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Report No.



**Report of an Announced Inspection  
of Bandyup Women's Prison  
June 2002**



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES  
WESTERN AUSTRALIA

**Cover photo: Much of Bandyup was a building site at the time of the Inspection. Note the rear wall of the Compound, extending through to the health centre. The building to the left, nearing completion, is Unit 2.**

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# The Inspector's Overview

'WHY CAN'T A WOMAN BE MORE LIKE A MAN?' IS NO LONGER A LEGITIMATE QUESTION

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## THE RECENT HISTORY OF WOMEN'S IMPRISONMENT IN WESTERN AUSTRALIA

In 1993 there were 90 females in WA prisons, comprising 5 per cent of the total population. A decade later, as I write this Overview, there are 215 women prisoners, comprising 7.5 per cent of the total population. Thus, the number of women prisoners has increased by about 135 per cent during a period when the number of male prisoners has grown by about 55 per cent. Of course, the numerical increase of male prisoners is much greater (about 900) than that of women prisoners (about 125).

But the shift in pattern is striking. The rate of female imprisonment is increasing at more than twice the rate of male imprisonment. It is no longer possible to regard the imprisonment of women as unimportant in itself – a managerial irritant distracting from the 'main game' of male imprisonment. It is, and should be, a responsibility, a challenge and an opportunity in its own right. A responsibility, because of the social obligations to try to rehabilitate women who, in many cases, were disadvantaged or have been victimised and yet are often primary care-givers; a challenge, because of the acknowledged difficulties of assisting persons whose coping skills typically are inadequate; and an opportunity, because prison, whatever its drawbacks, offers a period of relative stability in which health deficits, educational disadvantage and the like may be addressed. These points are reinforced when it is considered that 40 per cent of the women are Aboriginal, a slight increase over the 1993 figures.

Yet practical experience and the academic literature abound with documented accounts of prison failure. In the UK, for example, the Chief Inspector of Prisons walked out of Holloway Women's Prison in 1995, pronouncing it so bad as to be beyond inspection. My own observations of that prison, made in 2002, were that it seemed to have made little progress since then, despite the plethora of further inspections, management changes and injections of funds for new equipment. Even the appointment of an 'Area Manager for the Women's Estate' – the quaint English title for a person with policy responsibility for women's prison services – had not apparently made much difference. There seemed to be something intractable about women's imprisonment and how to improve it.

In Western Australia, the main women's prison – Bandyup – was coping little better than Holloway. Apart from the fact that the 1970s building was almost past its 'use by' date, one of its main defects was that it had to accommodate every kind of security and management regime within a single fence – maximum-, medium- and minimum-security, mother-and-baby, protection, remand, sentenced, short-termers, lifers, crisis care, punishment – as well as try to deliver offender programs, provide useful work opportunities and so on. The Department of Justice recognised these difficulties and, under prodding from the previous Minister, had begun to develop plans for a new minimum-security prison. However, this was done with little or no conceptual underpinning as to the needs and objectives of women's imprisonment; it was very much a case of a plan developed around the availability of a site. The proposal lapsed, however, largely on account of public antagonism about that site.

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Paradoxically, that may have been a blessing in disguise. After a change of government in the State, the incoming Minister took up the issue of women’s imprisonment as a high-priority concern. After he and some senior Department of Justice officials had studied overseas experience, a conceptual framework was developed for a new women’s minimum-security prison. Emphasis was placed on the following matters:

- Facilities should be designed around a community concept and small self-care units;
- Women prisoners should be actively involved in the development of their own case management plans;
- There should be real employment and skills development opportunities related to future employment potential;
- Community links must be strong;
- Offender programs must be tailored to the needs of women rather than its being assumed that male programs are appropriate;
- Health issues, including mental health, must be at the forefront of facility design and service delivery;
- The prison culture should emphasise relationships rather than power;
- Staff selection and training should fit with the above objectives.

These concepts were rapidly taken to the point of site selection (abutting the present Nyandi Prison), design and project commencement. The likelihood is that a 70-bed minimum-security prison will thus be commissioned in 2005. In addition, the Department has marked its greater commitment to women’s imprisonment issues by creating a new directorate, to be headed by a Director of Women’s Custodial Services – a welcome development.

### REFURBISHING BANDYUP PRISON

Meanwhile, the refurbishment of Bandyup Prison – approved by the previous government and commenced in 2000 – had been going forward. The incoming government endorsed these moves. Bandyup thus became as much a construction site as a prison. This is not a frivolous observation; major construction works carried out whilst a prison remains operational are very disruptive to the routines, programs, ethos and cultural environment. From the point of view of inspection, everything is a moving target. If something is not working as it should be, there is always an explanation – a promise that ‘it will be different when the construction work has finished’. One can sympathise with local management’s dilemma, but there comes a point when these explanations merge into excuses.

For this reason, the Bandyup Inspection was deferred once; then carried over, so that there were two on-site periods separated by five months. The hope was that the prison would have settled down,

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following the opening and occupation of the new accommodation block.

Unfortunately, this hope has been disappointed. The prison was still functioning poorly, as this Report graphically illustrates. Basically, when all the details of poor service are stripped away, this is because imprisonment in Western Australia is still defined in male terms; Bandyup is in a sense a male prison occupied by females. Security ratings accord with male criteria;<sup>1</sup> staffing is predominantly by male officers; the role of women as mothers is inadequately recognised.

To the extent that distinct female issues are acknowledged, it is in an old-fashioned pre-‘liberation’ way. For example, one of the few industrial activities available was that of making soft toys. Also, although things had improved somewhat at the time of the Inspection itself, Bandyup had gone through a stage when lesbian relationships were condoned to the point of encouragement, seen by management as a tool for keeping prisoners quiescent. This recognition of the importance of relationships to women was completely distorted in that it seemed to ignore the distinct possibility that many of these relationships would not be fully consensual. That culture has left its mark upon the prison.

The new construction work has missed its mark in ways that show, once more, that the concept of women’s imprisonment was not recognised in its own right and for its own imperatives. Most notably, no provision was made for additional mother-and-baby accommodation. With the rapid population turnover at Bandyup, the present four beds are taken up more often than not. Some young mothers miss out, therefore, and opportunities for overnight family visits for older children are also restricted. It is difficult to understand how such an obvious point could have been missed.

### HEALTH SERVICES

Women are greater consumers of health services than men. In prison, that pattern is even more marked. Yet, as this Report documents at length (paragraphs 6.1–6.29), the available services do not adequately reflect this reality. Our overall conclusion is that they fall short of an acceptable standard.

In one respect, they are scandalous. We found that a woman was shackled whilst in hospital giving birth, the shackles being temporarily removed whilst she was unconscious under general anaesthetic and being put back on as she regained consciousness. Her first sight of her new-born baby and her first opportunity to hold it were as she lay in her bed shackled. Subsequently, she was handcuffed, the cuffs being removed and replaced with shackles as she fed the baby.

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<sup>1</sup> The Department of Justice disputes our view that women are by and large ‘over-classified’, pointing to escape rates. Apart from the isolated ram-raid incident of February 2003 – an escape made possible precisely because Bandyup was still operating as a construction site with relatively easy access for builders’ trucks through a semi-secure side gate – these escapes are more in the nature of abscondments from minimum-security (Nyandi Prison) and very seldom last for any substantial period. Moreover, the danger to the community from any such incidents is small. Female escapes cannot in any useful way be equated with male escapes, yet security-rating criteria as a means of escape-prevention are apparently identical.



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The Department of Justice Health Services has a history of being altogether too fond of shackles as a concomitant of medical treatment or situations. At Broome Regional Prison, we had also found inappropriate examples of this<sup>2</sup> and we also encountered, in the Department’s formal response to our recommendations at that time, a reluctance to confront the ethical issues involved. The particular case of shackling during confinement for childbirth was a *cause célèbre* in the UK in 1996, leading to a Prison Service order that women were only to be shackled whilst in hospital for treatment of any kind in the most exceptional circumstances. Seven years later, it is long overdue for Western Australia to follow that lead.

Mental health and psychiatric issues are also core services for women prisoners. Bandyup does what it can, but is struggling. On an earlier occasion, the Departments of Justice and of Health have jointly produced a business case to Cabinet for ‘A Strategy to Co-ordinate Comprehensive Mental Health Service Delivery for Women Prisoners at Bandyup’, but it evidently did not rank high enough in overall priorities to obtain funding at that time. It was a good case, however, and a credit to the two Departments that they recognised its importance. It is hoped that the case can be refined and strengthened, so as to be successful in the near future.

### CONCLUSION

This Report is in many ways very detailed. But it is also broadly thematic.<sup>3</sup> If the underlying philosophy of women’s imprisonment espoused here, and spelled out particularly in Chapters 1, 2, 3 and 8, is not understood, then the adoption of particular recommendations, whilst welcome, will tend to erode as circumstances change. The Department’s formal response has been very positive, and now the challenge is to start anchoring operational changes in strategic policy. An encouraging factor is that radical change and improvement to women’s imprisonment is not one of those ‘law and order’ issues that divide political parties. As the brief history set out above indicates, the long path of reform was first embarked upon by a Liberal Attorney General and has now been further energised and focussed by a Labor Attorney General. There is a long way to go, but considerable grounds for optimism. Bandyup is not beyond redemption – but its future development must be located within an understanding of and commitment to a women-centred approach to women’s imprisonment.

Richard Harding  
Inspector of Custodial Services

6th March 2003

<sup>2</sup> See Report No 6, *Report of an Announced Inspection of Broome Regional Prison*, pp. 5–6, on ‘The issue of restraints and medical services delivery’ (Office of the Inspector of Custodial Services, March 2002).

<sup>3</sup> The Manager Research and Publications, Ms Lynn Atkinson, was the primary author of this Report.

# Chapter 1

## BANDYUP WOMEN'S PRISON AND THE IMPRISONMENT OF WOMEN IN WESTERN AUSTRALIA

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- 1.1 The Office of the Inspector of Custodial Services (the Office; the Inspectorate) carried out a formal, announced Inspection of Bandyup Women's Prison between 9 and 14 June 2002. The Inspection had initially been planned for August of 2001; however, it was postponed to make way for an Unannounced Inspection of Eastern Goldfields Regional Prison. There were perceived benefits for Bandyup, and also potentially for the outcomes of the Inspection, in the postponement. In August 2001, the prison was immersed in a major building and refurbishment project. The prison was functioning under temporary arrangements and some associated stress. There was an argument for undertaking the Inspection when the prison was functioning under a more normal routine. While many special arrangements were in place at the prison to cope with the temporary loss of amenities, the building program was not then sufficiently advanced for some of its intended benefits to be experienced on the ground. Importantly, the run-down accommodation block, 'the Compound', was still overcrowded and providing sub-standard accommodation, and the new accommodation block (Unit 2) was behind schedule. There was a strong interest at the Department of Justice (the Department) for Unit 2 to be functional when the Inspection ultimately took place, in the belief that many of the manifest problems at Bandyup would resolve with the accommodation upgrade. It had been expected that the prisoners would be accommodated in the new block before the Inspection scheduled for June 2002.
- 1.2 In the event, while some important parts of the building and refurbishment program had been completed, the new accommodation block was still incomplete and prisoners were still living in the Compound. Given the importance placed on the new accommodation, and the hopes that it carried for the management and staff at the prison, the Inspector undertook to re-visit the prison once the shift to new quarters had taken place. This follow-up visit took place in November 2002.
- 1.3 Although changes to the Bandyup infrastructure subsequent to the Inspection contribute to the substance of this Report, the Report has been written largely on the basis of what we saw during the six-day Inspection of June 2002. While acknowledging that the new accommodation unit will have an impact on the regime and on prisoners, it is the systems and culture that operate at Bandyup that lead us to our major conclusions about the state of the prison. These do not develop and metamorphose as readily as bricks and mortar do; hence it is probable that what we saw in terms of values and practice at Bandyup in June 2002 will have an impact for good or ill for a long time to come. Every prison has its future reform agenda, which may or may not come to pass. We can only evaluate a prison on current performance and utilise our assessments to recommend how poor practice might be reformed, and how best practice might be sustained.

### AN OUTLINE OF WOMEN'S IMPRISONMENT IN WA

- 1.4 Bandyup is the only secure facility for women in Western Australia and is located in the Swan Valley area of outer metropolitan Perth. Until recently, it was the only prison in the State solely for female prisoners. The prison was opened in 1971 as Bandyup Training Centre. Its design, particularly the accommodation with single cells around a courtyard, is similar to nearby Riverbank, a forerunner to

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Bandyup by about ten years and formerly an institution for the detention and rehabilitation of young adult male offenders. Bandyup replicates the Bunbury Rehabilitation Centre (now Bunbury Regional Prison for men), a facility built at the same time as Bandyup as a detention facility for young males under 25 years. Clearly, there was a shared correctional design and underpinning philosophy for women and young males, although the purposes – ‘training’ for women, and ‘rehabilitation’ for young men – reflect a more paternalistic approach to females. Interestingly, the second prison for women in the State, Nyandi, started its life as a juvenile ‘training and assessment’ centre for girls.

- 1.5 Nyandi was built on the south side of the city in what is now inner suburbia, and was opened the year before Bandyup. Its design is strongly linked to the 1970s but it differs substantially from Bandyup and the secure male facilities referred to above, in part through the preponderance of dormitory style accommodation. Nyandi closed as a juvenile institution in 1997 when a new juvenile facility became operational, but re-opened late in 1998 as a temporary minimum-security prison for women. Ultimately, a new low-security prison (the new Nyandi) will be built on the adjacent Longmore site, but a replacement for Bandyup itself is not being actively considered at this stage.<sup>1</sup> Nyandi is now the second prison for women in Western Australia. While an Assistant Superintendent is responsible for the day-to-day running of Nyandi, the Bandyup Superintendent has ultimate jurisdiction over both women's prisons.
- 1.6 In addition to Bandyup and Nyandi, four regional prisons (at Greenough, Broome, Roebourne and Eastern Goldfields) accommodate small numbers of women prisoners. In terms of their overall, predominantly male, prisoner populations, Roebourne and Greenough Prisons are able to hold minimum- and medium-security prisoners in the longer term, while Eastern Goldfields and Broome are for (mostly male) minimum-security prisoners. Each of the four prisons can hold prisoners with higher security classifications for short periods.<sup>2</sup> There is a majority of Aboriginal prisoners at each of these four regional prisons; for this reason, and for the purposes of the kind of analysis we have undertaken in our inspections of these prisons,<sup>3</sup> we have referred to them as ‘Aboriginal prisons’. Greenough Prison has made provision to handle larger numbers of female prisoners than the other three regional ‘Aboriginal prisons’, in order to help relieve overcrowding in Bandyup. In September 2002, for example, the 30 women at Greenough comprised 17 per cent of that prison's population.<sup>4</sup> Women at the other three regional prisons comprised between three and six per cent (in numbers, two, three, and five women) of each prison's population at that time.

<sup>1</sup> Longmore was a male juvenile detention facility. The site has now been cleared for the new prison.

<sup>2</sup> Generally, this means prisoners on remand who are due to appear soon in a local court, or prisoners from high-security prisons who relocate to a regional prison for a week or two to give them access to family visits.

<sup>3</sup> When this Report went to press the Office had undertaken inspections of all regional prisons except Greenough Prison. The Reports on the Inspections of Albany Prison and Bunbury Prison will be tabled in the second half of 2003.

<sup>4</sup> We refer to populations on 5 September 2002 and take the statistics from the Department's Weekly Offender Statistics. The date coincides with the time of writing.

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- 1.7 Women represent about seven per cent of the total imprisoned adult population in Western Australia. At the time of writing (September 2002) there were around 200 women prisoners in the State and Aboriginal women comprised about one third of this group. The proportion is usually higher. Aboriginal female prisoners in November 2001, for example, represented 44 per cent of all imprisoned women, as they did in July 2002, just after the Inspection.
- 1.8 The majority of all women prisoners are held in Bandyup, but there is a significant difference in the proportions of Aboriginal and non-Aboriginal women held at that prison and indeed in all prisons that hold women prisoners. On 5 September 2002 the distribution of women prisoners looked like this:

Female Prisoners held on 5/9/2002 in Western Australia, by Prison			
	Non-Aboriginal	Aboriginal	Total
Bandyup	83	30	113
Nyandi	42	5	47
Regional prisons	14	26	40
<b>Totals</b>	<b>139</b>	<b>61</b>	<b>200</b>

- 1.9 Forty-three per cent of Aboriginal women prisoners were held in regional prisons on that date, while only ten per cent of non-Aboriginal women were held in these more remote and under-resourced locations. This particular distribution is quite typical, and to a major extent is determined by the women's home location. As with women prisoners everywhere, most women want to be held within visiting distance of their families, especially their children. In the case of a large proportion of Aboriginal women, providing their security classifications are congruent with the particular prison, this means serving whatever time they can in the regions.<sup>5</sup> However, not all Aboriginal women are sent to the regions for this reason. The use of Greenough Prison, for example, to relieve overcrowding at Bandyup, impacts most heavily on Aboriginal women. Not all the women who are sent to Greenough, particularly those who are sent involuntarily, have family associations with the area. We discuss the Greenough transfer policy and practice in Chapter 5.
- 1.10 Serving time in one of the above regional prisons means serving time in facilities that compare unfavourably with metropolitan prisons where non-Aboriginal prisoners are in a majority. For Aboriginal women, the disparities between metropolitan and regional prisons are even more pronounced. Women's facilities and regimes within regional prisons are highly restrictive and sub-standard, and female prisoners' access to education, training and correctional programs tends to be very limited, even by the impoverished local standards for males.

<sup>5</sup> Except in the south-west: the regional prisons at Albany and Bunbury accommodate males only.

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- 1.11 As men's prisons are designed for men, so women's prisons are putatively focussed on women and their needs. If, on the other hand, women are accommodated in men's prisons, chances are that their specific needs will not be met. With women comprising only about ten per cent of the population of most of the four regional prisons that hold women,<sup>6</sup> these prisons are effectively and overtly male prisons. Moreover, at regional prisons, in addition to inequity based on gender, there are other forms of disadvantage experienced by prisoners held there. The four regional prisons are not only essentially male prisons, they are also 'Aboriginal prisons', in the sense that the vast majority of the population in these prisons is Aboriginal. They are also seriously disadvantaged prisons, as our Inspection Reports of three of these prisons have shown.<sup>7</sup> We have argued that these prisons are disadvantaged *because* they are Aboriginal prisons; and that a correctional system that ends up with a prison 'underclass' in those areas where Aboriginal prisoners predominate is essentially racist. It is the poor conditions, not the fact that Aboriginal prisoners are concentrated in prisons close to their homes, that form the substance on which the claim of racism is made. The distinction is important, because Aboriginal prisoners, men and women, will accommodate disadvantage for the benefit of being closer to family and country.
- 1.12 Women held in these environments suffer several layers of disadvantage compared with female prisoners in metropolitan women's prisons and male prisoners locally. The solution for unequal treatment of Aboriginal prisoners, as the Inspector has pointed out in the *Report of an Unannounced Inspection of Eastern Goldfields Prison*, is not to close down run-down regional 'Aboriginal' prisons but to comprehensively upgrade them, and to extend the regional capacity to accommodate more local prisoners who are currently held elsewhere. To deal with unequal opportunity for women prisoners in these establishments the gender argument must be heard along with the race argument: women – in particular Aboriginal women – need extended and enhanced opportunities to access regional facilities and to have appropriate work, services and programs in these prisons.
- 1.13 This Report is not about regional prisons nor the women held in them. However, any discussion of the complex melting pot that is Bandyup needs to be informed by the broader issues of women's imprisonment in the State, including issues of race, culture and distance, and the complex links that exist between prisons accommodating women and between prisons and agencies that deal with women prisoners and their families.

<sup>6</sup> While Greenough continues to take extra prisoners from Bandyup women can comprise about one quarter of the population of this prison.

<sup>7</sup> Office of the Inspector of Custodial Services, Reports Nos 4, 6 and 14 (in press). The Office has not yet undertaken an inspection of Greenough Prison.

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### A BRIEF HISTORY OF BANDYUP

- 1.14 Bandyup in the 1970s and 1980s was a different prison in many ways from the facility that operates today. Originally, the prison was low key in its public profile with a steel mesh perimeter fence topped with a 'V' of barbed wire. There was no outer perimeter fence, and hence no razor wire, electronic surveillance or sterile zone, as there is now. The prisoner population was smaller (the average population count for 1980/81, for example, was 42.4) and all prisoners were housed centrally in the Compound which comprised single cell accommodation built around a grassed central courtyard. By contrast, at its most overcrowded in the late 1990s almost all cells in the Compound had multiple occupants, and by 2000 prisoners were sometimes doubled up in Self-care.<sup>8</sup> Inside the prison, the relatively small population combined with the paternalistic approach to women's imprisonment at the time, led to a more controlled environment than is the case currently, and greater use of grilles and escorted movement inside the prison. Self-care was not a part of the original ethos and regime. The Self-care units which, for the most part, are now occupied by long-term prisoners, were not completed until the early 1990s and not fully occupied until some years later.
- 1.15 More recently (1998), the Department of Justice articulated its custodial responsibilities using the concept of four 'cornerstones': custody and containment, care and wellbeing, rehabilitation, and reparation. The Inspector has adopted and adapted the British concept of a 'healthy prison' to talk about an appropriate balance between correctional aims and responsibilities, such as the Western Australian four cornerstones. An unhealthy prison is one where the balance is skewed and is inappropriate to the nature of the prison and the type of prisoners held there.
- 1.16 In the 1970s and 1980s a model based on treatment and rehabilitation underpinned custodial care for women and children. It was a model that was 'gender aware' in the sense that the perceived needs of women were at the heart of it; however, it was not an empowering model because it was paternalistic and reflected stereotyped views of women and femininity. Women prisoners were perceived to be less a risk to the community than wayward and misguided, with the potential to be useful and law-abiding, given correction and training. In the second half of the 1980s, however, the overarching, essentially male-centric preoccupation with risk and security enveloped the system and the balance of the four cornerstones was altered. As increasing numbers of men and women were sent to prison, Bandyup's perimeter security was considerably upgraded, with the addition of a secure outer fence and electronic surveillance. The shift towards custody and containment meant more than a re-configuration of the balance of the four cornerstones. Gender stereotypes still strongly influenced regimes for women who were prisoners; however, at the policy level there was an added overlay that seemingly transcended considerations of gender: women who were prisoners became prisoners who happened to be women. Since masculine models underpin the seemingly generic

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<sup>8</sup> Self-care accommodation and conditions are usually part of 'enhanced privileges' earned by prisoners. The concept is eroded when cells designed for single accommodation are used for multiple occupancy.

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'prisoner', women prisoners became vulnerable to being assessed and managed according to policies and practices devised for the (male) mainstream.

1.17 Bandyup has undergone considerable change in its staffing profile over the years. In the early years there were some women in the prison management role at Bandyup, but the norm has been for men to be appointed to the Superintendent position. There have always been some male custodial officers at Bandyup; but in more recent years the proportion of male officers has increased. We could find no evidence that females have ever numerically dominated the senior ranks at Bandyup. At the time of the Inspection, eleven of the twelve senior officers were male and the senior administration staff were all men. From 1999 to 2002 the prison had a female Superintendent; however, the gender balance in staffing did not change in favour of women, and there is nothing to suggest that feminising the superintendency led to a regime that was underpinned by gendered understandings, or that was women-centred<sup>9</sup> in any other than stereotypical ways.

1.18 Over the years, Bandyup has not shifted fundamentally in its notions of work and practices that befit women; sewing, laundry and cleaning still provide the major employment options. This is not necessarily negative – all of these activities, for example, are also required of prisoners in male prisons. The problem lies more with stereotyped notions of women's work (especially when the work itself – sewing and laundry – is sometimes carried out by women for male prisoners), reduced alternative opportunities in comparison to men, and a lack of vision and genuine training opportunities within these stereotypical women's activities.

### BANDYUP IN JUNE 2002

1.19 Today, Bandyup is a complex place that has been overcrowded for many years and, until the advent of the current major building and refurbishment program in 2001, had been seriously neglected and run down. By most accounts the prison had 'lost its way' some time previously, resulting in considerable erosion of the proper and consistent application of policy and procedure; inconsistent management; angry and disengaged prisoners; stressed professional relationships; a loss of experienced senior staff, especially females; and, low morale all round. Our contact with the prison and our Inspection of it confirmed this view.

1.20 At the time of the Inspection the entire management team at Bandyup was male, and most, including the Superintendent, held their positions on an acting basis. Even the recent temporary appointment of a so-called change manager went to a male, when the need for women-centred perspectives and empowering female role models should have been axiomatic. We understood that the change manager position was primarily a consultative one that was to oversee, conjointly, the physical transition to the new prisoner accommodation, and an accompanying cultural transition – the underpinnings and shape of which had still to be defined. At the presentation by the Bandyup

<sup>9</sup> See paragraphs 2.5–2.6 for a discussion of 'women-centred'.

## BANDYUP WOMEN'S PRISON AND THE IMPRISONMENT OF WOMEN IN WESTERN AUSTRALIA

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management team on the first day of the Inspection, a number of comments were made that reinforced our concern that gender consciousness was missing from this particular management regime, and that valuable opportunities for different perspectives and role modelling for prisoners had been lost in the current arrangements.

- 1.21 At the time of the Inspection, a number of new or refurbished facilities had been opened or re-opened at the prison. These included the education centre, the crisis care unit, the management unit, the health services area, and the industries area. The new accommodation unit was nearing completion, as was the community hall and activities centre located nearby. There were no plans to replace the oval and swimming pool that had made way for the new buildings.
- 1.22 The building program at Bandyup had been taken in hand by a dedicated but inexperienced project manager at a late stage in the process, after the key decisions had been made. The opportunity for a coherent, gender-aware plan for the project, that had been developed systematically and consultatively, had already been lost. This contrasts with the integrated and long-term planning process for the new Nyandi low-security prison, currently underway. The task for the project manager at Bandyup was to assess, belatedly, perceived female needs and fit them to a pre-determined plan engendered by male-centred understandings, experiences and priorities, and a limited budget. Moreover, the Department's long-term plans for the Bandyup site appear to include its reincarnation as a male prison,<sup>10</sup> and this potential future use no doubt placed further constraints on scoping the refurbishment as a women-centred environment.
- 1.23 The aims and goals associated with long-term planning for men are qualitatively different from the short-term aims of addressing the needs of women imprisoned in a secure facility. It appears that the Department has resolved some of the tension between the two tasks by defining some key new structures at Bandyup – such as the accommodation unit – as gender neutral. In the context of prisons, as of much of the criminal justice system, benchmarks and standards, particularly those of long standing, tend not to be devised with a consciousness of gender; however, this does not make them gender neutral. It means, rather, that the masculine model that underpins so many of our traditional institutions is not recognised or acknowledged. The new Unit 2 is a case in point and is discussed in Chapter 7.
- 1.24 Other decisions that have been made in relation to the building program, such as the creation of a massive industries area, seem to have been made with the long term – men – in mind. This is not to say that women will not make good use of the area; however, as with the accommodation unit, there would doubtless be fundamental differences to the design and usage of these areas had there been more preparedness to consider gender and take seriously women-centred input in the formative stages of the project. Further, the building program gives no priority to matters of central importance

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<sup>10</sup> The Department of Justice still denies this.



## BANDYUP WOMEN'S PRISON AND THE IMPRISONMENT OF WOMEN IN WESTERN AUSTRALIA

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in a women's prison, such as adequate provision for visiting children and families and the mother/baby residential program.

### The layout of Bandyup

- 1.25 Outside the fence, at the entrance to the prison, is the visitors centre run by Outcare.<sup>11</sup> Such a centre functions to facilitate visits to prisoners by family and friends, and to provide support to visitors when needed. This is a key function at any prison, but particularly at a women's prison where the maintenance of relationships between imprisoned mothers and their children should be central to the whole business of imprisoning women. The staff of the visitors centre have a complex and proactive role in the maintenance of these relationships and hence play an important part in the welfare of the prisoners.
- 1.26 Bandyup has a particularly anomalous feature for a secure prison, in that the gatehouse is situated inside the prison. Unlike other prisons, where visitors pass through a staffed control point before they are inside the prison proper, visitors to Bandyup are allowed through electronically operated gates in the two perimeter fences after announcing themselves through the intercom. The same situation applies to vehicle entry. Visitors on foot walk a further twenty or so metres from the inner fence to the gatehouse to register themselves and have the necessary checks made of their property and persons. The gatehouse arrangement is criticised by staff for jeopardising security: visitors cannot be properly vetted before they enter the prison proper and searches and checks are compromised because of the conditions.
- 1.27 The original prison is compact: there are few open spaces to traverse on the way to anywhere. The new accommodation block and community hall, however, are situated some way from the general hub of the prison. West of the gatehouse is the visits centre, then the administration block, some demountable buildings holding programs staff, the education centre, and the industries complex at the far reach of this trajectory. The Self-care units are nearby. On a return track to the gatehouse lies a tennis and basketball court, the Compound, and finally the mother/baby unit across the walkway on the south side of the Compound.
- 1.28 Behind the gatehouse are the kitchen and dining room, laundry, canteen and what was formerly F block, the somewhat notorious unit used for isolation, protection and punishment. F block, which was effectively gutted in a fire started by a prisoner in 2001, has been replaced by a new management unit.
- 1.29 Beyond the management unit is the new crisis care unit, which in turn leads into the clinic and health centre (prisoner access is on the north side of the clinic). It contains a compact three-bed hospital facility for overnight stays. The 'D and V' area, formerly used for disturbed and vulnerable

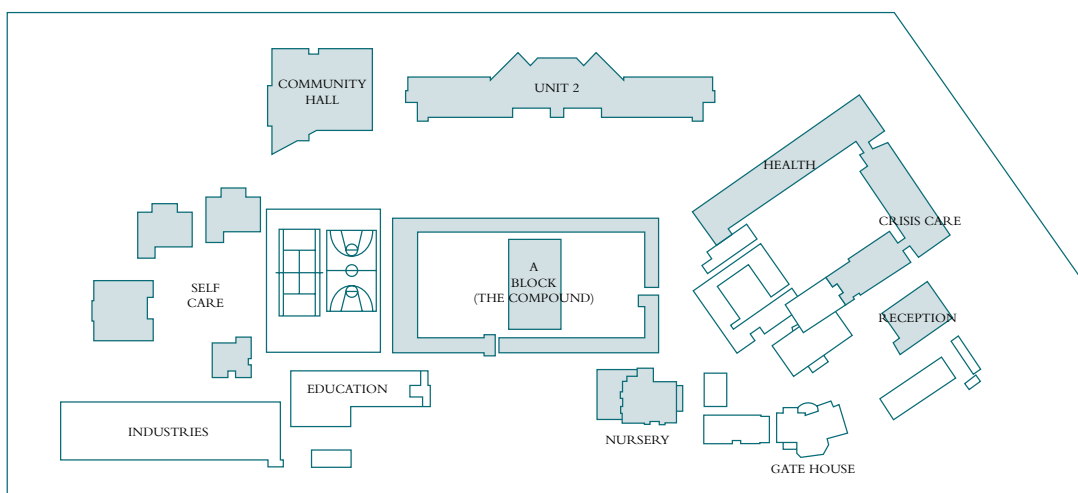
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<sup>11</sup> Outcare is a non-government organisation funded by the Department of Justice to provide support services to prisoners and their families.

## BANDYUP WOMEN'S PRISON AND THE IMPRISONMENT OF WOMEN IN WESTERN AUSTRALIA

prisoners, but at the time of the Inspection housing one prisoner on protection, is west of the health centre at the eastern end of the Compound. Until the new accommodation unit and community hall were built, the Compound was culturally and geographically at the heart of the Bandyup complex.

### BANDYUP WOMEN'S PRISON



#### Prisoner profile

1.30 At the time of the Inspection there were 94 women imprisoned at Bandyup. Twenty-nine (31%) of these were Aboriginal women. Sixteen women were rated maximum-security, of whom three (19%) were Aboriginal; 69 were rated medium-security, of whom one third were Aboriginal, and nine were rated minimum-security (again, one third were Aboriginal). Clearly, the largest group of prisoners at Bandyup was rated medium-security. This group contained 71 per cent of the non-Aboriginal population in Bandyup and 79 per cent of the Aboriginal population. Thirty prisoners, or 32 per cent of all prisoners, were on remand. One third of the remanded group (ten women) was Aboriginal.

