentences and remain in prison awaiting implementation of the order (information supplied by the Department's Planning and Policy Section, July 2001).

DIFFERENT GROUPS, DIFFERENT TREATMENT

- 4.28 The different racial/ethnic groups at Broome Prison keep largely to themselves. In fact, direct contact is quietly avoided. We observed little communication between the groups, except between the men from different countries in the Middle East, and between this group and a couple of Australasian Caucasian prisoners.
- 4.29 Considering the overcrowded conditions, the scarce resources, and the confined space they share, the different groups co-exist with remarkably little animosity. However, there is some underlying tension between the Aboriginal prisoners and the foreign nationals, particularly the Indonesians. Indonesians first started coming to the prison in significant numbers, on charges of illegally fishing in Australian waters over a decade ago. The Aboriginal prisoners resent non-locals taking up space in the overcrowded prison, using up scarce resources, and getting what some feel is special treatment. This was most obvious in the area of food. The prison had made a recent and belated attempt to meet the basic dietary needs, religious traditions and preferences of foreign national prisoners. This generally took the form of substituting some other meat for pork, and adding a pot of rice to the standard fare at the evening meal. We were also told that some Indonesian prisoners were given special access to the kitchen to do their own cooking. This may have been an affront to Aboriginal prisoners, whose own desire for more traditional food went unmet. Some Aboriginal prisoners saw the change in diet for the overseas prisoners as special treatment and interpreted the rice and alternative meat as luxury additions for the benefit of non-locals. The foreign nationals actually considered it more scant fare than special treatment, and some in this amorphous group felt that their particular dietary needs were not catered for in any case.
- 4.30 As there is little meaningful contact between the different groups of prisoners, and there are no structures or processes to encourage mutual understanding or cultural awareness, it is not surprising that misunderstanding and resentments develop. While the prison managers had clearly made some concession to the food-related cultural traditions of the overseas prisoners, they did not extend the same courtesy on a regular basis to the Aboriginal majority. Perhaps they were unaware that 'traditional' food in the Aboriginal context serves a cultural (including religious) purpose, just as it does for Muslims. Such policy inconsistencies give rise to actual and perceived discrimination and cause antagonism between prisoners.
- 4.31 However, Aboriginal prisoners were not the only ones complaining about racial preferencing. The canteen was a source of well placed complaint, but arguably misplaced belief that poor service was directed at one particular racial group, rather than being across the board. The Indonesians believed the Aboriginal prisoners were adequately served by the canteen –

The black people they can buy anything at all, but Indonesians can only buy tobacco and lighters.

But we share the same job as them, even though we work harder and we take our task more seriously.

– whereas in fact the Aboriginal prisoners told repeated tales of not getting what they wanted and of unconscionable and largely unexplained delays. The Indonesians experienced disadvantage because their English language and literacy skills were minimal, and they received no help from the canteen in completing their spends slips and clarifying their requests. In fact, they said they were repeatedly given the wrong items or their orders simply were not processed. However, they did not realise that many Aboriginal prisoners were similarly disadvantaged.

DIFFERENT GROUPS, DIFFERENT TREATMENT

Classification and assessment of remandees

4.32 Classification and assessment criteria and practice seem to produce different outcomes for foreign nationals and other prisoners. Most prisoners on remand remain in the secure section of the prison until they are sentenced or released, or in some cases are reclassified before either of these events occurs. During the Inspection and the pre-Inspection visits, the Aboriginal remandees were either sent on to higher security prisons if their remand period were expected to be lengthy, or they remained as secure prisoners until their cases had been adjudicated. On the other hand, remand prisoners from the Curtin Detention Centre and the Indonesian prisoners were assessed and classified as minimum security while still on remand. Some of the Indonesian remandees even undertook Section 94 work in the community⁴⁶. A minimum security rating means remand prisoners will not have to spend lengthy periods in the security section or be sent to a prison ‘down south’ if the hearing is substantially delayed. This clearly preferences those prisoners who are assessed as low risk. How and why this happens for foreign nationals as opposed to local prisoners was not apparent to local prisoners, or to the Inspection Team. Amongst Aboriginal people, there was a perception of bias in the classification system. All the foreign nationals had employment in the prison or in the community and this was seen by some Aboriginal prisoners as an extension of biased processes.

Educational and other resources

4.33 The foreign national prisoners all attend the education centre for English language instruction at some point, and to access the other limited resources, such as the computer, in the education centre. The part time prisoner liaison officer is Indonesian and is able to provide one hour of English language instruction to the Indonesian prisoners each week. Another two hours instruction is provided by the education officer and the Aboriginal education worker. The other non-English speaking foreign nationals were programmed for nine hours instruction from the education officer and volunteers. None of the English language instruction for foreign nationals is funded.

4.34 There is no information about the prison or the regime in languages other than English, and no recreational or educational reading material (apart from a limited range of foreign language dictionaries) readily available to non-English speaking prisoners. This disadvantages a majority of the prisoner population, as relatively few Broome prisoners speak English as a first language. Indonesian prisoners have access to the Indonesian speaking, part-time liaison officer for purposes of translation. This person also provides translation services in Indonesian to the prison on a casual basis. It is more difficult for other non-English speaking foreign nationals, and for some Aboriginal prisoners, to communicate their concerns to staff. The telephone interpreter service is used for translation purposes by some of the foreign nationals. Foreign nationals can make welfare-related phone calls to their overseas homes by approaching the liaison officer.

CONCLUSION

4.35 The treatment of women prisoners at Broome Prison is profoundly discriminatory. While recognising that there should be minor improvements in the immediate living conditions for women

⁴⁶ Prisoners from the Curtin Detention Centre were not allowed out of the prison under Section 94 despite having minimum security status.

with the completion of the refurbishment program, if funding is secured, the women's deprived situation in the prison will not be substantially addressed until the prison management appreciates and acts upon the gendered nature of the culture and routines of the prison and makes a commitment to affirmative action. Without such a commitment and a visionary plan of action, minor improvements to the women's amenity risk entrenching the current status quo: the proposed exercise yard for secure (and hence all) women prisoners, for example, could serve to justify the removal of women from the main prison by 7.00 p.m. since it will create more space for the women when they are locked in their section. This would not only be unfortunate, it would indicate that management has missed the point about the potent symbolism and hence significant enervating effect on the female prisoners of this particularly galling, differential restriction for the women.

- 4.36 To provide properly for women prisoners in line with the four cornerstones of proper correctional practice, the prison must take a holistic view of their circumstances, that is informed both by current, feminist understandings of women in the prison system and contemporary analyses of the cultures, experiences and needs of Aboriginal women.
- 4.37 Foreign nationals are likely to appear in the Western Australian prison system in increasing numbers, given the global movement of growing numbers of asylum seekers and offences associated with this activity. The Department must develop policies that enable it to fulfil its duty of care to these prisoners. Ironically, as this Chapter has shown, the policies and resources are similar to those that should apply for Aboriginal prisoners. It is unconscionable that such policies do not exist, given the history of Aboriginal imprisonment in this State. Problems relating to communication and the maintenance of cultural identity – the fundamental problems that both Aboriginal and foreign national prisoners face – are not given due weight by the Department and yet their systematic redress is neither difficult, nor for the most part particularly costly in the long run. Accountability measures that define, detect and sanction discriminatory behaviour and policies are needed.

Chapter 5

THE REGIME INSIDE THE PRISON

- 5.1 Broome Prison holds a seemingly incompatible mix of prisoners. There are secure prisoners locked away in oppressive, restricted conditions; minimum security prisoners who work, study or merely exist within the prison boundaries but who have access to services such as visits and recreation outside the fence; and, prisoners who work or study outside the prison under Section 94 of the Prisons Act, and who form part of a continual ebb and flow of people moving between the prison and the community. In this Report, to a greater or lesser extent, we have already discussed the prison regime as it impacts on Aboriginal prisoners, secure prisoners, women prisoners, and foreign nationals; and in the next Chapter, we discuss the current Section 94 opportunities for prisoners.
- 5.2 The current Chapter takes a broader look at the regime to see what happens inside the prison; at 'mainstream' services and opportunities. We look at prison work, education, treatment programs, health and other services, and we take a brief look at services in the mainstream that impact particularly on Aboriginal prisoners. This section refers to minimum security prisoners, generally male, unless stated otherwise.

WORK INSIDE THE PRISON

- 5.3 Prisoners undertake the daily 'domestic' work of the prison: cleaning, laundry, kitchen duties and other miscellaneous unskilled maintenance tasks. Cleaning tasks absorb the majority of prisoners who work inside the prison. There is not enough work for full employment: most prisoners work at their cleaning jobs only two or three hours per day. A number of prisoners (15 at the time of the Inspection) were not allocated work at all. In regional prisons, Broome included, prisoners with trade skills generally work with the maintenance officer on skilled prison maintenance jobs. Less routine maintenance tasks, such as cleaning out and painting cells, are generally performed by prisoners who are unskilled 'miscellaneous' workers. As Broome is a reception prison a prisoner is allocated to work in the reception area to help with the issue of prison clothing and other associated tasks. Prison work fulfils a reparative function for the taxpayer, and as such the work is useful. However, at Broome Prison, the nature of the work itself and the frequent lack of associated skills training and assessment, reduce its potential value to prisoners.
- 5.4 The more skills needed in the job and the more hours involved, the higher the level of gratuity paid. This makes the allocation of work potentially a powerful management tool. We were told that prisoners start their work regime on cleaning duties. Work in the kitchen and workshop is meant to be a progression from here. In practice, there is little scope for progression due to the limited jobs available and informal hierarchies – based loosely on skills and race/ethnicity – that serve to filter potential workers. In Aboriginal prisons, the minority of non-Aboriginal prisoners generally all have work (unemployment due to job shortages falls to the majority group of Aboriginal prisoners), and few if any undertake the most menial work. At Broome Prison, most foreign nationals work in the kitchen, and the Caucasian Australasians work in the kitchen and workshop. It is not easy to ascribe

this division to overt racism. However, it is evident that cultural stereotypes play a role in the allocation of work. The prison needs to ensure that its work and training practices are not discriminatory, and are not seen to be so.

