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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION
OF ROEBOURNE REGIONAL PRISON



**Report of an Announced Inspection
of Roebourne Regional Prison, October 2004**

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The Inspector's Preface

THE CHALLENGE OF MAKING PRISON INSPECTION EFFECTIVE AND THE OPPORTUNITY PROVIDED BY THE SECOND PHASE OF INSPECTIONS

MEASURING PROGRESS AT ROEBOURNE REGIONAL PRISON

The Office of the Inspector of Custodial Services was established in mid-2000. With regard to prisons, its statutory remit and obligation is to inspect each Western Australian prison at least once every three years. That obligation had been met by May 2003 with the inspection of Greenough Regional Prison. By that time two prisons – the Special Handling Unit at Casuarina Prison and the Eastern Goldfields Regional Prison – had also been re-inspected; however, each of these inspections was in some sense ‘abnormal’ in that they were follow up inspections to initial unannounced inspections. Roebourne Regional Prison was the first to be re-inspected as part of the scheduled inspection cycle.

Having said that, it should be noted that the second phase announced inspection of Roebourne Prison was accelerated; that is, it took place within a shorter period than the normal three-year cycle. The previous inspection had, in fact, occurred in April 2002, but at that time the prison regime and the quality of the services were of such concern to this Office that the Department of Justice was put on notice that the next announced inspection would take place in approximately 18 months’ time. In the event, the re-inspection occurred 19 months later, in November 2003. The hope and expectation had been that this preliminary notice would serve two purposes: first, to indicate the Inspector’s view of the urgency of commencing major improvements; second, to provide the lapse of a sufficient period of time to enable the Department and the prison to realistically address some or all of the identified problems.

With the commencement of the second cycle of inspections, the time was apposite to re-think the approach that would be taken to future inspections. The first cycle involved identifying baselines in relation to particular prisons and, by implication, in relation to prison services generally. Establishing baselines inevitably involves paying a considerable amount of attention to operational detail. Thus, even though from the outset it has been the philosophy of this Office that recommendations should be reasonably strategic rather than operationally specific, concentrating more on outcomes than processes, nevertheless the identification of operational deficiencies and the making of recommendations in relation to these has inevitably and properly been an aspect of the *modus operandi*.

The Department of Justice, for its part, has responded frankly and openly to previous recommendations by indicating in its various Action Plans its agreement or disagreement and its intended response. In this regard, the in principle acceptance of our recommendations has been extremely high – running at more than 90 per cent overall – and this would in itself seem to be indicative of the value of the inspection process.

Of course, it was always understood by the Inspectorate that there would inevitably be some slippage between acceptance of a recommendation and its actual implementation on the ground. This might be for a variety of reasons including: the operational culture of the particular prison, the overall funding priorities of the Department, or the changing correctional policy context. Thus, an aspect of this second round of inspections would be

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ascertaining the extent to which previous recommendations had actually been implemented.

Implementation should not, however, be regarded as a rigid or automated process. It is recognised that over time circumstances change, so that recommendations made in the past may no longer be relevant and/or their focus or intensity may have changed. This Office would certainly not expect the Department to proceed with changes simply for the sake of making those changes. On the contrary, the successful negotiation of a changing environment would, for this Office, be a clear indication of a responsive, dynamic and progressive Department. It is a sign of organisational maturity to debate and defend these matters. Part of the evaluation of the implementation process, therefore, involves a reassessment of the continuing relevance of the previous recommendations, as well as an assessment of their impact on service delivery and quality if they have actually been implemented.

A key component of this Report has been an assessment of the progress made at the prison measured against the previous recommendations. This is done for two reasons: as an aspect of statutory responsibility; and because it sheds light on current performance.