1.31 The Office of the Inspector of Custodial Services carried out surveys of prisoners and staff a month before the Inspection. The purpose of the survey, in this as in all inspections by the Office, was to gather information and ideas about the prison that would inform and guide the Inspection. We surveyed almost half (48%) of the population and our sample included women from the Compound, Self-care, crisis care, the management unit, and the protection unit ('D and V'). Because of some exigencies on the day of the survey, prisoners from Self-care were over-sampled. Aboriginal women are under-represented in Self-care (there was one Aboriginal resident on the survey day) so Aboriginal women prisoners ended up being slightly under-represented in the survey overall.

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Aboriginal women comprised 34 per cent of the prisoners on the day of the survey, but represented 28 per cent of the survey respondents.

1.32 Imprisoned women tend to be young. Three-quarters of the women surveyed were under the age of 40. Aboriginal women were over-represented in this youngish age group: over 90 per cent of Aboriginal respondents were under 40. More than half of the women surveyed had been in prison before: just under half of the non-Aboriginal group and over 70 per cent of the Aboriginal women. Like youthfulness, repeated imprisonment is more likely to apply to Aboriginal prisoners. Almost 30 per cent of the respondents had previously been in juvenile detention, with half of this group being Aboriginal. This is in keeping with what we know about juvenile detention: that over-representation of Aboriginal people is even greater in the juvenile jurisdiction than it is in the adult system. Just over half of the respondents overall had been in prison longer than six months. Eighty per cent of this group was non-Aboriginal. Again, this is in keeping with what we know about offending and sentencing patterns by race.

1.33 More than half the women (55%) had children under 16 years of age. Seventy-nine per cent of all Aboriginal respondents said they had children under 16 years of age. Most (86%) of the women with children under 16 said they had sole responsibility for their children when they were not in prison. Almost half of this group was Aboriginal, which suggests that Aboriginal mothers who are prisoners are more likely than the non-Aboriginal group to be sole carers of their children.

1.34 A third of prisoners said they had lodged a formal complaint or grievance during their current sentence. This could indicate many things, but substantively the figure stands in stark contrast to the low level of complaints survey respondents in men's prisons have indicated. The comments accompanying the women's responses suggest that, despite making relatively frequent complaints, the women were not satisfied with the procedure for resolving them. Eighteen women commented on the effectiveness of the grievance procedure, as it had applied to them, but only three women said they had been satisfied with the outcomes of their complaints.

1.35 In June 2001, about one third of the women at Bandyup were serving sentences for violent offences, and about one quarter of the population was serving time for breach of orders.<sup>12</sup>

### INSPECTION METHODOLOGY AND BENCHMARKS

1.36 As indicated above the inspection model being developed by the Office of the Inspector of Custodial Services has at its core the notion of a healthy prison, as articulated by HM Inspector of Prisons for the United Kingdom. We have assessed the 'health status' of Western Australian prisons by looking at the performance of the Department's four cornerstones of custodial care and responsibility, and at the appropriateness of the balance between them. A number of factors affect the balance, including the

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<sup>12</sup> Information from the Department of Justice (undated), 'Operational Review Report of Bandyup Women's Prison Services'.

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type of prison, the location of the prison, the race/cultural profile of prisoners, and whether the prison is for men, women or juveniles. The model is being developed and refined continuously as experience accumulates with each inspection.

- 1.37 In the Western Australian context, considerations of race are fundamental to the process of critiquing prisons and appropriately analysing imprisonment data. Therefore, the Office has formed conclusions as to what happens in certain prisons, whether or not they have a majority of Aboriginal prisoners, in part by considering Aboriginal history and theory on racism and colonialism. Gender should have an explanatory power similar to that of race: all prisoners have 'gender', just as they all have 'race', and a gendered understanding of crime and imprisonment is universally pertinent, even as a race analysis has a particular significance in the Western Australian context of Aboriginal over-representation. However, in the corrections field (as in law, criminology, medicine and many other traditional fields of study) 'gender' is traditionally seen as belonging rather exclusively to women. As long as men's prisons are at issue, the models for designing, planning, running and evaluating them tend to be perceived as gender neutral, and the relevant practitioners can carry out their work without having to think about gender per se, or analyse the models of masculinity within which they work.
- 1.38 The Inspection of Bandyup Women's Prison was undertaken using a methodology similar to that used in previous inspections of men's prisons. The methodology in its present form is not specifically attuned to the needs of women's prisons and prisoners and in hindsight the Inspection would have been better served had the model been more explicitly adapted to its task.<sup>13</sup> However, assumptions that underpin most aspects of prison procedures and prison life were genuinely laid open to question, rather than being taken for granted in a 'gender neutral' kind of way. We hope, then, that the methodology of the Inspection was somewhat 'gender aware', if not 'women-centred' (see Chapter 2), and that after the event, the Bandyup Inspection has made a contribution to the developing inspections model of the Office.
- 1.39 The difficult environment we encountered at the time of the Inspection in June and again the following November made it apparent that transition models in women's imprisonment would be important to the analysis of Bandyup and the development of a vision for a well-functioning future for the prison. To this end, the Manager Research and Publications of the Inspectorate visited the Dame Phyllis Frost Centre, the main women's prison in Victoria in December 2002. Until October 2000 the prison had been run by a private provider. During the era of privatised management serious concerns were raised about many fundamental aspects of the prison and its operations: the

<sup>13</sup> For example, the ongoing identification of issues, the processing and analysis of information gathered, the creation of relationships of trust on which the collection of good data depends, and the development of a more empowering way for women prisoners to be involved in the process, might have been better served using a more action-oriented approach, with smaller teams of Inspectors being present at the prison over a much longer period of time than the customary week.

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regime, health and safety, management, etc. These concerns resulted in numerous default notices being issued to the contractor. When many of the issues remained unaddressed the State intervened and the public sector assumed control of the prison. Once the prison was in the hands of the Victorian Department of Justice it was acknowledged that for a failing prison to become healthy and accountable there would need to be a planned, extended and complex transition process. The transition process at the Dame Phyllis Frost Centre involved reaching beyond the immediate imperatives of management to embrace, amongst other issues, prisoner health and welfare issues, the prison culture, staffing and operational issues. The visit by this Office in December 2002 coincided with a major stocktake by the Department of its work at the prison, two years after the changeover ('step-in').

1.40 Bandyup Women's Prison has been assessed according to two sets of complementary criteria. On the one hand, the current concerns in women's corrections articulated in the international literature provided a backdrop against which we could explore the situation at the prison. The literature also indicated standards of good policy and best practice. On the other, we have attempted to measure the performance of the prison against the four cornerstones (care and well-being, custody and control, reparation, and rehabilitation) and to see what kind of balance exists between them. This was a less useful measure because, in practice, the associations of each of these cornerstones are more male-oriented than women-centred. They were less meaningful in the Bandyup context than the test of theory and international best practice.

### OUTLINE OF THE REPORT

1.41 Chapter 2 explores the issues that are identified in the international literature on women and imprisonment, with a particular focus on Britain and Canada. The Chapter focuses on what legitimate and possible aims of imprisonment for women might be, and on the concepts and principles that should inform policy and lead to best practice. It looks at some of the pitfalls of policy development, and at why even the most soundly based policy can nevertheless fail to make its mark on practice. The language of vision and policy in the area of women's imprisonment needs to be clearly defined, articulated and grounded in theory, if major shifts in practice from the policy blueprint are to be minimised. The feminist notion of 'empowerment', for example, has been coopted to serve an ethos of control rather than independence for women in prison. Good policy is the touchstone of good practice; sustaining good practice, however, requires a combination of sound policy, good planning and political commitment.

1.42 On the basis of the discussion in Chapter 2, Chapter 3 looks from a policy perspective at some of the underlying issues that are significant at Bandyup. Bandyup is a prison that is in considerable disarray, and, despite attempts by the Department of Justice just before and since the Inspection to stop the bleeding, because of a substantial history of neglect this kind of reactive and ad hoc change is no longer enough. Fundamental and integrated changes are needed to make Bandyup a well-

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functioning, humane prison, such that staff, especially women, want to work there and prisoners are better able to be equipped for law-abiding lives and lifestyles.

- 1.43 In Chapter 3 we pick up the basic philosophical argument about the role of prisons and apply it to the local context. Bandyup needs to develop and articulate a purpose as a prison *for women*, beyond the role of mere containment and vague motherhood statements. We discuss the need for fundamental change at the level of prison culture – where resistance is likely to be found – and also what is needed to start to address cultural change. The issue of female staff at the prison and the systems, both formal and informal, that fail to support women into senior positions, is placed on the agenda. The classification and assessment process is also discussed, as a system that disadvantages women prisoners and fails adequately to meet their needs.
- 1.44 Cross-cultural issues loom large in Western Australian prisons, and Bandyup is no exception. The issue of cross-cultural and minority group responsiveness is raised here. The adequacy of prisoner welfare-oriented structures whose genesis was in the recommendations of the Royal Commission into Aboriginal Deaths in Custody – structures that were modelled on the needs of the male imprisoned majority – is questioned. The divide between Aboriginal and non-Aboriginal prisoners that exists at Bandyup, as at other prisons, has been allowed to develop unchecked, giving rise to poor practice, inequity, and race-based aggression. Developing an awareness of being responsive to different groups that are accommodated at Bandyup is a first step in developing a regime that is properly attuned and responsive to needs on an individual level. The nature of the relationship between Bandyup and Nyandi, and the development of a structure that serves the prisons and their populations to better advantage, is the last underlying issue discussed in this Chapter.
- 1.45 Chapters 4 to 6 discuss the Inspection of Bandyup in June 2002 and go into the detail of what we found at that time. Chapter 4 looks at security, management and staffing. It discusses physical and procedural security, disciplinary matters, feelings of safety and the protection regime, matters of concern to staff, and staffing and management issues. Chapter 5 looks at the regime for prisoners, including accommodation, the impacts of prisoner transfers to Greenough, prison reception and orientation procedures and sentence planning; and the major activities that shape the prisoner's day: work, education and training, treatment programs and recreation. Chapter 6 is concerned with essential services for prisoners, such as health services, the canteen, family contact and support services; and other welfare-oriented supports for prisoners, such as peer support and counselling.
- 1.46 Chapter 7 is concerned with the second phase of the Inspection of Bandyup, which was carried out in November 2002, five months after the Inspection proper, or phase one. In this Chapter we look at the impacts in that period of Unit 2 (the new accommodation block) and the other major new facility built at the same time, the community hall. Chapter 8 concludes this Report and makes final recommendations.

# Chapter 2

## ISSUES IN WOMEN'S IMPRISONMENT: INTERNATIONAL PERSPECTIVES

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### THE CASES OF CANADA AND THE UNITED KINGDOM

2.1 As previously discussed, the Department of Justice in Western Australia has looked principally to Canada as a model for its decisions about women's prisons. A further, historical influence on women's (and indeed all) prisons in Australia is the United Kingdom. Consequently, we focus our discussion of issues relating to women's imprisonment around what has occurred in Canada and Britain over the last two decades. In this time, overcrowding and public exposure of poor conditions for women prisoners has given impetus for some debate and reform.<sup>14</sup> The purpose of imprisonment, in general and also for women, should lie at the forefront of any such discussions.

#### What are prisons for?

2.2 Pat Carlen, who has critiqued issues around women's imprisonment in the UK since the early 1980s, argues for theorising imprisonment itself, before addressing specific concerns of gender, class, race, etc.<sup>15</sup> In this way, the penal practices and power relationships that are the stuff of prisons in general can be understood and underlie discussions and analysis of these other key variables. Carlen makes the point that activists and researchers in the area of women's imprisonment can be captured by the imperatives of their own reformist agendas into forgetting or ignoring the nature of prisons, and therefore the limitations in terms of what can be achieved by and for women prisoners (or any prisoners) in such an environment. This seems to have been what happened in relation to reformers involved in, and their subsequent disillusionment with, the 1990s reform agenda in the Canadian system that is outlined in this Chapter. The need for change was so clear and pressing that this engendered expectations of systemic reform that ultimately defied the reality of the prison context.

2.3 Carlen has asked the question 'What are prisons for?' in much of her recent writing. She acknowledges the *needs* of people to see prisons as *for* almost anything other than punishment: 'for psychological readjustment, training in parenting, drugs rehabilitation, general education or whatever else the 'programmers' of the day may deem to have been lacking in a prisoner's life'.<sup>16</sup> However, she sees these activities in the prison context more as devices that veil the punitive function of prisons, rather than as meaningful or even possible purposes in themselves. Fundamentally, imprisonment is punishment and this awareness needs to underpin contingent understandings about possible 'other' purposes of imprisonment. Nevertheless, Carlen's writing appears to acknowledge the conundrum

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<sup>14</sup> Reports have been produced by non-government organisations and by governments. See Lowthian, J. 2002, 'Women's prisons in England: barriers to reform', in Carlen, P. ed. 2002, *Women and Punishment*, Willan Publishing, Cullompton, Devon, UK, for references to some of these reports from the UK. See also HM Chief Inspector of Prisons 1997, *Women in Prison: A Thematic Review*, Home Office, London; Parliament of New South Wales 2000, 'Interim Report: Issues Relating to Women', New South Wales Legislative Council, Select Committee on the Increase in Prisoner Population; and, Correctional Service Canada 1990, *Creating Choices: Report of the Task Force on Federally Sentenced Women*, Correctional Service Canada, Ottawa.

<sup>15</sup> Carlen, P. 1994, 'Why study women's imprisonment? Or anyone else's? An indefinite article', *British Journal of Criminology*, 34: 131–138. p. 133.

<sup>16</sup> Carlen, P. 2002, 'Carceral clawback: the case of women's imprisonment in Canada', *Punishment and Society*, 4(1): 115–121, p. 116.

around women's imprisonment, that the imperative to enhance the lives and life chances of women prisoners is fundamental, but is inevitably in opposition to powerful countervailing forces of punishment. The idea of 'empowering' women in a punitive, hierarchical environment exemplifies the contradictions between premise and context that Carlen explores. In *Women and Punishment*, her latest volume, Carlen comments that the contributing writers – academics, policy makers, managers/practitioners in the field, and all reformers – all infer that imprisonment is for punishment; yet to the reader it is apparent from *what* they write that these women continue to advocate for, and at least partially believe in the possibility of, a range of prison-based reforms that are feminist (or women-centred, see paragraph 2.5) and belong to a different, non-punishment oriented paradigm.<sup>17</sup>

- 2.4 To be constructive in such a setting, it is necessary to acknowledge the tension between the opposing forces of – to put it simplistically – punishment and rehabilitation; and to find some way of working at the point of balance between the opposing forces. In the correctional framework this would be to move away from the two extremes of 'what works', represented by an ungrounded wish list of reform on the one hand, and the 'nothing works' claim on the other, where possibilities for reform are defined out of the equation. Carlen, in her description of reform at the Scottish women's prison at Cornton Vale, describes it as a third way between the two 'opposed policy rhetorics'. She sees this third way as a 'principled and political commitment to prisoner-needs-centred regimes which assumes that promotion of all aspects of prisoner health<sup>18</sup> (or, at the least, damage limitation) is an achievable aim'.<sup>19</sup> For the ideal to be upheld in practice, Carlen points out the need for a moral framework that continually questions the validity and meaning of the various penal practices. This is the structure or business that should occupy the potent space between the opposing forces, that in prisons otherwise threaten to undermine reform and best practice. Two issues central to the development of a moral framework are prisoner needs assessments – how and to what end a prisoner's needs are assessed – and the monitoring and evaluation of the practices and programs that emerge from these assessments.

#### The reform agendas from Canada and the United Kingdom

- 2.5 The reforms which are of interest to the Western Australian Department of Justice commenced over a decade ago in Canada. In 1990, a Government-appointed Task Force produced a report on the future for federally sentenced women in Canada, called *Creating Choices*.<sup>20</sup> The Task Force was

<sup>17</sup> Carlen, P. 2002, 'New discourses of justification and reform for women's imprisonment in England', in Carlen, P. ed. 2002, *Women and Punishment*, Willan Publishing, Cullompton, Devon, UK.

<sup>18</sup> 'Care and well-being' in the Western Australian correctional lexicon.

<sup>19</sup> Carlen, P. 2001, 'Death and the triumph of governance: Lessons from the Scottish women's prison', *Punishment and Society*, 3(4): 459–471, p. 461.

<sup>20</sup> See Shaw, M. 1999, '“Knowledge Without Acknowledgment”: Violent Women, the Prison and the Cottage', *The Howard Journal*, 38(3): 252–266; and, Hannah-Moffat, K. 2000, 'Prisons that Empower', *British Journal of Criminology*, 40: 510–531, for a discussion of the Task Force, the report, and the reforms over time. These two articles inform this section of the Report.



avowedly feminist in its philosophy, its membership (representatives from the non-government sector, Aboriginal and other minority groups, and women who had been in prison were included), and its ultimate blueprint – *Creating Choices* – for a ‘women-centred’ prison. In labelling it as ‘women-centred’, Shaw describes the blueprint as being based on ‘a set of feminist principles emphasising empowerment, meaningful and responsible choices, respect and dignity, a supportive environment and the sharing of responsibility for the women’s empowerment with the community’.<sup>21</sup> Hannah-Moffat implies by her use of ‘woman-centred’ in relation to the Canadian Task Force reforms that the corrections model was a ‘feminist and Aboriginal inspired vision’.<sup>22</sup> Roberts, in an account of a positive program for women offenders in the UK, uses the term ‘women-centred’ seemingly as a direct substitute for ‘feminist’, to ‘avoid the unproductive label of, and distracting debates about, feminism’.<sup>23</sup> In other words, she uses ‘women-centred’ for political and pragmatic reasons, while acknowledging its essentially ‘feminist’ core.

- 2.6 Each of these similar definitions of ‘women-centred’ is grounded in theory; specifically, theory that espouses feminist principles and inclusiveness. This is also what underpins the use of the term in this Report. Without an underlying theory to support it, the definition – any definition – is prone to being vague and inconsistent in its use. We are concerned that the Department’s use of the term, and of other terms used in policy development regarding women and imprisonment, is not grounded in theory and lacks definition and consistency.

#### *Canadian reform experiences*

- 2.7 Shaw describes how, within the women-centred philosophy and framework described briefly above, the Task Force recommended regionalised cottage housing for prisoners and a healing lodge for Aboriginal women (community-style living) to replace the old penitentiary Prison for Women. The Task Force recommendations were accepted in their entirety; however, in the process of implementing the plan the original blueprint was ‘re-shaped ... to meet with government, correctional and public sensibilities’.<sup>24</sup> In other words, its ‘women-centredness’ was hybridised and no longer represented what it had previously in the consulting and development phase. With hindsight, given the essentially hierarchical and disempowering nature of prisons, it is not really surprising that the ‘woman-centredness’ of the blueprint should start to fall victim early on to the needs of bureaucracy and a conservative dialectic. A subsequent event in 1994, that involved a violent interaction between staff and a group of prisoners at the still-operational Prison for Women, demonstrated in the way it was portrayed and dealt with at the operational, policy and political

<sup>21</sup> Shaw, op. cit., pp. 252–253.

<sup>22</sup> Hannah-Moffat, K. 2002, ‘Creating Choices: reflecting on choices’, p. 200, in Carlen, P. ed. 2002, *Women and Punishment*, Willan Publishing, Cullompton, Devon, UK.

<sup>23</sup> Roberts, J. 2002, ‘Women-centred: the West Mercia community-based programme for women offenders’, 110–124, p. 124, in Carlen, P. ed. 2002, *Women and Punishment*, Willan Publishing, Cullompton, Devon, UK.

<sup>24</sup> Shaw, op. cit., p. 253.

levels, that the promise of truly women-centred reform had been fundamentally eroded.<sup>25</sup> Subsequent decisions and events confirmed this.

- 2.8 The 'needs' of women prisoners in the system became enveloped in the security/risk paradigm. Hannah-Moffat infers that the Canadian system for women prisoners seems to have defaulted to a masculine correctional paradigm, with the four new regional prisons 'beginning to replicate the very problems they sought to resolve'.<sup>26</sup> In this environment, the 'solutions' become reactionary, with 'difficult' women being placed in newly established, segregated, high-security facilities in men's prisons, where, according to Moffat, there is minimal, if any, programming. Eventually, the regional women's facilities – needs-based, community-living – will have high-security units grafted on to them. It is intended that these will replace the maximum-security units for women at the men's prisons. The women-centred blueprint appears to have been overtaken, in both the physical and philosophical spheres, by a correctional model that effectively suppresses gender awareness, and hence cannot properly be receptive to assessing and meeting the needs of women prisoners. In terms of preventing major slippage between policy and practice, and tempering extreme reactions with gendered understandings, Carlen's advocacy of a moral framework that *continually* questions the validity and meaning of penal practices has great relevance here.

#### *The Scottish experience: Women's prison at Cornton Vale*

- 2.9 The story of reform at the Scottish women's prison at Cornton Vale stands out as a success story for holistic reform of a prison within the system, rather than attempted reform of the system itself. Prior to an inspection by the Chief Inspector of Prisons in Scotland in 1996 that precipitated fundamental changes, the prison had been functioning poorly, levels of self-harm and suicide at the prison had become increasingly alarming, and staff had become demoralised and depressed. The new Governor, appointed subsequent to and as an outcome of the inspection, succeeded in transforming a punitive environment through the implementation of a 'holistic and therapeutic anti-suicide strategy'.<sup>27</sup> The specific strategy required fundamental and wholesale changes to the operational and organisational cultures of the prison, and thus had a more far-reaching application than 'just' suicide prevention.
- 2.10 Carlen deals with some of the actual and perceived limitations to reform in her description of the reform process at Cornton Vale. She makes it clear that prisons cannot provide solutions to the problems many women prisoners have on entry: a history of mental illness, self-harm and abuse, and the likelihood of being a current illegal drug user. And because of the same set of issues, the conditions in prison – so staff and other informed commentators believed and research supported – should not be blamed for *causing* suicides in prison. Rather, the pains of imprisonment for women

<sup>25</sup> See, for example, Arbour, the Honourable Justice Louise, Commissioner 1996, *Report of the Commission of Inquiry into Certain Events in the Prison for Women in April of 1994*, Solicitor General of Canada, Ottawa.

<sup>26</sup> Hannah-Moffat, op. cit., p. 202.

<sup>27</sup> Carlen, P. 2001, 'Death and the triumph of governance: Lessons from the Scottish women's prison', *Punishment and Society*, 3(4): 459–71.

might tip the balance of accumulated despair towards acts of self-harm. On this basis it became possible, within the prison at Cornton Vale, to develop a 'consciously moral' and integrated strategy to alleviate the pains of imprisonment to reduce suicide, and, moreover, *to enable good practice to be embedded – after actual suicide ceased to be the immediate issue – by recognising the holistic strategy as a 'good thing in itself'*.

2.11 Staff conservatism and resistance to change traditionally have been substantial impediments to prison reform. To transform the culture of a prison and the organisational approach, all players need to have a stake in the reform process, responsibilities have to be devolved in an ethical and outcome-oriented way, and staff need to be supported when they act to promote the aims of the reform. In turn, the intended transformation must be seen as better able to meet the needs of the major players – the staff and prisoners. The Cornton Vale reforms engaged all staff in each of these aspects and in the evolution of policy, and the staff actively supported and participated in the strategy. The community of staff and prisoners were, according to Carlen, given 'full and relevant institutional support' to address the effects of suicide-risk-related issues with which so many of the women entered prison. It included supporting, rather than blaming, staff for using their discretion to help save lives, as well as what Carlen calls the 'democratisation of staff input' into the machinery of suicide prevention: not as an inappropriate displacement of responsibility down the line, but as a form of 'taking shares in the ownership and shaping of innovation' for those staff who had to operationalise the strategy.<sup>28</sup> The thematic review of women in prison undertaken by HM Chief Inspector of Prisons in the UK highlights the importance of specialised support and training for staff so they can optimise and manage their key roles in preventing prisoner self-harm.<sup>29</sup>

2.12 The success of the Cornton Vale experience was contingent on the creation of a caring prison community that had clear aims and support structures, appropriately appointed facilitators of the reforms, a focus on process rather than inflexible structures, and a commitment to quality. 'Quality' is often easier to recognise than it is to define, and is potentially to be found in all areas of prison life, from inter-personal communication to structures and processes. It is important to be able to recognise and assess quality in its various guises, including that which is vital but expressed in ways that are not quantifiable: a supportive dialogue, a non-judgemental gesture of kindness, an individualised lesson in the education centre. Quantitative measurement is often overused and poorly applied in the correctional arena, and its pre-eminence serves to deflect attention from and devalue whatever cannot be quantified. As Carlen says:

*The limits to quantification ... become starkly apparent when an institution is explicitly committed to making, and sustaining, qualitative changes not amenable to measurement, and when the assessment of (at least some of) the success of those changes calls for moral rather than quantitative evaluation.<sup>30</sup>*

<sup>28</sup> *ibid.*

<sup>29</sup> HM Chief Inspector of Prisons 1997, *Women in Prison: A Thematic Review*, Home Office, London.

<sup>30</sup> Carlen, *op. cit.*, p. 466.

- 2.13 In her conclusion to the article, Carlen refers again to the 'third' way of managing women's prisons ethically and constructively. As well as keeping prisoners in custody, the regime should be about keeping prisoners alive, not only in body, but emotionally and mentally as well. This purpose is addressed by ameliorating the pains of imprisonment in ways that are principled, caring and ethical, through services, programs, and professional relationships that are similarly underpinned and that are suited to the particular population and the individuals within it. It is a blueprint for working constructively within the inherent tensions of competing forces.
- 2.14 The experience of Cornton Vale demonstrates the possibilities for sustainable reform of an institution, while the Canadian experience demonstrates both the potential for system-wide reform and the complexities involved in, and impediments to, translating vision into sustainable practice. A key part of the success of the strategy at Cornton Vale was, as is invariably the case in a complex reform process, the quality of the 'reform entrepreneurs', as Carlen terms it. The leader of the reform strategy at Cornton Vale was the new Governor, an appointment that went to the Chief Inspector of Prisons' Deputy, who thereby presented a powerful mix of 'key critic and policy maker ... and chief implementer'.<sup>31</sup> As such she appears to have been central to success.
- 2.15 The Western Australian Department of Justice is considering key appointments in relation to women's custodial policy matters (system-oriented), and governance of Bandyup and the new Nyandi (facility-oriented). There is a sense of urgency behind these tasks since neglect has left a legacy of confusion at Bandyup and poor conditions generally for women prisoners, particularly in the regions. Reform at Bandyup pre-supposes the existence of some kind of reformist, women-centred policy. The Department is to be commended for initiating a new structure that prioritises this function, separates the policy and field roles, but creates a functional and operational link between them. It is not certain if the policy role is also intended to promote gendered policy-making across the prison (men's and women's) system, although that would be a laudable and innovative additional function of the role.

### Concepts, terminology and different perspectives

- 2.16 There are several key issues to do with reform in relation to women's imprisonment that the Canadian experience exemplifies and that need to be considered carefully by the Department of Justice in Western Australia. The issues are to do with partnerships in programming for and rehabilitation of women prisoners, and the outsourcing and displacement of responsibility-taking ('responsibilisation'); definitions and uses of 'empowerment' in correctional discourse which do not reflect women-centred meanings; and, risks associated with utilising gender-undifferentiated assessment instruments and blurring the differences between 'need' and 'risk' in the assessment process for women prisoners.

<sup>31</sup> *ibid.*, p. 464.

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*'Responsibilisation'*

- 2.17 There is popular appeal in the idea of women prisoners taking responsibility for their own governance and rehabilitation and communities taking more responsibility from the state for crime prevention and control.<sup>32</sup> However, the punitive and hierarchical reality of prisons undermines any notion of the disempowered having access to a selection of genuine choices and being able to engage in the complex decision-making processes that underpin responsibility-taking in the non-custodial world. Prisoners generally 'choose' within a good/bad dichotomy: they either comply with someone else's idea of what is good for them (completing the violent offenders treatment program, for example), or, if they reject the normative 'option', some form of punishment or loss of opportunity ensues. While the ideal of 'making prisoners responsible' sounds enlightened, the implementation process is invariably influenced and often subverted by more politically conservative and cost-reducing imperatives. The actual process and outcomes for the women themselves often have little to do with self-governance and growth.
- 2.18 The Canadian system is described by Hannah-Moffat as embracing the concept of responsibility-sharing without providing the understandings, opportunities and regimes that give women prisoners empowering choices and thus *enable* individual responsibility-taking. Hannah-Moffat, and others before her, refer to this misapplication of the concept of the sharing and taking of responsibility as 'responsibilisation'.<sup>33</sup> Packaged programs that take no account of race, gender or individuals; and programs whose primary purpose it is to meet auditable targets (rather than prisoners' needs) can readily be party to 'responsibilisation'. Even worse, the prison can fail to provide programs at all (parenting programs, for example) in an ethos of 'responsibilisation', and shrug off its responsibilities to, in this case, young mothers in prison, with victim-blaming labels such as 'drug abuser' and 'bad mother'. Where there are no real (program) options for the prisoner to choose from, and where the primary purpose of the program is blurred by the need to quantify program activity, the environment is primed for 'failure' (to get parole, to not re-offend) and for blaming the prisoner (for not participating, not getting her life in order, etc.).
- 2.19 Where responsibility is shared around in this way it diminishes the blame placed on the correctional organisation for failure to rehabilitate prisoners and bring down crime and imprisonment rates; and, in addition, the cost to the department of service delivery is considerably reduced. As a public relations exercise it has much to recommend it. As far as prisoners are concerned, the process displaces responsibility from those with resources and power (corrective services departments and prison managers) to those without (the prisoners), and in so doing fails to address established and distorted power relationships. The common assessment mechanisms for the programs that emerge from the practice of 'responsibilisation', with their simplistic key indicators and quantitative emphasis,

<sup>32</sup> *ibid*, p. 465, and also Hannah-Moffat, *op. cit.*, p. 200.

<sup>33</sup> Hannah-Moffat, K. 2000, 'Prisons that empower: Neo-liberal governance in Canadian women's prisons', *British Journal of Criminology*, 40: 510–531.

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too often fail to expose the inadequacies of the programs and their applications. 'Responsibilisation' represents the corruption of the ideal of a principled commitment to prisoners' care and well-being, and to quality of service and its assessment. Responsibility-taking should be clearly differentiated from 'responsibilisation', and, in Carlen's words again, exposed to a continuing dialogue to ensure the boundaries do not become blurred. From a prisoner-needs-based perspective, responsibility-taking needs to be concerned with assisting prisoners, by whatever means are appropriate, towards independence and personal empowerment.

### *Empowerment*

- 2.20 The term 'empowerment', as it relates to women prisoners, is closely associated with the notion of, and justification for, responsibility-sharing. We have mentioned previously that the feminist concept of empowerment sits in fundamental opposition to the hierarchical, punitive structures within which imprisonment occurs. Nevertheless, if players in the corrections context can maintain an informed awareness of that opposition, they can to some extent transcend what might otherwise be irreconcilable forces, and produce outcomes that genuinely help women towards an independent future. With their different agendas, however, bureaucrats and policy makers have tended to coopt the *language* of feminism in using the term 'empowerment', without engaging with the *concept*. 'Empowerment', whatever that means, ends up being 'done to' the women in a punitive system and as such denies the women-centred concept of empowerment where the locus for growth and development lies within the person. Hannah-Moffat highlights both the political emasculation of the term 'empowerment' and its commodification, when she notes the currency of the idea that prisons can be designed to empower prisoners – rather like adding a window, or even a workshop.<sup>34</sup> Since the aim of prison programs in the context of responsibility-sharing is ultimately to address and reform criminal behaviour, the term 'empowerment' effectively is used to describe a process of decriminalisation. In the framework of 'responsibilisation', the women as individuals thus become responsible for the complex of factors that underpin their criminality. If the woman fails to become 'empowered' (decriminalised), by programs and regimes that are institutionally defined, the responsibility is hers. By this means she and her peers, rather than social and structural forces, bear the burden of burgeoning crime rates, repeat offending, and prisons bursting at the seams.
- 2.21 The notion of empowerment needs to be linked instead to the differently conceptualised notion of responsibility-taking to be meaningful in a prison environment and useful to the women concerned. In this way, rather than its meaning being somewhat fluid and opportunistic, and its purpose being to serve the regime rather than the individual prisoners, the notion of empowerment can serve as a significant guiding force within a purposeful regime for women.