Workplace training and assessment; occupational health and safety

- 5.5 The kitchen is one area where meaningful employment, particularly for Aboriginal prisoners, could and should be increased. The prison indicated that it plans to employ a second cook instructor to re-institute accredited training for prisoners in food handling and kitchen hygiene. This should be done as a matter of priority.
- 5.6 Workplace-based training is crucial if prisoners are to progress to meaningful work and acquire life and employment skills useful for their resettlement. There are very few opportunities for such workplace training at the prison. The Caucasian prisoner in the workshop acquired his trade skills elsewhere in the prison system and now puts his skills to good use in Broome Prison, in a high status work location. Local prisoners on short term sentences should not be denied some form of on-the-job skills training and the chance also to undertake valued work in the prison. Opportunities for workplace training and accreditation are often passed up at the prison. Despite a stated intention to include trainees on a small construction project (toilet facilities for visitors) the plan was not pursued. We did hear of one prisoner, however, who had received useful on-the-job-training in garden maintenance, including reticulation. He, however, had left the prison without any form of skills assessment and accreditation.
- 5.7 The maintenance officer is an accredited trainer but in practice neither trains nor assesses prisoners for accreditation. Reportedly, he spends his time co-ordinating prison maintenance. This is a serious gap in the system and an indication that the purpose and potential benefit of prison work – for prisoners rather than simply for the system itself – is not understood. We were surprised that the prison workshop was not made available as a placement for the TAFE building and construction student prisoners. We were told that personnel from Head Office – which hosts ASETS, an accredited training agency – had offered to come and assess the skills of prisoners for accreditation, including the skills of the released prisoner with garden maintenance skills. At the time, this offer had not been accepted.
- 5.8 Training in and assessment of occupational health and safety skills was another area that has been neglected for workers inside the prison. As far as we could ascertain, these prisoners did not receive occupational health and safety training, and assessments of prisoners' knowledge of safety issues relevant to their in-prison workplaces were not being undertaken.
- 5.9 Broome Prison needs to develop an integrated plan for developing and better organising work in the prison, and for making work available to all comers, where possible with training and accreditation associated with it. Prisoners at Broome may be in prison for relatively short periods, but many experience repeated episodes of imprisonment. Stimulating, meaningful and skilful work enhances the chances of these prisoners of breaking the cycle of repeat offending and recurring imprisonment. At appropriate work locations, such as the kitchen, laundry and workshop, the prison must ensure that all prisoners have appropriate occupational health and safety training.

EDUCATION IN THE PRISON

- 5.10 The education centre is a small, under-resourced place, but it is inviting and welcoming. Male minimum security prisoners make good use of it. They access classes, the student access computer, the meagre library and the video player. The Senior Education Officer manages and co-ordinates a number of programs and activities from the education centre but does little teaching herself. The studies undertaken by prisoners at TAFE (see Chapter Six) are the responsibility of the Senior Education Officer, as are any external studies undertaken by students. The prison told us 36 per cent of prisoners were involved in full-time education (considered a form of prison work for which gratuities are paid), and 15 per cent were involved in part-time education.
- 5.11 In any regional Aboriginal prison, a high proportion of inmates are not functionally literate or numerate in English. Inappropriate schooling or lack of access to schooling are major factors. Teaching literacy and numeracy to Aboriginal prisoners who need it should be a priority. It is a specialised task, not fully appreciated by the Department, who offer a packaged course (the Certificate of General Education for Adults, or CGEA) with sessional tutors and Aboriginal Education Workers. Good teachers experienced in Aboriginal education⁴⁷ will adapt these courses and teach them in applied contexts, but this does not always happen and indeed is likely to happen less often across the prison education system, with the centralised funding cuts to prisoner education in 2001/2002. Having relevant resources on hand to keep students stimulated and to help them apply their learning is vital. Broome has a thriving community of Aboriginal, historical and other local writers. The books written by these people and published locally should be at the prison, and so should local language materials from Kimberley language centres. Instead, irrelevant books arrive on inter-library loan, many of which are returned as unsuitable. The prison needs an independent budget for a localised library in the education centre⁴⁸. This is an urgent priority for a prison like Broome where the educational need surpasses by a long way the formal capacity to meet it. The prisoners also want reference books that are relevant to their TAFE courses.
- 5.12 At Broome Prison there was a small group of six Aboriginal males enrolled in the CGEA course. Their attendance was between two and eight hours per week. Other students undertook functional literacy at the TAFE campus (see Chapter Six). Given that there were a number of prisoners not engaged in any formal prison work, it is a pity that the education centre is not extensive enough and sufficiently resourced to involve them in literacy programs.

⁴⁷ The Senior Education Officer at Broome Prison at the time of the Inspection was well qualified and experienced in this regard.

⁴⁸ The Department failed to include a response in their action plan to our recommendation regarding a permanent library at the prison of relevant local materials. The Department commented that students who access the education centre in the prison can now access the Broome Shire library on a daily basis. While this did happen during the Christmas holiday period subsequent to the Inspection, the routine arrangement for term time is that ten eligible prisoners who are not involved in daily Section 94 activities outside the prison are now taken to the Shire library once a week for about an hour. While this is a very welcome and positive move, it does not obviate the fact that many prisoners are not eligible for this service, and that having suitable and relevant books in a permanent collection at the prison is the best way to stimulate the interest of other prisoners (including those at Bungarun) in reading and associated learning.

THE REGIME INSIDE THE PRISON

5.13 Art and craft classes also take place at the education centre, with a tutor who is employed by the TAFE. The course is a certificated course. The education centre also provides English language classes to foreign national prisoners, although these classes draw on current resources and volunteers, as additional funding has not been made available.

TREATMENT PROGRAMS

5.14 At the time of the Inspection, no targeted rehabilitative or treatment programs were available for prisoners in Broome⁴⁹. The last treatment program to be made available to prisoners was a local product, the Kimberley Offender Program. This program had met its demise in July 2000 at the behest of Head Office, who promised at the time that a more rigorous substitute program package would soon be forthcoming. Eventually, the IMMASU (Indigenous Men's Managing Anger and Substance Use) program appeared, and was piloted just before the Inspection⁵⁰. The prison deeply resented the decision by Head Office to discontinue resourcing the Kimberley Offender program, in the face of local support for the program. The decision left a year long vacuum in programming for prisoners, which is only just starting to be addressed.

5.15 The prison does enable a small number of prisoners (six at the time of the Inspection) to attend the local drug and alcohol rehabilitation service, Milliya Rumurra, for a health promotions course in drug and alcohol awareness. Much local offending is associated with alcohol abuse. If funding were available, the service would prefer to run a course in the prison so that more prisoners could attend. Prisoners themselves thought there should be greater access to alcohol treatment courses. Milliya Rumurra also runs a residential rehabilitation program that prisoners can attend on parole.

HEALTH SERVICES

5.16 The prison runs an efficient and responsive health service, that caters well for the diverse and often chronic health needs of the Broome Prison population. If the benchmark for a prison health service is a standard of care comparable to the norm for the general public then Broome Prison runs an admirable service. The prisoners were supportive of the health service: this kind of affirmation is rare in the Western Australian prison system and constitutes praise indeed. The prisoners' only major complaint – expressed vehemently – was in relation to the use of restraints in the clinic. This matter

⁴⁹ The Department offers a number of programs for particular groups of offenders, e.g., violent offenders, sex offenders, and alcohol and other drug addicted offenders. These programs are run at selected prisons, mostly in and around the metropolitan area. Participation in a targeted program is often a pre-condition to obtaining parole. The sex offender treatment program (SOTP) is one such program. Broome prisoners requiring what are virtually mandatory programs need to access them in other locations. This requirement is onerous for Broome prisoners, who transfer to other prisons under sufferance, but the alternative of non-attendance impacts negatively on their gaining parole. Broome prisoners who might benefit from participation in a program, but whose sentences are short and finite, cannot access these courses at all. Prisoners often gain places in courses such as the SOTP after their earliest eligibility date for parole. This issue is discussed at greater length in our second Report: Office of the Inspector of Custodial Services 2001, *Report of an Announced Inspection of Riverbank Prison*.

⁵⁰ The Department's formal response to this Report states that a contract was signed with Men's Outreach subsequent to the Inspection, for the delivery of three IMMASU courses. One has already taken place, and two have been contracted for 2002.

THE REGIME INSIDE THE PRISON

– a security rather than health matter – has been dealt with elsewhere in this Report (see paragraphs 3.24-3.32).

- 5.17 The clinic demonstrates outstanding practice in the maintenance and management of prisoners' medical files, and in protecting the confidentiality of this information. The clinic has excellent relationships and lines of communication with the Broome Regional Hospital. Through services at the hospital prisoners have access to 24 hour emergency care, elective inpatient care services, diagnostic care, outpatient care and visiting consultants. The prison health service clearly sees itself, appropriately, as part of the regional network of health service providers and takes this responsibility – and opportunity to impact positively on population health – seriously.
- 5.18 The Broome Prison clinic, and hence the service available to prisoners, suffers some shortfalls that budget and Head Office policies largely dictate. Like all regional prisons and smaller prisons in the metropolitan area, Broome Prison does not have a defibrillator for emergency use. Given a reasonable benchmark standard of health care commensurate with community standards, and given the heightened occurrence of cardio-vascular disease amongst Aboriginal people, Broome Prison (and all prisons) should be furnished with appropriate emergency equipment. Prisoners also have no access to podiatry services, placing prisoners with diabetes⁵¹ at some risk.
- 5.19 Currently, the clinic at the prison is too small for its purpose. A refurbishment to address this issue is planned. The lack of physical security, such that secure prisoners undergo consultations in restraints, will not be addressed in the upgrade.
- 5.20 Health reception and assessment procedures for new prisoners are, in principle, well organised and efficient and in practice mostly so; however, the clinic has at times to cope with numbers of new prisoners such that it places great strain on the modest clinic with its limited resources. Large numbers of admissions and discharges/transfers were observed on three consecutive days during the Inspection, suggesting that this level of client demand was more routine than rare. The demand made it difficult for the clinic to complete its required assessments (nursing admission and health data sheet, and 'at-risk' assessments) within the mandated timeframes. Clinic staff believed the 'at-risk' assessment process was not appropriate for most Aboriginal prisoners, and the assessments based on the information thus gathered were therefore compromised⁵². We were impressed that clinic staff critiqued the process and the resultant data, since processes that are similarly opaque for many Aboriginal prisoners occur routinely at other points in the system⁵³.
- 5.21 The clinic has a regular clientele of foreign nationals, whose requirements for screening are well met by the prison and its community partners, such as the Kimberley Public Health Unit. Nevertheless, the combination of a high level of health service needs at the individual level, and the requirements

⁵¹ Aboriginal people are at higher risk of diabetes than non-Aboriginal Australians.