THE STATUTORY RESPONSIBILITY OF THE OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

With regard to statutory responsibility, it is important to emphasise that, although the Inspector has a special relationship with the Minister under the *Inspector of Custodial Services Act 2003* and a close interactive relationship with the Department of Justice as a matter of practical reality, the primary relationship in formal terms is with Parliament. It is to Parliament that the Reports are presented. In various Parliamentary debates and Committee hearings, it has become evident that the question of effectiveness is important to Parliamentarians and that this, in turn, is closely equated to the question of the extent to which the Department has implemented those recommendations – above all, those that were accepted at the time but also, to some extent, those that were not accepted. Implementation rates and patterns thus become a rough surrogate measure for the Department's own performance in the area of prison and prisoner management.

For this reason, this Report has made an assessment of progress between the first and the second inspection. This has been done in very broad terms – 'less than acceptable', 'acceptable', and 'more than acceptable'.ⁱ This approach indicates that the kind of precision that might be thought to be possible through use of a numerical scale is likely

ⁱ In addition, this Office will be adopting three other ratings: 'nil' where circumstances had so changed as to render the recommendation no longer relevant or persuasive; 'fail' where no meaningful progress was discernible; and 'exceeded expectations' in cases where the performance was outstanding. None of these ratings was relevant to the Roebourne situation.

The 'scorecard' was a composite evaluation of the detailed aspects of the previous recommendations. Some of these had been implemented thoroughly; others much less so. The detailed evaluations were also made available to the Department.

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to be over-elaborate or misleading. The intention at this stage is to give to Parliament, the Minister, the Department and the general public a broad-brush picture of Departmental and prison-specific performance.

IDENTIFYING CURRENT PERFORMANCE: PROGRESS FROM BASELINE AND NEWLY EMERGING ISSUES

With regard to current performance, progress from the baseline established at the previous inspection is a key source of information. For example, the first Roebourne Inspection Report expressed misgivings about the quality of the Education programs at the Prison; this Report measures Education against that baseline whilst simultaneously evaluating it within its own evolving context. As will be seen, inspected in this way this aspect of the Prison's activities measures up very well. On the other hand, the same approach to some other aspects of the regime – for example, services available to women prisoners – show little or no improvement and a current situation that is unsatisfactory.

There will, of course, be new issues that emerge in second phase inspections. These will be evaluated in the normal way – the evidence ascertained and triangulated, the impact upon performance assessed, an opportunity given for the Department to challenge the matter in its response to the Draft Report. These new matters, and progress against recommendations made in relation to them, will then become part of the baseline for the third phase inspection. Of course, baseline expectations will shift at each future phase, as changes occur in community expectations, public policy settings and the whole context of custodial services.

The Report set out below melds these two approaches – progress with 'old' matters and identification of new ones – into a single Report. The picture is that of the Prison as at the period of the Inspection – November 2003. However, for ease of reference the 'score card' in relation to previous recommendations is attached as an Appendix.

THE TEMPLATE FOR FUTURE INSPECTION REPORTS

This is the model or template that will guide this Office through the compilation of all of the second phase Reports. The Department has expressed some concern to us about this approach to reporting, though probably this was attributable to misunderstanding rather than opposition. Certainly, there is nothing novel about such an approach. Report No. 8 – relating to a Follow-up Inspection of the Special Management Units – was primarily concerned with progress made against the Recommendations set out in Report No. 1 – relating to an Unannounced Inspection of the Special Handling Unit at Casuarina Prison, though it also identified a few additional issues. Likewise, Report No. 9 – relating to a Follow-up Inspection of the Eastern Goldfields Regional Prison – was carried out in the context of the Recommendations made in Report No. 4 – an Unannounced Inspection of that prison. In neither case did the Department have any difficulty in comprehending

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the format and the intent of the later Report. In each case, indeed, sensible Action Plans were provided by way of response to the Draft Reports.

The basic methodology for this Inspection followed the usual, and now well-honed, approach of the Office. This involves: analysis of relevant operational and background documentation; focus group discussions with prisonersⁱⁱ and all categories of staff; on-site interactive consultation with management; a comprehensive Exit Debrief that was later distributed in written form; the compilation of a Draft Report; an opportunity for the Department to challenge aspects of that Draft; and the publication and tabling before Parliament of this Final Report.