<sup>34</sup> *ibid.*, p. 519.

*Needs, risk and prisoner assessments*

2.22 Prisoners undergo a form of assessment when they arrive in prison that enables the prison administration to determine their security classification (risk status) and, for prisoners serving long sentences, an appropriate sentence plan (needs assessment). Women prisoners wherever they may be in the western world, often undergo a process that was devised to assess risk and needs of the prisoner mainstream (white, male, urban prisoners). The process prioritises risk assessment, and the needs assessment generally operates in a framework of institutionally defined needs, rather than individual needs or needs associated with a group's gender, race, etc.

2.23 Carlen describes how the meaning associated with 'risk' has shifted somewhat from being about levels of dangerousness and risk to the public to risk of repeat offending, and, especially for women, risk to oneself.<sup>35</sup> The notion of risk thus became entangled with institutional ideas of prisoners' 'needs', such that, if these needs were addressed (mainly through institutional programs), it would deter or prevent further offending. Needs were, and are, institutionally defined and 'criminogenic', and as such have little or no bearing on the material and social needs that underpin and precipitate the offending behaviour of so many women.

2.24 In promoting reforms to women's regimes and developing protocols that ensure good practice, it is important to clearly distinguish 'risk' from 'need', institutional needs from individual needs, and to bring gender and race consciousness to bear on the task.

**SUMMARY AND CONCLUSION**

2.25 Understanding theory is pivotal to the development of good policy and good practice. In this Chapter we have looked at theory in relation to the purpose and function of imprisonment generally, and in a more focussed way in relation to the imprisonment of particular groups, notably women and Aboriginal people. Gaps between theory, policy development, and practice can occur for a number of reasons, as this Chapter has shown. Minimising these gaps, or at least understanding them and keeping them in check, is crucial to developing and sustaining an integrated, purposeful and humane women's prison regime. This Chapter has explored the common reasons for slippage between policy and practice, between idea and sustainable implementation, and highlighted issues and concepts that are prone in the current environment to pragmatic reinvention and reinterpretation.

2.26 In the next Chapter, some of the issues raised in this and the preceding Chapter are located in the context of Bandyup. In this way, we ground the theory so that the local detail of Chapters 4 to 7 has some overarching meaning and can be read in the context of a framework for change.

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<sup>35</sup> Carlen, P. 2002, 'New discourses of justification and reform for women's imprisonment in England', in Carlen, P. ed. 2002, *Women and Punishment*, Willan Publishing, Cullompton, Devon, UK.

# Chapter 3

## UNDERPINNING ISSUES AT BANDYUP

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- 3.1 The Department of Justice in Western Australia has not been immune to the winds of change that have been felt elsewhere, and has responded, at least in the metropolitan area, to triggers such as over-crowding that have ultimately called into question the adequacy of facilities and services for women prisoners in Western Australia. In searching for models that might guide the development of more humane and up-to-date facilities and services, specifically with reference to the development of a low-security women's prison on the Longmore site (see paragraph 1.5), the Department has adopted the 'Canadian model' as its benchmark. A specific articulation of that model has not been forthcoming; however, it is clear that many decisions about the new facility, in terms of some philosophical statements, the prison's intended functions and design, and proposed activities for prisoners have been influenced by the Department's experiences and perceptions of the 'Canadian model'.
- 3.2 It is entirely appropriate and indeed good practice to assess the experiences of other jurisdictions when planning a new facility, and to use international best practice as a guide and yardstick. Further, it is good practice to include stakeholders and interest groups in planning and decision-making, such as seems to have occurred in the planning stages of the new Nyandi project.
- 3.3 However, there are some concerns about what seems to be a strong Departmental allegiance to a 'Canadian model' that appears to lack definition in the Western Australian context, and some of whose fundamental outcomes in Canada have been called into question by international experts. The good ideas and innovative designs from Canada that have given the Department some forward direction are but one step in the reform process. In Canada, there have been reactionary outcomes over time to some of the innovations that were originally set in place. It is arguable whether the structures and outward manifestations of reform any longer represent processes and regimes that genuinely and consistently empower women prisoners or systematically meet their needs. Bearing in mind the entire picture, it is incumbent on the Department of Justice in Western Australia to be clear and committed as to its aims for women in prison *over the longer term*, if any kind of measurable success for the women imprisoned in its facilities, whether high- or low-security, is to occur.
- 3.4 Bandyup Women's Prison needs to know and articulate what its role is, and expectations are, in the imprisonment of women. Beyond the duty of care provisions that apply generally within the system, Bandyup Prison management needs to articulate what its responsibilities are to its prisoners, as prisoners and as women. It needs to develop processes, in relation to staff, prisoners, and regimes that define and encourage an appropriate culture in the prison and enable the prison to further its role and achieve its outcomes.
- 3.5 We saw little evidence of proactive planning or articulation of the prison's role in the imprisonment of *women*, except in terms of simplistic stereotypes about the women's *behaviour* rather than their needs. The process of 'responsibilisation', rather than the women-centred concept of responsibility-taking, was entrenched at the prison, with paternalistic, under-resourced regimes encouraging or



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allowing little individual choice or legitimate control by prisoners over their daily lives. There is no stated purpose that encompasses an awareness of the substantial minority group in the prison of Aboriginal women.

- 3.6 At the time of the Inspection, the prison was an ill-disciplined, stressful and chaotic place to be in. Some also considered it to be an unsafe work environment. This conclusion was confirmed in comments and observations made by staff and current and former prisoners. A prisoner told us she had been relieved when, some years previously when she had been in the facility, evening lock-up had changed from 10.00 p.m. to 7.00 p.m. The earlier time enabled her to have uninterrupted and earlier access to sanity-saving private space. This contrasts strongly with the wishes and needs for a later lock-up of prisoners in regional prisons, and it serves as an indicator of how acute the environmental stressors are at Bandyup.
- 3.7 The current culture at Bandyup, marked as it is by aggression and lack of respect, demonstrates some failures across a number of areas, but primarily at the policy level. Changing the culture, and understanding the purpose, mechanisms, and sustainability of change, is the foremost task for any incoming administration team at Bandyup. We have described the processes and pitfalls of change in the previous Chapter, and the need for a considered, women-centred framework for change. In this Chapter, we discuss in broad terms some of the major issues that will need to be considered and addressed if the prison is to function in a focussed, purposeful and 'healthy' way.

### DEFINING THE PURPOSE OF BANDYUP

- 3.8 Bandyup's purposes, as outlined in the Department's pre-Inspection presentation to the Office, are defined as correctional, and are set within a descriptive, security/risk-related preamble: 'Bandyup Prison is the primary remand, receipt and assessment facility for metropolitan women prisoners, and the only maximum security prison for women in the State'. The briefing document (dated 31 May 2002) goes on to articulate the prison's purpose(s) in the form of sub-sections of the preamble:
1. To receive and house all remand women in the metropolitan area, including long-term remand prisoners for the State's regional prisons;
  2. To provide a receipt facility for sentenced women in the metropolitan area;
  3. To provide programs and activities that will facilitate an effective reintegration into the community;
  4. To strengthen family and community relations; and,
  5. To minimise risk for a population recognised as highly vulnerable.
- 3.9 These sub-sections unpack the security/risk-related detail of the preamble (Nos 1, 2 and 5), and describe the prison's purpose in terms of some of the current functions and strategies (Nos 3 and 4). In other words, the stated 'purpose' of Bandyup amounts to the sum of its parts. In large part it

becomes an imperative to ‘do things’. There is no overarching, or underpinning, statement of purpose that gives a coherent and consistent meaning to the five sub-purposes; nothing, for example, to explain *why* family relationships should be strengthened, or *how* it is that programs and activities might best serve the interests of community reintegration.

3.10 What is needed in this mix is a ‘moral and helpful’ (see Chapter 2), gendered purpose that underpins a prisoner-needs-centred regime and the strategies associated with the regime; that provides a cohesive and distinct framework for planning and developing the regime; and that places security/risk issues within a broader perspective. Such a purpose should drive functions, rather than the functions themselves becoming the purpose, or the means becoming the end. In the two women’s prisons in Victoria, the principles of the healthy prison are displayed on large billboards in several locations accessed by staff, visitors and prisoners. The plan is to develop these principles into a guiding, localised philosophy for the women’s prisons. This is one way of going about a task that takes the imprisonment of women beyond the boundaries of mere containment. The proposed new women’s custodial policy and management team in Western Australia needs to engage in a developmental approach to identifying the purpose, philosophy and working framework for the prison.

3.11 The Department has recently undertaken an important mapping exercise, in the form of an extensive questionnaire, offered to all female prisoners in the State, to find out more about this population. The purposes of the profile as stated in the introduction to the report of the survey are important, but again they relate more to functions and strategies than to an overarching guiding purpose:

- To increase community understanding of women in prison – their backgrounds, life experiences, reasons for imprisonment and challenges faced upon release;
- To assist Department of Justice employees to provide services that best meet the needs of these women within the context of their families and communities;
- To assist in the planning of a new women’s prison in the metropolitan area; and,
- To provide information not previously available to enable future monitoring of the situation for women in prison in Western Australia.<sup>36</sup>

3.12 The material from the survey is both meaningful and valuable, and could be utilised to help develop the kind of ‘moral and helpful’ overarching purpose of women’s imprisonment that has been discussed. This cannot be achieved if gender awareness is dealt with as an add-on, rather than fundamental component of the exercise. As an add-on, the ‘gender issue’ translates merely as a series of discrete strategies (increasing the number of women managers and senior officers; creating a woodwork option for women prisoners; providing low-fat yoghurt at the canteen, etc.) that, as such,

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<sup>36</sup> Department of Justice 2002, ‘Profile of Women in Prison’, Department of Justice, Community and Juvenile Justice Division.

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augment the status quo rather than challenge or transform it. A gender conscious purpose for Bandyup needs also to be conscious of other factors, especially race.

### PRISON CULTURE AND RESISTANCE TO REFORM

3.13 Beyond articulating the purpose, philosophy and working framework of Bandyup, the major locus for sustainable reform at Bandyup is the prison culture. In light of the evidence from our Inspection, and from Department of Justice documentation, it is clear that this is not yet fully appreciated by prison management and staff, and Head Office. There is a discernible belief that a well-functioning women's prison can be brought about with a series of partial and piecemeal reforms, and that many of the problems of Bandyup will go away once the refurbishment has been completed and a permanent Superintendent has been appointed. In the same way that prison functions (programs and activities) in themselves have been mistaken as the purpose of women's imprisonment, so discrete packages of reform are being substituted for, rather than being an interactive part of, the holistic, theory-based practice of reform.

3.14 Within the mix of stakeholders who determine the nature of local prison culture it is the custodial staff who arguably represent the group most resistant to change, and who, in many ways, hold the key to reform. While officers recognise their own distress within an environment that seems to serve no particular group adequately, reform nevertheless represents a challenge to the existing survival strategies of officers trying to cope within a dysfunctional regime. Stasis in the local culture also serves the interests of certain prisoners. There is bullying and standover behaviour at Bandyup that is associated often with the management and distribution of illegal drugs in the prison, and also with issues of race. At the time of the Inspection, there had been no particular or consistent response by the prison authorities to these issues or behaviours.

3.15 At Bandyup we saw and heard about a range of behaviours by staff, extending from what was unacceptable, to activities that, if proven, would lead to dismissal. We heard from a number of sources about bullying and harassment of staff by other staff, and we witnessed officers swearing at prisoners. There has been a number of reports of officer assaults on prisoners; and anecdotal reports that one or two male officers have received sexual favours from prisoners in return for privileges. These are recurring allegations that this Office is unable to prove or disprove. However, such reports and informal allegations will only disappear or become a rarity, when the culture is disciplined and respectful, standards are established, staffing regimes are suited to a women's prison, and processes are transparent and accountable.

3.16 Policies and practices relating to selection, training and support of staff are vital to consider within the context of reforming prison culture. In Chapter 2 we described how officers at Cornton Vale had been integrally involved in and supported through a challenging change process at the prison. It will be a challenge for an incoming management team at Bandyup to recruit and support the custodial officer group into actively supporting and being involved in holistic prison reform; however, as

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noted, there are successful models of leadership and team building for transition in the prison context.

3.17 In Australia, the main women's prison in the State of Victoria provides a sound transition model. Two years ago, the seriously failing, privately run Women's Correctional Centre at Deer Park (now the Dame Phyllis Frost Centre) was taken over by the Victorian Department of Justice. High quality leadership and a dedicated team-building approach have underpinned the ongoing process of redevelopment, to enable the prison to move towards the standards of a healthy prison. Reform to date has extended to most areas of the prison. Structural, procedural, and cultural change at the Dame Phyllis Frost Centre was needed to meet duty of care responsibilities to prisoners, for the well-being of prisoners and staff, and to ensure the meaningful and respectful progress of prisoners through the regime. The mix that supported progress to this end included, amongst other things, good leadership, strategic planning for the long term, local-level capacity for decision-making on key issues such as staffing, adequate financial resources, and committed support from the Victorian Department's head office. When teams are developed that work respectfully to the same identified end, the change process becomes interactive, dynamic and more responsive to identified needs.

3.18 Prison culture at a system-wide level does little to support innovative, merit-based appointments to prison management positions. Women are particularly disadvantaged when it comes to senior appointments in prisons and to a lesser extent in Head Office. There are no female superintendents currently running prisons in Western Australia (one woman with that level of seniority is not currently performing this role). Two women have substantive assistant superintendent positions. All those in current superintendent roles have come from within the custodial officer structure and three have a background in the special security operations of the Department (the Emergency Services Group). At Bandyup – and at all prisons – the local prison culture is heavily influenced by the pattern and nature of appointments to management and senior officer positions. We have already referred to the army of men who comprised the management team and senior officer ranks at the time of the Inspection. Without changes in the way appointments are made at senior levels there can be little real movement towards genuinely women-centred reform at the prison.

### ASSESSMENT AND CLASSIFICATION

3.19 The assessment procedure for women entering prison involves the same instruments and questions that are used to assess male prisoners. The first purpose of the assessment process is for security classification and placement. This has different qualitative and quantitative implications for women, because women by and large present a lesser risk to community safety, are at greater risk of self-harm ('at risk'), and have relatively few options for placement within the prison system. The most common placement is at Bandyup, which as a maximum-security institution is a less than optimal environment for the majority of women who go there. The majority of prisoners were classified as medium-security at the time of the Inspection; only 17 per cent were classified as maximum-security.

- 3.20 The assessment instrument engenders a security rating based principally on the offence committed, and also on offence and escape history. It does not take into account the gender or race of the individual, nor the circumstances of the offence. Decades of studies on offences against the person, the most serious common offences in the offence hierarchy, have shown that violent offending by women generally needs to be contextualised to gain an accurate picture of harm (and hence risk) associated with the violent event. With some exceptions, women's violence has different triggers from male violence, is less likely to be instrumental, and in most cases causes less harm. Seriously violent crimes by women, such as murder, are more likely (than men's violent crimes) to be 'one off' events, because so often they are linked to abusive male partners. Knowing this, most violent offences by women should not merit an assessment that categorises them as maximum-security.
- 3.21 Leaving aside gender as a variable in its own right, which would, if properly considered, deliver a lower security rating for more women, there are other factors that are relevant to considerations of a woman's risk to the community. The issue of dependent children is of central significance; a female prisoner's actual (rather than assessed) risk status is arguably mediated by her status as a parent of dependent children. This is not considered, however, amongst those factors that determine security rating, including designated 'stability factors'. It could be argued that the assessment instrument contrives a security and custody classification for women that is not based on all the relevant evidence, and that does not represent the actual risk posed by female prisoners to the community. If the fact of dependent children should be considered as a stability measure, it should also be a prioritised factor in any needs assessment for women in prison. Other factors relevant to a comprehensive, individually based needs assessment for women prisoners would include such issues as health, mental health, domestic violence victimisation, etc. These are not considered in the current arrangements and instruments.
- 3.22 That the security rating should reflect actual risk is important for women for a number of reasons. A woman's security rating influences her placement, which in turn impacts on how or even whether she manages her relationship with her children. Placement in a regional prison, if that is close to home and family, makes it more possible for families to visit but it also means that a whole array of in-prison services – from mother-baby units to parenting programs – are not available. With the exception of some, usually remanded, women from the northern regions, all women classified as maximum-security are placed at Bandyup.<sup>37</sup> If a maximum-security classified woman is held in the regions, it is for a short period of time only, generally pending an imminent court appearance. As stated above, women with children almost invariably want access through visits, but placement at Bandyup effectively precludes this for women not from the metropolitan area or the south-west.

<sup>37</sup> One third of Bandyup's population at the time of the Inspection was on remand, and classified as either maximum- or medium-security. A number of individuals in this group would not have returned to prison after their court hearings, thus raising questions about the seriousness of an offence that does not ultimately merit a prison sentence, but that generates a high-security classification. Staff at Bandyup said it was not unusual to find women being remanded in custody, but ultimately not being sentenced to custody.

Prisoners who are mothers are usually deeply concerned about the wellbeing and safety of their dependent children, and their relationships with them. Maintaining and developing their relationships with their children, and for some, learning better ways to do this, can sustain women prisoners through their sentences. The lower the security classification, the more options there are for the system to provide appropriate supports in this regard.

3.23 The current assessment process does not serve women prisoners well in Western Australia and the options need to be explored. Either the current tool needs to be made genuinely responsive to gender, or a separate tool for women needs to be developed. Neither option is straightforward and both have their methodological complexities. However it is arrived at, an assessment tool that is more responsive to gender and women's needs would shift the balance of prisoners' security ratings to the lower end of the scale.

3.24 Another way of shifting the balance, not necessarily always downwards, is to develop a differently tiered classification system for women. A two-tiered system – closed/open; high/low – reflects the limited reality of options for imprisoned women. Two-tiered systems for women prisoners exist in Britain and Canada. Under this arrangement, the current group of medium-security prisoners at Bandyup would be re-classified up or down. If a gender-sensitive assessment tool were also applied, down-classifying should be more marked than up-classifying, and the low- or open-security classification would also extend to some of the prisoners currently rated maximum-security. However, in political climates influenced by law and order agendas, and where there is no middle-level option, placements tend to be more conservative, and the proportions in high-security increase. Since the aim of such a strategy should be to reduce the number of women who are placed inappropriately in an over-secure environment, a two-tier classification system for women should not be adopted without more research, strict population ceilings for secure custody, and the development and implementation of a gender-sensitive classification and assessment tool.

3.25 There are grey areas around the concepts of risk and responsibility that an assessment procedure modelled for male prisoners reinforces when it is applied to women. The current across-the-board prisoner assessment process is hierarchical and comprehensive and is intended to address the many and varied needs and responsibilities of the prison and the prisoner. However, it is evident that the particular hierarchy and the particular instruments are far from optimal for women prisoners and their needs.

#### CROSS-CULTURAL RESPONSIVENESS

3.26 The Royal Commission into Aboriginal Deaths in Custody placed the issue of Aboriginal over-representation in prisons, and the related issues of self-harm, suicide and other deaths in custody clearly on the corrections agenda. The Western Australian Department of Justice has introduced some formal arrangements into its prisons, including Bandyup, that have had their roots in the findings of the Royal Commission. The Peer Support Scheme and the Aboriginal Visitors Scheme (AVS) are two

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such arrangements. Like so many arrangements that were premised on the needs of the majority population (in this case Aboriginal men), they have not been properly thought through and adapted for women. Women in regional prisons often find that the prisoner peer support group is not relevant to them, and the Aboriginal Visitors Scheme has had patchy success with women in the regions. The tenuous nature of peer support services at Bandyup are discussed in Chapter 6. There need to be better models for effective peer support services for women.

- 3.27 The Aboriginal Visitors Scheme was ineffective at Bandyup in responding to the needs of the surviving women after a recent (August 2001) death in custody of an Aboriginal woman. The fact that there were two deaths in custody in twelve months at Bandyup<sup>38</sup> raises issues about the relevance and adequacy of support services there generally. The Department's Service Review of Bandyup, undertaken before our Inspection, found that although the Aboriginal Visitors Scheme representatives made themselves available and accessible at the prison, their services were under-utilised. We discuss the AVS in Chapter 6.
- 3.28 Prisons in Western Australia have experienced a history of division between Aboriginal and non-Aboriginal prisoners, and Bandyup is no exception to this. The distribution of work, access to education, allocation of accommodation, representation in and availability of programs, and access to health services are all distorted when race is brought into the analysis. At the time of the Bandyup Inspection there was a fairly clear divide between Aboriginal and non-Aboriginal prisoners. Almost 90 per cent of officers noted in the survey responses that there were 'a lot' of racist remarks and insults traded around the prison, mostly between prisoners, but also addressed to staff.<sup>39</sup> Some officers nominated Aboriginal prisoners as the perpetrators of racist remarks and insults; most officers simply noted their widespread use without sourcing them to any group in particular. Just over half of the prisoners surveyed said there were 'a lot' of racist remarks and insults made between prisoners, and almost half the prisoners said there were 'some' racist remarks and insults to prisoners from officers.
- 3.29 The race divide at Bandyup has been allowed to develop, within a culture that has become self-serving and unaccountable, to the extent that it impacts on all facets of prison life. Every group in the prison – Aboriginal prisoners, non-Aboriginal prisoners, staff – has members who feel they are victims of racism. The purpose of the prison must be women-centred *and* also responsive to the needs of groups and individuals within it. Clearly, the large minority group of Aboriginal women cannot be dealt with as an afterthought or add-on to the main game, which is how their needs are dealt with at present. The cultural, historical, social and regional imperatives that impact on Aboriginal women must influence the fundamental purpose of the prison and the framework of the regime.

<sup>38</sup> There was also a suicide of a non-Aboriginal woman at Bandyup in March 2002.

<sup>39</sup> Since over 90 per cent of responding officers noted there were 'a lot' of other forms of verbal abuse, it seems that racist remarks are only one form of abuse occurring, largely unsanctioned, in an ill-disciplined regime.

## UNDERPINNING ISSUES AT BANDYUP

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3.30 Overseas-born women are arguably the most neglected minority group in prison. Many are serving long sentences for drug trafficking. Their language and cultural needs are not well met and they are excluded from subsidised participation in many educational courses beyond in-house entry-level courses. These prisoners have not generally established support networks in the State and often have no visitors. Because of the cost of telephone calls they are unable to maintain adequate phone contact with families overseas, and they are not able to participate in re-entry programs available to Australian prisoners serving long sentences. The needs of these women must be assessed and recognised in the development of an inclusive and responsive framework for the prison.

### RELATIONSHIPS WITH NYANDI AND OTHER PRISONS

3.31 The current relationship between Bandyup and Nyandi is that of senior partner/junior partner. The Bandyup Superintendent also has ultimate jurisdiction over Nyandi, which is run on a day to day basis by an Assistant Superintendent. From the Nyandi perspective, the relationship is less than desirable and somewhat exploitative: Nyandi staff feel that, when it comes to the prisoners they receive and to staffing, they dance to a tune of Bandyup's making. Prisoner transfers illustrate where the balance of power lies, and how this particular power imbalance can detract from women-centred good practice.

3.32 There are five prisons from which Bandyup may receive prisoners, and to which it can send prisoners. Prisoners are transferred by request, to fulfil sentence plans, and for management reasons.<sup>40</sup> While Bandyup and the four regional prisons that take women are part of a two-way loop, Nyandi functions more as a siding for Bandyup. In part, this is because the prison does not receive new prisoners, but it is also because of the management structure for the two prisons and the considerable discretionary powers of the Superintendent, who is located at Bandyup. As footnote 40 suggests, there are situations where the net benefit of transferring a prisoner accrues only to the prison of origin. Nyandi staff sometimes complain that Bandyup engineers transfers to Nyandi of prisoners who are not drug-free, as they are meant to be, or who are otherwise unsuited to the Nyandi regime. This apparent misuse of power antagonises the Nyandi community, including some of the

<sup>40</sup> In a recent (post-Inspection) example, a regional prison transferred a female prisoner to Bandyup on the grounds that she needed 24-hour medical care. On arrival, and after a medical assessment, this was found not to be the case; however, the woman did need some support in prison since she had a physical disability, some mental impairment, an at-risk health status, could speak almost no English, and had no family support outside the region she had come from. The woman had been remanded in custody and was classified as medium-security. She was due to appear in court in her home location in a matter of weeks. In the circumstances, this prisoner could and should have been kept at the regional prison. The medical facilities at Bandyup were not needed for her management and the living conditions in which she was placed – the sectioned-off portion of the Compound – were inferior to the accommodation available to her in the regional prison. The unhygienic conditions of the Compound were most unsuited to the prisoner. The imperative to receive the prisoner and provide a relatively high level of care raised other issues about the management of disabled prisoners in the system. If prisoners are to be assigned as carers to people in need of extra help, as they were on this and other occasions and as they have been in other prisons, they must be trained – preferably to a level of accreditation – be paid, and work to acceptable standards of safe practice.



## UNDERPINNING ISSUES AT BANDYUP

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prisoners, but more importantly it highlights a regime whose practices and relationships are neither prisoner-needs-centred nor women-centred. A women-centred, best practice prison would be consultative about mutually impacting arrangements, and more directed in decision-making by the best interests of the prisoner.

- 3.33 In encouraging and developing women-centred best practice in the two women's prisons, the junior partner, Nyandi, urgently needs independent prison status with its own Superintendent and management team. The Nyandi Superintendent should oversee the development and planning of the new prison, and at the same time implement best practice at the 'old' Nyandi in preparation for the transition in 2004. This would allow time and opportunities for the Superintendent to develop and be trained for the more demanding task of managing the new prison; provide some immediate and long-term stability; encourage progressive practice at the current prison; develop more sustainable relationships with Bandyup in preparation for the new arrangements in 2004; provide continuity in transition; and, provide timely opportunities for the re-acculturation of current Nyandi prisoners and staff in advance of the move to the new facility. Without long-term planning and commitment rare opportunities for a new beginning, such as that presented by the commissioning of the new Nyandi, are either lost or wasted. Unfortunately, the move to the new accommodation unit at Bandyup, detailed in Chapter 7, was one such lost opportunity.

### SUMMARY

- 3.34 There are a number of fundamental issues that must be addressed in a developmental, integrated way before the discrete reforms that Bandyup was attempting at the time of the Inspection can possibly be viable: developing a prisoner-needs-based purpose that is embedded in women-centred theory and that takes account of the population mix of Bandyup; developing from that a framework within which the regime is to undertake a reform process and ultimately function on a day to day basis; planning for cultural change; addressing staffing issues, particularly gender imbalance at senior levels; developing a policy to deal with issues of race and racism; and, finding a way to address the needs of women in the assessment process. The selection of a Superintendent for Nyandi should be undertaken without delay.

# Chapter 4

## SECURITY, MANAGEMENT AND STAFFING

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- 4.1 The initial, on-site Inspection of Bandyup took place over a period of six days, commencing with prisoner visits on Sunday 9 June 2002. The experience of previous prison inspections undertaken by the Office, information from documentation specific to Bandyup (requested from the Department of Justice as part of pre-inspection preparation), and the Inspectorate's understandings of issues important to the imprisonment of women, dictated the areas covered by the Inspection.
- 4.2 In a departure from the norm, the June Inspection was not intended to be unitary and finite; the Inspector agreed to keep the Report on Bandyup open for several months, until a second, follow-up Inspection had considered progress at Bandyup after prisoners had moved to the new accommodation block. The Inspection should be seen as two-phase, rather than ongoing, with the first phase providing most of the data and analysis and the second phase producing a briefer, less theorised commentary on progress since phase one. Chapters 4 to 6 refer to the initial or phase one Inspection. Phase two is discussed in Chapter 7.
- 4.3 In this Chapter we look at prison security, both in terms of physical barriers and operational policies and practices, and how relevant this is for different groups of imprisoned women. We also look at how safe prisoners and staff feel in the prison; and, finally, at staff and management issues.

### SECURITY ISSUES

#### Physical and procedural security

- 4.4 Bandyup is not only a maximum-security prison for women, it is also a multi-functional prison. In this it shares some of the qualities, complexities and dilemmas of the regional prisons. As the main prison for women – and until recently the only women's prison in the State – the prison inevitably has a broad focus and multiple functions. Where the population is not homogeneous (maximum-, medium- and minimum-rated prisoners; Aboriginal and non-Aboriginal; remanded and sentenced, etc.) the various functions of a multi-purpose prison can compete and conflict. In such a context 'security' is generally seen as the pre-eminent function, often at some considerable expense to prisoner welfare, particularly for low-risk prisoners. Inspection Reports of the regional prisons at Broome, the Eastern Goldfields and Roebourne have all recommended a better balance be struck between security considerations and the well-being and rehabilitation of prisoners. At Bandyup, however, it is clear that 'security' has a more complex profile than it does at other prisons, and there are gaps in the security edifice that allow greater freedom and less surveillance of prisoners than might otherwise be expected of a maximum-security prison.
- 4.5 Bandyup's 'maximum-security' label means little without its application – 'for women'. If the prison were to hold men rated maximum-security, it would look and run differently. Most markedly, the gatehouse would not remain in its current location inside the fence.<sup>41</sup> There would also be other

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<sup>41</sup> Bunbury Prison, for example, was architecturally similar to Bandyup; however, when it was upgraded to hold medium-security males a new gatehouse was built on the perimeter.

differences, such as a higher status for staff concerned with security, refurbishment of the perimeter security, and a shift of emphasis from the detection of incoming drugs to the prevention of possible escapes. Bandyup, as its designation dictates, does indeed hold maximum-security rated women; however, that it does so successfully, despite the security ‘shortfalls’, is a tacit acknowledgement that this group does not pose the same risk (of escape from a fortified environment) to the community as men similarly labelled.<sup>42</sup> The women are assessed as ‘maximum-security’ on a basis that considers offence rather than gender as a first-order variable, but precisely because of this gender blindness in the assessment instrument, ‘maximum-security’ effectively means something different for men and for women. While there is no formal acknowledgment of the difference, as we have just noted, practice nevertheless assumes one. Because the lower risk that women present is not officially recognised, the idiosyncratic security arrangements at Bandyup seem to be just that: informal and downplayed, rather than part of a system that is in balance with the other requirements for correctional care.

#### *The gatehouse*

- 4.6 For all the reasons referred to above, the Department does not consider a new gatehouse at Bandyup to be a priority and there are no plans to relocate the facility. However, the design and location of the current gatehouse inside the two perimeter fences does make it difficult for staff to carry out their work and it has implications for security; less in relation to prisoners escaping than to visitors and incoming traffic. Ironically, it was the 1980s security upgrade that emasculated the gatehouse. With an additional fence pushing the perimeter of the prison away from the gatehouse, it made for a longer, more cumbersome approach by visitors and it made staff more remote from the people they allow to enter. The result of the security upgrade is a strange mix of ‘generic’ security hardware (new outer fence, razor ribbon, electronic surveillance) and a stranded gatehouse that is testament to the reality of gender differences in the meaning of ‘maximum-security’. Visitors cannot be vetted before they have been given access through the electronically controlled gates in the two fences and have reached the gatehouse, and unidentified people, potentially even prisoners, are able to slip through with general visitors. Not filtering people at the perimeter raises the stakes in dealing with people who are unauthorised, or perhaps are under the influence of drugs or alcohol. The facility also makes it difficult to perform adequate searches of persons and property in relation to contraband.
- 4.7 The gatehouse does not work well for visitors either. It functions better as a vehicle port, with its overhead cover but exposure to the elements on three sides. Transactions with gate staff are through a sliding window into the control room. Visitors’ bags are searched on the sill or while balanced on the visitor’s knee.
- 4.8 As a means of cost saving, the Department has made a decision not to build a new gatehouse at Bandyup. The decision is defensible in light of the lesser security risk women pose in general;

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<sup>42</sup> An escape in February 2003 involved the ramming of a vehicle from outside the prison into a temporary access point in the fence.

however, it does not solve the problem of contraband and better security and searching facilities. Were a new gatehouse to be built at the present time, it would most likely accord with Casuarina standards; that is, standards for a male maximum-security prison. Not only would this be a vastly expensive exercise, thus absorbing funds that should be used more productively for women prisoners, but it would act as a security flagship for the entire Bandyup regime. This outcome should be avoided. *Not* building an effective gatehouse in a maximum-security prison is a decision that could only apply to Bandyup; therefore, the cost-savings should accrue to Bandyup. While improving dynamic security through better amenity is desirable and overdue, a solution also needs to be found to the problem of inadequate facilities to control contraband and movements in and out of the prison.