⁵² English was the second or third language of many of the prisoners. Their knowledge and functional use of the language did not include the kinds of subtleties that differentiate many of the standard questions in the at-risk assessment procedure. In the absence of interpreters, English-speaking clinic staff simplify the questions in the assessment, with the effect that prisoners feel they are being asked the same question repeatedly. This, and the fact that they are not really sure what the process is about, causes confusion for the prisoners. Staff feel the information they gather in this process is often too limited to be really useful or predictive.

⁵³ An example is the prisoner reception process, which includes probes into areas of a prisoner's life that cause confusion to many Aboriginal prisoners and thus generate unsafe data.

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of the Commonwealth for community infection control, places the clinic with its limited resources under pressure. Difficulties can arise when prisoners are transferred from the Curtin Detention Centre, where the established procedure is to maintain individual records by number, rather than by the prisoner's name. This adds to the inherent confusion of transferring records from the Commonwealth to the State system, makes it harder to verify records so prisoners' medical needs can be met in a timely way, and makes it more likely that expensive screening procedures will be unwittingly repeated.

- 5.22 Prisoners complained that special diets were not catered for at the prison, despite the clinic providing the kitchen with the relevant information for specific prisoners. The situation was confirmed by staff, on the fanciful basis that 'all meals prepared in the kitchen are low fat' and therefore suitable for prisoners on special diets. In any case, we were told, if the kitchen prepares special meals the prisoners concerned do not eat them. We observed that meals were not low-fat, and neither did they correspond with the monthly menus the prison is required to submit to Head Office to ensure that meals are nutritionally balanced and meet the National Australian Nutritional guidelines. Prisoners were concerned about both the quality of food – notably the lack of variety – and, especially if they undertook physical work, the quantity. Prisoners sometimes found their packed lunches inedible. We saw some evidence of this during the Inspection. There was no regular access to traditional Aboriginal food. Clearly, the kitchen must be made to comply with the appropriate standards for nutrition, introduce more variety, including traditional food for Aboriginal prisoners, and also supply special meals as notified by the clinic. Prisoners who require special diets need to be educated about their importance.

Environmental health and public health issues

- 5.23 Hygiene standards in the kitchen were abysmal. The Department's own Service Review team pointed this out, as did the report by the Health Department in September 2000 (reference to this report also at paragraph 2.6). The Department knows there is a major problem and knows how crucial it is to maintain hygiene in a tropical, overcrowded prison. It is time they did something about it.
- 5.24 The prison, through the clinic, demonstrates good practice in relation to screening, vaccination and treatment of prisoners for Hepatitis B and C. However, the prison's harm minimisation strategies are poorly organised and sustained. This is a serious gap in preventive health services, especially considering the health status of many Broome prisoners and gaps in their general knowledge about preventive health matters. As stated in paragraph 4.25, female prisoners do not have access to the Keeping Safe program on blood borne viruses and communicable diseases. Condom and dental dam dispensers were empty during the Inspection and apparently had not been restocked for some time. There was some confusion as to who was responsible for re-stocking these dispensers.

Ensuring service provision

- 5.25 Service providers operating in the prison, including individual doctors, the North West Community Mental Health Unit, the Milliya Rumurra Aboriginal Corporation, and the Broome Regional Aboriginal Medical Service have no current contractual arrangements or service agreements with the prison, or with the Medical Director of Prison Health Services in Head Office. The Broome

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Prison clinic is an integral player in the provision of health services to Aboriginal people in the region. To ensure that it maximises its influence on Aboriginal health the prison needs to ensure that some of its current and past relationships with other providers are placed on a firmer footing. Ad hoc arrangements, as some of the current ones are, tend to lack basic safeguards. Formal contractual arrangements, on the other hand, provide the opportunity for some certainty in process and delivery and assessment of outcomes. This is particularly important in a context such as that at Broome Prison where the generally poor health of the client population is best served by consistent, expert and reliable services.

RECREATION

5.26 Minimum security prisoners have access to a basketball court, to a communal television viewing area, to basic weight training equipment and to outdoor settings where prisoners can play cards or board games. Bingo is played in the kitchen once a week. Radio Goolari, the local, Aboriginal-run radio station, also provides important recreational opportunities for prisoners (see paragraph 2.19). At the time of the Inspection, some prisoners played guitars in the evening recreation time. The restricted and passive recreational opportunities for secure prisoners were outlined in Chapter Three and Section 94 recreation (town oval and beach) is outlined in Chapter Six.



Prisoners after work, preparing for recreation time

- 5.27 Most of the in-prison and Section 94 recreational activities are no- or low-cost, and many are passive. A notional sum of \$10,000 has been allocated for recreation; however, it is not evident where this money has been spent. There is no recreation officer position on the staff roster and prisoners themselves, including the peer support group, are not involved in any ongoing way in organising recreational activities. It should be noted that in prisons with well functioning canteens, the canteen funds prizes for prisoners. Prizes are important incentives to prisoner participation in organised sport and recreation, and they are also a demonstration of support for such activities.
- 5.28 A more coordinated approach to recreation needs to be taken by the prison, and emphasis placed on providing more and varied opportunities for active recreation. The recreational – particularly exercise – needs of women and secure prisoners need to be addressed, and further opportunities for organised recreation extended to the prison population as a whole. A recreation officer should be appointed as a matter of priority.

VISITS

5.29 For local prisoners, the prison's town location and the flexible, generous visits policy make for easy access for visits by prisoners' family and friends. Visits are allowed every day between 1.00 p.m. and 3.00 p.m., and there are no limits on the number of people who can visit or on the number of visits a prisoner can have in any given week. The prison does not require that visits be pre-booked – a

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prisoner-centred approach that is rare in the prison system and that is ideal for a minimum security prison – and it has the benefit that it creates greater flexibility for visitors. This encourages visitors, which is good for prisoners' morale and wellbeing. The pleasant visits environment also encourages family visits (see paragraph 2.12).

- 5.30 These measures directly impact on prisoner wellbeing in a number of ways. Prisoners told us they appreciated the relaxed atmosphere during visiting times, an atmosphere attributable to the prison officers who coordinate visits. A sense of excitement is palpable in the prison prior to and during visits.
- 5.31 The question that arises from the innovative and flexible visits policy is whether this makes it difficult for the prison to meet its security obligations. The Department believes that the prison provides inadequate supervision of minimum and security section prison visits⁵⁴. The Inspector contests this, given the Department's own evidence of a very low incidence of illicit drug use and possession at the prison. The Inspector believes that Broome Prison has achieved an appropriate balance between the need to maintain security in the prison, and the need to encourage strategies which improve the wellbeing of prisoners. Indeed, the visits regime arguably enhances security: it is valued by prisoners and as such is a powerful incentive to good behaviour, it relieves the pressure-point of overcrowding, and it generates positive relationships between prisoners and prison officers.

CANTEEN

- 5.32 The Inspector believes the canteen service at Broome Prison should be reviewed. There are two fundamental failings in the system: barriers exist that prevent many prisoners from having proper access to the canteen⁵⁵, and, the service is inefficient and fails properly to respond to the legitimate needs of the prisoners. We have discussed some of the evidence for these conclusions elsewhere in this Report (paragraph 4.31). The performance of the canteen was criticised by the peer support group and other prisoners: it was unhelpful for non-native speakers of English, seemingly retributive when mistakes were included in the spends slips, not protective of the interests of prisoners in terms of value for money (some prisoners sought items on 'town spends' that were actually in the canteen and cheaper, but this was not pointed out to them) and inefficient (spends slips were mislaid). The service cannot properly respond to the needs of prisoners if it makes access dependant upon English language skills. The Department should address these issues as a matter of urgency.

SPIRITUAL AND RELIGIOUS SERVICES

- 5.33 Traditional Christian churches have representatives visiting the prison and indeed, these churches often receive help from the prisoners in the form of Section 94 work. Representatives of the major churches all said they were made to feel welcome in the prison, and that their work generally involved ministering to individuals and to groups of prisoners, and providing prisoners with information about church and community support services.

⁵⁴ Department of Justice 2001, 'Broome Regional Prison Service Review Report', p. 35.

⁵⁵ Many prisoners have a low earning capacity because of the lack of work, hence their 'spends' are minimal. In addition, the Arunta phone system is costly and can absorb significant amounts of prisoners' money.

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5.34 However, there is little evidence of Aboriginal spirituality being encouraged or strengthened through systematic observance of customs relating to language, food, death, healing, storytelling, rites of passage or tribal traditions. It would be innovative and deeply supportive of Aboriginal prisoners and cultures if the Department were to broaden its budget allocation for prison ministries to include some of this work⁵⁶.

ACCESS TO LEGAL ADVICE AND REPRESENTATION

5.35 Access to legal advice and representation in court was severely limited in many cases. The organisation of prisoners' transport, a matter for the Department and its private contractor rather than the prison, was responsible for much of this serious deficit. It would appear that the prisoner movement system has been designed less to take account of the legal rights of prisoners and more to accommodate the organisational needs of the Police Service and the prison system. Prisoners tend to arrive at Broome Prison periodically, in large groups. On these occasions the legal aid resources are severely stretched. Prisoners are often late to court.

5.36 Lawyers are often made to wait up to forty minutes to see prisoners in the security section, and this impacts on their capacity to keep their appointments⁵⁷. Waits like this should not occur and access to secure prisoners for service providers needs to be better prioritised and managed.

PEER SUPPORT

5.37 The peer support group has lacked formal guidance for some time. There is an appointee in the prisoner support officer position; however, the person has not been active in the position for some time. Shortly before the Inspection, the Indonesian interpreter was appointed to a new and temporary three day a week position as liaison officer. The functions of the liaison position are similar to those of the prisoner support officer position, although the latter position is full-time. Co-ordinating the peer support group is the prime function of both positions. This temporary arrangement effectively keeps the idea of peer support, and a fairly fluid group of members, intact; plus it opens the way for Indonesian prisoners to become part of the system. Issues are discussed at meetings of peer support prisoners and their coordinator, who then takes the concerns raised to the prison administrators' meeting. Issues that concern prisoners, such as the functioning of the canteen, are raised but do not seem to be resolved as an outcome of this process. At present, the peer support group is a token.