However, there were two changes of emphasis in this basic methodology. First, a greater weight was placed on talking with and engaging community agencies and groups. This was appropriate in general because of the focus on context, and specifically in Roebourne Prison's case because it is an Aboriginal prison and in a remote area. Personnel from this Office met with the families of prison officers, looked at Roebourne Prison Management's efforts to engage the community and examined the scope of the Department's efforts in this regard. The Office also met with a number of local service providers. The Inspector himself played a particularly active role in this regard.

Second, two expert advisors joined the Inspection Team for this Inspection: one from the State Ombudsman's Office and the other from the WA Drug and Alcohol Office.ⁱⁱⁱ These partners were invaluable both for their expert advice and for the fresh eyes they were able to bring to focus on the many newly emerging issues. The Office understands that this was a mutually beneficial experience and that these representatives gained valuable exposure to the experience of prisoners and greater understanding of custodial management issues and challenges.

POLICY MATTERS

In carrying out inspections, the Office naturally becomes aware of broad policy matters that are being developed or hiatuses where policy is lagging or disconnected from on-the-ground realities. For example, in the initial inspections of Broome (June 2001) and Eastern Goldfields (August 2001) it emerged that the Department was proposing to commit large capital sums on a new prison for the Kimberley without having conducted an adequate needs survey or developed a total custodial management plan, or having fully considered the needs of other regional areas of the State. We commented adversely upon this, and recommended in the Broome Report that no further action should be taken

ⁱⁱ The Office placed greater emphasis on gathering information from individual prisoners than it had in previous inspections. The use of semi-structured individual interviews allowed the Inspection Team to gain a depth of detail not previously attained and was appropriate to a range of specific questions that did not lend themselves to questionnaires or even group discussions. The use of multiple interviews also allowed for considerable triangulation and confirmation of issues.

ⁱⁱⁱ The representative from the WA Drug and Alcohol Office had attended an Inspection previously.

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until these matters had been addressed. The then Minister adopted the position we had set out.

Several other significant examples could be given where the Office has made policy inputs that have been taken up at governmental level. Indeed, the *Inspector of Custodial Services Act 2003* specifically contemplates that the Inspector should participate in policy development. Section 20(2) states that:

‘An inspection report may contain such advice or recommendations as the Inspector considers appropriate in relation to the findings.’

The Department has expressed the strong opinion that this should not be done by way of Recommendations. It believes that, in the first Draft Report relating to this Inspection, ‘the recommendations do not appear to have emanated from the inspection of the prison but appear to advocate a strategic planning framework for the Department based around the recommendations in your reports.’ Its view is that:

‘The driving force for strategic development in prisons emanates from the Government’s reform agenda and the priorities of the Minister and the Department for appropriate service delivery. The Department notes your recommendations and will take these into consideration as part of its overall planning process.’

The Inspector does not accept that the role of his Office is as circumscribed as the Department would seem to be suggesting. Section 23 of the *Act* specifically contemplates that broad-ranging advice may be offered to the Minister. An inspectorate that fails to debate policy would not be doing its job.

However, there is some merit in the Department’s view that a specific Recommendation should not attempt to change current policy by the back door. If a suggestion is out of line with current policy, it should be made quite explicit that this is the case and that it is made with a view to influencing policy. There is no difficulty with that proposition. However, where there is a policy hiatus, a recommendation that a policy should be developed is an appropriate one to make.

This debate becomes less abstract in the context of our Recommendation that:

‘The Department should devise a comprehensive and integrated long-term strategic view for custodial management within the Pilbara, developed through consultation with Pilbara communities and peak groups, Roebourne prison management, other government agencies providing services in the Region, the Prison Officers’ Union and external service providers.’

This is not to cut across policy; it is simply to recommend that one be developed, in an appropriate way. It is *par excellence* the sort of matter to which Parliament and the Minister should be alerted.