*Strip-searches and drug tests*

4.9 Visitors at Bandyup are periodically exposed to the Department's drug detection (passive alert) dogs. The dogs can detect recent exposure to drugs (a visitor may have the scent of cannabis on his or her clothes or skin, for example) as well as drugs currently on the person. If a visitor is singled out by the dogs and is strip-searched but no drugs are found, the person may then have a contact visit with the prisoner. Most prisons only allow a non-contact visit in these circumstances, because the strip-search would not necessarily be conclusive. At Bandyup, however, even if the prisoner is in a non-contact visits rooms, her visitor sits with all the other visitors and prisoners. Passing drugs through another prisoner is easy in this arrangement. In the circumstances, Bandyup's policy makes sense, but it does little to stem the flow of illegal drugs into the prison. The visits area presents several fundamental problems: non-contact visits do not work in the context of security; the strip-search rooms are too close to the visits entry area, and thus to visitors, including children; the bifurcated seating arrangements and central monitoring post make it difficult for officers to keep prisoners and their visitors in constant view; yet, despite this, in the close and overcrowded conditions, visitors have little privacy. The seating and other arrangements are not child-friendly. Unlike the gatehouse, the visits area must be addressed as a priority.

4.10 In the twelve-month period from June 2001 to May 2002 (the twelve months immediately prior to the Inspection) there were 86 strip-searches carried out on prisoners' visitors. Most of these were targeted searches (arising from suspicious circumstances or information received). Only three of these searches resulted in the seizure of contraband.

4.11 Prisoners are urine tested for their use of illegal drugs, as part of either a random or targeted testing regime. Most urine tests are targeted. Of 98 targeted urine tests in the same twelve month period 56 were positive. There were 30 drug tests carried out on a random basis in the same period, of which 17 were positive.<sup>43</sup> This indicates that drug usage in Bandyup is high and that there is little difference

<sup>43</sup> Records show that 18 charges arose from the 56 positive targeted tests. Only one charge resulted from the 17 positive random tests. In each category more than half the drug tests produced positive results but very few charges were associated with the high number of positive outcomes. In partial explanation of this, it is (cont.)

between the targeted and non-targeted populations. It could also indicate that the targeting program is not working as efficiently as it might and perhaps calls into question the quality of security intelligence.

4.12 The prison has also targeted prisoners suspected of carrying drugs internally. The procedure is to place suspects in an observation cell for 48 hours in the expectation that any drugs will be produced or used in that time and this will diminish the quantity of available drugs in the prison. Although it was noted that 13 suspects were dealt with in this way over a six-month period, there were no records to indicate outcomes. At best, the figures do not add up to a coherent narrative about drug use, detection and management of drug offenders. Better processes and records, and a comprehensive management strategy are needed.

4.13 The strip-searching of prisoners is carried out by female officers, who comprise half the workforce below the rank of senior officer. This increases the work-load of female officers relative to male officers and exemplifies the need for a better gender ratio in staffing. Out of 12 senior officers at Bandyup, only one was female at the time of the Inspection. The staffing situation and shift swap arrangements make it possible for all night staff to be male. This is not acceptable practice in a women's prison. The Office was told that in the event of no female staff being on duty, when the need arises female nursing staff perform strip-searches. Custodial functions such as strip-searches are not consistent with the provision of holistic health care to prisoners and the establishment of a trusting nurse/patient relationship. In line with our recommendation on this practice at Eastern Goldfields Prison, the use of nursing staff to undertake strip-searches should cease immediately. More female custodial staff, especially senior officers, and rostering arrangements that require a female to be on duty at night, would address the problem.<sup>44</sup>

4.14 Some male officers at Bandyup carry out 'pat down' or 'rub down' searches of women prisoners. There are no local orders or Departmental policies governing these procedures. In other circumstances, and indeed in other women's prisons, these acts, uninvited, would constitute assault. Many female prisoners have been sexually abused in the past and pat down searches, particularly by males, are likely to be experienced as invasive and a further act of abuse, no matter how respectfully they are undertaken. Men should not perform pat down searches on women. In the two Victorian women's prisons men do not perform these functions, and there is rigorous record keeping of any use of force against prisoners, including what some prisons may regard as routine handling. This Office understands that Bandyup staff (and staff in other Western Australian prisons dealing with

possible that some prisoners with positive indications for drug use may have been using prescribed medication; however, the paperwork does not differentiate between legal and illegal drugs or show illicit use of legal drugs. The records of prison drug charges do not enable us to develop a clear picture of drug use, testing and associated charges; however, it is apparent from the drug test records that some prisoners who have used illegal drugs have not been charged for this.

<sup>44</sup> In its response to this Report the Department of Justice indicated that the practice has since stopped and that a female custodial officer is now on duty at the prison each night. No formal instruction was produced by the Department (see, on the other hand, footnote 45).

women prisoners) receive no specific training that helps them understand how vulnerable many women prisoners are as survivors of sexual abuse, how strip-searches and pat down searches are likely to be experienced by prisoners as further abuse, and how and by whom these procedures should be performed, in light of this knowledge. This is a serious training shortfall that needs to be addressed.<sup>45</sup>

#### *Security-related training*

4.15 Bandyup staff receive the bulk of their training in security-related areas. While this reflects what happens in other prisons, even in minimum-security prisons, at Bandyup the numbers having completed security-related training in the last five years were particularly high. Eighty-five per cent of officers surveyed, for example, had completed restraints training in the previous five years; most in the last two years, and nearly 80 per cent had received training in the use of chemical agents. This stands out as anomalous, especially when only two officers (out of 27) said they had received training in suicide prevention, and only eight said they had had any form of cognitive/behavioural skills training. It is of concern that only two officers said they had been trained in developing integrated management plans (IMPs) for prisoners.

#### *Prisoner security, officer security, and feelings of safety*

4.16 Eighty per cent of surveyed prisoners said they ‘mostly’ or ‘always’ felt safe at Bandyup. Of those who only sometimes felt safe or never felt safe, 60 per cent were Aboriginal. Two prisoners who only sometimes felt safe lived in the Self-care section. Another prisoner felt that living in Self-care made her safer. Living with a bully makes people feel unsafe, whether in Self-care or the Compound. Prisoners whose crimes (for example, offences against children, or where there are cultural or race issues associated with the offence) offend groups of prisoners, often feel unsafe. In many prisons such prisoners would be held in a protection regime. Some prisoners explained the kinds of circumstances that should be avoided or that rendered them unsafe:

*There can be a lot of tension in the prison at times and because everyone is close knit it is hard not to get involved in arguments and prison bitching.*

*Some prisoners are very violent for no apparent reason and take it out on the other prisoners.*

4.17 In proportion to incidents in men’s prisons, per head of population Bandyup has a very high number of incidents in a number of areas including assaults against staff (almost double the number in Casuarina Prison in the same period, from a population one quarter the size of Casuarina) and

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<sup>45</sup> The Department, in its response to this Report, indicated that there had been an instruction issued in early January, before they received the draft Report, to prohibit male officers engaging in pat down searches of women. In fact, the instruction was issued from the prison in mid February, after the draft Report had been received by both the Department and the prison. It is pleasing to note the formal response of the prison to the issue raised in this Report; however, the instruction does not prohibit male officers in the five other prisons that hold women from engaging in these searches. To address this issue properly the Department needs also to provide a global directive to similar effect.

damage to property (62 in the twelve months before the Inspection, compared with Casuarina Prison's 53).<sup>46</sup> These and high rates of other incidents indicate that Bandyup is a very volatile and unsafe environment in which to live and work.

- 4.18 In the survey, women were asked about their knowledge and experiences in prison regarding sexual assault, physical violence, bullying and racist remarks or insults. They were asked to indicate whether there was 'none', 'some' or 'a lot'. Almost half the surveyed prisoners indicated that there was some sexual assault by prisoners on prisoners. Half said there was a lot of bullying, and a massive 94 per cent thought there was some (64%) or a lot (30%) of physical violence between prisoners. Just over half thought there were a lot of racist remarks/insults between prisoners. On this basis, the prison presents as a violent place, albeit, and somewhat paradoxically, one where the vast majority of prisoners feel safe. Since most of the violence described by prisoners was verbal, it suggests that verbal violence is not perceived as compromising personal safety.
- 4.19 Five women said there was some sexual assault of prisoners by officers; over half (52%) of the respondents said there was some physical assault by officers on prisoners, 42 per cent said there was some bullying, and 48 per cent said there were some racist remarks by officers.
- 4.20 Significantly, 64 per cent of the respondents said that there was some physical violence by prisoners against officers, 54 per cent that there was some bullying of officers by prisoners, and 45 per cent that there were racist insults made by prisoners against officers. Nevertheless, most prisoners said they got along well, very well, or okay with prison officers. Just what this means in a context where disrespectful behaviour has, for some, become normative, is unclear.
- 4.21 Officers' estimates of the prevalence of sexual, physical and racist verbal assaults, and bullying, from prisoners to prisoners was much higher than prisoners' estimates. Response possibilities were 'often', 'sometimes', 'never'. If their estimates are accurate they reflect a prison that is out of control. Approximately 90 per cent of officers thought bullying, racist remarks and other verbal abuse happened often, 70 per cent that physical assault occurred often, and 41 per cent that sexual abuse happened often (59 per cent that it happened sometimes). Comments accompanying these responses included the following:

*Prisoners have no respect for themselves or others.*

*Racist remarks are made from Aboriginal prisoners to white prisoners and white staff.*

*We don't have the staff to deal with this effectively.*

*[A lot of these activities] go undetected because it is ignored by staff who don't want to get involved and because women are silent about these things.*

<sup>46</sup> It is very difficult to assess changes in the incidence of self-harm at Bandyup since there are no adequate definitions of self-harm, and not all records are kept in one location. The medical centre has only maintained records of self-harm incidents since April 2001.

4.22 Staff maintained that prisoners physically assaulted them (half said sometimes, half said often); made racist remarks (77 per cent said often); made other abusive remarks (over 90 per cent said often) and sometimes or often bullied them (36 per cent and 32 per cent respectively). With officers making this kind of assessment of their workplace, it can only be concluded that they often feel unsafe.

4.23 Staff also admitted that ‘sometimes’ officers committed physical assault (15 per cent), racist remarks (19 per cent), other verbal abuse (38 per cent), and bullying (23 per cent) on prisoners. Staff and prisoners had at least some level of candour about their failings, or the failings of their peers. Not surprisingly, some officers rationalised unprofessional or sanctionable behaviour:

*Officers become burnt out and on occasions retaliate verbally when certain prisoners are in their face for 12 hours and they don’t get any support.*

*The staff hold Bandyup together; most are as professional as you will find – just burnt out.*

4.24 On the other hand, a minority admitted to ‘bad apples’ in the system:

*Some staff should not be working there. They have a bad attitude, problems and no tolerance.*

4.25 Both prisoners and officers seem to have become acculturated to unacceptable norms of behaviours, over which they perceive they have little control. The composite picture is one of poor discipline, poor and sometimes abusive relationships, an unsafe workplace, and a living environment for prisoners where bullying and aggressive behaviour is tolerated and in many cases has become the standard backdrop to life in Bandyup.

### *Protection*

4.26 At the time of the Inspection one prisoner was being held in a separate unit for the purpose of protection. The condition of the cells in this six-cell area and those in the Compound was similarly poor; however, the isolation and restrictions of the regime made the general conditions in the protection unit worse by far than anywhere else in the prison. The prisoner had requested protection status and had lived in the area for five months, most of the time alone. Protection prisoners should be reviewed for relocation to the prison mainstream on an ongoing basis. It is somewhat to Bandyup’s credit that it holds so few prisoners in protection; nevertheless, where return to the mainstream is not possible, because the threat and the fear is insurmountable, the regime for protection prisoners should not be inhumane. Despite an anti-bullying policy in the prison, whose intent is to sanction the bully rather than the victim, the protection prisoner rather than the prisoner threatening her had become the victim of a punitive regime. Two-thirds of officers surveyed believed the prison has inadequate policies and practices for dealing with bullying and standovers.

4.27 Generally, the prisoner had regular, if minimal, human contact only at unlock, lunch-time and evening lock-up. No other regular checks were made throughout the day; however, the prisoner could contact staff if necessary by using the emergency call button in her cell. A member of the



Prison Counselling Service would generally visit once a week. The recreation officer had reportedly visited once, and there was no formal contact with education staff. The prisoner was permitted an extra allocation of library books which she changed weekly. She had tried working in the textiles industries area but the arrangement had not worked. Her access to the telephone was ad hoc and the prisoner was dependent on staff being free to escort her to the Compound. She had an impending court appearance and her uncertain access to the telephone impacted on the prisoner's capacity to consult with her lawyer. The woman accessed visits with the rest of the prison population and on one occasion had apparently been seated next to the prisoner from whom she had sought protection.



*Generally, the prisoner in protection had human contact only at unlock, lunch-time and evening lock-up.*

4.28 By any standards such a regime is unacceptable. The enforced isolation and the lack of access to programs and services raise serious questions about the prison's responsibilities and duty of care. The prison's protection policy and practice need urgent revision.<sup>47</sup>

### Discipline and punishment

4.29 At the time of the Inspection the prison had no dedicated prosecutions officer. There was a backlog of prison charges that had not been dealt with: 43 charges dating back to June 2001 that had been dealt with by the Superintendent but not been heard by the Visiting Justice. In addition, there were 17 recent charges to be heard. There are serious implications for prisoners whose prison charges form part of the backlog. Some prisoners with outstanding prison charges are still being transferred

<sup>47</sup> These matters are addressed in more detail in the Inspector's forthcoming Thematic Review of Prisoner Protection Policies and Practices in Western Australia. The main thrust of the above comments remains valid. However, it is true to say that prison management currently, using informal means, strives to move prisoners back to the mainstream or, if they are minimum-security, to move them on to Nyandi whilst leaving at Bandyup those against whom protection is sought. However, these approaches are not systematic or consistent, and in the absence of documentation do not constitute a policy that can be replicated in each case. As for the prisoners from who protection is sought, except in relation to clear cases where time in the management or punishment cells is required, Bandyup seems to have a relatively 'soft' approach, moving them around the available areas, not from a punitive or rehabilitative point of view but in an attempt to find somewhere where they will settle down with less stress to themselves and others.

## SECURITY, MANAGEMENT AND STAFFING

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to Greenough Prison and it is a potent management tool to threaten a prisoner nearing release with return to Bandyup to face charges.<sup>48</sup> Such a situation is unacceptable, undermining of discipline and perversely controlling. While the backlog was being tackled at the time of writing, the prison needs sufficient staff and better staffing arrangements in order to address the problem for the long term.

- 4.30 Not surprisingly, staff had lost faith in the system. Many said they did not log incidents in the TOMS computerised database because their training to do this was limited and it was all just too hard.<sup>49</sup> This affects the integrity and transparency of record keeping and of its ultimate purpose to be accountable. The comments by staff are not consistent with the high levels of reported occurrences we refer to in paragraph 4.17. Perhaps staff were referring to other sorts of incidents; however, it is cause for serious concern if the high reported incident levels are in fact only a proportion of incidents that actually occur. It appears that loss of privileges (LOP) could be being used as a disciplinary alternative to charging prisoners. Operational staff initiate the LOP, the unit manager recommends it (or not) and the Assistant Superintendent Prisoner Management endorses it. Prisoners benefit as LOPs generally do not influence parole decisions. Most commonly, loss of privileges involves loss of access to the canteen, recreation, and electrical items, for periods of up to 14 days.

### STAFF AND MANAGEMENT ISSUES

#### Staff issues

- 4.31 At the time of the Inspection there were 12 female officers on the roster who were permanent at Bandyup (and actually working at the prison), a further 11 female prison officers on contract, and four female industrial officers (including one female working temporarily in the textiles area). There were 19 male permanent prison officers at Bandyup, one male officer on contract, and ten males in industrial officer positions, including one short-term employee whose contract finished just after the Inspection, the laundry officer, who was made redundant at around the same time, and a redeployee. All told, there were roughly equal numbers of male and female base-grade officers working at Bandyup, and a much higher proportion of women on contract (half the female prison officers, compared with one male prison officer).
- 4.32 In the senior officer ranks there were 11 males and one female. Three of the males were out of the prison on secondment or long-term sick leave, and two were acting in management roles at Bandyup. Of seven first class officers, only one was female, and one male had been seconded elsewhere. The acting Superintendent and the two Assistant Superintendents, both substantive senior officers acting in these management roles, were males.

<sup>48</sup> A particular instance of this was later resolved by the Acting Superintendent at Bandyup who wiped a number of 'old' charges, including the charge against the prisoner concerned.

<sup>49</sup> Staff at Bunbury Prison made identical comments during the Inspection of Bunbury Prison.

- 4.33 We conducted a survey of officers prior to the Inspection, and 56 per cent of officers given a questionnaire completed and returned it. The number of returns from males and females was roughly representative: 12 women and 15 men. The survey provided, amongst other things, information on how officers came to be at Bandyup, and the principal forces shaping their attitudes to their jobs. We also asked officers what they thought of relationships between officers and the prison management team, and between the prison as a whole and Head Office.
- 4.34 With regard to the adequacy of staffing arrangements, surveyed officers concluded that there were enough male officers and senior officers, but insufficient female staff, industrial officers, Aboriginal staff and uniformed staff overall.
- 4.35 Only two respondents, both women, gave as their reasons for choosing to work at Bandyup a preference to work with women. Most officers gave reasons that had little to do with the nature of the prison: many contracted officers had been sent there, some officers had been transferred there after the closure of nearby Riverbank (men's) Prison, and some lived in the area and did not want to travel long distances to work. One officer was there because it had given him/her a promotional opportunity. Another officer noted that it was impossible to achieve promotion to senior officer without having had work experience at another prison. While this makes sense at one level, it also, if so, stifles career advancement within the sphere of women's prisons, for those wanting to specialise in the custody of women. One officer commented that Bandyup operates within an ethos that undervalues women. The officer called it the "they are only women" line of thinking'. Such an ethos impacts across the board, on the regime, staff and prisoners. These observations reinforce the need for women-centred policy to provide the foundations for practice.
- 4.36 A number of officers drew a distinction between the nature of their work and the population they worked with (some liked the work and the challenges associated with it) and what they saw as a dysfunctional administration. Three quarters of the officers surveyed before the Inspection thought that relationships between officers and management at the prison at that time were 'poor'. The comments made by officers on their survey forms indicated deep-seated resentment against the prison administration team.<sup>50</sup> Officers' comments revealed their perceptions of being bullied, having their concerns not taken seriously, and being unsupported. One insightful and forgiving officer attempted to explain what he saw as poor decision-making by management and tense relationships between management and staff, as arising from a history of neglect and lack of resources at the prison. The implication, supported by what the Inspection Team found, was that the Bandyup management team had not been developed, supported and resourced, and in many ways had been left to fail. In other words, it was not helpful to blame individual prison managers. In such circumstances, failings at the top inevitably produce echoes downstream. Poor practice spills over to affect every other group down the line, including prisoners, and leaves a legacy of damage and ill will

<sup>50</sup> In recent years there has been a number of administration teams at the prison, and even since the survey was undertaken at the prison there have been several changes to the administration team.

that is hard to ameliorate. It is important that any bitterness and blame attaching to individuals and to past management regimes is dealt with when the new policy and management positions are filled, and that it is recontextualised in the interests of creating the conditions for change.

4.37 A number of officers were already looking ahead with anticipation to the future ‘after the change’ (i.e., after completion of the building program). This is both promising and a warning to the future managers of reform, who will have often unrealistic expectations placed upon them.

*Staffing requirements: gender ratio and training*

4.38 The thematic review of women in prison undertaken by the Chief Inspector of Prisons in the United Kingdom<sup>51</sup> suggests an optimal female to male staff ratio in women’s prisons of 4:1. This may be, but is not necessarily, an optimal ratio in Western Australia – the matter needs to be properly researched in context, and in the interests of women rather than the interests of the departmental status quo. Women prisoners will often not approach male officers for support and guidance in times of great personal stress, or for anything to do with menstruation.<sup>52</sup> We have referred to encounters between staff and prisoners which are responsive to human and personal need as ‘quality’ interventions (see paragraph 2.12). While compassion and caring are qualities not only or necessarily found in women, many female staff generally find themselves providing additional emotional support to women prisoners. As with strip searches, it puts the gendered distribution of work out of balance. It is clear that the current gender ratio is quite inadequate, on the grounds of work allocation alone. There are many tasks in a women’s prison that men cannot or should not perform, or that are better performed by women for a variety of women-centred reasons. The current gender ratio of staff falls well short of an optimum ratio, whatever that may prove to be, especially with regard to senior positions.

4.39 Those factors that currently conspire to make it difficult to attract suitable people, especially women, to work Bandyup include: the current reputation of Bandyup as a difficult and unsafe place to work, the general feeling amongst officers of both sexes that female prisoners are too difficult to manage and more demanding than men (and that somehow this is not an attractive challenge), staffing, transfer and promotional policies and practices that are not best suited to women’s needs, and recruitment policies that are centralised. However, an achievable and more appropriate gender ratio must be agreed and set as a target. It would then serve also as an incentive for the system changes that will be necessary to achieve greater equity for women officers. There is, in addition, a fundamental and urgent need to develop and train suitable women for senior uniformed and prison management positions, both at Bandyup and at prisons throughout the system.

<sup>51</sup> HM Chief Inspector of Prisons 1997, *Women in Prison: A Thematic Review*, Home Office, London.

<sup>52</sup> In regional prisons, where there is usually a male prisoner support officer and few female staff, female prisoners’ welfare needs are especially poorly addressed.

- 4.40 We have commented already on the lack of appropriate training for officers working in a women's prison. Surveyed officers wanted more training in a whole range of non-security-related areas associated with prisoner management and welfare.<sup>53</sup> More and better training is needed for both females and males, and in some areas, particularly males. It is vital that a training program for incoming officers is included in a comprehensive officer orientation program. Understanding abuse issues, and knowing how to conduct searches with sensitivity and proper communication, should be a major component of training for all officers working in Bandyup, particularly for those working in reception, crisis care and management areas, and their senior officers. The UK Chief Inspector's thematic review recommends that staff should always approach strip searching on the assumption that the prisoner has a history of abuse.
- 4.41 A comprehensive training program and orientation package for staff working in a women-centred prison will be an important outcome of a developmental, integrated reform process.

### Other management issues

- 4.42 The Inspection Team found that the prison was being managed on a day to day basis largely on the basis of memorandums, which had immediate application but which were not necessarily consistent with local orders. Local orders were not being rewritten to keep pace with the changes to procedure reflected in memorandums, and the memorandums, after a period of time, lost their primacy because they were not fixed in local orders. Everyone was confused about what constituted proper procedure and what form of instruction should take precedence. Local orders should reflect the current status of the prison and should be re-drafted if necessary.

### SUMMARY

- 4.43 Ideally, there would be a formal, gender-aware fit between the majority population at Bandyup and the prison's security regime and apparatus. A major impediment to this happening on the current site lies with the maximum-security designation of a small number of prisoners, not all of whom represent the risk to the community that their classification under the current gender-blind arrangement suggests, and a lack of planned alternatives for this group. The gatehouse is not up to current maximum-security standards; however, a new gatehouse is not warranted because the population is female and does not pose the same risk as a similarly classified population would in a men's prison. On this basis, and in the context of years of neglect at Bandyup, the financial savings of not constructing a gatehouse should be used to benefit Bandyup's staff and prisoners.

<sup>53</sup> The list of areas surveyed officers wanted more training in was lengthy and comprehensive. Between 63% and 74% of the surveyed officers wanted training in the development of IMPs (individual management plans for prisoners), psychology and mental health, general medical information, and the principles of rehabilitation. Unprompted suggestions included: domestic violence and sexual abuse, grief counselling, issues around violence and disability, female sexuality [sic], and drugs. The areas nominated show an awareness of what kinds of information and understandings would assist officers' work in a women's prison. They also demonstrate that many officers are interested in targeted professional development.

- 4.44 Drugs are a significant issue at Bandyup. In what seems to be a typically underplayed and fragmented approach to problem-solving at Bandyup, there is little rigour in the prison's response to the drug problem. Facilities or means need to be developed that allow for more thorough and consistent searches of visitors and staff coming into the prison. Strip searches seldom reveal drugs carried in by visitors, and the current visits arrangements are inadequate to stem the incoming flow of drugs through these channels. Strip searches of prisoners are carried out by female staff as part of their extra workload. Pat down searches can still be performed by male officers and sometimes are. This is a practice that is abhorrent in this context and should cease. Many more female staff are needed because of the extra workload for them in a female prison, and because, providing they have been selected specifically for the job and appropriately trained, this fits with an ideal of women-centred best practice.
- 4.45 Bandyup is a prison whose practices offer little predictability and systematic practice. Prisoners and officers, in their own ways, have described Bandyup as a place where verbal violence and to a lesser extent physical violence have become normative and are largely unsanctioned. Despite the chaos and the culture of violence, however, most prisoners felt safe in the prison. This suggests either that verbal violence does not compromise prisoners' feelings of safety, or that prisoners and staff have become so acculturated to a violent norm and a culture of disrespect that these things are accepted as part of the normal functioning of the prison. One very neglected prisoner lived in the protection area. Protection policies and practices at Bandyup need comprehensive review.
- 4.46 The gender ratio for staff at Bandyup, particularly at senior levels, is out of kilter with the needs of the prison. Many more suitably selected and trained female officers are needed at the prison. Staff overall have felt unsupported by management at the prison, are currently quite demoralised, and will need to have these issues addressed before cultural change can occur at the prison.

# Chapter 5

## THE REGIME

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### THE DAILY ROUTINE

5.1 The regular day for Bandyup prisoners involves 11.5 hours out of cell. The women are unlocked at 7.30 a.m., except for workers such as those from the kitchen and prisoners due to attend court, who need to be unlocked earlier. On Thursdays unlock is scheduled for 8.30 a.m., in order to allow staff to have a regular one hour training session at 7.30. a.m. The Thursday unlock is often even later than this, thus reducing hours out of cell to eleven or less. On regular days the women attend their workplaces from 8.30 a.m. and have lunch at midday. Lunch for all prisoners, other than those in the Self-care units, was taken in the dining room at the time of the Inspection. At this time there was a difficult pre-lunch ‘muster’, or population count, which did not require prisoners to return to their units, but rather to be counted in their current location. Because the prison was so chaotic, this was often difficult for staff as well as prisoners. Twice during the Inspection we saw staff lose their tempers and swear at prisoners during this count, and we saw one group of prisoners responding with equal passion and disrespect. Prisoners return to work after lunch. Recreation starts at 3.30 p.m. and the evening meal is taken at the very early time of 4.30 p.m. Prisoners are locked in their cells at 7.00 p.m.

### ACCOMMODATION

5.2 Accommodation at the time of the Inspection consisted of three Self-care units, which together accommodate 22 prisoners, and the Compound, where the remaining population lived.<sup>54</sup>

#### The Compound

5.3 In the Compound there were 50 cells fitted with bunks for two occupants, six single cells, and two dormitories – one with eight beds and one with four beds. Gross overcrowding in the Compound, where cells were originally built for single occupancy, was somewhat alleviated in August 2001 when the prison started



*Day facilities were all located under the eaves, exposed to the weather.*

<sup>54</sup> The Compound subsequently underwent some structural change, some refurbishment and a partial change of use. At the time this Report was being finalised (March 2003), a section of the Compound that had been closed during our November visit whilst undergoing a limited refurbishment, had been re-opened as accommodation.

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transferring prisoners to Greenough (see paragraphs 5.11–5.18). In terms of numbers and cultural authority, Aboriginal prisoners dominated the Compound, and non-Aboriginal prisoners the Self-care units.

- 5.4 The Compound was old, shabby, and almost devoid of amenity. Prisoners had nowhere to go to socialise but into the open central courtyard or to another prisoner's cell. There were no day rooms, and kitchen facilities consisted of a sink, two hot water systems, a refrigerator and a metal store cupboard, all of which were located under the eaves, exposed to the weather. Such conditions are not replicated anywhere else in metropolitan prisons, but are common in regional prisons, especially where there are significant Aboriginal populations.<sup>55</sup>
- 5.5 Prisoners had many complaints suggestive of an unhealthy prison culture that had been nourished by the poor and cramped physical conditions in which they all lived. Staff amenities in the Compound were also restricted and unattractive. Because of poor accountability in relation to cell keys over the years, prisoners' cells were no longer secure and theft of personal property was common. Easy access to others' cells encouraged bullying and standovers; prisoners felt compelled to relinquish goods to others who simply walked in and helped themselves, or to share their provisions when they did not want to. They felt powerless to stop this and unable to complain, because of fear of reprisals. Prisoners also said that the cramped conditions of the Compound led to aggressive behaviour, fights and all-round tension.
- 5.6 The telephones for this area were outdoors and consisted of two booths in the Compound and two telephones in the walkway outside the Compound. These were open to the elements on three sides and afforded little privacy.
- 5.7 The ablutions were as shabby and unacceptable as the rest of the Compound. Taps leaked, showers were rusty and there was a build-up of mould. Surveyed prisoners registered their complaints about the Compound, including the unhygienic ablutions. Some prisoners also noted that the small, unrefurbished, overcrowded cells were difficult to keep clean.
- 5.8 As this Report goes to press, a number of the physical deficiencies of the Compound have been left behind. Unit 2 now accommodates the majority of prisoners, and the Compound has been cleaned up and modified and now serves a variety of purposes, including the provision of base-grade accommodation for a relatively small group of prisoners. However, modifying and cleaning up the culture that developed at Bandyup over the years of neglect, and which enveloped the prison as a whole, is a far more complex task. We take this issue up in Chapter 7.

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<sup>55</sup> However, we are pleased to note that the most neglected of these prisons, Eastern Goldfields Regional Prison, has undergone a substantial physical refurbishment since our Unannounced Inspection of the facility in August 2001 (see Inspector of Custodial Services 2001, *Report of an Unannounced Inspection of Eastern Goldfields Regional Prison*, Office of the Inspector of Custodial Services, Perth).



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### Self-care and special purpose accommodation

- 5.9 There are three Self-care units at Bandyup; two housing six prisoners each and one housing ten prisoners. The Self-care residents had few complaints and most appreciated how fortunate they were in relative terms. As one of the surveyed prisoners said: *I'm in Self-care, so no complaints. We get it much better than the Compound girls.* Prisoners in Self-care are mostly serving very long sentences. With the limited assessment and placement options available to women prisoners, this creates a bottle-neck for access to Self-care of prisoners with different profiles. The units each have a common kitchen and lounge area, while the cells have their own ablutions. Self-care residents cook for themselves. They are locked up at 7.00 p.m. like everyone else.
- 5.10 In addition to the mainstream accommodation units the prison has a new crisis care unit, which has two medical observation cells and four crisis care cells; and a separate but adjoining management unit, where there are two management observation cells and eight multi-purpose cells.