5.38 A functioning and effective peer support group can operate to enhance prisoner wellbeing in a number of ways by:

- distributing information to prisoners about prison and community support services;
- assisting the prison to make early identification of at-risk prisoners;

⁵⁶ The Services Agreement between Acacia Prison and the Department, developed as a model for correctional care of prisoners, outlines minimum standards for prisoner wellbeing, including prisoners' religious and spiritual needs. In this document religious and spiritual needs are not differentiated.

⁵⁷ In its formal response to this Report, the Department stated that booked appointments take place immediately. Our information conflicts with this.

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- providing an avenue for prisoners to communicate their concerns to prison administrators, as well as providing prison administrators with an avenue to communicate with prisoners;
- providing a forum for prisoners to identify, articulate and record individual and systemic issues they believe should be addressed by prison administrators.

5.39 A peer support system can only function to provide enhancement to prisoner wellbeing if there is a commitment by prison administrators to make it work, and active participation by prisoners to make it relevant to their needs. This is not happening at Broome Prison. Prison administrators are disconnected from the peer support group; they do not meet with the group or integrate it into any system of consultation within the prison (for example, to discuss preventive health strategies or recreation issues). The prison does not provide any training for prisoners involved. Prisoners, for their part, either expressed their lack of knowledge of the very existence of the peer support service, or commented that the concept of peer support was irrelevant or incompatible with the way Aboriginal people from Kimberly deal with their concerns.

5.40 If there is a commitment to some form of peer support function – and there should be – a small action research project is needed, to inform prisoners about the potential value of peer support, and to identify models that might work in the particular Broome Prison environment. The current hiatus in the position of prisoner support officer is unacceptable.

WELFARE ISSUES SPECIFICALLY AFFECTING ABORIGINAL PRISONERS

The Aboriginal Visitors Scheme

5.41 Aboriginal prisoners in Broome seem to be well served by the Aboriginal Visitors Scheme (AVS). Most prisoners were familiar with the AVS staff who visit the prison regularly in the evenings, at what seem to be optimal times for prisoners. Prisoners seemed to know what the service could offer them and how to access it. AVS staff are available for callouts in relation to distressed or vulnerable prisoners⁵⁸. The AVS is held in high regard by prisoners, prison officers and prison administrators, and the AVS staff said they felt welcome at the prison⁵⁹.

Attendance at funerals

5.42 Prisoner attendance at funerals of family members, and the process for obtaining approval, was the foremost issue of concern for Aboriginal prisoners according to the AVS visitors, the peer support group, and our own focus groups. The process was considered too hard, too lengthy, and effectively too ethnocentric to work in the interests of the Aboriginal applicants. Many Aboriginal prisoners believe that the significance of family funerals for Aboriginal people and the potential consequences of a failure to attend were lost on the Department of Justice. Some Aboriginal prisoners resign

⁵⁸ Inspection staff were advised that there had been at least four such callouts during the preceding six months.

⁵⁹ It should be emphasised that the welfare and individual welfare support aspect of the AVS is functioning well at Broome Prison. The other key aspect, lobbying the Department for overall improvement to the prison system as it impacts upon Aboriginal people, appears to be ineffective.

themselves to non-attendance rather than face the hurdles of proving family connections that satisfy Departmental definitions, or proving the 'tribal significance' of the deceased, particularly with low levels of English language and literacy.

- 5.43 We are not able to say, for certain, how many funeral applications are made or why particular applications are successful and others are not. Neither Broome Prison nor the Department keeps records of funeral applications or associated paperwork in a manner that can be researched. The Department should, in the short term, remedy this situation to provide accountability for the decisions it makes to allow or deny permissions. It should also take more serious note of the anxiety that decisions concerning family funerals entail for Aboriginal people, and consult with prisoners and community representatives to develop an application process that better suits the needs of Aboriginal prisoners. It is also an area where the Prisoner Support Officer should be able to make a positive impact – a fact that makes the hiatus in the position even more regrettable.

Communication with family

- 5.44 Many Aboriginal prisoners at Broome Prison have difficulty using the prison's Arunta telephone system. In particular, Aboriginal prisoners from remote communities say that they do not use the prison telephone system because it is too expensive and fails to work for them in contacting relatives and friends. In communities there is generally one public phone contact point. The recorded message which initiates the Arunta-sourced call is generally a source of bewilderment to the person answering the phone – often a child – and if that person does not hang up in confusion the prisoner might end the call because of the time it takes (and hence the cost) for the person who picked up the receiver to then go and find the person the prisoner was trying to reach.

One prisoner summed it up thus: 'When I was ringing up yesterday, they (recorded message) kept talking and the person on the other side was saying 'Hello, who's this?' And the message keep talking and all of a sudden when the message stop, they just put that phone down again. I was saying 'hello, hello!' and they were just gone. And my money went down to three dollars. I only got three dollars left'.

- 5.45 Prison administrators acknowledged to Inspection staff that prisoners experienced continual difficulties with the Arunta telephone system. Because of this they said that the prison, through its part-time liaison officer, assisted a significant number of prisoners to contact their families through 'officer assisted calls'. We were told that the Arunta phone system, with its regular repairs and maintenance and the need for supplementary officer-assisted calls, had cost the prison \$15,000 in the previous financial year. None of the information on the inadequacies of the Arunta system is new to the Department: the Inspectorate has commented on it in its previous Reports. The Department needs to look seriously at how it can provide a better service telephone system in prisons, especially those that contain a significant proportion of Aboriginal people from remote communities⁶⁰.

⁶⁰ The Department has recently (February 2002) gone out to tender on the Arunta system. Whilst it is hoped that the sheer expense may be reduced by the next provider's arrangements, nothing in the tender indicates that the particular problems identified in paragraph 5.44 will be effectively addressed.

Traditional food

5.46 We have pointed out (see paragraphs 4.29-4.30) deficits and inequities associated with the provision of traditional foods for Aboriginal people. The deficits in provision of Aboriginal traditional foods on the prison menu comprised a major issue of concern for Aboriginal prisoners, second only to the issue of the funeral application process. Many prisoners wanted access to traditional foods, such as kangaroo, local fish and damper, because they represent important associations with cultural identity, traditions and family. This and equity issues provide more than sufficient reason for the prison to meet the Aboriginal prisoners' requirements.

Grievance procedures

5.47 As expected in a context where many prisoners are illiterate, and in any case are used to making do, there have been few formal (written) complaints from prisoners. The Department's new grievance procedure has just been implemented at Broome Prison, and its effectiveness in this environment has yet to be tested. While the new procedure is an important reform in the system, the new procedure was not developed in consultation with Kimberley Aboriginal communities or prisoners, and it still relies on a written submission before a complaint is taken seriously. This fact alone, unless appropriate advocacy and assistance is provided, will continue to disenfranchise Aboriginal prisoners whose English and literacy levels are limited, from the formal complaints process. Creative and realistic solutions need to be implemented at the local level.

Chapter 6

PRISONERS IN THE COMMUNITY

BROOME AS A COMMUNITY PRISON

- 6.1 Long term prisoners who have achieved a minimum security rating and are nearing the end of their sentences are often involved in work or other activities in the community, as part of their transition from prison to successful release. The arrangements are less structured for prisoners on short term, finite sentences, like the majority of prisoners at Broome; however, the principle behind community-based activities for these prisoners remains the same. Community based work and training is potentially both reparative and rehabilitative, and as such serves the purposes of two of the four correctional cornerstones. It also addresses the core correctional function of prisoner care and wellbeing, particularly in an overcrowded prison environment.
- 6.2 A prison such as Broome Prison is well placed to carry out these functions. It is a regional prison with local prisoners for whom reparation on home ground is especially meaningful; its prisoners are mostly minimum security, making most of them eligible for community-based activity; it is overcrowded, providing an extra incentive to release that particular pressure valve where possible; and, it is situated right in town, providing easy access for prisoners to reach community-based workplaces. Importantly, by maintaining an ongoing presence in the local community of appropriate prisoners performing community service, the prison provides a low key and positive reminder to the public of the reality and function of prisons. When we make prisons invisible (by eliminating signage, placing prisons in remote locations, keeping prisoners out of the local township and community) we make it easy for the public to demonise prisons and prisoners. By allowing this to happen, even by default, we set up situations where new prisons in the community, new work camps, new community-based correctional initiatives are rejected out of hand by the public. In this way, good correctional outcomes are compromised.
- 6.3 Pressed in part by the pressures of extreme overcrowding, Broome Prison is in the process of developing a comprehensive and increasingly impressive Section 94 program (it has yet to include women, however, in the work and TAFE study program). With much benefit attached to having an effective Section 94 program, it is remarkable that other regional prisons with similarly receptive profiles have not done this in any robust and comprehensive way. Most of the 'Aboriginal' prisons the Inspectorate has visited have cursory Section 94 work programs, no on-campus TAFE programs, and little or nothing available for women.
- 6.4 With overcrowding as its current major motivator, it is to be hoped that Broome Prison, in the event of pressure easing on the prison population, will continue to support and expand its Section 94 program, for reasons primarily to do with reparation and the welfare and rehabilitation of prisoners.
- 6.5 In this Chapter we look at prisoners' participation in work, education and recreation in the community, and we look at the work camp the prison runs at Bungarun, near Derby.

WORK IN THE COMMUNITY

- 6.6 Work undertaken by prisoners in the community should ideally provide value to the prisoner (be supportive of his/her overall wellbeing; be potentially rehabilitative by offering access to the acquisition of social, living and work skills), the community (as a vehicle to compensate for the harm

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done to the social fabric by offending) and the prison (to help in the overall management of prisoners; to generate some compensatory income and community good will). The popularity of Section 94 work among prisoners makes its allocation and withdrawal a potent prison management tool.