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Having said that, the Inspector will make it absolutely clear in the presentation of future Recommendations where he is questioning or contradicting existing policy. This should enable the full texture of policy development – which in terms of advice to the Minister is naturally dominated by the Department but is not its exclusive preserve – to be clearly perceived by the persons involved.

Richard Harding

20 September 2004

Chapter 1

OVERVIEW OF ROEBOURNE REGIONAL PRISON

- 1.1 The on-site phase of the inspection of Roebourne Regional Prison took place between Sunday 9th and Friday 14th November 2003. At the commencement of the Inspection the prison held 120 prisoners, of whom 109 were Aboriginal and 8 were women. That profile is very much in line with the Prison's normal profile, and places it firmly in the category of an 'Aboriginal prison' as previously identified by the Inspector. The relevance is that these prisons – Roebourne itself, Eastern Goldfields, Broome and Greenough – had been the 'poor relations' of the prison system over a period of many years, so that the point had been reached where deficits in both physical plant, regimes and resources were such that they required urgent attention.¹
- 1.2 The prison itself is located on the outskirts of the township of Roebourne, 48 kilometres east of Karratha and 170 kilometres from Port Hedland, the largest township in the region. It is one of three Northern prisons and the only prison within the Pilbara region. The Pilbara region covers over 507,000 square kilometres and is a long, narrow stretch of land stretching from Onslow in the south, to Port Hedland in the north and continuing east to the Northern Territory border. The region features four local government authorities, and numerous Aboriginal communities and skin groups.
- 1.3 The economy of the Pilbara is predominantly based on mining, agriculture, local manufacture and tourism industries and contributes over 56 per cent of the State's mineral and petroleum production. Each of these industries predicts strong growth into the future and anticipates positive incidental effects for employment, status of living and service delivery within the region.²
- 1.4 In 2002, the population of the Pilbara region was estimated at 39,441 making it the third smallest of the nine regions in Western Australia in population terms. The Pilbara's population tends to be more transient than in other regions in the State, with the lowest percentage of residents who grew up there (6%), the highest percentage of overseas born residents (33%) and the highest percentage of residents who have lived in the region for under six years (47%).³ Approximately 13 per cent of this population are Aboriginal or Torres Strait Islander, the third highest in the State.
- 1.5 Roebourne Prison was opened in 1984, with a major upgrade (predominantly to its security infrastructure) carried out in 1996. The prison functions as a reception, remand, assessment and management facility for male and female prisoners across all security ratings.⁴ As a result, it accommodates both short-term and medium-term prisoners with the average length of stay

¹ This observation is less valid in relation to Greenough prison: see generally Report 21 of this Office, Report of an Announced Inspection of Greenough Regional Prison, 2004.

² Department of Local Government and Regional Development, 'Pilbara Economic Perspective: An update on the economy of Western Australia's Pilbara Regions' (May 2003).

³ Department of Commerce and Trade, 'Living in the Regions: The views of Western Australians (The State Report)' (1999).

⁴ Department of Justice, 'Public Prisons Roebourne Regional Prison Business Plan/Performance Agreement 2003–04'.

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for women prisoners being 24.5 days and for men, 52.4 days.⁵ At any given time, the prison holds a small number of maximum-security prisoners (around 5 prisoners, or 3% of the total prison population), with the remainder split relatively equally between medium-security (50%) and minimum-security (47%) prisoners. The prison has an outstation (Millstream Work Camp) in the Chichester National Park. It also provides a transit facility for prisoners en route to and from other prisons. A relatively high percentage of its prisoners come from outside the Pilbara (28%, including 16% from the Kimberley), with only 26 per cent from the immediate local area.