### TRANSFERS TO GREENOUGH

- 5.11 With prisoner numbers consistently reaching in excess of 120 and with building in progress on the site, prisoner numbers at Bandyup needed to be reduced. From August 2001, Greenough Prison geared itself to receive significant numbers of women from Bandyup. The initial arrangements for prisoners to transfer to Greenough caused serious unrest and concern to prisoners, partly because the criteria and the process were not transparent, and partly because, to achieve the required numbers, some transfers were involuntary. Since then, the criteria and processes have been reviewed and clarified and some of the major problems addressed, such as insufficient prior notice of transfer. However, the involuntariness of some transfers remains a cause of anxiety and distress for prisoners, and criteria that result in a skewed population of transferees is an additional cause for concern.
- 5.12 The problem for those not wanting to go to Greenough is usually not with the prison itself – some prisoners find they prefer being there – but rather with the losses transfer entails. In most cases women who were not willing participants in the transfer scheme had children in the south-west and did not want to be moved further away from them. Other prisoners did not want to lose preferred, usually single-cell accommodation that they would not regain on return to Bandyup. Prisoners' comments in the survey undertaken before the Inspection were varied and included the following:

*The only reason no one wants to go to Greenough is the distance from family and friends. Otherwise I am told Greenough is much better.*

*Coming back [from Greenough] might be a problem.*

*Time goes quicker at Greenough, but there is not enough work for the women.*

*Greenough is unhygienic, no grass, and I will not be able to see my three [small] children.*

*Greenough doesn't have the methadone program, so I can't go there.*

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*Don't like Greenough, locked up in one block, too dirty, food is bad, laundry is horrible.*

*We've been punished by being taken away from society. Why punish us again and take us away from family and friends that support us in here?*

- 5.13 Some of the major complaints about the way the transfer system has operated, particularly in the early months of the scheme, include inadequate or no prior notice of transfer, and misinformation about the duration of the stay at Greenough. Women with children often did not have time to receive visits before they left for Greenough, or were unable to contact family members to tell them they were going. Outcare staff told us that on occasion women whose children are in foster care have been transferred to Greenough just before a child visit is due to take place. These visits often take weeks or months to bring to fruition. One woman had not seen her child for ten weeks when she was transferred just prior to a scheduled visit. For prisoners transferred to Greenough whose families live in the south-west, there is the additional cost of STD phone calls, for which no allowance is made.
- 5.14 This Office has since been told (in an undated note from Bandyup prison management) that women targeted for transfer are now given a week's notice and are allowed an officer-assisted call before departure, to inform family members of the move. Initially, prisoners were not guaranteed return to Bandyup after six weeks, as they had been led to believe would happen. The prison now makes it clear that six weeks is the 'base stay' and that women who are prepared to stay longer can nominate an additional period of time. After six weeks prisoners are entitled to return to Bandyup for visits, which can take place daily for a week, and allowance is made for additional overnight and extended day visits by children. We suspect the apparent generosity of these arrangements does not translate seamlessly into practice, since overnight visits depend on there being beds available in the overcrowded nursery, and daily visits are generally impossible for prisoners' families to arrange or fund. The prisoner referred to in paragraph 5.13, whose child was in care, had been unable to see her child when she returned temporarily to Bandyup because of a breakdown in the complex process for arranging visits between prisoner-mothers and their children in care.
- 5.15 The threat of transfer appears to be used as a management tool for some women. We were told just before the Inspection that Australian citizens living in Self-care were immune from involuntary transfer, yet at the time of the survey these women seemed just as anxious about the threat of transfer as the women from the Compound. The purpose of excluding Self-care residents from involuntary transfers is not entirely clear, but the practice does result in the disproportionate removal to Greenough of prisoners from the Compound. Although all or almost all Aboriginal prisoners lived in the Compound at the time of the Inspection, they still did not make up the majority of compound residents. Nevertheless, more Aboriginal than non-Aboriginal women were and are transferred to Greenough.
- 5.16 We were told that some women responded to a notification of transfer to Greenough by indicating an intention to self-harm. A serious threat of self-harm is sufficient to halt the transfer.

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5.17 There are all sorts of repercussions, to individuals and the institution, arising from a reactive and peremptory transfer system. One such impact is on work and education. At the time of the Inspection, in the worker/student category only students with traineeships were immune from involuntary transfer to Greenough. One industry, textiles, was fairly well protected from having its workforce depleted. Two layers of immunity – residence in Self-care and trainee status – operated for many of the workers in textiles. Other areas, such as the kitchen, had to cope with trained workers leaving unexpectedly. In the education centre, sudden and unexpected departures sometimes had far-reaching consequences. On one recent occasion, seven prisoners who had enrolled in the New Opportunities for Women (NOW) course on the Friday were sent to Greenough on the weekend, apparently without prior warning. This left two prisoners for the class on the Monday, six too few for a viable TAFE class. The computer and NOW courses run in six-week cycles and enrolments simply lapse when prisoners transfer out of the prison and fail to attend the course. TAFE has agreed to change this in 2003 and honour enrolments for short courses for a twelve-month period. This will allow returning prisoners in the future to pick up at a later date courses started before their transfer. Nevertheless, the arrangement is far from ideal and the transfer policy, prisoner selection process, and educational and training arrangements for women once they are at Greenough, also need to be addressed. There are very limited educational, training and employment opportunities for women prisoners at Greenough Prison.

5.18 The temporary transfer scheme to Greenough must cease once the Compound is in full use again. This was the intention when the scheme was initiated and the Department must be mindful not to prolong the measure in order to manage any ongoing prison overcrowding. In the long term, more sustainable means of dealing with overcrowding must be developed, including more appropriate assessment and classification procedures and more transfers to Nyandi.<sup>56</sup>

## RECEPTION AND ORIENTATION; SENTENCE PLANNING

5.19 Reception and orientation are linked, sequential procedures that serve two principal purposes. The first is the formal process of carrying out an accountable reception of a prisoner, placing her in an environment where risk is minimised, and providing her with sufficient preliminary information to enable her to navigate the prison. Second, for the prisoner, the reception and orientation processes should serve as a road map of the regime and services; provide some initial emotional support and the means to access ongoing support if needed; enable her to complete urgent 'outside' business such as arranging child care; assist her to deal with any outstanding bail or other legal issues; and, through women-centred, prisoner-needs-based assessment processes, start to engage her in her sentence planning.

<sup>56</sup> The Department stated in its response to the draft Report in February 2003 that the 'forced transfers to Greenough have ceased'. This Office will be able to test this assertion when it undertakes its inspection of Greenough Prison in May 2003.

### Reception

- 5.20 The first hours in prison, and indeed the first days, are a critical time for prisoners, as their anxiety levels are high and they are at their most vulnerable for self-harm. Prisoners may be frightened or in a state of shock, particularly if they had not expected to be sentenced to prison. The vulnerability of women at these times, if they are mothers, is particularly acute as they face the powerlessness associated with being a parent in prison. In prison they have little control over the lives of their children, and may have entered prison without satisfactory care arrangements in place. Considerations about children, family and property and what might happen to them in her absence, can cause deep anxiety for an incoming prisoner.<sup>57</sup> The reception process should be responsive to the prisoner's anxieties and concerns.
- 5.21 Prisoners participating in our survey said they had come into prison with a range of concerns. Some were afraid of the unknown, some were worried about their children and families outside, one said she was frightened of being sexually assaulted and others that they feared for their personal safety; one said she was afraid of the prisoner against whom she had given evidence. Many prisoners were concerned about their health care, particularly pregnancy care and possible disruptions to medication. Forty per cent of the women with dependent children said it had taken a week after their reception to prison before they had seen their children. Forty per cent of all the surveyed women maintained that, after a week, they did not have enough information about the prison to enable them to manage their time there and to feel safe.
- 5.22 The reception area at Bandyup was temporary at the time of the Inspection, pending completion of the new quarters. It was cramped and inadequate and did not allow for the separation of multiple incoming prisoners, important in circumstances where a new prisoner becomes unsettled or disruptive. The small waiting room was devoid of posters or helpful information about prison policies, acceptable behaviour and how the prison functions. Some of this information was available in the main processing room, but once the prisoner reaches this room she is fully engaged in the reception process and unlikely to take in information that is peripheral to the immediate task. The area was not secure<sup>58</sup> and appears to have been one of several casualties across the prison of poor preparation for this transition period. There had been no official security or operational instructions issued prior to the move into the temporary area, thus no security assessment of the space itself and the functioning operational arrangements. Staff were working with the consequences of that concerning oversight. They appeared to be under pressure in this temporary environment, and this provided further evidence, if that were needed, that staff and prisoners were struggling to cope in a prison subject to discontinuity, disruption and inadequate facilities. Although staff assured us that there is always a female officer in attendance, there is no local order stipulating this.

<sup>57</sup> As HM Chief Inspector of Prisons observes in his Thematic Review, male prisoners are more likely to detach themselves from the cares of the outside world than women (HM Chief Inspector of Prisons, *op. cit.*).

<sup>58</sup> There was a break-in during the Inspection and unauthorised use of the telephone by prisoners.

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- 5.23 After the reception paperwork has been completed, the prisoner undergoes a medical assessment and is placed either in mainstream accommodation or the crisis care unit, depending on her 'at risk' and/or drug use assessment. Incoming prisoners are allowed one phone call, although some staff use their discretion to allow additional calls. There is no guidance on this in the Standing Orders. Clearly, some incoming prisoners may need many calls to clear urgent, outstanding business. Having no procedure for this is one of the shortfalls of the current reception process that needs review.
- 5.24 The reception process focuses on the mechanics of receiving a prisoner, and properly placing her so the risk of self-harm is minimal, but it does little to address the deeper layer of need that accompanies most prisoners into the system. The UK thematic review<sup>59</sup> advocates more empathetic prisoner involvement in the reception process, an idea that the Western Australian system has tentatively pursued in relation to orientation but could explore further. The reception process can only be adequately responsive to prisoners in order to prepare them for their imprisonment, if officers have appropriate training, adequate resources, and properly developed operational procedures that consider and incorporate prisoners' needs.
- 5.25 The new reception area appears to be designed to address the concerns we had about security, separation, prisoner observation and efficiency of process. However, our concerns, in this as in other areas, were also about meaningful, accountable, prisoner-needs-oriented processes. A new reception facility is not enough on its own to ensure best practice.

### Orientation

- 5.26 Orientation to the prison is the next stage for a prisoner after reception. At Bandyup the orientation process starts with the delivery at the time of reception of an 'orientation pack' to each prisoner. The pack contains a confidential envelope for privileged communication with certain agencies, an information sheet on safe drug use, a grievance procedure pamphlet, and a brochure on Bandyup called 'Introduction to Prison Life'. The introductory pamphlet had been developed just two weeks prior to the Inspection, and looked as though it would be very useful to those prisoners who could read English. During the Inspection an Aboriginal prisoner who could not read or write was observed undergoing orientation. An officer completed the paperwork on the prisoner by explaining some basic information to her and promising to follow her up later with a more in-depth explanation. The prisoner was required to sign the paperwork to acknowledge that she had understood the information she had received.<sup>60</sup> We do not know if the promised follow-up occurred, or if the signed document could be taken as confirmation that the prisoner understood the information she had received.

<sup>59</sup> *ibid.*

<sup>60</sup> The prisoner was later enrolled in the education centre on the grounds of her lack of English literacy skills; however, although this is commendable we were concerned about hit and miss processes for assessment and referral to literacy education, as the prisoner had already served several sentences in Bandyup without any of this occurring.

- 5.27 The active part of the orientation process is meant to occur in the unit, within two days of the prisoner's arrival. It amounts to a brief interview in the unit office, then handover to a peer support prisoner to view a video on Bandyup (this part of orientation had been dispensed with at the time of the Inspection, allegedly because there was no viewing space), and be shown around the prison. Most surveyed prisoners said they gained most of their settling-in information from other prisoners, including those from peer support.
- 5.28 The orientation procedure as it stands allows the prison to satisfy a crude audit process, but it does little to properly prepare the prisoner for her stay in prison, or provide sufficient information for the purpose of sentence planning. At other reception prisons, such as Hakea (men's) Prison in Perth, and the Dame Phyllis Frost Centre in Victoria, incoming prisoners attend special orientation units. At the Dame Phyllis Frost Centre prisoners spend a week in the purpose-built reception and orientation unit where they can address their transition and personal issues, undergo a purposeful orientation program, have their needs assessed in relation to their sentences, undergo occupational, health and safety training, and crucially, deal in a systematic way with 'housekeeping' issues to do with visitors, work, pay, telephone accounts, etc. Like the Dame Phyllis Frost Centre, Bandyup is, amongst other things, the main reception prison for women. It needs to have similarly focussed and comprehensive practices in place. The current cursory arrangements are unacceptable.
- 5.29 Many women who have been imprisoned in Bandyup once will return to prison (over half of our survey sample, for example, had been imprisoned before), and the chances are that their re-imprisonment will be at Bandyup. Many incoming prisoners will therefore already be known to staff. It is easy in such a familiar environment for assumptions to be made about what incoming prisoners already know, what they deserve to know, and about their personal abilities or inclinations to deal with information.<sup>61</sup> It is especially easy to make convenient assumptions about groups of prisoners, such as Aboriginal and non-English speaking women. If the system allows it, because of poor and unaccountable policies and practices, many staff will take the line of least resistance and informalise reception and orientation (and indeed other) procedures and apply them inconsistently. It is important to establish some purposeful rigour in procedures for reception and orientation, not only so the prison consistently fulfils its duty of care to incoming prisoners, but also so that it establishes a standard for professional conduct across the regime.

### Sentence planning

- 5.30 Under the Director General's Rules, formal sentence plans are devised for prisoners serving sentences of six months or more. There is an umbrella structure for sentence planning called the Assessment and Individual Prisoner Regime (AIPR) System. The system includes an initial security and placement assessment (called a Management and Placement checklist, or MAP) that all prisoners

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<sup>61</sup> See the case of the Aboriginal prisoner referred to in paragraph 5.26.

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undergo. This procedure and the associated instrument formed the centrepiece of our discussion on assessment and classification in Chapter 3. Individual Management Plans (IMPs) are then developed from very prescriptive criteria for prisoners serving sentences of six months or longer. These take account of the MAP and include what the Department calls program needs (as defined by offence type and underlying issues such as drug addiction), health needs, educational/vocational requirements, industry/employment requirements/placements, eligibility dates for home leave, work release and parole, and the date of next review.<sup>62</sup>

- 5.31 There are prescribed instruments to make assessments for the purposes of the IMP that are in place at Hakea Prison and that will apparently be used, without adaptation, for women in the system. At the time of the Inspection, few staff had been comprehensively trained in the AIPR system and the prison had not fully engaged in the IMP process. Bandyup staff noted that even if they had been trained to assess a prisoner for the purposes of developing an IMP, the infrastructure was not in place for it to have any substantive meaning to Bandyup prisoners. Staff also noted that the assessment system is not geared to the needs of women, so that even if the infrastructure, in terms of employment, program and educational options were properly in place it would still fail to serve the best interests of women prisoners.
- 5.32 If prisoners are serving short sentences they are not eligible for an IMP, and thus have either no or ad hoc referrals to courses and programs. This impacts disproportionately and materially on Aboriginal prisoners, whose sentences on the whole tend to be shorter (than the mean).<sup>63</sup>
- 5.33 There is no structured case management in place at Bandyup. While it is intended that the regime at Bandyup will embrace both unit management and case management in the near future, it is difficult to see how either can be achieved or be effective without an accompanying major cultural shift at the prison, and more resources.

## WORK, EDUCATION AND TRAINING

### Work

- 5.34 Prison work is generally associated with prison services, reparation to the community, or commercial contracts. Ideally, prison employment for women, and indeed for any prisoners, would be useful (e.g., the making of prison-issue clothing), challenging and skills-oriented (e.g., learning to weld), result in some form of meaningful accreditation (e.g., Certificate 1 in Horticulture), and produce a greater level of independence and social development for the prisoner. When we talk about prison work being 'meaningful', this is what we mean. Bandyup currently offers standard prison work (cooking and kitchen hand work, gardening, laundry and cleaning), 'women's work' (sewing), and some work,

<sup>62</sup> Case Management Policy Directive No 2, Department of Justice, 14 May 2001.

<sup>63</sup> New legislation abolishing sentences of six months or less should have an impact on the proportion of prisoners with IMPs.

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such as metalwork, that arguably crosses gender boundaries. Full-time education is also classified as work, since it earns prisoners' gratuities, albeit at a relatively low level for most.

- 5.35 The employment program at Bandyup does not appear to operate within a meaningful framework and is consequently less than optimal. A well-functioning framework would be inherently women-centred and innovative, and it would value education for its own sake. At present, education effectively competes for prisoners with employment priority areas (which serve the prison's interests more than the prisoners') and is poorly remunerated.
- 5.36 A number of women choose not to work at Bandyup, and some women feel pressured not to work because of a culture of resistance that has developed. Aboriginal women, more than non-Aboriginal women, comprise the non-working group. While we were carrying out the surveys before the Inspection, the non-workers were being locked in their cells during work hours (in the Compound; prisoners from Self-care must work or they cannot remain in Self-care) as a disincentive to their being unemployed. If a group is resisting work and coercing others into resistance it is clear that the work itself, the arrangements around work and/or the work ethic that underpins those arrangements are not valued by these prisoners. It is also an indication that something more fundamental than punishment for non-conforming behaviour is needed if the culture of resistance is to be overcome. Perhaps living in the new accommodation rather than the degradation of the Compound will play a part in overcoming that resistance, at least initially; however, if the fundamentals around work and equity are not in themselves addressed, the problem will recur.
- 5.37 Most women surveyed felt they had sufficient access to work, but they did not always feel they had access to the employment of their choice. We noticed areas where Aboriginal women tended to work (for example the laundry), and others where there were no Aboriginal prisoners (the kitchen, at the time of the Inspection). Although we were unable to develop a historical picture of employment by race, and therefore have no way of knowing if race is a factor in selecting people *out* of work areas, it is a matter that needs to be tracked, and work allocation practices made transparent and accountable.<sup>64</sup> The UK has models that could be considered in this regard.

### *Industries area*

- 5.38 The industries area included metalwork, woodwork, horticulture and textiles. The woodwork shop opened just prior to the Inspection, with the appointment of an officer on a three-month contract, to work with prisoners to help Bunbury Prison fulfil a contract for dog kennels. The area closed down shortly after the Inspection when the officer accepted a position elsewhere, and has not reopened since. It might be concluded from this that the short life of the industry had more to do with serving some need associated with the Inspection than creating a worthwhile employment and training option for women.

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<sup>64</sup> Racial preferencing in the allocation of work was a particular problem at Eastern Goldfields Prison when we inspected it (see Inspector of Custodial Services 2001, Report No 4).



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5.39 The metal shop functions essentially as a life-skills<sup>65</sup> workplace, with a focus on metalwork. It has a history of doing useful, consolidated work with prisoners, and both the prisoners and the instructor seemed really to enjoy what they were doing. The metal shop instructor teaches occupational health and safety to prisoners from all work locations. Prisoners are engaged in trade training that is functionally useful



*The woodwork shop with a kennel awaiting completion.*

rather than employment-oriented. The instructor assesses prisoners in the workplace for certification by TAFE or the Department's own registered training organisation, ASETS.

5.40 At the time of the Inspection the instructor and his team were working to fit out their own workspace in the new industries block: building a mezzanine office and metal staircase, and upgrading the very basic facilities initially provided. It is difficult in such a shifting environment as Bandyup to build and sustain viable and inclusive work teams. This would require the training and retention of leading hands to perform supervisory tasks. This approach is not supported by the current culture and production-oriented priorities at Bandyup, nor by the temporary Greenough transfer scheme. It is a pity, because the work in the metal shop is meaningful in the sense we have described, and stands out as something of an exemplar.

5.41 There was little activity in the gardens/horticulture area. Some of the functions of this area, such as seed raising, had closed due to the building program and relocation of the industry. Running a gardening team, providing systematic instruction for trainees, and running a plant nursery are some of the functions of the gardens officer. More support for the gardens officer and prisoner-trainees, and work allocations that allow for the training and retention of leading hands would help revitalise this area.

### *Textiles*

5.42 The textiles area, so called because the women undertake garment making and produce sewn articles under contract, is a major employer. 'Textiles' is a priority area for employment because it is immediately and financially productive, unlike education whose productivity is not readily

<sup>65</sup> That is, handy-person skills rather than social skills.

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measurable in dollars and cents earned, and where possible savings to the justice system, in terms of reducing recidivism, are very much in the future. Of the 14 women working in textiles, seven were earning the top level of gratuities. Most of these were women serving long sentences, so there was little prisoner movement and few opportunities for others to come into the area and benefit from high gratuities and perhaps production bonuses. Four textile workers were trainees, enrolled in textile production and clothing production. We heard many complaints about the textiles area, including promises of bonuses that were not forthcoming, the difficulty prisoners said they had in opting out of textiles to other employment or transferring to Nyandi, the difficulties for others of opting in, and the area's demands for workers, sometimes at the expense of other, more prisoner-needs-oriented industries. There is little opportunity for skills development in this workshop, despite the traineeships. There is a trade-off for prisoners working in the textiles area: they pay for their top gratuities by working long hours and having reduced access to recreation, education and treatment programs.

- 5.43 At the time of the Inspection the workers were almost all involved in sewing wheatbags ('hotbods') under a contractual arrangement. The work is driven by demand for the product and incoming contracts, rather than by production targets for the whole work area. The other function of the workshop, to sew prison underwear and clothing for female prisoners was severely reduced in the interests of completing the current hotbods contract. Stockpiles of prison clothes were low and some women complained that it was difficult to get new underwear.



*Sewing prison clothes.*

- 5.44 It is of course appropriate for prisons to take on contracts that enable them to recover some costs associated with imprisonment. However, managing contracts needs to be part of a balanced, coordinated approach to prison employment, prisoner and prison needs, and prisoner education.

### *The kitchen and other work locations*

- 5.45 There is little training, assessment and accreditation associated with the kitchen, where there were ten workers at the time of the Inspection. There was one hospitality trainee working in the kitchen.

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5.46 At the time of the Inspection there was an industrial officer appointed to the laundry, and a shift officer had been taken off the roster to supervise the cleaning team. Both areas are important and employ the largest groups of prisoners. The supervisory arrangements, with their potential for developing efficient work practices and providing training and accreditation, fell apart after the Inspection.

5.47 Employment options for one, two or three prisoners included prisoner reception, peer support, the nursery, stores, recreation and the library.

### *Work-related issues*

5.48 There were 28 women earning top-level gratuities<sup>66</sup> at the time of the Inspection, only one of whom, a member of the peer support group, was Aboriginal. While it may not be clear-cut that some workplaces have race-based filters on employment opportunities, there is something askew when top-level gratuities reach only 3.6 per cent of an Aboriginal population that comprises 34 per cent of prisoners. Only eight women living in the Compound earned top gratuities, compared with 20 out of the 22 women in Self-care. Without pulling apart the layers that affect gratuity levels, including longevity in the prison and in a particular position (something that applies to most women in Self-care), it is clear that the purpose and function of the gratuities system need revision. Work, education and a properly functioning gratuities system need to be integrated. The current system takes little account of women's needs, based on a gendered understanding of work and education, and it functions badly in the context of a multi-purpose women's prison.

5.49 Women prisoners, like women generally, may not see employment as destiny, particularly when they have children to care for, or if their cultural backgrounds or personal circumstances do not place great store on a mainstream Australian work ethic. Work in women's prisons, therefore, should not be conceived of only or primarily in terms of skilling and training for future employment. Principally, it should be educative and stimulating in the most catholic of senses. In many ways, maintaining a belief that work and training in a women's prison will lead to future employment is incongruous with the impoverished opportunities offered in the prison; yet this position is maintained at the all-important policy level. The opportunities for women in prison are poor in comparison to the opportunities in most men's prisons. The comparison relates to the availability of desirable work, the standards of facilities, the availability of competent and ongoing instruction, and access to undertake and complete TAFE certificate or diploma courses. If women are to view work in prison as *in itself* enhancing their capacity to be independent on release – something that would help overcome the resistance to work discussed above – the significant gap between Head Office policies and what is offered on the ground will need to be addressed.

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<sup>66</sup> Level 1 is the top level and level 5 is the lowest, or subsistence level. Prisoners on level 6 (no payments) are those who refuse to work.

### Education and training

- 5.50 The education centre now occupies the substantially refurbished former textiles area. The building has a number of classrooms, an art and craft area, a computer lab and a private study area. The large class/lecture room is used for a number of programs, such as the occupational health and safety course, that had just been re-established, and the Cognitive Skills course for prisoners. The officer teaching this course was also the duty officer for the education centre.
- 5.51 The building has a perforated metal ceiling that requires a backing of fibreglass insulation to complete the acoustic design and make it functional. The insulation was never installed in the education centre, presumably as a cost-saving measure, and without it the ceiling simply transmits sound throughout the building. If prisoners are being interviewed in the office of the Senior Education Officer, disclosing emotionally charged personal information in the Cognitive Skills class, or having a discussion with an Inspection Team member, their dialogues risk being in the public domain. Prisoners in the quiet area undertaking either private study or the self-disciplined task of self-paced learning<sup>67</sup> can experience noise transmitted through the ceiling from other areas, including video soundtracks from adjacent classrooms. The lack of soundproofing also limits the types of activities that can take place in the building. The problem is indicative of poor judgment on cost-cutting, and the necessary insulation should be installed without further delay.
- 5.52 Prisoner education across the system has moved towards packaged accredited courses, most of which do not involve regular face-to-face teaching. Many courses that are widely available to prisoners are accredited by the Department's own registered training organisation, ASETS.<sup>68</sup> Introduction to computers is a core unit for a number of courses and is likely to account for a high proportion of enrolments. There is a focus on computer education across the board in prisoner education. For many Aboriginal prisoners it has doubtful utility and is often of limited interest. The Aboriginal women at Nyandi, for example, considered the computer course to be irrelevant to their lives.
- 5.53 There are some benefits to the self-paced learning style of programming for prisoners who are transferred to other prisons during their courses. It means that for those prisoners who are motivated, highly literate in English and self-disciplined, they can continue towards completion with few external controls and without undue interruption. While these prisoners are able to take advantage of, or make the most of, the choices and arrangements that are currently available, Aboriginal prisoners, NESB foreign nationals, and those who need high levels of support and individualised programming are disadvantaged by the move to self-paced learning. It is not axiomatic either that packaged, self-paced courses have intrinsic worth in terms of providing useful training, a viable employment option or a genuine learning experience.

<sup>67</sup> Self-paced learning – teaching oneself, from prepared resources.

<sup>68</sup> ASETS certification has the disadvantage of effectively labelling a graduate as a former prisoner.

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- 5.54 Like the education centre at other prisons, the education centre at Bandyup often looks under-utilised, especially compared with the list of current enrolments. This is probably a function of the way the system works to discourage full-time enrolments, the high level of part-time enrolments comprising fewer individuals, the number of enrolled students not actually participating, and the fact that at any one time prisoners on a scheduled class list may be elsewhere – on a visit, at court, at a medical appointment, etc.
- 5.55 At the time of the Inspection, four Bandyup prisoners were enrolled in education on a full-time basis. There were six trainees (in horticulture, clothing and textiles production and hospitality), and three part-time university students. There were a further 36 part-time students enrolled in 12 courses – some in more than one course and most in multiple units. There were three basic courses, that made up the majority of enrolments, and much overlap in enrolments. Twenty-four students (two-thirds of the 36 available part-timers) were enrolled in Certificate 1 Preparation for Employment, 21 students were enrolled in Certificate 1 New Opportunities for Women (NOW), with a common enrolment of 13, and 18 individual students were enrolled in Certificates 1 or 2 in General Education for Adults (CGEA). Of the six students enrolled in Certificate 2, four were simultaneously enrolled in Certificate 1. Most women enrolled in education at Bandyup are taking very basic packaged courses. Some women complained that the courses were beneath their ability level.
- 5.56 TAFE plays a significant role at Bandyup, in terms of the delivery of a variety of courses in the education centre, and traineeships.<sup>69</sup> Traineeships are certificated courses that run for an entire year and are offered in the areas of horticulture, textile production and clothing production, and hospitality. The prisoners on traineeships at Bandyup generally get very little face to face instruction from tutors, except if their prison workplace instructor is also an accredited trainer. The Department benefits if there are on-site accredited trainers, because it then ‘saves’ the allocation for TAFE tutoring and these hours are allocated elsewhere in the system. This is good for meeting quantitatively based performance indicators, but it may not meet the educational needs of the individual trainees. The glitch in the system arises if the students are not being given the help they need from the on-site trainer. This seems to be the case currently in the kitchen, where there is one trainee. The traineeship system for prisoners has merit in principal but needs far more oversight by education officers at both Head Office and prison levels, and better quality control.
- 5.57 The full-time education students included one foreign national prisoner enrolled in a TAFE engineering course, but whose enrolment was uncertain because, as a foreign national, she was a full fee-paying student and securing the money was difficult for her; another student enrolled in information technology with TAFE; and two others studying several courses, including the CGEA and NOW. One education student was earning level two gratuities, one level three, and two level four. Most students prefer to work elsewhere, where they have a better chance of higher pay, and to

<sup>69</sup> TAFE accreditation has the benefit of not labelling a graduate as a former prisoner.

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undertake education courses on a part-time basis. At Bandyup, as at most prisons in Western Australia, there is a dissonance between the value prisoners place on education and the lesser value that the Department places on it by favouring with high gratuities 'productive' work, such as the 'hotbods' contract in the textiles area.

- 5.58 On the day we inspected the education centre there were three students learning study skills, three in the computer class, five in the occupational health and safety course, and one student (out of five enrolled) in the art class. Apart from the OH&S class, the other classes were part of TAFE accredited courses and were being taught by TAFE tutors. Of the 12 students, three were Aboriginal. All students appeared quite engrossed in their classes, and there appeared to be good rapport between students and tutors. Students of art are not well resourced and there is a poor supply of books and equipment. We were told that in order to be serious about their artwork students needed to supplement the available supplies and make their own equipment purchases. All five (non-Aboriginal) students enrolled in the art course were from the Self-care units, where there is not only space to store and use painting equipment but where it is more likely the women will have the means to purchase better quality equipment (because of earning high gratuities and/or because family outside deposit funds for the prisoner). Aboriginal women from the Compound were less likely to have outside financial support, less likely to be paid top gratuities, and did not in any case have room in their cells to use and store art equipment.
- 5.59 The education centre has more potential to meet the individual needs of women prisoners than is currently allowed, by either the system with its global approach to and under-valuing of education, or the prison with its dearth of formal processes and integrated functions. If the value of education were determined on the basis of women-centred assessments addressing prisoners' needs, the education centre at Bandyup would play a much more central role in the prison regime and in the sentence plans of prisoners.

## RECREATION AND LIBRARY

- 5.60 There is a male recreation officer at Bandyup who had been appointed towards the end of 2001. Two prisoners, a recreation worker and the library worker, both on the highest gratuity levels, work to the recreation officer. The recreation officer is scheduled to work on four days of the week and on alternate weekends. The afternoon hours allocated to recreation do not necessarily suit prisoners, particularly textiles workers, as there is little time between work finishing and dinner-time. Some prisoners said they would prefer active recreation in the evenings and also more activities at the weekends.
- 5.61 While it is not impossible for a male officer to work well with women prisoners to encourage and advance recreation, the position should be structured in the future so that qualified women are attracted to the position. The position also needs to be one that extends well beyond an administrative function and focuses on actively supporting prisoner participation in recreation. Given

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the difficult hours required in the job, in the evenings and on weekends, a job-share arrangement should be considered.

5.62 A lot of emphasis was placed on passive recreation, as opposed to physical activity, being ‘what women wanted’. This was a mindset that had rationalised the removal of the oval and pool to make way for the new buildings, including the new community hall. While it can be fairly assumed that many female prisoners will shy away from physical activity, particularly if the regime does not support and encourage female participation in sport and other physically active pursuits, being averse to such physicality is not a necessary condition of being female. Many women, prisoners or otherwise, need information, support and encouragement to move and exercise their bodies *for themselves*; to be stronger, fitter, healthier and more independent. It helps to be in an environment where women-centred, supportive values are reinforced holistically across the regime. This is not to assume that physical pursuits are for everyone, but even those with no liking for physical exercise benefit from having made a considered choice about participation.