- 6.7 In the experience of the Inspectorate, Section 94 programs in regional prisons tend to be ad hoc and vulnerable rather than well planned and on-going. Such 'domestic' issues as staff or vehicle shortages can bring Section 94 programs to a halt. Short term disruptions can have serious long term effects because they strain the prison's relationships with community workplace providers. If employees fail to show up or their attendance is erratic they become liabilities rather than assets. For Section 94 work programs to be ongoing and fair and to meet the above stated correctional needs, they need to be undertaken systematically and with vision. Systems (in relation to selection, rotation and monitoring) need to be established around prisoners and work locations. Broome Prison's Section 94 program is ongoing and robust compared with other regional examples we have seen at Eastern Goldfields and Roebourne. The prison does, however, need to develop its systems, particularly in relation to selection and monitoring (of work locations and prisoners) to ensure good practice and fair process. The prison has taken the important step of appointing a full time Section 94 officer.
- 6.8 A good community workplace for prisoners is one that is responsive to the needs and expectations of the particular prison population and the community. In the case of Broome Prison, this means Aboriginal prisoners by and large, and Aboriginal communities and community-based initiatives. Prisoners' work should provide reparation to the whole community, including Aboriginal communities⁶¹. The current community work locations for Broome prisoners are a mixed bag, as measured against desirable criteria for such workplaces. The better examples we describe have the potential to significantly assist the rehabilitation of prisoners.
- 6.9 At the time of the Inspection, just under half of the prisoner population was involved in reparative work under Section 94, in nine different community-based work locations. Work is seldom full-time: prisoners work between three and six and a half hours a day, depending on the location, and often less than five days per week. Sometimes prisoners work only when there is a specific job that needs attending to. For example, Minyirr Park offers work to prisoners three days a week; the Uniting Church and the Catholic Church request workers when cleaning or groundwork is required.
- 6.10 Prisoners who can, walk or cycle to their work places. Those who work some distance from the prison are transported there, generally in time for an 8.00 a.m. start. These prisoners are collected again at about 3.00 p.m. Prisoners usually take their lunches with them; some prisoners, for example those who work at the police station and courthouse, return to the prison for their lunch.
- 6.11 Workplaces included the following:
- Broome Police Station
 - Broome Courthouse
 - Broome Golf Club

⁶¹ This sentiment, or policy, was conveyed to the Office of the Inspector of Custodial Services by Broome Prison in May 2001. There were no similar goals expressed regarding prisoners' work inside the prison.

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- Broome Pistol Club
- Shire of Broome (truck gang)
- Broome Uniting Church
- Broome Catholic Church
- Kimberley College of TAFE
- Minyirr Park (land care project)

6.12 At the time of the Inspection, there was no work for women in the community and no provision made to include or encourage women to participate.

6.13 There is no system within the prison to provide information to prisoners on the availability of Section 94 jobs⁶². Prisoners must find out in the time-honoured, ad hoc way – by word of mouth from other prisoners. First, prisoners must register their interest in being placed in work through staff in the Unit Control Office. The Assistant Superintendent Prisoner Management then assesses the eligibility (security classification) and suitability of the prisoner to work in the community. Following a positive assessment, a prisoner is generally delegated to work on the truck gang which undertakes general road and pavement clean up work for the local Shire⁶³. Women, as far as we know, are not put to work on the truck gang, which suggests that the usual routine for establishing access to Section 94 work does not apply to women. Prisoners' capabilities are further assessed on the truck gang, by the supervising industrial officer, for their suitability for work at different locations in the community. Alternatively, prisoners who know the system and who have been in the prison before, often seek out particular jobs. Positions are filled as they become vacant. There is no management of positions in the form of rotation.

6.14 During the Inspection we visited several workplaces, including the Broome Police Station, the Broome Court House, the Broome Private Golf Club, and the Rubibi Aboriginal Land, Heritage and Development Council (land care) project at Minyirr Park. We also visited the Broome College of TAFE where prisoners completing education modules in construction and horticulture are taken into the community to complete projects that provide opportunities for them to practice new skills in the field (see section on Education, below).

6.15 The Broome Police Station uses prisoners to clean out the cells, sweep around the perimeter of the station, and undertake general garden maintenance. There is little else for prisoners to do: contract labour is used to do general cleaning work in the station. Prisoners at the Courthouse told us they undertook similar work⁶⁴, but here the prison is reimbursed for the prisoners' labour to the sum of \$11,000 per year. Prisoners at both locations work approximately four hours each day. They walk

⁶² The Department's formal response to the Report states that information about Section 94 work is available to prisoners through the orientation process. At the time of the Inspection prisoners did not participate in a formal orientation process. Some prisoners told us they had some dealings with officers during their first few days in the prison, and that this had to do with making arrangements for work. The point remains that these forms of communication are ad hoc and informal. For reasons of equity and good practice formal systems are needed.

⁶³ The Shire of Broome pays Broome Prison \$200 a month for road verge cleaning.

⁶⁴ In its formal response to this Report, the Department stated that prisoners do not clean out the cells at the courthouse.

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back to the prison for lunch.

6.16 The work undertaken by prisoners at the police station provides them with little if any meaningful activity. While the prisoners did not enjoy the work, and felt uncomfortable about the perception they felt police had about them ('They don't trust us outside; they think things'), they appreciated the opportunity it gave them to be outside the prison and to be somewhere they could see people. However, what was perceived as the major benefit by prisoners was apparently viewed as unacceptable behaviour by the police. The prisoners were reportedly criticised for spending time talking to other Aboriginal people passing by. If the work prisoners do at the police station is unskilled and demeaning, if prisoners are criticised for engaging in the single benefit to them – conversing with Aboriginal community members passing by, and if police are not respectful of the service the prisoners are providing at no cost to the police service, then this historic remnant of prisoner labour used by the police should cease⁶⁵.

6.17 We were told by prison staff that generally, prisoners are well treated and well regarded by host organisations. Staff indicated that they were sensitive to the possibility of prisoners being exploited and gave us an example of how the prison had handled just such a situation. We were told of a prisoner on a Section 94 work placement with a private organisation who had been made to dig a hole for a pond. On realising how the prisoner had been deployed, the prison removed prisoners from this workplace until the organisation had been counselled about appropriate use of prisoner work activities⁶⁶.

6.18 The Broome Golf Club is a workplace that, on the face of it, would seem an unlikely venue in which to place prisoners for appropriate work experience and skills development. In fact, the Golf Club was one of the better workplaces for prisoners. It provided structure, training and meaningful work and the prisoners were regarded as valuable contributors to the facility.

6.19 The Club is organised as a community facility that is operated by private enterprise, and is readily accessible to the general public. Three prisoners normally work there. They cycle the three or four kilometres involved for an especially early start. A senior staff member from the local TAFE College commented that many people in the town appreciate seeing prisoners cycling past as they are a regular reminder of the work done by prisoners in the community.



A prisoner cycling to work

⁶⁵ A subsequent inspection – the follow-up Inspection of Eastern Goldfields Regional Prison in February 2002 – revealed similarly demeaning work at a police station. A recommendation of the Report of that Inspection will be that the Department removes police stations from the list of acceptable Section 94 work locations.

⁶⁶ We have referred to the need to have systems in place for vetting and monitoring workplaces in paragraph 6.7.

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- 6.20 The prisoners perform a range of jobs at the Club, including emptying course rubbish bins, co-ordinating course sprinklers, cutting grass using a sit-on lawn mower, pruning trees and tending to the greens. Prisoners felt they were well treated by the rest of the non-prisoner staff working at the Club and that they were part of a team. Prisoners' names were displayed with those of other staff on the roster and most regular employees thought that prisoners were good workers and well accepted and respected by other staff at the Golf Club.
- 6.21 The Minyirr Park land care project provides work for eight Aboriginal prisoners. The project, which is a joint initiative between the Rubibi Aboriginal Land, Heritage and Development Council and the Shire, commenced in January 2000. It involves the preservation, development and management of the coastal land that comprises Minyirr Park. Land care traineeships for prisoners principally involve training in land restoration techniques, including the preservation of coastal land and dune systems and the development of walkways and shelters. Prisoners have the opportunity to make traditional artefacts and to assist in escorting tourists through the park. It was evident that the co-ordinators of the project valued their relationship with the prison.
- 6.22 We were told by on-site representatives of Rubibi that efforts were made to integrate all of the allocated prisoners, even if they had no connections with that particular land, into the project. They said they talked to the prisoners about the sacredness of the site for the traditional owners and regularly explained what they were trying to achieve. They treated the prisoners with respect, and were interested in supporting the rehabilitation of prisoners in any way they could. Importantly, the project provides prisoners with skills. As one prisoner said, 'I learn to make shelters and I got a land care certificate to help me with getting work'. Prisoners said they enjoyed working at Minyirr Park and that they valued being able to assist an Aboriginal community organisation, and have opportunities to mix with project employees and tourists. This collaboration between Broome Prison and Rubibi provides a good model for the development of other community workplaces for Aboriginal prisoners. Aboriginal communities are the major victims of Aboriginal offending and in terms of reparation and rehabilitation could be playing a significant role in the resettlement process for Aboriginal prisoners.
- 6.23 The prison is making good headway with its Section 94 work placements. Systematic planning, managing and monitoring of the process is starting to happen and the prison should ensure it continues to build on this. Training opportunities for prisoners should be given priority in work placements, because of the rehabilitative opportunities they provide and as a form of recognition of prisoners' work. All workplaces should recognise prisoners' work in some way that is beneficial to the parties involved.

EDUCATION IN THE COMMUNITY

- 6.24 Broome Prison is the only regional prison in Western Australia that currently has inmates (all male) attending a TAFE College in the community to complete certificate courses. The practice occurs more routinely in prison systems in other states, for example New South Wales. The benefits to prisoners – and to general prison management – are self-evident: choice of courses, certification, access to resources such as the college library, access to a dedicated learning environment, access to mainstream educators and students, and, some temporary relief from a grossly overcrowded prison.

PRISONERS IN THE COMMUNITY

TAFE courses suit the circumstances of prisoners with short sentences. The module system enables prisoner students to learn and succeed by small increments, and can provide the stimulus and growth of confidence for prisoners to continue or undertake further study after release. The module system makes it easy for prisoners to continue their courses in the community after release, at a time and location of their choosing.

6.25 At the time of the Inspection there were fourteen prisoners enrolled at Broome TAFE, with numbers equally divided between the Introduction to Construction course and the Horticulture, Certificate I course. These courses follow the same format as those for mainstream students and are taught by the same staff. However, the prisoners form their own discrete groups for classes. This seems to work well as the lecturers pace the classes to suit the educational levels and needs of the prisoners, many of whom need remedial and individualised tuition. Provision is made for additional functional literacy classes. Some components of the courses are conducted in the classroom, and some on site in the grounds of the College and at locations in the community.

6.26 Lecturers and TAFE College management staff spoke very positively about their experiences with prisoners on campus. They believed that, in the two years that prisoners had been coming to the College, they had integrated well into the College community and that the teaching, administration staff and other students welcomed the prisoners' presence on campus⁶⁷. We observed that prisoners and course lecturers enjoy very good relations, and that there is considerable mutual respect. The prisoners seemed to have developed a strong work ethic and they valued what they were learning and achieving at the College. One prisoner's comments were typical:

TAFE is good; we learn[while we are] in prison instead of just sitting in the chair. We learn about building and we learn the theory too; a lot of writing. We do a lot of painting, making up frames for buildings and doing the brickwork. We have learned to use different sorts of tools and how to order different sorts of steel.