- 1.6 The prison's 2002–03 budget was a little over five and a half million dollars (\$5,605,300), with staffing costs for the 62 staff (including 47 uniformed officers) accounting for the major expenditure within this budget (79%). The prison, funded to accommodate 100 prisoners, has a capacity for 124 prisoners – including ten women – and regularly runs at or over this capacity, with a daily average population in 2002–03 of 106 (rising to 116 for the reporting year 2003–04). Prisons are funded on a projected population basis, but are not allocated discretionary funds from the Department.⁶ In 2002–03 Roebourne Prison met its budgeted expenditure. This meant that, being funded only to the extent necessary for its projected population of 100 prisoners, the prison covered the cost of running over-capacity (\$316,805) from within its existing budget.⁷
- 1.7 In the overview for the 2002 Inspection Report, the Inspector described Roebourne Prison as a prison 'pulling back from the brink'. This Report described Roebourne as a remote prison: remote geographically; remote from its community; remote in respect of the Department's planning and priorities; and remote for many of the prisoners whose homes and families were in the Kimberley and Gascoyne. As a consequence, it was poorly integrated into the local community, local and Departmental planning was minimal and ineffectual, and there was insufficient understanding of the diversity of its prison population and consequently of their legitimate service needs.
- 1.8 The 2002 Inspection also found Roebourne Prison to be a poor prison: impoverished financially;⁸ impoverished in the experience of its staff; lacking in adequate living conditions, welfare supports, and internal resources; and with a prison diet unsuitable culturally and nutritionally to the needs of its prisoners. It was overly secure, overly harsh in the burden of its imprisonment and with ineffectual grievance and complaint structures that allowed procedural and actual racism to flourish without the normal checks.

⁵ Information supplied by the Department of Justice.

⁶ Ibid.

⁷ Figures taken from the Department of Justice, 'Performance Centre Report – Statement of Financial Performance Roebourne Regional Prison' (undated).

⁸ A trend evident at this Inspection by Roebourne Prison's self funded 2002–03 over-run on budget.

Chapter 2

CUSTODY AND CONTAINMENT

SECURITY RATINGS AND THEIR IMPACT ON PRISONER SERVICES

2.1 The Inspector was concerned in the April 2002 inspection at the fact that the Prison's basic regimes seemed more appropriate to a medium/maximum security prison even though almost half of the prisoners were then classified as minimum security. That led to the following recommendation:

'That security arrangements at the prison take better account of the fact that a substantial proportion of the population is minimum-security.'

2.2 In response, the Department gave a qualified agreement, stating that it agreed 'in principle; however, measures must also take into account the large number of medium-security prisoners and the fact that the prison as a whole is rated medium'.⁹ From there the Department committed to relatively simple changes to a small number of security barriers and grilles and to the reduction in the number of prisoner population counts to be conducted. These were implemented within three months of the 2002 Inspection.¹⁰

2.3 As the Department correctly pointed out in its response to this recommendation, the overall security rating of the prison is medium. In view of the Department's Custody and Containment Cornerstone¹¹ – which states that prisoners should be contained in environments with the lowest possible level of security – it was expected that Roebourne Prison would have made adaptations to the regime for minimum-security prisoners and given careful consideration of the impact of security on the welfare of prisoners. Indeed, the Department has in similar discussions, contained with the Casuarina and Broome Prison's Inspection Reports, agreed with the Inspector on this point.

2.4 Chapter Three of the 2002 report contained a detailed discussion about the physical and procedural security context, and found that the overall environment was harsh, especially for its high proportion of minimum-security prisoners. Whilst the changes acted upon by the Department do address some of the minor issues raised there, they do not address the more significant issues nor do they fully address the Department's own Custody and Containment Cornerstone.

2.5 As a consequence of the bias towards security, the implication for discharging welfare services in Roebourne Prison is unnecessarily complicated. This is especially the case when the capacity and conditions are compared to truly minimum-security classified prisons (such as Karnet and Wooroloo) but also evident against other multi-classified regional prisons (such as Broome, Greenough and Eastern Goldfields) where the quality of regimes has improved in recent times. Again, as was found in this Inspection, for those prisoners with special needs, there appears to be a tendency towards a 'one-size-fits-all' approach. As a result, those

⁹ Report No 14, *Report of an Announced Inspection of Roebourne Regional Prison – April 2002* (Office of the Inspector of Custodial Services, Perth 2003), p. 106.