5.63 Physical recreation for the women had almost reached a standstill at the time of the Inspection when the building program was in full swing. The gym was being used as a storeroom, and, as previously mentioned, other facilities had been subsumed by the new buildings themselves. The tennis courts were still available, but it was reported that only the occasional game of volleyball took place there. The lack of facilities doubtless presented a challenge to maintaining any momentum in physical recreation while building and construction was going on; however, the overall lack of physical activity for the prisoners reflected some of the current Bandyup culture of giving up in the face of difficulty rather than rising to the challenge. We saw plenty of evidence during the Inspection of a lack of planning for changes to the regime during the current building phase, ad hoc reactive responses to incidents that should have been foreseen and planned for, and inertia when action was needed. When the new recreation centre is ready for use (in the community hall), the recreation officer will need to be innovative, consultative and available, in the face of permanently reduced spaces for physical recreation and a reported lack of enthusiasm by prisoners for ‘recreational events’. The recreation officer will also need to be accessible to prisoners in their recreation time, including weekends.

5.64 With no activity rooms available for prisoners in the Compound, and small cells that frequently had two occupants, there was little physical capacity for prisoners to engage in art and craft activities in recreation time. The recreation worker made equipment available for these activities and in accord with recent Departmental requirements, charged a small fee. This recent impost was widely resented.

5.65 There were other activities available under the umbrella of passive recreation. These included bingo and karaoke on weekends, videos (including a workout video), and some competitions, such as quoits and crosswords.

5.66 The library worker reports to the recreation officer, an arrangement which suits the new location of the library in the community hall, but which has an uncomfortable fit in terms of professional

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interests. In general, libraries fit better with the education function of the prison. We have seen several under-developed and under-used libraries in regional prisons, that with more appropriate management could have been vibrant and useful resources for prisoners. At the time of the Inspection the library collection was mostly stored in boxes and the library computer was not set up (hence prisoners could not access legal information on CD-ROM). The small temporary library operated on restricted hours out of the education centre. Prisoners felt they had insufficient access to the library since it was only open for half an hour a day. They also complained about the range of books available. As the building program should not have affected opening hours, it is not clear why arrangements could not have been made to have the library open for longer periods.

### PROGRAMS

5.67 Two programs staff (employed as 1.75 FTE) had recently been appointed to Bandyup to run programs there and at Nyandi, and to undertake one to one counselling in relation to treatment needs. The appointees were young women with backgrounds in psychology. These programs officers felt that women undertaking treatment programs needed to be in small groups – smaller than those that operate in men’s prisons. It was clear that available resources for programs and counselling would not stretch very far.

5.68 Four types of program had been running at Bandyup in the twelve months preceding the Inspection: addictions offending (77 participants); Cognitive Skills (55 participants); sex offender individual counselling (two individuals) and WAM, a women’s anger management program (12 participants) for women sentenced for violent offences.

#### Women’s anger management

5.69 WAM had recently been developed by the Department and had been run once before the Inspection. The program is short by most standards – 60 hours compared with 400 hours for the men’s violent offender program. It addresses substance use, effects of trauma, relationships and some other issues identified as being associated with the particular offender group, and is considered to be more educational than therapeutic. The format may address the needs of some women, but it clearly fails to provide an intensive course for women that deals with violence.

#### Substance abuse programs

5.70 There are nominally three different ways offenders with substance abuse histories might meet Departmental and Parole Board requirements for treatment. One substance abuse program consists of a two-day drug and alcohol education program for Aboriginal women, run from time to time by the Noongar Alcohol and Substance Abuse Service (NASAS). The second program comprises twenty hours of group counselling for women who have experienced significant consequences of previous substance use and who indicate that they are motivated to change. The third program is a six-hour



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relapse prevention program for drug users who have relapsed in prison, completed other programs and are due for release. Some women we spoke to felt that the group programs on offer would not help them address their drug use, although they would meet the requirements for treatment to facilitate the granting of parole. These women felt their treatment needs would be better met through one to one counselling from appropriate outside agencies. Apparently this kind of intervention is not unknown but is rare. Ideally, however, it should be available as an alternative treatment option.

- 5.71 Drug abuse programs at Bandyup are subject to the same criticisms that apply to the system generally. These are that the Department does not have a coherent drug management strategy in which to situate the drug intervention programs, and that the programs do not have a therapeutic base.<sup>70</sup>

### Programs counselling

- 5.72 A number of surveyed prisoners raised the issue of a lack of specific sex offender treatment programs for (other) female prisoners. This reflects a culture of disdain for sex offenders, as much as it is an expression of concern that sex offenders' treatment needs might not be adequately met in prison. Since the number of women who could be considered as needing such a program is small, the prison deals with this issue when it arises with individual counselling.
- 5.73 Some women would benefit from individual counselling as an alternative to the structured group programs for anger management and substance use. There are insufficient resources for this to be a viable and accountable means of achieving a therapeutic end for more than the occasional prisoner. Bandyup counsellors cannot meet the needs of every prisoner who wants counselling and there need to be resources and arrangements for prisoners to have good access to counsellors from other agencies. This is particularly the case for older prisoners and Aboriginal prisoners.
- 5.74 The two programs staff members at Bandyup are relatively recent graduates, and for this reason alone there is an onus on the Department to provide adequate, proper professional support. It is additionally important for purposes of quality control and accountability. At present, the programs staff at Bandyup attend case management meetings on a fortnightly basis and have some clinical supervision; however, more regular and frequent professional supervision is needed. There is also a need for better lines of communication between services at Bandyup, so that decision-making as to clients' needs is more informed and there is consistency across interventions.

### Life-skills

- 5.75 In contrast to the work program run in the metal shop at Bandyup – a program that would be called 'life-skills' in a men's prison – the life-skills program run at Bandyup is more about stereotyped

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<sup>70</sup> A new 100-hour therapeutic drug course commenced recently at Wooroloo minimum-security prison for men. It has not yet been evaluated.

feminising than it is about life-skills that help women become more resourceful and independent: the make-up and grooming activities that seem to provide the basis for this program simply reinforce the stereotype of women as passive creatures. The skills of an occupational therapist should be used more resourcefully.

### Cognitive Skills

- 5.76 Overseas providers have been contracted to run a cognitive skills program for prisoners and staff. It was intended originally that all prison officers undergo cognitive skills training. The prison officer course is intended to develop officers' understandings of behaviour, and also their interpersonal and cognitive skills; and to enable them to engage positively with prisoners. Selected officers have been trained to deliver a cognitive skills course to prisoners. The vision is for prisoners and custodial staff all to receive relevant training in cognitive and interpersonal skills, and for prisoners to start practising these interpersonal and conflict resolution skills while in prison, in preparation for their release.
- 5.77 Cognitive skills programs for prisoners have been widely adopted in North America and the United Kingdom. The British Home Office recently published information on an evaluation of the two most common cognitive skills programs in prisons in England and Wales. The evaluation concluded that the programs were effective in reducing recidivism.<sup>71</sup> Notwithstanding such reports, there are issues associated with cognitive skills programs that need to be considered. In Western Australia a major criticism is the lack of evaluation of the program. Because the providers are from North America, and their direct role in delivery has been extensive, running the program has been an expensive exercise. Whether the cost and the program itself have been worthwhile in the Western Australian context is something we cannot know without a proper evaluation of the course.
- 5.78 A general criticism of cognitive skills programs is an underlying assumption about 'criminogenic' influences. We discussed in Chapter 2 the issue of 'responsibilisation', which takes to the extreme the notion of individual responsibility and in so doing diminishes the influences of social and structural inequality on people's socialisation. With their focus on individual factors over social and structural factors, cognitive skills programs give primacy to 'individual pathology' explanations of criminality. While in Western mainstream cultures it is a good thing in itself to acquire such skills, and the very process of acquisition in the form of a structured, interactive program can be fun and self-esteem building, it is important that an understanding of the broader structural precipitators of offending behaviour is not lost. We only need to look at the group most at risk of re-offending, Aboriginal prisoners, to see why this is so. Cognitive skills programs do not and cannot address the structural issues of racism, disadvantage and cultural dispossession, yet we know that these are the factors that underpin and give rise to most Aboriginal offending.

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<sup>71</sup> Friendship, F., Blud, L., Erikson, M. and Travers, R. 2002, 'Findings: An evaluation of cognitive behavioural treatment for prisoners', Home Office, London.

- 5.79 No matter what the program providers may claim, the program is not based on universal truths and values, and is not 'generic'. Those who develop and market cognitive skills programs are from an advantaged academic mainstream. The values that underpin the programs therefore tend to reflect white, middle-class, male-centric perspectives. The program delivered to prisoners in Western Australia is not designed for Aboriginal prisoners or for women and it rests on particular cultural and class-based assumptions. Further, the context of its development was Canadian, not West Australian. The conditions for program integrity imposed by the contractors make it unsuitable as it stands for delivery to some groups. While program integrity is crucial, particularly when the eventual facilitators are not trained educators and criminologists, this should not be at the expense of making the program a valid one for its particular participants.
- 5.80 It was agreed recently that when the program is run for traditional Aboriginal people, examples used to illustrate processes such as decision-making can be changed so they better reflect the life experiences of this group. This is appropriate but is nowhere near enough to make a cognitive skills program useful, meaningful and empowering for non-mainstream groups. Adaptations at a fundamental level are needed that question underlying assumptions about the hegemony of white, masculine culture. The identity and culture of women and Aboriginal prisoners risk being undermined in the program in its current form.
- 5.81 Work locations and programs aimed at a large population of prisoners tend to compete for the same relatively small group of prisoners who are seen to be motivated, resourceful and compliant. For the Cognitive Skills program they also need to be literate and to have an affinity with western concepts and values. Leaving aside the weaknesses in the program to do with race and gender, the program's rehabilitative potential is not maximised if prisoners outside the norm for preferential selection are not routinely brought in to the class. This would be far easier to achieve if selection were not required to fit the needs of the program, and the course were better designed for the population. The women in the current class said they benefited from the program, and some were very positive. Other prisoners pointed out how learned skills lapsed when it came to dealing with the reality of Bandyup Prison and officers who have not been trained, and/or are non-supportive.
- 5.82 The program has been run four times so far at Bandyup. Out of four staff trained to deliver the course at Bandyup the current teacher was the only one on the current roster. At the time of the Inspection only one staff member was running the program, without any collegial support and with virtually no ongoing supervision. The program at Bandyup should be reviewed in light of these comments, and if continued, a women-centred model developed, officers trained, and better professional support and supervision made available to the facilitator.<sup>72</sup>

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<sup>72</sup> The Office of the Inspector of Custodial Services expects to produce a discussion paper on the Cognitive Skills program in mid 2003.

# Chapter 6

## ESSENTIAL SERVICES FOR PRISONERS

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### HEALTH SERVICES

- 6.1 Providing a prison health service that is responsive to the needs of women is a different, more complex and more costly enterprise than it is for male prisoners. Women's health needs are more extensive and multi-faceted than men's health needs,<sup>73</sup> so more and different strategies and resources are needed; yet the delivery of appropriate health services to women in prison takes place in an environment of rules, structures and procedures that were not developed with women in mind. The health service facilities have been recently upgraded at Bandyup, yet the service does not efficiently and effectively meet the needs of the female population it is intended to serve. Because of the nature of their work and the particular patient population, staff are overworked and sometimes unable to meet the Department's indicators for quality and timeliness of care. These particular indicators are not gender sensitive and do not necessarily reflect best practice in relation to women prisoners.
- 6.2 The clinic at Bandyup divides its workload into portfolio areas: maternity care, diabetes care, cervical screening, breast screening, blood-borne communicable diseases, and education. It operates on a round-the-clock basis with a resident medical officer employed by the Department, a full-time clinic manager, and six full-time registered nurses. One of the nursing positions is occupied by a mental health nurse. Assessments and primary health services are provided on site at Bandyup, and specialist health care services are usually sought from the nearby Swan Health Service or King Edward Memorial (maternity) Hospital. Medication is issued four times a day, with a final round at 10.00 p.m., after the evening lock-up.

#### Initial health and 'at risk' assessments

- 6.3 The first contact between prisoners and nursing staff is during the reception process when health and 'at risk' assessments are made. Like other assessment tools those used at this point are intended for all prisoners coming into the system, regardless of gender. A screening tool that is appropriate for women needs to be developed to ensure that the health needs of women are properly identified at reception.
- 6.4 The medical file audit undertaken by health and medical experts as part of the Inspection on one-third of all patients' medical files, found that most prisoners had been assessed within the required time frame, but that follow-up in relation to the identified health issues was poor. Referrals, for example to the Prisoner Counselling Service, were sometimes made and not actioned, or not made in circumstances where the need was obvious. If there is ad hoc or inadequate follow-up, it renders the timeliness of assessments somewhat irrelevant. Procedures need to be developed to ensure

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<sup>73</sup> Women suffer greater victimisation from physical and sexual abuse, and have higher rates of mental illness and drug addiction than men. In addition, there are many vulnerabilities to disease that incarcerated women have which causes their health status to be less than optimal. These issues are well summarised on p. 98 of S. Alemagno and J. Dickie 2002, 'Screening of Women in Jail for Health Risks and Needs', *Women and Criminal Justice*, V. 13(4), pp. 97–108.

systematic follow-up, better communication with other services, and the early development of a care plan (with the prisoner) for those in need.

### Accessing health services

- 6.5 Many prisoners complained about the system for accessing health services, which they thought compromised confidentiality and was not properly responsive. Over 70 per cent of surveyed prisoners thought the health services at Bandyup were either bad or very bad. Most of these negative assessments had to do with waiting times to see nursing staff or the doctor, or with the process for accessing health professionals. In order to start the process of accessing health care, prisoners are required to complete a request form and submit it through a collection box. Requests are collected each morning and triaged by a nurse. Depending on the results of this process, prisoners are called over the tannoy to see a nurse in the first instance. There is no bypassing the system and if prisoners are not called up to see the nurse they cannot see the doctor. If medical files are not properly up-to-date, and summaries are not completed quickly, this raises questions about the adequacy of the current triage process when all the information about a prisoner might not be to hand. A number of surveyed prisoners certainly were mystified by the process and the results as they saw them.
- 6.6 A review was carried out of one month's (131) request forms. Forty-two per cent of prisoners making a request saw the nurse the same day they made the request, and a further 27 per cent saw the nurse the next day. The remaining 31 per cent of requests were attended to over periods varying from two to 12 days. There was no system to supply feedback to prisoners whose requests went unmet for a period of time. Only 17 of the 131 requests resulted in the patient seeing the doctor. It appears that patients are being screened *from* the doctor, rather than being triaged according to the importance of the health issue. If the clinic manager is concerned that the doctor will be overwhelmed with vexatious rather than genuine requests, then the individuals involved need to be managed rather than have a system directed primarily at precluding this eventuality. Prisoners need to be able to develop a relationship of trust with the doctor. The current system does not encourage that.<sup>74</sup>
- 6.7 Surveyed prisoners also commented that at times health and medical staff were rude, did not believe prisoners, did not maintain confidentiality, and had a custodial mentality:

*You feel they don't believe you.*

*Behave like God, overriding the psychs and the methadone doctor.*

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<sup>74</sup> The Department maintains that the vast majority of women who seek treatment but do not see a member of staff at the clinic have 'fail[ed] to attend of their own accord'. If indeed women are seeking an appointment, are given one, then fail to attend, this raises more questions than it answers. Although the Department maintains that there is a choice of two doctors for the women to see it is clear that the actual choice is not ideal. If a significant number of women are not attending the clinic because they do want to see a male doctor or they do not feel comfortable with either doctor, then the Department must address this issue.

*They have a habit of discussing private and personal matters in front of other prisoners and prison officers.*

*Always treated like a hypochondriac.*

*Treated like a prisoner not a patient.*

*They seem to treat us with no respect.*

*Assume we pretend to be ill for the drugs.*

- 6.8 Surveyed prisoners complained about limited access and waiting times to see the physiotherapist and the dentist, and about not having a choice of doctors.<sup>75</sup>

#### Complaints

- 6.9 The clinic manager actions all internal grievances about health services at Bandyup, even if the complaint concerns her directly. This does not allow for independent review and response. The current system seems to be geared more to providing the prisoner with an explanation, rather than conducting a proper investigation. The majority (nine out of 16) of



*'They seem to treat us with no respect' – Prisoners waiting for their evening medication.*

The majority (nine out of 16) of prisoner grievances in a 12-month period from June 2001 were about health services at Bandyup. They mostly concerned access and medical treatment. Three complaints regarding medication were made direct to the Office of Health Review in the three-month period from February to April 2002. Two were withdrawn or had lapsed, and one was unsubstantiated.

#### Health care for Aboriginal patients

- 6.10 The health status of Aboriginal people is poor relative to the general population. Any measure that increases the access of Aboriginal people to health care, and that encourages their participation in their own health care, is positive and should be supported. Until recently, the Department of Justice employed an Aboriginal Health Worker (AHW), on a short-term basis, to work for one day a week at Bandyup. This was an important appointment that assisted Aboriginal women prisoners to access health services when they needed them, and encouraged Aboriginal women to be more involved in their own care. Maternity care is one vital area where good and ongoing health care is important,

<sup>75</sup> See previous footnote.

particularly where other health-related issues, such as drug use and mental illness, are involved. Four of the six women who were pregnant at the time of the Inspection were Aboriginal, a disproportionate figure that is not surprising given what we know about the relative youthfulness of the Aboriginal population in general (compared to the population as a whole) and of the offending population. Any strategy that leads to better participation by Aboriginal prisoners in accessing health care should be maintained and supported. The AHW role should be funded on a permanent basis.

### *Maternity care*

6.11 Maternity care at Bandyup was disappointing and seemed to have suffered as a result of the general workload that impinged on this portfolio responsibility. There were no recognisable dedicated registers and systems in place to ensure universal coverage, timeliness and quality of maternity care for all who needed it. There were no formalised arrangements with the maternity hospital for a shared care arrangement with the prison; antenatal care was ad hoc. Basic blood screening had not been performed on two women whose health and drug use histories represented indicators of risk and a high need for managed care during pregnancy. Only two of the six pregnant women had had their antenatal checklists completed at the time of the Inspection. Pregnant prisoners should all have individual care plans developed as soon as pregnancy has been confirmed, and appropriate screening should be completed as soon as possible. Files should be tagged for follow-up. Pregnant women have been included in the regular transfers to Greenough Prison. This is not good practice both for continuity of care and infection control reasons, as a recent chickenpox scare that involved women at both prisons demonstrated.

### *Continuity of care*

6.12 Prisoners have been transferred to Greenough before completion of their health summaries, which provide vital information about a prisoner's health status and current medication. Staff said that with their already large workloads, they were unable to keep up with the additional pressures created by the constant transfers.

### *Women in restraints*

6.13 Prisoners who are escorted by the private provider AIMS Corporation to outside appointments are routinely placed in restraints. Director General's Rules require maximum- and medium- security prisoner patients to be placed in restraints. Although medical officers can request the removal of restraints for medical reasons, this is subject to the discretion of the prison Superintendent. In a public hospital it would be exceptional for doctors to be aware of the rules governing the removal of restraints, and in any case having to make contact with a prison Superintendent is cumbersome and unlikely to occur. Recently a female prisoner gave birth by caesarean section in a public hospital and was restrained with either shackles or handcuffs for almost the entire duration of her stay in hospital. Prior to the operation, the prisoner went into theatre still wearing restraints. These were removed in

theatre by AIMS staff only after the anaesthetic had taken effect. The restraints were replaced when the prisoner was recovering in her room but still unconscious. The prisoner wore shackles while having a shower before giving birth, and after delivery when bathing and feeding her baby. On one occasion, a nurse who was helping to shower the prisoner after her operation requested restraints be removed since the prisoner was in pain and very unsteady on her feet. This was done but the restraints were replaced when the prisoner returned to her bed. It would also appear that AIMS staff were present during some intimate procedures involving the bedridden patient. Since the patient was restrained at the time it is not easy to see why this should have been necessary.

- 6.14 We have argued that most women do not present the same risk of escape and harm to the public that it is supposed men do, and that it is the supposition about men's risk that informs the assessment of women for risk. On this basis we would argue strongly against the routine use of restraints on women going out of prison on medical escorts, and that discretion should be used to action their use only on a certain few. Women should not be subjected to the use of restraints during labour or while giving birth, and restraints should not be used in circumstances where the patient's medical condition and circumstances effectively preclude her escape. In a context where previous abuse or disease can engender deep shame in women and discourage them from accessing services seen to be invasive, the added shame of appearing in public in restraints is often a cause of women not pursuing appropriate treatment at all.

#### Mental health care

- 6.15 Experts on the Inspection Team reviewed 37 medical files of patients with identified psychiatric problems or histories of self-harm. Self-harming behaviour, or high risk of self-harming behaviour, was noted on 21 patient files.
- 6.16 The review of medical files found that the medication regimes for identified psychiatric conditions were appropriate, and that regular reviews by a psychiatrist had occurred in most cases. However, it should be noted that all prisoners with a history of mental health problems had been reviewed during the six weeks prior to the Inspection and the documentation had been updated. Prior to this time, information recorded in the medical files suggests that these prisoners had not been receiving adequate care.
- 6.17 Despite some recent updating of files, it was still difficult to discover the medical histories of the women because of the opaque, disorganised structure of the files. There was no comprehensive summary contained in the files, and information had instead to be gleaned from the admission summaries which were brief, incomplete and not easily found amongst contemporaneous notes. Some women's medical files comprised several volumes, and amongst such a mass of material it is easy to miss important information from previous admissions, unless it has been properly extracted, summarised and indexed. Patient care is hampered by the lack of a comprehensive patient summary.



This falls outside the guidelines for best medical practice, where a comprehensive and active summary is seen as an essential part of the medical record.

- 6.18 The mental health nurse, in the six weeks since he had been appointed, had reviewed the files of all prisoners listed on the TOMS prisoner information system as having a mental health condition. Such reviews are an important strategy and should be combined with individual care plans. Only one file indicated that an individual care plan had been developed. Mental health care should be part of a coordinated, holistic approach to women-centred health care at the prison. It was clear from the documentation, and from our observations during the Inspection and the November follow-up, that prison is not an appropriate environment in which to manage women with complex mental health problems.

### Crisis care

- 6.19 The newly built crisis care unit (CCU) is located between the medical centre and the management unit. It comprises six cells for medical observation and crisis care, an observation post, a small kitchen and a lounge area. Apart from a small patio where prisoners go out to smoke there is no outside exercise area for prisoners in the CCU.
- 6.20 One officer is stationed in the CCU. Officers who have worked in this area believe a second officer is needed to allow time for interaction with prisoners. Prisoners in the CCU were often locked down at 6.30 p.m. to enable the officer to relieve staff elsewhere while leaving the CCU unattended. Officers were concerned at the placement of the surveillance monitors such that prisoners and visitors could observe other prisoners. They wanted better training to work in the CCU (in managing prisoners with mental illnesses and in emergency procedures). From the point of view of prisoners in the CCU the officers said there was insufficient care, and the CCU functioned more as time-out for prisoners than as part of a progressive program towards better mental health. The CCU prisoners lacked programs, treatment (beyond medication) and access to general prison services.
- 6.21 Prisoners had concerns very similar to those of the officers. Prisoners complained of having little interaction with officers, no ongoing treatment, limited access to a psychiatrist<sup>76</sup> (they saw the mental health nurse regularly), being locked down early and during the day when staff relieved officers in other areas, and generally being unsupported. While word puzzles and magazines were left in the unit by the recreation officer, some women said they wanted to be actively engaged in recreational activities. Some women said they would like to participate in art therapy classes. Given that there was a class operating in the prison at the time (see paragraph 6.69) it seems extraordinary that arrangements had not been made to extend the activity to the group arguably most in need. The

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<sup>76</sup> The Department noted in its response to the draft Report that the prison holds two psychiatric clinics each week.

women in the CCU said peer support prisoners visited them regularly. This is a positive move in many ways but needs monitoring and supervision as some peer support prisoners are themselves emotionally fragile. There is no therapeutic structure to the CCU that serves the interests of a group of disturbed prisoners. Prisoners spend most of the day playing cards and feeling isolated and unsupported.

### Health promotion

6.22 There was very little health promotion and coordinated activity by external agencies such as the Cancer Foundation and Heart Foundation. Expert advice on diet and nutrition should be regularly and systematically available to the prisoners. The nursing staff are beginning to amass a collection of relevant pamphlets and videos; however, they maintain they do not have time to conduct health promotion/education sessions with individual prisoners. More health education should result in the women being more independent in managing their health needs, which in turn should ultimately reduce the work load in the clinic. The reactive, poorly structured environment that is a hallmark of Bandyup is, unfortunately and not surprisingly, reflected in the clinic. As a result, health care is largely about processing women quickly and moving them on.<sup>77</sup>

### Public health

#### *Cervical cytology screening*

6.23 The medical file audit showed that only forty per cent of women were up to date with their Pap smears. It is important to educate those imprisoned women who need it, about the importance of Pap smears, and to make sure the service is offered in prison in a timely and appropriate way. Often offending women are at risk of not accessing important public health programs such as cervical cytology screening, and prison is an important location in which to access these women and encourage their future participation.

6.24 There were training and resources issues around the taking of Pap smears. The Department needs to ensure that only qualified practitioners undertake this procedure, and that there is sufficient training made available at the Department's expense to ensure proper coverage. As with strip searches and pat downs, this is an intrusive procedure that requires the practitioner, in addition to having procedural expertise, to appreciate the impact on women of abuse histories and to act sensitively. A proper Pap smear register needs to be kept, with failsafe procedures for updating it.

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<sup>77</sup> The Department responded to this item in the draft Report by saying that the clinic did organise outside speakers but that, despite repeated reminders, prisoners do not attend these sessions. In the context of the Report as a whole it is not difficult to come up with a range of explanations for prisoners' non-attendance at such activities. Cultural and attitudinal change, at both the clinic and prison levels, is undoubtedly integral to building a successful prisoner health education program.

### *Breast screening*

6.25 Only one woman out of six who were eligible had been screened for breast cancer. Arrangements need to be made for breast cancer education, especially for older women, and for the public health system to provide screening for those women in the eligible 50+ age-group who, having assessed the information, opt to undertake it.

### *Blood-borne viruses*

6.26 According to Departmental policy on Hepatitis B vaccination, offenders should be provided with immunisation for Hepatitis B as required. Most prisoners whose files were audited had been dealt with appropriately; however, the lack of system allowed a couple of prisoners to fall through the gaps. Ideally, the doctor should, during the medical examination on reception and using proper consent-based procedures, establish the prisoner's Hepatitis B status and offer vaccination as required. As Hepatitis B is largely preventable, all prisoners without immunity to Hepatitis B should be encouraged to have the vaccination.

6.27 Forty-eight per cent of prisoners whose files were audited and who had been screened for Hepatitis C had been identified as Hepatitis C positive. No prisoners were receiving treatment, despite there being two treatment options readily available. No reasons were given as to why this was so. The approach to managing prisoners who are Hepatitis C positive should be coordinated and include treatment programs involving anti-viral treatments, low fat diets, dental care, exercise and harm reduction strategies relating to drug use. This was not happening. Health service staff acknowledged that they knew prisoners shared injecting equipment.<sup>78</sup>

### *Diet and nutrition*

6.28 Just over 60 per cent of surveyed prisoners thought the food at Bandyup was 'okay'. Of the remainder, about equal numbers thought it was in the good/very good category, or the bad/very bad category. Prisoners commented that: there was '*not much for vegetarians*', '*the food contains a lot of oil*', they '*need fresh meats, not processed fish*', and '*the food does not meet women's [dietary] needs*'. Bandyup does not have a lot of control over the food it receives since the prison is part of a State-wide system. To meet the needs of women prisoners the prison needs to have more autonomy, be more involved in the production of fresh food, and be more aware of women's health needs and preferences.

<sup>78</sup> The Department maintained in its response to the draft Report that very few prisoners were eligible for treatment under the rigid prescribing guidelines, in particular the stringent criteria associated with psychiatric assessment. Hepatitis C is a serious public health problem and a huge, largely unaddressed problem in prisons. A reasonable response to the problem would include sufferers taking part in and having access to drug and other treatments, support networks, and appropriate education programs, including peer education.

### Conclusion

The health services staff at Bandyup need to develop, in conjunction with the Director of Prison Health Services, a women's health strategy that distinguishes women's health needs from the male-oriented norm and provides appropriate services to meet women's recognised needs. In addition, the medical centre requires appropriate resources and a review of procedures and documentation if it is to develop good practice and outcomes for women prisoners. Overall, the health service at Bandyup currently falls short of an acceptable standard.

### CANTEEN

6.30 The stores officer runs stores and the canteen with the full-time help of one prisoner and two additional prisoners in the canteen. Canteen spends occur once a week but prisoners collect their orders over two half-days. Forty per cent of surveyed prisoners thought the canteen service was 'bad' or 'very bad'. The following comments are representative of those prisoners made in the surveys:

*Canteen ... runs out of things.*

*Canteen needs variety.*

*Diabetics can't buy [edible] goods at the canteen.*

*Canteen spends need to be bi-weekly.*

*Constant tobacco shortage in the Compound.*

6.31 Mothers with children in the prison complained about the lack of baby food, other than one brand of infant formula. A range of other non-food items for babies was held in the canteen.

6.32 Town spends no longer take place and prisoners instead purchase items from the GEMS (Government Electronic Marketing Service) list. Prisoners were dissatisfied with the choice available through the GEMS system, limited apparently by the contracts in place between Government and private distributors. According to staff, the system is not flexible – orders have to be in bulk or not at all.

6.33 There were complaints of bullying and standovers in the canteen queue. Both prisoners and staff believed that the problem could be addressed with better supervision.

### FAMILY CONTACTS AND SUPPORTS

6.34 We have mentioned previously (paragraphs 5.19–5.25) that women bring into prison with them cares and responsibilities that, in a general sense, male prisoners either do not seriously identify with or are more wont to leave behind. Much of this continuing engagement with the 'outside' is to do with a female prisoner's children, connected to whom are responsibilities, concerns, the prisoner's identity as mother, that do not go away because she has become a prisoner but rather become more complex and less within her power to manage.

- 6.35 As in women's prisons everywhere, the majority of prisoners in Bandyup are young. This is particularly the case with Aboriginal women. The Department's profile of women in custody indicates that almost three-quarters of women in custody are aged 35 or under.<sup>79</sup> Our own survey showed that over three-quarters of the respondents were under forty. Fifty-five per cent of the women who responded to our survey said they had children aged 16 or under, and most of this group said they were sole carers for their children when not in prison.
- 6.36 It is a complex and often fragile mosaic of child care arrangements that a mother has to cobble together if she goes to prison, with little help from the system. The women we surveyed said their children were cared for by a variety of people, including: relatives (43%), foster carers (23%), the children's father(s) (9%), a friend (one person) or 'other' (23%). The 'other' category included arrangements whereby siblings were separated and cared for by different people.
- 6.37 These figures indicate that most women with children are not in stable relationships and the relatively high numbers of children in foster care suggest that daily life for these families, inside and outside prison, can be stressful and unsupported. Prisons can and should provide services and facilities that are of benefit to both individual prisoners and the wider community. We have described the potential for this above in relation to the health service, and also in relation to education, training and treatment programs. As long as there are women in prison, prisons should try to assist women who have scant or no outside support, low self-esteem and poor relationship and parenting skills to become more confident, connected parents. An investment in troubled young mothers benefits families, and in the long run, should provide cost savings to the criminal justice system. The young ages at which Aboriginal children disproportionately enter juvenile detention is a strong indicator of need in this regard.
- 6.38 The welfare of their children is a major concern to mothers in prison. The concerns of the women with dependent children were often serious, and indicate the enormity of the pressures on all concerned when a mother goes to prison:

*My daughter is twelve years old and living on her own in R...*

*My main concern is that two of my children are sniffing, drinking and smoking and [daughter] was sexually assaulted when she was younger.*

*I worry how he is being treated by his father.*

*The fathers are disparaging me to my children. One child needs medical attention and the father does not acknowledge this.*

*My child frets for me.*

*Their father is in jail. It is a long time to go without either parent.*

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<sup>79</sup> Department of Justice 2002, 'Profile of women in Prison'.

*I worry about foster care and my children's safety.*

*Lack of [DCD] communication with me regarding my children.*

*[DCD] bring my children every three weeks and they are always late.*

*Cannot contact [my children] regularly because phone calls too expensive. I have no visits; they live too far away.*

*My brother will not bring [child].*

6.39 It is important for most women prisoners, their children and their extended families to have regular, non-stressful, sometimes supported, contact with their children. This can occur through a variety of arrangements including regular visits, special child visits, overnight stays, live-in mother/baby arrangements, telephone contact, parenting and child development programs, and other support services. The success of any of these programs on their own depends on the support given by the prison to both the concept of supporting women as mothers, and to the individuals concerned. We have already noted that transfers to Greenough interfere with family connectedness and that the nursery often does not have the capacity to meet demands for nursery care as well as overnight stays for older children. We mention others below.