Prisoners and TAFE staff noted that the bus transporting the prisoners to the TAFE campus was often late and this could be very disruptive to schedules, building-related tasks such as a concrete pour, and to the work ethic being modelled at TAFE.

6.27 On our visits to the campus we were impressed with the array of applied tasks in which the students of both courses were actively engaged, and with the students' application to the work at hand. Topics in the functional literacy classes paralleled the theoretical and practical components of the courses.

6.28 By developing connections with the local TAFE that allow prisoners to participate in courses that interest them and provide them with work-related skills, the prison is providing an optimum educational and rehabilitative environment for male prisoners. Head Office needs actively to support the principle and practice of on-campus study and ensure that structures and underlying values such as those that prevent women attending such courses are addressed. This should be addressed as a

⁶⁷ Initially, some students expressed concerns about sharing the campus with prisoners. However, these concerns were overcome over time, after a comprehensive explanation was given of the rehabilitative and reintegrative purposes behind on-campus education for prisoners. Measures have been implemented, such as staggered meal times and defined access times to library services. These are apparently intended to proscribe the amount of contact between prisoners and mainstream students, thus ensuring that prisoners' whereabouts are known when they are not under the direct supervision of lecturers.

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matter of priority. Other regional prisons with similar prisoner populations should follow the model Broome Prison is developing.

RECREATION OUTSIDE THE PRISON

6.29 Physical recreation is important to the health and wellbeing of prisoners. Broome Prison is limited by space in the range of options it has in providing physical recreation for prisoners. This situation is

exacerbated by the fact that the prison does not have a member of staff designated recreation officer for the prison, and no formal prisoner involvement in the organisation of recreation. The prison stipulates in its Local Orders that eligible prisoners should have the opportunity to play football each day (twice daily on weekends) at the town oval, and in the summer months swim at the local beach. The prison bus can take up to twenty prisoners, who must register their interest with the Duty Officer each day, on a first come first served basis. Eligible women prisoners can participate, but they are reluctant, by their own admission and that of the staff, to sign up for this service. The women shrugged their excuses: they didn't like to play football (they were more inclined to go swimming if they participated at all), they were not interested, the men might want more seats on the bus, the men got in first. The women's absences seemed to speak more about their responses to stereotyping and unequal treatment in the system, than about the particular circumstances of Section 94 recreation. We have referred to this in Chapter Four.

6.30 Records show, and staff and prisoners confirm, that Section 94 recreation is quite often cancelled. We were told that this was because of staff shortages. Prisoners said that in the past they had been allowed to participate in a town football competition, but that this has not happened in recent years. Football now means having a kick for an hour.

6.31 Overcrowding in the prison requires prison managers to place greater importance on the recreational needs of the prisoners. Staffing arrangements should be managed to ensure that prisoners go to the oval as intended and a staff member should assume responsibility for organising Section 94 recreational activities suitable for different types of prisoners in the prison, particularly women.

BUNGARUN WORK CAMP

6.32 The development of work camps, in the form of outstations attached to various prisons in Western Australia, has provided an additional avenue for the Department to contribute to prisoners' rehabilitation and preparation for their reintegration into the community. The work camp at Bungarun, the former leprosarium near Derby some 250 kilometres east north east of Broome, was established with five prisoners in January 2001. The work camp utilises only a portion of the site that is managed by the Aboriginal Lands Trust. At the time of the Inspection, one officer managed 15 prisoners at Bungarun (see paragraph 2.20 and footnote 27 for staff complement of Bungarun). The



Prisoner students preparing for a concrete pour at the TAFE campus

PRISONERS IN THE COMMUNITY

camp is expected to cater for a maximum number of 25 – still with only one officer on site at a time.

- 6.33 Prisoners who seek to go to Bungarun are prisoners with family in the area, or who like the small-scale, semi-independent, less confined nature of life and work at the camp. The possibility of placement at Bungarun is generally seen as an incentive for prisoners. Prisoners are selected on the basis of their minimum security status, time left to serve, and the potential for being responsible, willing to work and self-disciplined. Prisoners generally remain at Bungarun on eight week cycles. Road transport between the prison and the work camp takes place on Fridays. Re-supply and movement of staff and prisoners occur at this time.
- 6.34 Prisoners at Bungarun undertake work either at the camp itself or in the township of Derby. As the presence and role of the work camp has come to be better understood in Derby, the range of available work has increased. At the time of the Inspection, the sites included: the Numbala Nunga Nursing Home (outdoor maintenance); the municipal swimming pool (maintenance and minor construction work); the Derby racecourse (maintenance and clearing up); and, the Derby police station (cleaning)⁶⁸. We observed for ourselves that the prisoners are well accepted and their work widely appreciated in the community. At the camp itself, there was cooking, general maintenance and improvement, some gardening, and a TAFE-accredited machinery maintenance and repair plus grader-driving course.
- 6.35 Many prisoners want to go to Bungarun, and this is understandable in the context of an overcrowded prison with limited work opportunities, whose security apparatus exceeds that normally associated with a minimum security prison. However, from a broader perspective, some of the apparent advantages are meretricious. Prisoners who go to Bungarun sacrifice access to several common prison services. There are a number of issues that need to be addressed at Bungarun to ensure that the work camp is able to maintain the security and safety, as well as the care and wellbeing of prisoners. While the work camp is still developing, Broome Prison management needs to be mindful of the deficits that exist in the regime, and to rectify them if the work camp is to live up to its rehabilitative potential. These include the following:
- 6.36 **Staffing levels.** With the numbers of prisoners at Bungarun approaching 25, the staffing levels at the work camp have become a significant issue with respect to the security and safety of both prisoners and prison staff. Since the Inspection, a second industrial officer has been appointed to Bungarun to work a day shift. However, this officer is not resident at the camp and returns home to Derby at night. His appointment, while easing the burden of supervision of prisoners during day time activity does not amount to a shared responsibility at night or on weekends. Broome Prison management needs to demonstrate that Bungarun's operational standards are consistent with the Department's duty of care to prisoners and staff⁶⁹.

⁶⁸ In the view of the Inspector, it is inappropriate for prisoners to work at police stations. See footnote 65 above.

⁶⁹ We were informed that a second four wheel drive vehicle was to be purchased for the work camp. If this happens, it would allow work parties to be transported whilst another vehicle and officer remain available for general purposes, including more diverse recreational opportunities.

- 6.37 **Health services.** Health screening of all prisoners intended for the work camp is undertaken before their departure from Broome Prison. Any prisoners on medication must be capable of self administering it. However, it is of concern that there appears to be only rudimentary involvement by the prison's medical services at Bungarun⁷⁰. There are infrequent visits by medical staff and, during a visit to the camp, we noted that first aid and health resources were very basic, amounting in fact to the provision of aspirin and bandages.
- 6.38 **Prisoner and prison officer relationships.** On the three visits to Bungarun made by staff of the Inspectorate it was evident that prisoner/prison officer relationships were quite good. However, the numbers at the camp and the varied work locations make it difficult for one staff member to identify vulnerable prisoners or bullying between prisoners. Prison management should seriously consider a form of peer support at the camp that can assist prisoners to provide mutual support and to facilitate semi-formal communication between prisoners and staff at the camp and at the prison.
- 6.39 **Education services.** There are limited but developing education services and resources at Bungarun. In the early stages of the camp prisoners were able only to acquire certificates of attainment in non-accredited Aboriginal Short Courses. Since the Inspection some prisoners have been able to access the TAFE Certificate 1 Industrial Skills course. Forklift and CGEA courses have since become available. This is a trend that should be strongly encouraged and more fully developed. At the time of the Inspection the prisoners' work commitments in the community took priority and attendance at TAFE was timetabled out of the regime. In light of the mundane nature of much of the available work, it is important that other opportunities for training and certification are pursued. If the camp is about preparing prisoners for resettlement, the Broome model for accessing TAFE courses and other educational resources should be followed here.
- 6.40 There are no reading materials at the work camp other than newspapers. As a matter of some priority, prison education staff should visit the camp regularly to provide education and training support and guidance to prisoners, and to coordinate and replenish library resources⁷¹. Most of the prisoners we spoke to wanted reading material, educational resources and classes at the site. They had evening activities in mind and had their eyes on a particular building for this purpose. The building was adjacent to, but not part of, the area utilised by the work camp.
- 6.41 **Visits.** Visits play a critical role in maintaining the wellbeing of prisoners and restricted access is always a cause of complaint. Unlike the situation at Broome Prison, where visits take place every day, visits occur at the work camp only on Sundays. Prisoners found this very unfair.
- We only get one day visit at Bungarun; at Broome Prison you can do any day. If your family [is] at Broome you go down there and must stay one week. My family from up here at Kununnurra so they can come, only on Sunday.*
- 6.42 Despite our being told that many of the prisoners who go to Bungarun are from the Derby region, several of the prisoners were actually from the Broome area. They either did not receive visits at all,

⁷⁰ It should be noted that there is a health plan for Bungarun Camp, which outlines how health services are to operate at the camp.

⁷¹ In its response to this Report, the Department stated that the Senior Education Officer now visits the work camp as required and liaises with the training provider, Derby campus of TAFE.

or they arranged to return to Broome Prison for a week of visits, utilising the regular Friday transport arrangements. Clearly, prisoners have to make a trade-off in deciding to be transferred to the work camp.

6.43 **Funeral applications.** As noted in Chapter Five (paragraphs 5.42-5.43), Aboriginal people place high importance on attending the funerals of members of their immediate and extended families. Non-attendance can have significant repercussions for Aboriginal people, both in terms of their own wellbeing and in terms of their relationships with other family members. Aboriginal prisoners everywhere complain about the bureaucratic and lengthy procedures in place for prisoners to obtain approval to attend the funeral of a family member. Prisoners at Bungarun understood that applications must be initiated at Broome Prison and that they would have to make the journey in person to do this. They were wrong in this assumption, as it turned out; however, in the absence of any advice or assistance on site, or any guidelines for dealing with funeral applications from a remote location, it is understandable that they transposed the Broome procedure – where they were already on the spot – onto the Bungarun context. We were told of one funeral application that did not proceed because the prisoner felt defeated before he started. Funeral applications were only one example of prisoners not knowing important procedures and believing they did not have access to proper advice. The Superintendent has since put in place a system whereby prisoners can have phone access to the Assistant Superintendent Prisoner Services at Broome Prison to discuss a grievance.