¹⁰ Since the appointment of the current Superintendent in December 2002 there have been additional barrier removals and a reduction in the number of population counts.

¹¹ Department of Justice, 'Public Prisons Directorate Business Plan 2003–2007' (2003), p. 7.

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prisoners classified as minimum-security do not enjoy the amenity and privileges of their peers elsewhere in the prison system. For example, unlike other multi-classified regional prisons, arrangements for the later lock-up of minimum-security prisoners had not yet been put into place. Nevertheless, Roebourne Prison Management had made significant progress with regard to this last point, assessing the late lock-up procedure at Eastern Goldfields Regional Prison and preparing a report setting out the means by which this could be achieved at Roebourne Prison. However, the arrangements were still at a discussion stage and seemed to the Inspection Team to be taking too long to develop into a routine operational practice.

- 2.6 The impoverished circumstance of Roebourne Prison has become apparent even in the way that the two Departmentally defined elements of security (custody and containment) are applied at this location. Out-of-date technology (physical barriers, including the so-called ‘sky bars’) have persisted to the detriment of the prisoners, and the small confined spaces that define the women’s section and the maximum-security zone are remnants from a bygone era. These have persisted despite the recommendations of the 2002 Inspection Report and the outlay of significant capital expenditure by the Department. Contrary to the Department’s Planning Brief and Operational Philosophy for Regional Prisons, access to elements of the constructive day (education, recreation and employment) are limited, and in this regard the operational standards have not been sufficiently adjusted to allow easy, safe and appropriate service delivery into these more secure areas. Additionally, the oppressive heat in the summer months in these small and inappropriate environments is further compromised by the lack of constructive activity and attendant service provision to these more isolated parts of the prison.
- 2.7 The capital works carried out in 2003 were in many ways a small effort by the Prison Services Executive to repair and restore failing infrastructure that had exceeded life cycle expectations,¹² rather than the required strategic approach to address the issues articulated in the 2002 Inspection Report. In any event, the overall environmental condition continues to be out of proportion to the security risk posed by the population.
- 2.8 This area of operations is still problematical therefore, and the Department’s implementation of the earlier recommendations is less than acceptable. The previous recommendation is reiterated and should be implemented in the light of the above discussion.

THE CLASSIFICATION SYSTEM

- 2.9 Closely related to the previous issue is that of the technical operation of the prisoner classification system. This emerged more clearly at this inspection than at the previous one, and is subject to specific discussion and recommendation, therefore.

¹² Department of Justice, Prison Services Executive, ‘Prisons Division Building and Infrastructure Program 2004–05 to 2007–08’ (undated).

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- 2.10 The classification system is the process by which a prisoner's security rating is determined. This security rating is important as it has a direct impact on the prisoner's placement to a prison and even within a prison. For example, Roebourne Prison has the capacity to hold a small number of maximum-security prisoners in a restricted security section of the prison; any number beyond this will be sent to Greenough Prison or even as far south as Casuarina Prison. A prisoner's security rating also has a direct impact on the range of activities available, their accommodation, freedom of movement and their access to a range of privileges within the prison system. It is central to mediating the balance between the welfare of prisoners and the protection of the community.
- 2.11 In the Western Australian custodial context, this is reflected in Director General's Rules 13 and 14. These rules state that the classification system is there to enable the placement of prisoners in appropriate facilities governed by affording the lowest security rating necessary to ensure: continuing custody; the good order, government and security of a prison; and the safety of the community. The interpretation of these rules is, or should be, governed by the overarching principle that 'people are sent to prison as punishment, not for punishment. The punishment associated with imprisonment is the loss of liberty arising from being in custody'.¹³
- 2.12 Their classification is determined through a questionnaire given to prisoners on entering the prison system and is reviewed every six to 12 months. The questionnaire is used to determine a score calculated from eight variably weighted items, with questions about the risk a prisoner poses to the community and their history of escapes having the greatest weighting. Based on this score, prisoners are then allocated one of three security ratings: minimum, medium or maximum. There is, however, some ability to override the allotted outcome, allowing some local discretion. In the context of an Aboriginal prison, this is certainly to be welcomed, and our previous experience indicates that Broome Regional prison in particular has been constructive and compassionate in doing so. However, there are barriers; officers are required to provide strong evidence, seek permission and to use such discretion sparingly.
- 2.13 When a prisoner's security rating is subsequently reviewed, a similar questionnaire with 12 questions is used. This security review, conducted after the prisoner has been in prison for some time, has a stronger weighting towards management issues than its predecessor.
- 2.14 In understanding the impact of the Department classification system on prisoners at Roebourne Prison, a further four Department of Justice principles are important.¹⁴ These are: recognition and respect for gender and cultural differences; ensuring prisoners (particularly Aboriginal prisoners) are placed as close as possible to family, friends and/or significant others; placement in prisons to ensure that overcrowding, risk to health or safety, or risk to proper discipline does not occur; and the need to maximise bed use. The first of these is important to classification and to placement, with the latter three specifically excluded in the