### Visits

6.40 Sentenced prisoners in standard accommodation are entitled to two visits a week, each lasting an hour. Prisoners in Self-care are allowed an extra hour of visits each week. Remand prisoners are allowed daily visits for one hour. Prisoners can also make separate application for special child visits, overnight visits with their young children, or extended day visits. There are 11 visits sessions in the week, each lasting one hour. On two weekdays and the weekend there are two visits sessions each day, with 15 minutes between sessions. If the passive alert dogs are attending on these days the process of checking the second group of visitors generally eats into visits times. Thirty minutes between sessions would be more practical and reasonable.

6.41 There are no evening visits times: most visits are held in the early afternoon and on Saturdays and Sundays a second session is held mid-afternoon. This makes it difficult for workers and school-aged children to visit during the week, and weekend visits take place at times when there are competing priorities, such as sport and children's social activities. It is unacceptable that there are no visits times in the late afternoon/evening. They occur in other women's prisons, including the Dame Phyllis Frost Centre in Victoria. Our prisoner survey indicated that 60 per cent of mothers in Bandyup have contact with their children *less than once a month*. This is clearly a complex problem requiring multi-layered solutions; however, a starting point is to schedule more appropriate visits times. Since evening visits are likely to appeal to weekend visitors, this would also free up over-subscribed weekend visits.

6.42 Prisoners can book their visits through the officer (a public servant working public service hours) responsible for prisoners' phone accounts. Visitors can also ring in and make a booking. While it is

positive (and unusual in the system) for prisoners to be able to make visits bookings, rather than only their visitors, there have been problems with the arrangements. Part of the problem was with a lack of information to prisoners about how the new arrangement would work, and a lingering problem has to do with office hours worked by the officer concerned and congestion on the lines at this time. The problem merges into the procedures for obtaining phone access. Often the people prisoners want on their phone accounts are at work themselves during office hours and are not available to be called at their home numbers for the necessary checks to be made by the Bandyup officer.

- 6.43 The visits centre itself is small, and only 16 visits can take place in any one session. Plans to increase the area available for non-contact visits, and thus make it more secure and functional, will eat into the visits area (the security arrangements associated with visits are discussed in Chapter 4). The visits centre is sterile and not at all child friendly. Peer support prisoners had recently organised an urn and refreshments, a service for which prisoners and their visitors were very grateful and which helped to alleviate some of the daunting sterility of the area.

#### *Video visits*

- 6.44 Bandyup has the capacity for video visits and court appearances. However, with the loss of a dedicated prosecutions officer it no longer has a staff member taking responsibility for these arrangements, and video usage for these purposes has almost ground to a halt. There should be a coordinated and sustained program to facilitate video visits when distance precludes face-to-face visits. Through Bandyup, video links ought to be occurring regularly between prisoners temporarily transferred to Greenough and their non-local visitors.

#### *Outcare*

- 6.45 Outcare, a government-funded community organisation that supports prisoners pre- and post-release, runs the visitors centre. The centre is located just outside the perimeter fence and operates as an information point for visitors to the prison, a waiting area, support for visitors and their children, and a processual link to officers supervising access to the prison from the gatehouse. The Outcare workers at the visitors centre provide excellent and professional support to 'new' visitors, who are often quite traumatised by the whole experience; support and practical assistance to prisoners trying to access their children in foster care or to organise overnight visits with their children at the prison; parenting programs; and, pre-release support for prisoners being released on parole. Pre-release information is given partly through programs (but mainly at Nyandi) and partly through practical help to link prisoners with agencies, housing, etc.
- 6.46 Outcare is not funded to work with the women in prison, but rather to provide family support. However, the division is not necessarily a useful or practical one. Outcare has, however, run one program with the women at Bandyup, the Positive Parenting Program (PPP), that was funded as a pilot program by the Department for Community Development (the Department that has

responsibility, among other things, for children in foster care). The PPP has been described as being targeted to white, middle-class participants, rather than to a young, racially mixed, disadvantaged population of offenders. Certainly, it was not developed for a custodial setting. The presenters of the program felt that, even so, the eight participants in the course, three of whom were Aboriginal, had benefited from it. Outcare had negotiated more special family visits for the participants for the duration of the course, so newly acquired skills and understandings could be reinforced, and the learning made more immediately relevant. Only two participants completed the course: a number had been transferred to Greenough during the course, one had been released early, and another with a child in the care of the Department for Community Development withdrew because the course became too emotionally difficult for her. The course had not been easy to run because of competition for limited program space and the usual interruptions, with prisoners often being called out of class to attend to other regime matters.<sup>80</sup>

#### Good Beginnings

6.47 The Good Beginnings program, established around the country with Federal funding for two years, was just getting underway at Bandyup at the time of the Inspection. The program is designed to provide individual and counselling assistance to prisoners, support to families of prisoners, and parenting information. A parenting program was being developed for prisoners by the Good Beginnings facilitator at Bandyup, that focussed on the impacts of violence on children, and the need for love and open communication.<sup>81</sup> This program had not commenced at the time of Inspection.

6.48 The Good Beginnings program fills an important gap in services for prisoner-parents and their families. A major part of the facilitator's role is to keep and develop the relationships between prisoners and their children. To this end the facilitator works in both the prison and the community. It was suggested that the women with children in foster care appreciated having a link with their children that did not involve the Department for Community Development (DCD).

#### Special child visits

6.49 Special child visits take place on Tuesday and Thursday mornings between 9.30 and 11.30 a.m. They take place in the visits centre and, unlike regular visits, are only for prisoners and their children. In most cases the children who visit at this time are in foster care and, because of the time slot, under school-age. It is generally contract-for-service workers from the Department for Community Development who bring these children in for visits. Relationships between prisoners and the Department for Community Development are generally not good. Clearly, there are dedicated DCD officers whose efforts are considerable and appreciated; however, there were numerous complaints

<sup>80</sup> The Department for Community Development has advised that a parenting services officer from that Department's Midland Office is due to recommence a project started after the Inspection, which involved working with the Good Beginnings Coordinator on an informal parenting course with Bandyup prisoners.

<sup>81</sup> Information from a Good Beginnings pamphlet, undated.



from prisoners, confirmed by Outcare workers, of judgemental and unhelpful DCD workers.<sup>82</sup>

- 6.50 We were told by staff and prisoners that DCD workers have, on occasion, failed to facilitate visits on the grounds that the mother is not deserving, or, in the event of a visit finally being arranged, subverted it in some way. Sometimes prisoners are left waiting in vain for a child visit. When scheduled visits fail to eventuate, and there is no explanation or prior notification, it is particularly devastating for the waiting mother. Rescheduling a visit with DCD workers who are reportedly resistant can be very taxing. Some DCD workers also have a number of children to collect en route and the inevitable lateness in these circumstances cuts into the prisoner-mother's visit time.
- 6.51 On special child visits days, a childcare worker from Outcare brings into the visits area a variety of additional toys. The visits centre comprises two discrete areas, which enables one area to be used by workers from the Holyoake Institute on Alcohol and Addictions to conduct the Commonwealth funded 'Theraplay' program with substance using mothers, while in the other regular child visits take place. The program is intended to encourage interaction and bonding between mother and child, with activities that promote physical and eye contact. Women self-refer to the program or else Outcare refers them. Participation is voluntary.
- 6.52 On Thursdays the prisoners are unlocked at least an hour later than usual to enable staff to have a regular time allocated to training. During the Inspection, the late-unlock was even later than scheduled. This is a common occurrence and there are many complaints about it from the women. When late-unlock does not happen according to schedule, it affects a number of women, particularly those expecting child visits. The lateness and the impacts of this are often compounded for women who are on the morning medication list. We were told that sometimes women skip their medication in order to make up time with their children. Women whose children are in foster care are generally already anxious and uncertain about the visit, and the added pressure of being late can create an emotional state that undermines mother/child bonding and interaction. It is in nobody's interests for the women to arrive for special child visits with additional feelings of anger and powerlessness that could be avoided with better planning and focus.<sup>83</sup>
- 6.53 There were few suitable amenities for women to play, bond and relax with their children during special child visits. Different sized tables and chairs made it difficult to conduct table-top activities.

<sup>82</sup> The Director General of the Department for Community Development stated in a letter to the Inspector dated 5 February 2002, that the Department was keen to develop a system to ensure that if there were concerns arising over DCD involvement with prisoners and their families they could be addressed quickly and to the satisfaction of all parties. A senior officer has been allocated portfolio responsibility for Bandyup, and a brief to enhance services and supports for mothers in the prison.

<sup>83</sup> Clearly, space needs to be made in the schedule and resources set aside for officers to have ongoing training. However, targeted, meaningful training requires more than the hour allocated through the late-unlock, so the current arrangement on its own is not optimum for any party and has a considerable downside. Solving the twin problems of the downstream effects on prisoners of a late late-unlock and the staff training deficit does not necessarily preclude a late-unlock arrangement, but for it to work in the interests of all there need to be modifications for better time management; and for staff, a properly resourced, supplementary training schedule.

The visits room is very sterile, in terms of its harsh surfaces and dreary décor. There were no soft furnishings that might be conducive to reading, story telling or intimate maternal moments. Toys and play options were limited. No outdoor visits area has been developed at the prison, despite the obvious advantages for families and children.

6.54 A recent and welcome innovation was the regular appearance at special child visits of treats from the kitchen, such as fairy bread.

#### Overnight visits

6.55 Prisoners can apply to have their children under the age of seven stay with them overnight. Prisoners with a child over this age, or whose children are both within and outside the specified age range, often complain about the cut-off age. They think it is arbitrary and unfair. Overnight stays take place from the late afternoon to just after breakfast the following day, so there is little time available for interaction. Overnight stays take place in the prison nursery (see paragraphs 6.59 onwards), if space is available. Recently, a pregnant prisoner whose baby was due in two weeks was asked to leave the nursery and stay in the Compound to enable another prisoner's child to stay overnight. At the time of the Inspection the nursery was fully occupied by resident women and their babies. In these circumstances overnight stays cannot take place. Because a lack of amenities places limitations on overnight visits, some prisoners believe that access to overnight visits is selective and that particular prisoners get more than their fair share.

6.56 The facilities in the nursery are not suitable for overnight visits with older children. There are scant facilities and resources for mothers and babies, without having older children underfoot with nothing much to occupy them. It places babies at some risk, especially since the facility is not staffed, and the under-resourced environment is not particularly positive for the older children. When we returned to Bandyup in November we learned of a case where prisoner A, living in the nursery with her baby, had been disciplined by being returned to the Compound and her baby sent to family members outside the prison. She had incurred this punishment because she had struck another prisoner whose visiting son had hit her baby. The boy had been unsupervised and his mother had reportedly failed to show concern. Prisoners who assault others should be suitably disciplined; however, it is clear that poor policy and practice contributed to the events leading to the incident and ultimately to the woman's loss of her baby for the remainder of her sentence.<sup>84</sup>

6.57 Prisoners and the officer responsible for the nursery complained about the mess left after overnight stays, and that items went missing from the nursery at this time. This suggests an inadequate level of staff supervision as much as it does an unsuitable mix of uses. The nursery has been closed twice recently for quite lengthy periods, for cleaning and painting to take place. If overnight visits and live-in mother/baby arrangements were kept separate, the impact on the facility and need for upkeep

<sup>84</sup> The woman was allowed to have regular extended day visits with her baby.

would be less. When the facility is closed no alternatives are made available and women cannot have their children stay in the prison.

- 6.58 Separate facilities are needed for overnight visits. Such visits should be supported, encouraged and resourced. Now that there is new accommodation at the prison a modified Self-care unit would make an ideal overnight visits facility. More toys, activities and outdoor play equipment are needed for overnight stays.

### Nursery

- 6.59 The nursery at Bandyup is intended for mothers who have been approved to have their infants under twelve months live with them in prison. It is a small facility, with four rooms and two bathrooms. There is a laundry which doubles as the baby bathing area, a kitchen, an open area that functions as a through-way, and a small lounge room containing a television set. Some of the heaters were not working at the time of the Inspection and the floor areas were cold, hard and not pleasant for babies to crawl on. There was no playpen, and other play equipment for babies was minimal. The women cook for themselves and their babies but do not have access to prepared baby foods other than one brand of formula. The women were prepared to buy other food but the canteen does not stock it.
- 6.60 The visits officer was responsible for the nursery. That officer had a multitude of miscellaneous tasks associated with visits and other areas of the prison, and the officer's duties with regard to the nursery were fairly minimal. The officer had recently been involved in re-resourcing the nursery, and a variety of goods that the nursery had been lacking for some time, including cots, were being unpacked and installed. Women whose children came in for overnight stays were looking forward to the addition of children's videos.
- 6.61 Supervision of the nursery was minimal. By contrast, in the UK there is always a supervising officer in the mother/baby units in secure prisons, and officers undertaking those duties have been trained for the task. The difficulty associated with the lunchtime count as it existed at Bandyup at the time of Inspection, is one of many problems in the area that might be resolved with better on-site supervision. The women were meant to report to the Compound for this count, but their babies were often asleep and they were understandably not happy to leave their babies in the absence of all adults from the area. The count should take place in the nursery.
- 6.62 At Bandyup there were problems, according to the officer, of women from the nearby Compound pressuring the mothers in the nursery to provide fridge space and to do their washing. The prisoners acknowledged that this happened, but they said they felt sorry for prisoners from the Compound who had nowhere to keep things cool, so they were happy to oblige with fridge space. Prisoners did note in November, however, at the time of our follow-up visit, that closure of the Compound had meant they were no longer pressured for favours.

- 6.63 There is little to stimulate mothers in the nursery and the women can spend their time doing little other than tend their babies. When the baby is old enough, the mothers should be encouraged to attend education and undertake programs, part-time employment and creative activities.
- 6.64 A child health nurse attends the prison to carry out checks on infant development. Immunisation of children living in the nursery is carried out at the prison's clinic by health services staff. However, smoking and infection control in the nursery were matters of concern. If there is a no-smoking policy it is not apparent – mothers need to be educated about the dangers for children of passive smoking and they should conform to a no-smoking policy inside the nursery. There is no standard good practice for infection control. Standards and practices equivalent to those in place in child care facilities outside prison should be developed and implemented.
- 6.65 Medical care for babies and children who become sick in prison is not provided by the Health Services staff at the prison. A carer from outside the prison, generally a family member, is obliged to come and collect the child if it becomes ill, and take the child to a doctor in the community. This arrangement has the appearance of being a cumbersome way to avoid duty of care. It delays the onset of medical attention, means the mother is not included in the consultation, and it creates particular difficulties for families without transport, telephone access or adequate financial resources. In Victoria, staff of the private provider of prison health services, Pacific Health Services, examine and treat sick children and refer them for outside treatment if necessary. In the United Kingdom, where there are four mother/baby units, the prisons accept duty of care for children on their premises, and provide round-the-clock medical attention, with referrals to public hospitals if necessary. In the interests of best practice and good governance the Department needs to authorise its health services staff to treat sick children and babies who are staying in the prison and make referrals to outside specialists or hospitals if appropriate.

### Telephone

- 6.66 The complaints about the Arunta phone system reflect the complaints we hear constantly across the system: it is too expensive, especially when prisoners' children are being cared for at several locations; ten minutes is not long enough for a conversation with each child; it takes too long for phone numbers to be listed on the Arunta account and a capacity to register more numbers is needed; there are insufficient telephones, especially given women's family responsibilities; the booths and their placement make it difficult to have a private conversation.
- 6.67 There were inherent difficulties for prisoners needing to make officer-assisted calls in some circumstances. Women using officer-assisted calls to contact DCD workers regarding their children reportedly often exhausted the officers' patience. This was because DCD workers are often difficult to get hold of, and the usual procedure in such circumstances of leaving messages for calls to be returned does not work in prison. A system that is less stressful for prisoners and officers needs to be organised, perhaps with the help of Outcare (see also paragraph 7.9).

## ESSENTIAL SERVICES FOR PRISONERS

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### WELFARE-ORIENTED SUPPORTS FOR PRISONERS

#### Prisoner Counselling Service

6.68 The Bandyup Prisoner Counselling Service (PCS) comprises a senior social worker who coordinates the service, a psychologist, an occupational therapist and a health counsellor. The PCS service to Wooroloo and Nyandi is also coordinated from Bandyup. The service was under severe pressure at the time of the Inspection due to a prison-wide review and restructure of prison counselling services. The uncertainties emanating from the process impacted on PCS staff at Bandyup and ultimately on the quality and extent of service to prisoners.

6.69 The PCS provides a rostered, office hours service to prisoners on weekdays and Saturdays, and an on-call service to the three prisons. Prisoners self-refer to the PCS or are referred by other workers in the prison. Most of the work involves individual counselling. The PCS is also running a one-off art therapy course over ten weeks. Ongoing transfers to Greenough cause numbers of participants in this course to fluctuate.

6.70 The PCS coordinator has input on the Paediatric Committee, set up to assess a mother's suitability to care for her children in prison and on release. Other members of the Committee are the Assistant Superintendent Prisoner Management, the nurse manager, a unit manager and a representative from the Department for Community Development. Consistent with the comments from Outcare staff, the PCS staff felt that DCD officers could be judgemental towards mothers with drug problems, and that their expectations of the mother often were unrealistic. As a result, women wanting to work towards regaining care of their fostered children might not be given sufficient support. It was suggested that DCD is not supportive of children living in prison. DCD does not appear to have any clear and integrated policy that relates to the care of children in prison and associated lines of responsibility (see, however, footnote 82).

6.71 Currently, the main duties of the occupational therapist are to run the life-skills program discussed in paragraph 5.75. There are a number of women with physical or intellectual disabilities at Bandyup and the position of occupational therapist should be focussed more on attending to the needs of these women. Under the restructured arrangements the position should be re-framed and brought more into line with other services provided by the PCS.

#### Peer support and the prisoner support officer

6.72 The peer support team of prisoners can have an important welfare-oriented role in prisons. The success of the peer support program is partly dependent on the person occupying the coordinator position of prisoner support officer, and partly on the type of prison in which it is functioning. The fortunes of most peer support groups tend to fluctuate. Providing a good prisoner support officer is in place and the senior managers are supportive, we cautiously suggest that the peer support scheme works best in the metropolitan men's prisons. The peer support program is another well-intentioned

attempt to provide welfare support to vulnerable prisoners (particularly Aboriginal prisoners) that needs fundamental re-thinking to work well with women prisoners. At Bandyup at the time of the Inspection, the number of prisoners in the peer support group was down to four and only one of these was Aboriginal. Given that one of the scheme's main aims is to support the well-being of Aboriginal prisoners, this is a concerning state of affairs. The program at Bandyup appears to lack the robustness that would make it less vulnerable to the concerns, intrigues and power plays of individual members.

- 6.73 Aboriginality is an important condition of appointment to the position of prisoner support officer, but this does not mean that in terms of its membership and constituency, the peer support group only has relevance for Aboriginal prisoners. The prisoner support officer's job is a tough one. Being an Aboriginal staff member in a prison, especially when the role involves being a support and advocate for prisoners, is never easy. It requires the ability to manage racism, prejudice and stereotyping; to have good counselling, negotiation and conflict resolution skills; and importantly, to be clear about boundaries with staff and prisoners. Often appointments to these positions in prisons throughout the State go to people with good potential and intentions, but with little formal experience or training. This is not a problem in itself; however, better checks need to be made at the point of selection so that vulnerable people are not placed in these positions. There was a recent case at Bandyup involving this group of players that got terribly out of hand and ultimately resulted in considerable damaging repercussions. The lessons from this incident are that at Bandyup and indeed at all prisons, better training, professional support mechanisms, and an on-the-ground mentoring scheme urgently need to be put in place. It is crucial that people appointed to prisoner support officer positions are not left to flounder and fail, and that if things are clearly going wrong, someone takes responsibility for intervening before serious damage occurs.

#### Aboriginal Visitors Scheme

- 6.74 Representatives from the Aboriginal Visitors Scheme (AVS) make regular visits to the prison: four times a week for half a day at a time. The Visitors meet with prisoners in a demountable building next to the fence, behind the gatehouse. It is not a place that prisoners ordinarily frequent. Visitors are apparently not encouraged to go into the prison proper so they do not have a visible presence in the place, despite their regular attendance. The process by which prisoners access the Visitors is indirect. An appointment book for prisoner use is no longer kept, and Visitors instead fax to the prison a list of prisoners they want to see the following day. The list is compiled from word of mouth referrals from other prisoners, and checks for new prisoners from the daily population list. There is no announcement made to indicate to targeted prisoners or prisoners in general that the AVS is in the prison and available. Prisoners from the list are called up by name over the tannoy but no indication is given as to the purpose of the call. Consequently, some do not respond. The AVS is under-utilised by prisoners. More inclusive arrangements for access and visits, and more support from the prison are required for the AVS to provide an effective service.

**Chaplaincy**

6.75 The chaplains indicated that, historically, little value had been placed on the spiritual needs of the women and that the chaplains' services had been under-utilised. The new community hall was to have had a room (the 'sanctuary') dedicated to chaplaincy services; however, the allocated space will now serve additional other purposes, including being a programs room. The chaplains noted that there had been no consultation with them about the design or interior decoration of the room. Chaplains said they also tried to provide a service to staff, some of whom were uncomfortable talking to Departmental counsellors.

# Chapter 7

## THE SECOND PHASE OF THE INSPECTION

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7.1 The Inspector visited Bandyup on 4 November to initiate the second phase of the Inspection. This visit was followed by an Inspection of the new facility on 25 November 2002. On the day, prisoners and officers were asked to complete a brief survey in order to compare the situation at Bandyup before and after the occupation of the new accommodation unit. Forty prisoners who had been at Bandyup before the new unit was occupied completed surveys. Eleven of these respondents were Aboriginal, a slight under-representation. Twelve officers completed survey forms.

### CHANGES SINCE THE JUNE INSPECTION

7.2 There had been a number of changes at Bandyup since the June Inspection. The new accommodation unit had been completed and was occupied; much of the Compound had been closed for structural change and refurbishment; the new community hall was in use; a female senior officer from another prison was acting in the position of Assistant Superintendent Prisoner Management; and, the kitchen had been closed for refurbishment. Meals were being prepared at nearby Riverbank Prison on a daily basis. The new unit was the centrepiece of our November Inspection; however, we also included matters that related to or were contingent on the new accommodation regime.

### Accommodation

#### *The new unit*

7.3 The new accommodation block, Unit 2, is situated on the north side of the Bandyup site, next to the community hall, where the oval used to be. It is typical of accommodation to be found in any modern men's prison in Australia and comprises 64 cells in four wings, on two levels. Two wings (C and D) have showers in the cells, which are assigned on an incentive basis to prisoners. Prisoners in C wing are meant to be drug free, but some officers told us that this policy was not applied consistently, and indicated, as an example of this, that there was considerable variation in responses to positive urine tests.<sup>85</sup> The other two wings (A and B) comprise standard supervision accommodation and have shared ablutions. There is a central control point in the unit and an officers' amenity room. Officers said they felt safer working in the new building than they did in the Compound; however, the officers' somewhat fortified location at the centre of things discourages their movement around the unit and the development of good interactive relationships with prisoners. All cells are for single occupancy and there were no 'buddy' cells for fragile prisoners. Such prisoners are placed in medical observation. Without discounting the need to place prisoners in medical observation facilities from time to time, a general move towards isolation and observation departs from the thrust of the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

<sup>85</sup> See also footnote 43.



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7.4 The prisoners we surveyed were overwhelmingly in favour of being accommodated in the new unit rather than in the Compound, citing as reasons for their preference access to their own showers (prisoners in C and D wings only) and a cleaner, less cramped environment. Seventy-eight per cent of prisoners who had shifted from the Compound to the new unit felt this way. Of those surveyed prisoners who were currently in the Compound and had been previously, half thought the Compound was preferable, and half wanted to move to the new unit as soon as space became available. Prisoners who preferred the Compound said it was because they could open the windows, there were fewer prisoners to contend with, and there was more personal space.



*Prisoners preferred Unit 2 because there were showers in some cells and it was cleaner and less cramped.*

7.5 The move into Unit 2 from the Compound had occurred over a weekend. This was not the staged move that the Inspector had been led to believe would occur. Staging moves into new prisons, or parts of prisons, is important for management purposes, to establish new rules and procedures and to embed new values. If there is an aim to link the move with fundamental cultural change, as putatively there was at Bandyup, careful preparation and staged moves are pre-requisites for such an outcome. Instead, we were told that cost considerations dictated the hasty move. Surveyed officers were quite bitter about what they implied was a wasted opportunity for change. These comments give the flavour of their feelings:

*We only shifted the Compound to the new buildings.*

*They (the prisoners) are enjoying the new buildings but apart from this things remain the same.*

*The regime is a complete mess.*

*[It's] getting worse as the intended [new] regimes cannot be implemented.*

7.6 Prisoners' and staff orientation to the unit appears to have been minimal and uncertain. Staff had little knowledge about the principles and practice of unit management, yet this was the foundation on which the unit was to operate. Staff are not allocated to specific areas for any length of time, and this tends to undermine the unit management philosophy. A new unit plan had been developed before the move but officers we spoke to were not happy with the plan or the way it had been devised, and prison managers admitted that to be workable the unit plan had had to be re-written. Evidently and unfortunately there had been significant shortfalls in planning and consultation before the move.

7.7 In terms of current practice, a prisoner told us that although unit meetings were not being held regularly, as they should have been, the two that had occurred had been quite productive. Officers

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and prisoners appear to have had little if any practical training in the emergency procedures developed for the new unit.

- 7.8 Timetabling and procedures seem to be less than streamlined with prisoners spending considerable time waiting around to be let into the unit at lunch time. This seems to be due either to staff shortages in other areas, such as the education centre, or inefficient time management. Officers told us that standovers and bullying have continued unabated since Unit 2 opened, but because the new unit provides better monitoring and observation of prisoners than the Compound did, these activities now take place in other areas of the prison where prisoners are not monitored. One officer was very concerned that when prisoners were out of the unit there was little accounting for their whereabouts.
- 7.9 The prisoners have access to four telephones in a covered area outside the unit. At the time of our follow-up visit, a new telephone system was being trialled on the Unit 2 telephones. One of the problems with the current Arunta telephone system is the cost of the calls. As we have already discussed (see paragraphs 6.66–6.67) this is a major problem for mothers in prison trying to keep in touch with their children, especially if their prison incomes are small and their children live in distant locations. The system being piloted apparently resulted in cheaper long distance calls, so Unit 2 phones became very popular around the time of our visit. To the annoyance and inconvenience of Unit 2 prisoners, some prisoners from the Compound and Self-care tried to use the cheap phones. It is misguided to run a selective pilot that stands to advantage some or, if everyone uses the pilot telephones, creates confusion and diminishes access across the board. We had hoped to discover in November what we had found little of in June: more evidence of thoughtful planning and properly developed procedures. The telephone incident did not inspire confidence.

### *The Compound*

- 7.10 Unit 2 has replaced the Compound as the principal accommodation at the prison. In November, a small number of cells at one end of the Compound was quarantined from the ongoing building and construction, to serve both as overflow accommodation (generally for new receptions) and the tail end of a hierarchical accommodation system. At this time the Compound was a disgrace. Prisoners had nowhere set aside to eat, and there were serious shortfalls in hygiene in relation to food preparation and storage, and ablutions. Cleaning arrangements seemed to have fallen down, the facilities were grubby, and the whole environment was oppressive. In contrast to the practice in June, the Compound grille was kept locked, for reasons discussed below, and access to and from the Compound was restricted. The Compound officer was greatly exercised with his constant attendance at the grille, and the women had less freedom of movement. There was a regional prisoner housed in the Compound who had a disability and ill health, and who needed help to manage simple personal tasks. She should not have been at Bandyup at all, let alone in the Compound in its current state.<sup>86</sup> Her two appointed prisoner-carers were well meaning but untrained. The situation in the

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<sup>86</sup> The situation of this prisoner is outlined in footnote 40.

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Compound exposed how vulnerable staff and prisoners are when good practice standards – for handling prisoners, and in relation to food and general hygiene – do not exist.

7.11 At the time of the June Inspection, there had been two grades of accommodation – the Compound, where the majority of prisoners, especially short-termers and Aboriginal prisoners, lived; and Self-care, housing mainly long-term, non-Aboriginal prisoners. By November there were four levels of accommodation. Starting at the highest level there was Self-care (whose population profile was unchanged since June), C and D wings in Unit 2 (for prisoners who had earned privileges), A and B wings in Unit 2, and the remnant Compound. The latter was for non-conforming prisoners as a last option before the management cells, a few prisoners who did not want to live in Unit 2, and new arrivals awaiting a bed in Unit 2. When the Inspection Team arrived in November, over half (58%) of the residents of the Compound were Aboriginal, yet Aboriginal women comprised only one-third (32%) of the total prisoner population. In the new unit almost three-quarters (73%) of the Aboriginal residents were housed in the general supervision wings, A and B. In the privileged accommodation, C and D wings, only 19 per cent of the residents were Aboriginal. There were no Aboriginal prisoners in Self-care.

7.12 Across the State Aboriginal prisoners are housed predominantly in the poorest accommodation, and, clearly, past and current practice at Bandyup conforms to this norm. Many explanations are given for this situation, including that Aboriginal prisoners self-select into such accommodation, they lack a work ethic and therefore cannot qualify for higher-level accommodation, they are unable to maintain standards of cleanliness appropriate to the accommodation, and so on. These are circular arguments, common across the prison system. ‘Self-selection’ in relation to a particular group in a prison regime, like meeting certain standards, is pre-determined by other factors, such as prisoners’ underlying awarenesses of what the prison expects of them. Prisoners have no difficulty conforming to stereotypes, when that is what the regime appears to require. Bandyup must come to grips with its poor record on equal opportunity and practice and, with the help of experts, develop policy and practices to recognise and expose divisiveness and racism, and to bring about redress. A culture of aggression is the outcome of years of bad practice, with the roles of victim and perpetrator becoming intertwined.

7.13 It is easy to create stereotyped labels about the groups at Bandyup but the reality is more complex than this. The results of institutionalised racism have produced a range of effects and behaviours. We are aware of officers feeling strongly that some Aboriginal prisoners are aggressive and verbally abusive to officers and white prisoners. We take their comments and perspectives seriously and look at whatever occurs on the ground at Bandyup within the above context. Institutionalised racism has insidious effects, and must be properly understood before it can be addressed. Dealing with incidents or symptoms alone will not ameliorate the problem.

7.14 Our follow-up survey showed some marked differences between Aboriginal and non-Aboriginal prisoners in their responses. Non-Aboriginal respondents were more likely to report worsening conditions at the prison since the shift to new accommodation, particularly with regard to the

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consistent application of rules, access to prison managers and access to telephones, while the Aboriginal prisoners were more likely to think that conditions had neither improved nor deteriorated, with the exception of access to recreation, which they thought had improved. This information can be interpreted in many ways, but it does at least tell us that perceptions, expectations, access and priorities of the two groups are different, and that all of these factors must be taken into account when developing strategies to make the regime more equitable and responsive to the needs of different groups.

### Other prisoner-related issues

#### *Orientation*

7.15 The orientation process for incoming prisoners had not changed significantly since the June Inspection. It was still the responsibility of the officer in the Compound to conduct the orientation interview with all incoming prisoners; however, as there was now only one officer in the Compound, and that officer had constant interruptions and calls on his/her time including managing access through the grille, the procedure was seldom smooth and often did not occur within the required timeframe. When prisoners move to the new unit they are given unit-specific information in verbal and written form.

#### *Recreation and library*

7.16 Since the Inspection in June, recreational activities have shifted to the new community hall located next to the new unit. The library has moved there from its temporary location in the education centre, and there is a hall/gym area, a chapel that doubles as a programs room, an art room, and an office for the recreation officer. It was planned to move the canteen to the new building where it is intended to function more as a shop in conjunction with the adjacent café-style area designed for the sale to prisoners of hot and cold beverages and snacks.<sup>87</sup> The move had not yet taken place at the time of our November follow-up visit.