6.44 **Access to other services.** Prisoners complained about their ‘town spends’ which took place on Saturdays instead of Fridays:

We have to wait until Saturday morning. It's not very good, having it on a weekend. Weekend is our day off. Should be able to get it on Friday. Should fill in our spends slip on a Thursday night and write it up before the other bloke (officer) come from Broome to swap over. All the other bloke will have to do when he drop the boys (workers) off in town, is pick up the spends.

6.45 Future development of Bungarun needs to address the above issues as part of the prison’s responsibilities to prisoners and to enhance the provision of welfare services to prisoners.

6.46 Bungarun is a positive development for Broome Prison, that is still in its seminal phase. The Bungarun concept has great potential, as an outstation that provides work, training and education; that encourages learning; and, that offers appropriate services and guidance that teach people to be independent and to look after their personal and interpersonal needs rather than neglecting them. If the site has limitations in the kinds of work it can offer, if it has limited potential as a wilderness or outback experience, then the concept ultimately needs to include provision for prisoners to live off site for extended periods of time, to undertake more substantial projects. We understand provision will be made for the short term involvement of mobile groups in cyclone clean-up activities. Longer term, creative projects should also be considered. The concept needs to be included and extended in any plans to develop a new prison in the Kimberley⁷².

⁷² Since our Inspection, the Department has implemented the notion of opening a work camp at Wyndham, in the East Kimberley.

Chapter 7

CONCLUDING COMMENTS AND RECOMMENDATIONS

- 7.1 Broome Prison is small and grossly overcrowded. The condition of overcrowding has been well managed in the main, by pushing the limits of classification and re-classification, by allowing a great deal of flexibility in cell sharing arrangements, by having a late lock-up time (for the men), and above all, by extending the opportunities for (male) prisoners to work and study outside the prison, and to attend the work camp. Overcrowding is tolerated by most prisoners most of the time, because the prison provides opportunities to the male majority that ease the pressure of life in exceptionally cramped conditions. The management of overcrowding has become, of necessity, a major function of the prison – an enveloping pre-occupation. In the circumstances, it is difficult for management to shift its focus to the development of a more systematic and visionary regime for prisoners and staff.
- 7.2 Overcrowding in tightly cramped conditions produces a kind of hall-and-mirrors effect, such that the amount of activity and bustle is magnified, while the pockets of stagnation and other shortcomings of the prison are obscured. We have seen how this manifests at Broome. The prison hums with activity on the outside and the throughput of prisoners is constant, but at the heart of the prison, inside the fence, there are significant problems and deficits, and the needs of particular groups such as the women are neglected in the cause of meeting other priorities.
- 7.3 Broome Prison appears, and is, complex. In our Inspection of the prison we tried to make sense of that complexity by looking for the connections between different parts of the regime; by trying to uncover the system behind the component parts. We found little beyond what we had initially observed: the regime in fact consisted of a multitude of discrete functions and practices, many of which were about managing pressure points that were not part of a cohesive and visionary approach to prison management. This lack of an integrated system underpins a prison and prison regime that is inconsistent in the quality of its performance and effectively discriminates in the distribution of its services to prisoners. It also contributes to the disillusionment and demoralisation of a substantial number of officers, whose relationships with management have virtually broken down.
- 7.4 Nevertheless, as we have shown in this Report, Broome Prison does some things well. The most successful initiatives – such as the new location and generous arrangements for minimum security visits, and the Section 94 work and study program – bear a direct relationship with the prison's (broader) community orientation and awareness. Establishing meaningful links with the community is important in a small town like Broome, and it is particularly important when the clientele largely consists of local Aboriginal prisoners. Broome Prison is unique among the regional Aboriginal prisons in that it currently utilises its location in the township to positive effect. During the day there is continual two way movement of prisoners, staff and visitors between the prison and the community. From the outside, the prison emits an air of purpose and busyness, like any other established local agency going about its business. The presence of the prison in the community is substantial. Many of the links with the community are direct and vital: instead of being decanted routinely from a prison vehicle into a sidelined location, prisoners wherever possible access their local workplaces by bicycle and on foot, and mostly attend work and study places that are present in and part of the life of the local community. In some important respects, Broome Prison is operating as a community prison. It is a strength that the prison should continue to build upon; the initiative should be proactive and directly linked to theory and policy on correctional best practice.

CONCLUDING COMMENTS AND RECOMMENDATIONS

- 7.5 If Broome prison currently has some important developing strengths, such as the community prison concept, the consolidation and advancement of these strengths is at risk unless some fundamental groundwork is undertaken. This can only start to happen in a consistent and developmental way, in a context where the prison is sure of its role – as a regional prison and the prison at Broome – and where it has the right measures of support and supported autonomy from Head Office.
- 7.6 We noted in our *Report of an Unannounced Inspection of Eastern Goldfields Regional Prison*⁷³ that the role and purpose of regional prisons was ill-defined by the Department. Without clear definition and purpose, regional prisons have developed a broad-based ‘catch-all’ function that in many ways substitutes for purposeful, targeted and rational correctional administration. Regional prisons, including Broome, are not well served by such policy slippage at the level of Head Office. Regional prisons are also limited in the way they manage their regimes by policies and directives that reflect the bias of Head Office towards the white male, high security, urban-based prison mainstream. We have seen the impact of this sort of cultural imperialism at Broome Prison where almost all the prisoners belong to non-mainstream groups whose needs, measured against mainstream standards and frameworks, are differentially addressed. The tension around security issues in this small, minimum security prison provides another example of Head Office priorities competing with local conditions and contexts.
- 7.7 Local prison managers complain that Head Office does not understand the local culture or local conditions, and can therefore make inappropriate decisions affecting such key issues as staffing, prisoner programs, and prison budgets. The theme of being misunderstood by Head Office is both an explanation for gaps in practice at the local level and an excuse for the same set of deficits. A local/Head Office divide should be discouraged by more consultative policy development, better communication and more accountable autonomy for regional prisons, and in any case should not become an excuse for shortfalls in services or poor practice.
- 7.8 Ultimately, it is the prisoners who suffer when roles and correctional policies are not clear and focussed, when lines of responsibility and accountability – between Head Office and the prison and within the prison – are not well managed, and when resources shrivel or are misdirected as a result. There are aspects of Broome Prison, with its inflated expenditure on security, its neglect of women prisoners and its dearth of treatment programs, that exemplify a prison that is uneasy with Head Office priorities and at cross purposes with itself.
- 7.9 Broome Prison runs a survival regime that exhausts the resources. It is not enough that the prison is managing well in the over-crowded environment, or that it is able to do some things in the regional context that are innovative. For the regime to be consistent in good correctional direction and practice, and for the innovations to be sustained and to grow, Broome Prison needs to be clear about several fundamental matters in relation to its role and functions and to operate within the context of proper guidance from the Department.

⁷³ Office of the Inspector of Custodial Services 2001, Report 4.

CONCLUDING COMMENTS AND RECOMMENDATIONS

7.10 The prison needs to acknowledge and understand the client mix that makes up the prison, in terms of cultural identity, local identity, gender and security status, and assess and define the correctional needs of each of these groups. This in turn should determine how and to what correctional ends the prison goes about its multi-faceted work. A number of shortfalls and poorly targeted activities in the Broome Prison regime, such as the nature of officer in-service training, the lack of appropriate treatment programs for prisoners, and unequal and inconsistent responsiveness to the cultural needs of different prisoner groups – to name a few, have been detailed in this Report. To rectify deficiencies in a sustainable way, an underpinning policy blueprint – a balanced, targeted correctional philosophy – is required.

THE NEW PRISON

7.11 Like the Eastern Goldfields, the West Kimberley has been mooted for a replacement prison for a number of years. For slightly different reasons, the need for a new prison in both places is pressing. While unconditionally supporting the urgent need to reduce the Aboriginal imprisonment rate (which would reduce the number of prison beds required in the system), this Office also acknowledges that as long as prisons and prisoners exist, incarceration should be humane and purposeful for inmates. The current prison at Broome is not able to meet these standards.

7.12 Currently, the debate assumes that the two locations of Broome and the Eastern Goldfields are competitive, a situation that the Inspector considers inadvisable and unnecessary. After thorough inspections of the prisons in both locations, the Inspector believes replacement prisons are urgently needed in each of these regions. This can be achieved without a budget blowout, if the right kinds of low security prisons are developed in Broome and Kalgoorlie/Boulder, on the current sites.

7.13 There have been rumours that a new prison in the West Kimberley would be built at a site on the Cape Leveque road, some 15 kilometres out of Broome on a large site that would support some sort of on-site agricultural enterprise. Moving the prison out of town has many deleterious ramifications, for the prisoners, staff and the broader community. Where Broome Prison demonstrates good practice it is in areas associated with supporting the links between prisoners, family and the broader community. These links cannot be supported or sustained in any meaningful way if the prison is moved out of town. Boutique projects at a rural prison complex are less sustaining for the stakeholders than maintaining the complex and varied fabric of a genuine community prison. In any case, either/or options are not necessary. Rural work that is community- rather than prison-based should be available to prisoners on a Section 94 basis. Temporary or mobile work camps, as discussed in Chapter Six also provide a suitable context for this sort of work.

7.14 Moving prisons out of sight to outer-urban or semi-rural locations, has been an inevitable consequence of the Department's prison upgrade program. In the process, the public and the prison – and what prisons mean in our society – are spatially and intellectually separated. The debate about justice issues risks becoming more strident with this separation; less subtle and more about law and order than mutual responsibilities between the players in the justice game. This runs counter to modern penal trends in (community-based) restorative justice. A context of community tolerance and support is integral to the successful resettlement of offenders.