¹³ Department of Justice, 'WA Prison System: Role and Function Profile' (2003) p. 4.

¹⁴ These four principles are highlighted in Director General's Rule 13 and the Department of Justice, 'Planning Brief and Operational Philosophy for Regional Prisons' (2003).

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Director General's Rules from consideration within the classification process and solely referring to placement issues.

- 2.15 This is not a particularly complicated rating system, and one relatively easily administered by prison officers. Unfortunately, in the context of Roebourne Prison, its lack of complexity is a major shortfall. If, as the Director General's Rules indicate, the intent of securing a prisoner is to ensure they do not escape (whilst enabling the minimal security rating consistent with that objective), then the international literature points to three issues that need to be considered: risk to the community should the prisoner escape; the resources (both internal and external) that the prisoner can bring to bear to effect an escape; and, the will to escape.¹⁵
- 2.16 In reviewing the classification questionnaire used by the Department, it emphasises offending history, substance use, residential and occupational stability and gives a high score to a large number of offences typically committed by Aboriginal prisoners.¹⁶ These emphases tend to result in a high number of Aboriginal prisoners receiving a maximum- or medium-security rating, disproportionate to their risk to the community, their resources, their will to escape and to their likely impact on the security and good order within a prison.¹⁷ This result is contrary to the intent of the Department's operational principles for regional prisons¹⁸ and to the principles contained in its Strategic Plan for Aboriginal Services 2002–2005.
- 2.17 As a consequence of this over-classification, Aboriginal prisoners are restricted in their access to a range of activities and privileges. This is further compounded by guidelines indicating the length of sentences to be spent at particular security ratings.¹⁹ In addition, the over-classification of Aboriginal prisoners under the present system means that they are often forced to move away from their communities to be housed in more secure facilities. These facilities, because of the lack of maximum-security beds and, more recently, of medium-security beds in remote areas, are often located in the Perth metropolitan area. This is particularly acute for remote area prisons such as Roebourne Prison.
- 2.18 For example, in the Northwest, Broome Regional Prison is predominately a minimum-security facility with scope to house medium- and maximum-security prisoners for temporary placement only. As a result, these categories of prisoner are moved first to Roebourne, then to Greenough.²⁰ If it is found that there is insufficient bed space in those regional prisons, then prisoners are transferred to metropolitan prisons such as Acacia or Casuarina. A similar situation occurs for maximum-security rated prisoners housed at the

¹⁵ HM Prison Service. Prison Service Order 0900 – Categorisation and Allocation (July 2000).

¹⁶ See Department of Justice Community and Juvenile Justice Division, 'Profile of Women in Prison' (June 2002).

¹⁷ A similar result occurs for female prisoners but for somewhat different reasons.