7.17 At Bandyup, stereotyped ideas about what women want prefigured the arrangements for and siting of the new buildings. The Inspection Team heard these at Departmental and on-site presentations, and throughout the Inspection in June. These same stereotypes still have currency and influence how people speak about the new facilities and how they should be used. It often seems that when decisions are made at Bandyup to do something for the women that is *good in itself* there is an

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<sup>87</sup> Many prisons provide drinks and snacks for prisoners for the periods between meals, particularly after the early evening meal and before lock-up (on the other hand it should be noted that some regional prisons in the north of the State provide prisoners with virtually nothing). Commercial cool-drinks are provided, at a cost, in some prisons and other items, including tea, coffee and bread for toast are made available at no cost to prisoners in their day rooms. Bandyup does not have a good recent history of providing these amenities to prisoners in the Compound; however, the new unit makes provision for these important services. The arrangements planned for the community hall provide a choice to prisoners: snacks and hot drinks in the unit, or a slightly higher quality item available in the community hall, to be paid for by the prisoner from her earned gratuities.

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accompanying need to justify it to Head Office in terms of work and training. Because these models are so inadequate for Bandyup the proponents of change, in an effort to shore up their arguments, end up beating a tired, stereotyped drum. The Inspector is supportive of new arrangements at the community hall, such as the café area and a canteen where prisoners ‘shop’ in a manner that is more commercial (and ‘normal’) than institutional. However, it is the unfortunate rationale for these quite commendable endeavours that has disappointed the Inspection Team. Allowing prisoners to buy hot drinks, and other prisoners to make and serve them, *are reasonable activities in themselves*. They should not have to be justified – as they have been – in terms of stereotyped models of women as shoppers and potential waitresses.

7.18 Not surprisingly, because the sexist understandings associated with these activities have little real relevance to women, the whole arrangement does not work. It has not been helped by the rules about access and the lack of accessibility of the recreation officer. The area is under-utilised and is closed more often than it is open. The library barely functions. The canteen, café area, library and recreational program will work far better when there is a women-centred underpinning to the regime, the boundaries between shopping, recreation, socialising, and purposeful training are not blurred, and these activities are not misconstrued. Addressing the issues of access and appropriate staffing within a women-centred framework should be an integral part of this.

7.19 The Department plans to place an additional (male) officer in the area, who is skilled in teaching practical life-skills. It is understood that his role will be to extend the range of recreational activities available, and provide enough extra supervision at the community hall for the facilities to be more accessible to prisoners.

### *Child visits*

7.20 In what amounts to a seminal improvement for mothers with young children, the demountable building previously used for prisoner programs has been made available for extended day visits. However, the fittings, furnishings and amenities have not changed since the Inspection Team used the room as its base during the June Inspection. Notwithstanding, it is deemed in its current state to be a suitable place for mothers, their babies and young children to spend the day. A few beanbags and a box of toys were the only obvious concessions to its new purpose. The room needs to be appropriately fitted out and equipped, with a cot being an urgent priority, and included in a cleaning regimen that makes it a fresh and hygienic place for babies to be. Babies cannot eat normal prison food so their mothers need access to baby food. This is not available anywhere in the prison. The idea to make available a separate facility for extended day visits is commendable; however, the needs associated with the facility’s use must be systematically and consultatively assessed, and the area resourced before it can be of any real and sustainable benefit to mothers and their children.<sup>88</sup>

<sup>88</sup> The Good Beginnings coordinator obtained \$5,000 funding for a children’s play area from the Patrick Rafter Cherish the Children Foundation. The money has since been invested in the extended visits area. As a result, the area has been vastly improved and is now (March 2003) well equipped.

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7.21 The \$14.8 million building and refurbishment program at Bandyup seems to have overlooked the fact that women prisoners have children and family responsibilities, and that developing and maintaining family contacts should be a priority focus of the prison. Expenditure is needed where it has been neglected, on creating and equipping a separate area for overnight visits, developing the new day visits area, refurbishing and better equipping the nursery and developing a more stimulating regime for mothers, developing an outdoor visits area with play equipment for children, and providing good access to prisoners to appropriate parenting programs, support and information.

### *Medical*

7.22 Nine surveyed prisoners spoke about poor staff attitudes to prisoners, predominantly in relation to nursing and medical staff. This replicates the comments we received in the initial survey, undertaken before the June Inspection.

### *Peer support*

7.23 The peer support program was not functioning well and was without leadership. Issues relating to the well-functioning of the peer support team are discussed at paragraphs 6.72–6.73.

### *Management of sexual behaviour and predatory behaviour*

7.24 During our November visit we were told that the reason for the Compound grille remaining locked was to prevent lesbian prisoners from Unit 2 from accessing an area where surveillance was limited, to engage in sexual activity. There may have been additional reasons for locking the place up, but that this was one reason was confirmed by the prison management. The prison management team should deal with illegal activity and the individuals involved through policy and associated disciplinary procedures, not by locking up an uninvolved, already disadvantaged population.

7.25 Lesbian prisoners are not necessarily predatory, and a distinction needs to be made, particularly for the purposes of management, between consensual sex between same-sex partners and sexual assault. It is known that from time to time there are sexual predators within the prisoner population at Bandyup. These prisoners have been known to assault their victims and partners in the prison. Staff know about the problem but the prison appears to have done little or nothing to address it and protect the victims. If the problem is not addressed, it can and recently has caused profound damage to people. This particular problem is not addressed by increasing vigilance over consensual sexual behaviour. In order to protect prisoners and staff, as part of its duty of care the prison needs to develop policies that are systematically put into practice, and that deal with bullies, predators and those who sexually harass or assault others.

### *A predictable regime*

7.26 Lack of consistency in the application of rules was something that a majority of prisoners noted in their surveys as being worse since the move to new accommodation. Prisoners' comments reflect the instability in the prison and the regime:

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*Rules change all the time.*

*Rules change from day to day.*

*Too many promises broken. One superintendent and ASPM tell us something; in a short time others come in with different rules.*

7.27 Staff comments, as indicated in paragraph 7.5, were not dissimilar.

### Staff issues

7.28 All those prison officers who completed survey forms indicated high levels of dissatisfaction in their work subsequent to occupation of the new accommodation. Their views are not necessarily representative; however, in light of the previous survey and our face-to-face interviews, we feel that their comments have some substance and are not just the views of a complaining few.

7.29 Officers believed that the prison was seriously under-staffed, and that the concerns of staff were not taken seriously by the prison managers. This was similar to our findings in the previous survey. When officers were asked to compare the current situation to the situation in June, none of the items was identified by more than three officers as having improved. Most items elicited a majority response of 'no change', rather than deterioration. However, this was not the case in relation to working conditions for officers, and prisoner access to recreation, where 'worse now' responses were most numerous.

7.30 The items we asked about included (representative staff comments are noted in brackets):

- Officer-prisoner relationships (*because of lack of staff you don't have time to spend with prisoners*);
- Discipline (*no proper regime; matters are not dealt with accordingly*),
- Working conditions for officers (*very poor; stretched to ridiculous proportions; need more staff positions*);
- Officer-management relationships (*continuous change of staff at admin. unsettles the whole prison; the change in admin. has been a positive shift*); and,
- Prisoners' access to:
  - recreation (*facilities are there but not the staff to support it*),
  - telephones (*because of the split phone system some are hampered and more phones are needed in Self-care*),
  - programs (*while new physical buildings and facilities are provided they are not being utilised to their maximum due to a lack of staff*), and
  - education (*big buildings, no staff*).

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- 7.31 In a clear minority view, two officers felt all prisoners at Bandyup were given too much, and that the prison effectively encouraged prisoners to return to the system because it was too attractive. Two officers felt that Aboriginal prisoners had been advantaged by the recent changes, at the expense of non-Aboriginal prisoners.
- 7.32 Officers were asked to nominate three desirable changes that would improve their job-satisfaction. Everyone nominated more staff, most as a first choice. Closely linked with this were suggestions for changes to working conditions and roles that reduced stress and gave them more time to spend with prisoners. Officers also wanted better support from management with regard to improving discipline.
- 7.33 There was less unanimity with regard to changes that would benefit prisoners, both in prison and for the future. The suggested changes included (in descending order of level of support) better management of and access to work, improved access to programs and education, measures to improve discipline, better access to recreation, and more officers.

### SUMMARY

- 7.34 The cultural changes anticipated by some and hoped for by most staff and prisoners at Bandyup have not, in any holistic way, accompanied the physical changes that have occurred between the two phases of the Inspection. The new unit has provided prisoners with better accommodation but it has not of itself changed bad practice and a tired, dispirited regime. While some individuals have clearly tried to implement better practice and improve amenity, and in some cases have succeeded with discrete reforms, the efforts of these people risk falling victim to the law of diminishing returns. Individual endeavour will not pay off in terms of sustainable, integrated reform without a new clarity of purpose, a women-centred focus, and strong policy support from Head Office.



# Chapter 8

## FOUNDATIONS FOR CHANGE AND RECOMMENDATIONS

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- 8.1 The four cornerstones of care and well-being, custody and control, reparation, and rehabilitation, make up the framework that is used in Western Australia to determine the balance in a prison of its correctional priorities, duties and standards of care, and responsibilities to prisoners and the community. If the balance is right for the type of prison and its population, and the prison meets good practice standards in relation to each cornerstone, chances are it will be a well-functioning, 'healthy' prison.
- 8.2 Bandyup resists explanation in terms of the benchmarks we have used in past inspections, to determine how well the prison has fared in relation to the cornerstones. With each successive inspection of men's prisons carried out by this Office<sup>89</sup> we have accumulated knowledge of the system, and of best practice, that has enabled us to develop benchmarks. Thus, the standards of security at Eastern Goldfields Prison can be compared with the standards at another minimum-security facility, Karnet, and found to be unreasonably overbearing, or prisoners' access to the community from Broome Prison can be compared with practice at other regional prisons and found to be exemplary. By these means we develop awarenesses of norms, good practice and bad practice, and make judgements as to the performance of each prison.
- 8.3 The areas collectively termed the four cornerstones comprise a useful framework for developing a fully-functioning, women-centred regime, and they are useful here as labels for talking about different functions of the regime. However, the male contexts which currently give us our interpretations and understandings of the four cornerstones, and that underpin our notions of benchmarks for comparing prisons, are not applicable at Bandyup. Bandyup stands alone in the Western Australian prison system as a multi-purpose women's prison. Beyond stating the obvious, that many services and systems at Bandyup are wanting in comparison to those at men's prison, it leads us into a cul-de-sac to assess needs and standards at Bandyup primarily against the evidence-based picture of men's prisons described above. Instead, a different kind of analysis is needed that is grounded in gender awareness and tests the prison against women-centred theory and good practice. That is what we have aimed to do in this Report.
- 8.4 If we were to try and assess Bandyup on the basis of the four cornerstones it would be clear from the body of the Report that we would be looking by and large at 'Bandyup standards'. In the area of physical security (custody and control) for example, it is apparent that established practice has grown out of an informal, unstated recognition that security risks are different for women. It would be unreasonable, for example, to fortify Bandyup to the standard of Casuarina, yet both are metropolitan, maximum-security prisons.

<sup>89</sup> We include regional prisons in this category.

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- 8.5 Other cornerstones, such as reparation, are not taken very seriously in relation to women. Making ‘hotbods’ for a private contractor produces income for the prison but does not advantage the community in any other way, and it is undertaken at Bandyup at some expense to prisoners in terms of care and well-being and rehabilitation. The production of dog kennels belongs to Bunbury men’s prison: Bandyup merely ‘helped out’ on the contract for a few weeks at the time of the Inspection.<sup>90</sup> The relevant question – ‘why is reparation not taken seriously in relation to women?’ – replaces the question we would ask if it were a men’s prison: ‘how do these activities compare with those at Bunbury Prison?’
- 8.6 Care and well-being and rehabilitation are traditionally associated with the management of women prisoners, and the regime at Bandyup is more clearly focussed on these areas. Yet the standards for care and well-being and rehabilitation for Bandyup are in large part those devised for the mainstream (men’s) prison system. Re-interpreting these for women, without a truly women-centred underpinning and set of understandings, has resulted in patronising, stereotyping regimes. This is the legacy of Bandyup, and it needs to be displaced by a women-centred set of values before any of the admirable but inevitably isolated recent steps taken by new, temporary managers to address the women’s welfare and rehabilitation needs, can have a sustainable and significant impact.
- 8.7 ‘Bandyup standards’ then, suggest informality and patronising attitudes, lack of rigour and lack of sustainability. Throughout the Report we have noted how informality has often meant slipshod practice and lack of accountability, because, as the officer in paragraph 4.35 noted ironically ‘*they are only women*’. This dismissive underpinning to the regime at Bandyup has an even deeper bite for groups outside the norm, such as Aboriginal women, NESB foreign nationals, and severely disturbed prisoners.
- 8.8 ‘Bandyup standards’ have developed inevitably as staff have tried to make ‘mainstream’ models and standards workable in an environment that has different requirements. As we have discussed throughout the Report, women-centred understandings need to fill the policy vacuum and underpin strategies and work practices.
- 8.9 It is clear that there is a widespread desire for change at Bandyup, and varying levels of commitment to change, from the Head Office level through to local management and staff on the ground. The actions of Head Office in appointing a Director of Women’s Custodial Services and a commitment to selecting a permanent Superintendent for the prison; the presence at Bandyup of some hardworking and innovative people, including some whose sense of purpose has survived decades of misdirected management; the development of the new women’s low-security prison – all these are indicators that a reform program for Bandyup and women should take place on fertile ground. What are missing are the foundations for holistic, sustainable change. The reform task currently lacks unity, a clearly articulated women prisoner-needs-centred purpose for the prison, and unambiguous

<sup>90</sup> We were told during the Inspection that they had not actually completed a single kennel at Bandyup.

sponsorship by Head Office. Policies, strategies and practices need to evolve for Bandyup that are linked to the women-centred purpose. From such an integrated and disciplined mix good practice will ultimately replace 'Bandyup standards', the symptoms of poor or poorly guided practice.

8.10 Throughout this Report we have made reference to system-wide policies and practices that have inappropriate or less than optimal outcomes for Bandyup. Only so much change can occur at the local prison level, and if the fundamentals are not in place any reforms that are not based in policy and supported by the system will eventually be eroded. Head Office must find ways of allowing and supporting Bandyup to achieve its goals through appropriate departures from 'mainstream' practices. It needs to be a decision that is based in principle and that flows through into practice. The most obvious area for Bandyup to do things differently relates to staffing. Female custodial officers need to be recruited from the community *for Bandyup*, special training courses for Bandyup recruits and officers need to be developed, training of women for promotion needs to occur. The same could be said in relation to any number of matters, including the assessment process and program planning. It would show a genuine commitment to women-centred best practice for Head Office to support in this way those tasked with reforming Bandyup and managing women prisoners. If that support is not forthcoming, the barriers to developing best practice in the imprisonment of women will be insurmountable.

## RECOMMENDATIONS

### Strategic Policy

1. That a team, including the incoming Director of Women's Custodial Services, policy makers both from within the Department of Justice and from other relevant agencies, qualified academics, operational managers, custodial staff and consumers of women's imprisonment, be set up to work consultatively and representatively in developing a women-centred philosophy and purpose for Bandyup Prison that is derived from theory and practice as outlined in Chapter 2 and elsewhere in this Report. The task is urgent and fundamental to the provision of immediate direction for all operational decisions, current practice and forward planning, and to underpin future reforms at Bandyup (paragraphs 2.2–2.4, 2.22–2.24, 3.1–3.12, and Chapter 8).
2. That, following on from Recommendation 1, Bandyup Prison managers develop a detailed overview of operational and regime issues including, but not confined to, all of the matters raised in this Report, to form the basis for an integrated strategic framework for the visionary management of Bandyup. Prisoner needs, accountability, integrated service delivery, and sustainability are key considerations in the development of this framework (Chapter 3).
3. That, in conjunction with the stakeholders identified in Recommendation 1, the Department of Justice develops policy and operational guidelines for women's imprisonment generally. These guidelines should establish standards and services for women prisoners and should address the needs-

based placement, management and sentence planning of women prisoners throughout the State (paragraph 7.34 and Chapter 8).

4. That, as part of the policy- and standard-making process described in Recommendation 3, policies and practices that include and affect women's prisons and women prisoners, such as prison staffing, prisoner assessments, access to levels of accommodation and work opportunities are opened to scrutiny on matters of race and gender, and are re-developed on this basis for targeted populations (paragraphs 2.11, 2.22–2.24, 3.13–3.25, 4.31–4.42, 8.10).

#### *Security and safety*

5. That a facility and systems are established to supplement the role of the current gatehouse, to enable more effective control over movements into and out of the prison (paragraphs 4.6–4.8).
6. That procedures for pat down searches and strip-searches are controlled by regulations and are only performed by female custodial staff. Staff need to be trained to undertake searches with sensitivity to prisoner backgrounds of possible abuse (paragraphs 4.13–4.14).
7. That the prison confronts issues of sexual aggression and predation in the prison, and develops codes of conduct and adopts disciplinary responses that identify and sanction offenders (paragraphs 7.24–7.25).
8. That conditions and regimes in the protection unit be addressed and improved and the protocols in relation to such prisoners clarified and documented (paragraphs 4.26–4.28).

#### *Staff ratios, recruitment and training*

9. That a target is set for a staff gender ratio at Bandyup where the balance is significantly towards women at all levels: base-grade uniformed officers, senior officers, programs staff and managers. A time-frame needs to be set and strategies developed for the target to be reached by July 2004 (paragraphs 4.38–4.41).
10. That the Department advertises for and recruits new custodial staff specifically for Bandyup (paragraphs 4.38–4.41, 8.10).
11. That all incoming and incumbent staff at Bandyup are given a comprehensive and formal orientation to the prison that includes an induction into the philosophy and purpose of Bandyup as per Recommendation 1; all uniformed staff at Bandyup are given appropriate in-service training that fits them for service at a women-centred women's prison; and, recruits to Bandyup are trained specifically for service at this prison, partially on site. Staff should be trained urgently and comprehensively in unit management and IMPs (paragraphs 3.32–3.34, 4.15, 4.38–4.41, 7.6).
12. That Bandyup orientation, in-service, and recruit training packages are developed (paragraphs 4.13–4.14, 4.38–4.41, 8.10 and see also Recommendation 6).

13. That the selection and appointment of Superintendents to Bandyup and Nyandi take place simultaneously and as a matter of priority (paragraphs 3.31–3.34).

#### *Health*

14. That Bandyup health services staff develop a women's health strategy, in conjunction with the Director of Prison Health Services and the consultative body referred to in Recommendation 1, such that it outlines and addresses women's health needs in general, addresses the access and health care needs of Aboriginal patients, and establishes systems to make the service proficient and accountable (paragraphs 6.1–6.29).
15. That the Bandyup health service assume responsibility for the medical care of children who live in the nursery with their mothers or who are visiting the prison for extended visits or overnight stays (paragraph 6.65).
16. That restraints are not in future used on female prisoners attending outside medical appointments, unless an individual is judged to be at high risk of escape, and never used on women in labour or giving birth. Rules and regulations governing the use of restraints during escorts to be amended accordingly (paragraphs 6.13–6.14).

#### *Work, education and training*

17. As one of the items to be included in the recommended strategic framework (Recommendation 2), that the prison in conjunction with Head Office revise the gratuity system for women and develop a needs-based integrated program of work, training and education for women that gives priority and status to education; this should be reflected in the structure of gratuities (paragraphs 5.48–5.59).

#### *Programs*

18. As one of the items to be included in the recommended strategic framework (Recommendation 2), that the prison in conjunction with Head Office develops a program portfolio that offers programs designed or adapted so they are fundamentally women-centred. This includes the life-skills program and the Cognitive Skills program (paragraphs 5.67–5.82).

#### *Prisoners as mothers*

19. That an outdoor visits centre is developed and equipped for children, the visits centre is made more 'child-friendly' as outlined in the Report, the visits times are re-assessed to maximise time in visits and to enable school-aged children and workers to visit more easily, and video visits are made more accessible to prisoners from outside the Metropolitan area (paragraphs 6.40–6.44, 6.53).
20. That separate facilities for overnight stays with children are established and resourced; that the nursery is better equipped for babies as they grow and develop; and that the extended visits area is properly equipped for children and babies (paragraphs 6.49–6.65).

*Peer support and prisoner support officer*

21. That Head Office provides more training and guidance for prisoner support officers and peer support groups, and that prison-based mentors for prisoner support officers are appointed (paragraphs 6.72–6.73).

*Temporary transfer scheme*

22. The temporary transfer scheme, adopted for the purpose of reducing the Bandyup population during the disruptive building phase, should cease by June 2003 (paragraphs 5.11–5.18).

# Appendix 1

## THE INSPECTION TEAM

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Robert Stacey	Acting Inspector
Lynn Atkinson	Manager Research and Publications
Peter Upton-Davis	Senior Inspections Officer
Jocelyn Jones	Senior Research Officer (Special Projects)
Marie Chatwin	Inspections Officer, on secondment from the Department of Justice
Natalie Gibson	Inspections Officer
Margaret Beattie	On placement from ATSIC
Joseph Wallam	On secondment from the Department of Indigenous Affairs
Steven Nowak	Social Work Placement
Diane Broadby	Executive Assistant

## Appendix 2

### RESPONSE BY THE DEPARTMENT OF JUSTICE: ACTION PLAN ADDRESSING THE RECOMMENDATIONS

Inspector of Custodial Services' Recommendation	Department of Justice Response
<p><i>Strategic Policy</i></p> <p>1 That a team, including the incoming Director of Women's Custodial Services, policy makers both from within the Department of Justice and from other relevant agencies, qualified academics, operational managers, custodial staff and consumers of women's imprisonment, be set up to work consultatively and representatively in developing a women-centred philosophy and purpose for Bandyup Prison that is derived from theory and practice as outlined in Chapter 2 and elsewhere in this Report. The task is urgent and fundamental to the provision of immediate direction for all operational decisions, current practice and forward planning, and to underpin future reforms at Bandyup (paragraphs 2.2–2.4, 2.22–2.24, 3.1–3.12, and Chapter 8).</p>	<p>Agree. The Director, Women's Custodial Services has been appointed and is due to commence in the near future. The role of Superintendent has been advertised and will be appointed as soon as possible. It is planned to build on the work done in developing policy and philosophy for the new low-security women's prison to provide a similar framework for Bandyup.</p>
<p>2 That, following on from Recommendation 1, Bandyup Prison managers develop a detailed overview of operational and regime issues including, but not confined to, all of the matters raised in this Report, to form the basis for an integrated strategic framework for the visionary management of Bandyup. Prisoner needs, accountability, integrated service delivery, and sustainability are key considerations in the development of this framework (Chapter 3).</p>	<p>Agree. A change management team has been established to support this work.</p>
<p>3 That, in conjunction with the stakeholders identified in Recommendation 1, the Department of Justice develops policy and operational guidelines for women's imprisonment generally. These guidelines should establish standards and services for women prisoners and should address the needs-based placement, management and sentence planning of women prisoners throughout the State (paragraph 7.34 and Chapter 8).</p>	<p>Agree. This will be a key priority for the Director, Women's Custodial Services.</p>
<p>4 That, as part of the policy- and standard-making process described in Recommendation 3, policies and practices that include and affect women's prisons and women prisoners, such as prison staffing, prisoner assessments, access to levels of accommodation and work opportunities are opened to scrutiny on matters of race and gender, and are re-developed on this basis for targeted populations (paragraphs 2.11, 2.22–2.24, 3.13–3.25, 4.31–4.42, 8.10).</p>	<p>Agree.</p>



RESPONSE BY THE DEPARTMENT OF JUSTICE: ACTION PLAN ADDRESSING THE RECOMMENDATIONS

Inspector of Custodial Services' Recommendation	Department of Justice Response
<p><i>Security and safety</i></p> <p>5 That a facility and systems are established to supplement the role of the current gatehouse, to enable more effective control over movements into and out of the prison (paragraphs 4.6–4.8).</p>	<p>Agree. A security review of all prisons has commenced and new gatehouse procedures are currently being adopted in all prisons. In addition, Bandyup Women's Prison has been assigned a drug detection dog on a permanent basis. This dog and handler will form part of the security team at Bandyup. The limitations of the current gate facilities at Bandyup are acknowledged and will be subject to further review.</p>
<p>6 That procedures for pat down searches and strip-searches are controlled by regulations and are only performed by female custodial staff. Staff need to be trained to undertake searches with sensitivity to prisoner backgrounds of possible abuse (paragraphs 4.13–4.14).</p>	<p>Agree. All staff at Bandyup have been advised that pat down searches are to be carried out by female staff only. Training in searching methods will be included in the package, which will be encompassed as part of a change management initiative at Bandyup.</p>
<p>7 That the prison confronts issues of sexual aggression and predation in the prison, and develops codes of conduct and adopts disciplinary responses that identify and sanction offenders (paragraphs 7.24–7.25).</p>	<p>Agree. Anti-bullying policy is in place. Code of conduct included in the Unit Management Plan is issued to each prisoner. Prison has returned to single cell accommodation. Greater supervision in the new unit and division of the Compound reduces the number of women into smaller groups allowing for better interaction with staff.</p>
<p>8 That conditions and regimes in the protection unit be addressed and improved and the protocols in relation to such prisoners clarified and documented (paragraphs 4.26–4.28).</p>	<p>Agree. Protocols are in place and in line with Operational Instruction 4.</p>
<p><i>Staff ratios, recruitment and training.</i></p> <p>9 That a target is set for a staff gender ratio at Bandyup where the balance is significantly towards women at all levels: base-grade uniformed officers, senior officers, programs staff and managers. A time-frame needs to be set and strategies developed for the target to be reached by July 2004 (paragraphs 4.38–4.41).</p>	<p>Agree. It is planned to review the current staff gender ratio for Bandyup at all levels.</p>
<p>10 That the Department advertises for and recruits new custodial staff specifically for Bandyup (paragraphs 4.38–4.41, 8.10).</p>	<p>Agree. As identified in the HR Strategic Plan, recruitment of female officers is a priority of the Department of Justice. In addition, it is planned to develop prison-specific selection criteria.</p>

RESPONSE BY THE DEPARTMENT OF JUSTICE: ACTION PLAN ADDRESSING THE RECOMMENDATIONS

Inspector of Custodial Services' Recommendation	Department of Justice Response
<p>11 That all incoming and incumbent staff at Bandyup are given a comprehensive and formal orientation to the prison that includes an induction into the philosophy and purpose of Bandyup as per Recommendation 1; all uniformed staff at Bandyup are given appropriate in-service training that fits them for service at a women-centred women's prison; and, recruits to Bandyup are trained specifically for service at this prison, partially on site. Staff should be trained urgently and comprehensively in unit management and IMPs (paragraphs 3.32–3.34, 4.15, 4.38–4.41, 7.6).</p>	<p>Agree. The change management process will review the operations of the prison consistent with the statement of correctional purpose. A comprehensive and integrated model that matches the profile of women in custody will be developed. The full implementation of unit management and IMPs is in the process of implementation and staff will be trained to apply this system.</p>
<p>12 That Bandyup orientation, in-service, and recruit training packages are developed (paragraphs 4.13–4.14, 4.38–4.41, 8.10 and see also Recommendation 6).</p>	<p>Agree. See response to Recommendation 1.</p>
<p>13 That the selection and appointment of Superintendents to Bandyup and Nyandi take place simultaneously and as a matter of priority (paragraphs 3.31–3.34).</p>	<p>Agree. These positions were advertised nationally on 15 February 2003.</p>
<p><i>Health</i></p> <p>14 That Bandyup health services staff develop a women's health strategy, in conjunction with the Director of Prison Health Services and the consultative body referred to in Recommendation 1, such that it outlines and addresses women's health needs in general, addresses the access and health care needs of Aboriginal patients, and establishes systems to make the service proficient and accountable (paragraphs 6.1–6.29).</p>	<p>This work is currently in progress and will be completed when the Director, Women's Custodial Services becomes available to participate in the process. Similarly indicators and screening tools would be developed that meet the health needs of women.</p>
<p>15 That the Bandyup health service assume responsibility for the medical care of children who live in the nursery with their mothers or who are visiting the prison for extended visits or overnight stays (paragraph 6.65).</p>	<p>Agree. This has been communicated to Bandyup health service.</p>
<p>16 That restraints are not in future used on female prisoners attending outside medical appointments, unless an individual is judged to be at high risk of escape, and never used on women in labour or giving birth. Rules and regulations governing the use of restraints during escorts to be amended accordingly (paragraphs 6.13–6.14).</p>	<p>Agree to fully review the use of restraints on female prisoners attending medical appointments. Procedures for pregnant prisoners attending medical appointments have been modified by an informal arrangement between Bandyup and AIMS. A more formal review will be carried out jointly by the Director, Women's Custodial Services and the Contract Manager, CS&amp;CS. There is no record of restraints being used on any woman giving birth.</p>

RESPONSE BY THE DEPARTMENT OF JUSTICE: ACTION PLAN ADDRESSING THE RECOMMENDATIONS

Inspector of Custodial Services' Recommendation	Department of Justice Response
<p><i>Work, education and training</i></p> <p>17 As one of the items to be included in the recommended strategic framework (Recommendation 2), that the prison in conjunction with Head Office revise the gratuity system for women and develop a needs-based integrated program of work, training and education for women that gives priority and status to education; this should be reflected in the structure of gratuities (paragraphs 5.48–5.59).</p>	<p>Industries, education and gratuity levels will be reviewed as one of the priorities under change management.</p>
<p>18 As one of the items to be included in the recommended strategic framework (Recommendation 2), that the prison in conjunction with Head Office develops a program portfolio that offers programs designed or adapted so they are fundamentally women-centred. This includes the life-skills program and the Cognitive Skills program (paragraphs 5.67–5.82).</p>	<p>Agree. A number of women-centred programs have recently been introduced into Bandyup. These include the 'Women's Anger Management' program and the 'Moving on from Dependence' program. The Canadian Cognitive Skills program is also recognised as relevant for women and this is evidenced by the positive feedback it receives from Bandyup prisoners.</p> <p>The process of further identifying and implementing appropriate programs for female prisoners will continue with the commencement of the new Director, Women's Custodial Services.</p>
<p><i>Prisoners as mothers</i></p> <p>19 That an outdoor visits centre is developed and equipped for children, the visits centre is made more 'child-friendly' as outlined in the Report, the visits times are re-assessed to maximise time in visits and to enable school-aged children and workers to visit more easily, and video visits are made more accessible to prisoners from outside the Metropolitan area (paragraphs 6.40–6.44, 6.53).</p>	<p>Agree. Facilities for children are a priority of the change management team. Visit times are under review to more appropriately facilitate visits for school age children and working partners. A new, appropriately designed visits centre will be a priority for future capital development at Bandyup.</p>
<p>20 That separate facilities for overnight stays with children are established and resourced; that the nursery is better equipped for babies as they grow and develop; and that the extended visits area is properly equipped for children and babies (paragraphs 6.49–6.65).</p>	<p>Agree. Extended day visits is an ongoing project with prisoners creating a garden to their own design. Further refurbishment is planned for the nursery and separate facilities for overnight stays will be addressed by the change management team.</p>
<p><i>Peer support and prisoner support officer</i></p> <p>21 That Head Office provides more training and guidance for prisoner support officers and peer support groups, and that prison-based mentors for prisoner support officers are appointed (paragraphs 6.72–6.73).</p>	<p>Agree. A permanent Peer Support Officer has been recently appointed to Bandyup. Training for Peer Support members will commence once all appointments have been made.</p>

RESPONSE BY THE DEPARTMENT OF JUSTICE: ACTION PLAN ADDRESSING  
THE RECOMMENDATIONS

Inspector of Custodial Services' Recommendation	Department of Justice Response
<p><i>Temporary transfer scheme</i></p> <p>22 The temporary transfer scheme, adopted for the purpose of reducing the Bandyup population during the disruptive building phase, should cease by June 2003 (paragraphs 5.11–5.18).</p>	<p>Agree. Transfers previously made necessary due to the buildings program have ceased.</p>



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