CONCLUDING COMMENTS AND RECOMMENDATIONS

- 7.15 Broome Prison, because it is located in the heart of the Broome community, provides a rare remaining example in Western Australia of integration with the surrounding town and community. The prison is too small for the current prisoner population, particularly in light of the increasing number of foreign nationals remanded there. Also, it is well understood that it cannot possibly cope with the sixty or so medium or maximum security prisoners from the Kimberley Region who are currently serving their sentences in southern prisons. Yet there is a need to be able to return these people their own areas to serve their sentences.
- 7.16 There are immediate opportunities for the Department to post an expression of interest in land adjacent to the prison (a reserve currently controlled by the Water Corporation) that will shortly become available for as yet undefined purposes. While other interests may take precedence, the Department has what may well be a one-off opportunity to seek to extend the landholding currently in use by the prison, and should act to keep such an option open. The benefits of extending and re-building on the current site have been clearly profiled in this Report.
- 7.17 There are a number of options that the Department is currently considering with regard to a possible new prison in the West Kimberley. Before these options are formally evaluated for their capacity to meet the needs of Kimberley prisoners, it is important that policy be developed that more clearly articulates the purpose of regional prisons, particularly in areas with high Aboriginal populations, and the custodial objectives of the Department in this regard. The current and developing 'successes' of Broome Prison, as outlined in this Report, should provide the interface that links policy and decision-making as to the location and nature of any new prison in the region.

RECOMMENDATIONS

1. The Department's draft 'Aboriginal Services Strategic Plan 2001' should be updated, strengthened and implemented to take account of the challenges and achievements identified in this Report including:
 - The essential importance for Aboriginal prisoners to be able to maintain community links;
 - The need to ensure that security measures adopted for maximum security regimes are neither unduly restrictive for those prisoners covered by them, nor spill over into the applicable regimes for the rest of the prison;
 - The need to ensure that prison services are culturally appropriate; and,
 - The desirability of improving staff training so as to equip staff better for the issues that arise in managing Aboriginal prisoners fairly and constructively and, in particular, to provide cross-cultural awareness training.

These matters are particularly important for the 'Aboriginal prisons' in Western Australia (Broome, Eastern Goldfields, Roebourne and Greenough) but have applicability throughout the prison system as a whole.

CONCLUDING COMMENTS AND RECOMMENDATIONS

2. The Department should develop and implement a plan for the local recruitment of Aboriginal staff at Broome Prison, including women, and at all other Aboriginal prisons in the State.
3. Noting that the Department has committed itself to the creation of a position having special responsibility for the conditions and services of women prisoners, the highest priority should be given to developing and implementing strategies to improve the situation of women prisoners at Broome, taking account of the detailed matters identified in this Report.
4. The prison should immediately discontinue the practice of shackling or handcuffing maximum-security prisoners during medical appointments at the clinic, except in situations that in the view of the responsible security officer specifically pose an immediate danger to others or a high risk of escape. This assessment must be discussed with the health professional involved. Records should be kept indicating when medical consultations are conducted in this way. Both the security officer and the relevant health professional should sign off on all such records indicating the basis for the decision and, in the case of the health professional, whether he or she agreed with the decision.
5. A system must be put in place to ensure that hygiene throughout the prison, and particularly in the kitchen, is brought up to acceptable standards and is maintained at those levels.
6. Special diets, particularly those that are medically recommended, must be fully catered for. Efforts must be made to provide traditional food for Aboriginal prisoners on a more frequent and regular basis.
7. Prison-based work activities should be linked to TAFE-accredited training wherever possible.
8. The detailed matters of service deficiency identified in this Report should be addressed. These include: the Arunta system; canteen issues; the peer support system; development of recreational opportunities; clarification of the permission process for attending funerals; cleanliness of cells; improvement of the library by inclusion of more and relevant material; and, improvement of various services at the Bungarun work camp.
9. The Department should abandon its present provisional preference for a new all-purpose prison to be built away from the Broome town site. It should now commence detailed investigations as to how best to utilise the existing site and any available contiguous real estate, noting that the present site enhances the crucial factor of Broome Prison, despite its problems, having strong community links. Other possibilities should be explored for maximum-security and medium-security prisoners, both those who constitute the present population profile and those convicted Kimberley-based prisoners who, on account of their security rating or other correctional factors, are at present sent away to serve the bulk of their sentences in a southern prison.

Appendix 1

THE INSPECTION TEAM

Professor Richard Harding	Inspector of Custodial Services
Bob Stacey	Director of Operations
Lynn Atkinson	Manager Research and Publications
Andy Fitzgerald	Inspections Officer
Natalie Gibson	Inspections Officer
Jocelyn Jones	Consultant
Dr Mark Salmon	Health Department Consultant

Appendix 2

RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE RECOMMENDATIONS OF THE REPORT

RECOMMENDATION 1

The Department's draft 'Aboriginal Services Strategic Plan 2001' should be updated, strengthened and implemented to take account of the challenges and achievements identified in this Report including:

- The essential importance for Aboriginal prisoners to be able to maintain community links;
- The need to ensure that security measures adopted for maximum security regimes are neither unduly restrictive for those prisoners covered by them, nor spill over into the applicable regimes for the rest of the prison;
- The need to ensure that prison services are culturally appropriate; and,
- The desirability of improving staff training so as to equip staff better for the issues that arise in managing Aboriginal prisoners fairly and constructively and, in particular, to provide cross-cultural awareness training.

These matters are particularly important for the 'Aboriginal prisons' in Western Australia (Broome, Eastern Goldfields, Roebourne and Greenough) but have applicability throughout the prison system as a whole.

Response:

The Prisons Division Strategic Plan for Aboriginal Services 2002 is in the process of being finalised and these recommendations will be addressed in the content.

RECOMMENDATION 2

The Department should develop and implement a plan for the local recruitment of Aboriginal staff at Broome Prison, including women, and at all other Aboriginal prisons in the State.

Response:

Agreed – It is expected that recruitment of new prison officers will resume in 2003.

RECOMMENDATION 3

Noting that the Department has committed itself to the creation of a position having special responsibility for the conditions and services of women prisoners, the highest priority should be given to developing and implementing strategies to improve the situation of women prisoners at Broome, taking account of the detailed matters identified in this Report.

Response:

Agreed – The conditions and services for regional women prisoners will be a critical priority for this position.

RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE RECOMMENDATIONS OF THE REPORT

RECOMMENDATION 4

The prison should immediately discontinue the practice of shackling or handcuffing maximum-security prisoners during medical appointments at the clinic, except in situations that in the view of the responsible security officer specifically pose an immediate danger to others or a high risk of escape. This assessment must be discussed with the health professional involved. Records should be kept indicating when medical consultations are conducted in this way. Both the security officer and the relevant health professional should sign off on all such records indicating the basis for the decision and, in the case of the health professional, whether he or she agreed with the decision.

Response:

The current procedures were in response to two escapes by prisoners under escort within the prison in 1997. Broome Prison is in the unique situation of having a secure section which has serious space inadequacies to the extent that the provision of health services to maximum and medium security prisoners can only occur outside of the secure environment. The procedures were reviewed by a team including the then Director Health Services in 2001 and the recommendations of that review have been adopted. These include the use of hand cuffs and two officer escorts. When hand cuffs are removed to facilitate medical examination, leg restraints are applied. If all restraints are removed then officer must remain in close proximity.

The procedures currently in place are comparable to those which apply to maximum and medium security prisoners attending medical appointments in public hospitals. This is one of a number of undesirable operational consequences of the physical inadequacies of Broome Regional Prison and can only be fully remedied by the replacement of the current prison. The concerns of health staff in relation to this issue are fully understood and respected, but must be balanced against security issues such as the risk of escape and the safety of those very staff. The matter will be continually kept under review to achieve the least restrictive practices that are reasonable in the context of security.

RECOMMENDATION 5

A system must be put in place to ensure that hygiene throughout the prison, and particularly in the kitchen, is brought up to acceptable standards and is maintained at those levels.

Response:

The prison has developed and deployed a cleaning policy to ensure the accommodation areas and ablutions within the facility are maintained to an acceptable standard. A second cook instructor has been employed and this will ensure appropriate standards are maintained

RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE RECOMMENDATIONS OF THE REPORT

RECOMMENDATION 6

Special diets, particularly those that are medically recommended, must be fully catered for. Efforts must be made to provide traditional food for Aboriginal prisoners on a more frequent and regular basis.

Response:

Agree – A review of prisoner diets/nutrition by an officer of the Department of Health is underway. All prison catering centres now have a comprehensive special meals guidelines booklet which include diets encompassing medical, cultural and social needs. Traditional food for Indigenous prisoners is supplied weekly.

RECOMMENDATION 7

Prison-based work activities should be linked to TAFE-accredited training wherever possible.

Response:

Agreed – Is current policy

RECOMMENDATION 8

The detailed matters of service deficiency identified in this Report should be addressed. These include: the Arunta system; canteen issues; the peer support system; development of recreational opportunities; clarification of the permission process for attending funerals; cleanliness of cells; improvement of the library by inclusion of more and relevant material; and, improvement of various services at the Bungarun work camp.

Response:

Agreed – Tenders have been called with regard to the telephone system in prisons throughout the State, which is hoped to result in more competitive rates for prisoners.

A review of canteen procedures will be undertaken.

A review of Peer Support will be undertaken to enhance its operation within the prison.

Agreed [the development of recreational opportunities].

Agreed – A working group including the Aboriginal Visitors Service, Prisoner Support Officers and the Manager, Aboriginal Services will review this issue [permission process for funerals].

As per Recommendation 5, a cleaning policy is in place that includes daily cell inspections by the Unit Manager and the airing of linen on a weekly basis.

RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE RECOMMENDATIONS OF THE REPORT

RECOMMENDATION 9

The Department should abandon its present provisional preference for a new all-purpose prison to be built away from the Broome town site. It should now commence detailed investigations as to how best to utilise the existing site and any available contiguous real estate, noting that the present site enhances the crucial factor of Broome Prison, despite its problems, having strong community links. Other possibilities should be explored for maximum-security and medium-security prisoners, both those who constitute the present population profile and those convicted Kimberley-based prisoners who, on account of their security rating or other correctional factors, are at present sent away to serve the bulk of their sentences in a southern prison.

Response:

As acknowledged in this Report, two most pressing priorities in terms of new facilities in the Kimberley are the return of the large numbers of Kimberley prisoners who are imprisoned in other regions as a result of their security classifications, and addressing the unacceptable conditions in which prisoners of higher security ratings are currently accommodated. A suitable secure facility for this population could not be achieved on the current prison site. The Department will continue to explore options for the most appropriate total correctional responses for the Kimberley and is currently embarking on a major consultative and research project (Kimberley Justice Project) to provide detailed guidance to this process. At this stage no decisions have been made on site acquisition and facility location. Further identification and consideration of options will occur in consultation with relevant authorities and stakeholders, including the Inspector of Custodial Services.



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