¹⁸ See Department of Justice, 'Planning Brief and Operational Philosophy for Regional Prisons' (October 2003), p. 28 where it refers to '[c]ulturally appropriate risk management, classification and assessment processes to support rehabilitation'.

¹⁹ See Director General's Rule 13, section 9.1.

²⁰ Both Roebourne and Greenough Regional Prisons hold a small number of long-term maximum-security prisoners who have specifically requested and gained permission to remain, but typically hold maximum-security prisoners only temporarily.

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Eastern Goldfields Regional Prison.²¹

- 2.19 These twin issues of over-classification and inadequate provision of local medium and maximum-security beds has resulted in overcrowding at Roebourne Prison and elsewhere²² and the movement of women and Aboriginal prisoners away from their traditional lands and families. At the time of this Inspection Roebourne Prison accommodated 40 prisoners (38% of its population) from the Kimberley and Gascoyne/Murchison regions, with 43 Pilbara prisoners (including 11 maximum-security prisoners) housed elsewhere around the State. In total, 250 remote area prisoners are being housed in prisons outside of the region of their traditional home or usual residence.²³
- 2.20 In other jurisdictions rating scales are more complex and stress the balance between the risk posed by a prisoner, their resources to escape and their will to escape. The United Kingdom, for example,²⁴ possesses a four-tier system (three tiers for women) where the will to escape and risk posed by the escapee have greater weight in the lowest security category, resources are emphasised in the two middle categories, and the highest category is dependent on risk to the community alone. This is an individual-by-individual system that is flexible to increases and decreases in security rating according to changes in risk, resources or will. It is also a bottom up system where prisoners are initially placed in the lowest class unless there are firm reasons for a higher classification. In comparison, the Western Australian system is top down, insufficiently flexible to change and somewhat insensitive to issues of context, gender and culture – each of which impact significantly on Roebourne Prison.
- 2.21 Accordingly, *it is recommended that the classification system for Western Australian prisoners be re-examined in the light of the above comments with a view to reflecting risk more accurately, particularly in relation to the Aboriginal population.*

EMERGENCY MANAGEMENT

- 2.22 Prisons pay close attention to their ability to deal with emergency procedures in order to better provide for the safety of their prisoners, their staff and to protect the community. Ensuring that a prison is able to react appropriately to an emergency is, in the view of this Office, core business for the Department.
- 2.23 When considering the capacity of a prison to deal with emergencies, the Inspectorate bases its review on the Department's Operational Standard 9 and its RFP Standards Framework.²⁵

²¹ In this Office's Inspection Report relating to Acacia Prison, the sad situation of Wongi prisoners from the Goldfields being held there was highlighted: see paragraphs 6.5. - 6.7., Report No. 19 (2003).

²² See Report No 6, *Report of an Announced Inspection of Broome Regional Prison – June 2001* (Office of the Inspector of Custodial Services, Perth, 2001), p. 76; and Report No. 21, *Report of an Announced Inspection of Greenough Regional Prison – May 2003*, (Office of the Inspector of Custodial Services, Perth, 2004), pp. 7–9. For this Inspection, see the section titled 'Regimes and Conditions' above.

²³ Information supplied by the Department of Justice, census date 31 December 2003.

²⁴ HM Prison Service. Prison Service Order 0900 - Categorisation and Allocation (July 2000).

²⁵ Department of Justice, 'Wooroloo Prison South Project: Request for proposal (November 1998), op. cit., p. 116.

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It therefore looks for:

- a sufficient number of appropriately trained and drilled officers to enable the prison to deal with an emergency on any day, on any shift;
- detailed procedures and clear directions for staff and prisoners;
- awareness of those procedures at all levels of a prison;
- evidence that a prison regularly tests its capacity to deal with emergencies; and
- local and statewide memoranda of understanding (M.O.U.) or agreements with external service providers such as the police and ambulance services outlining their commitment to respond to a prison emergency.

2.24 In some inspections – for example, at Acacia, Hakea, Casuarina and Bunbury, as well as at the previous Roebourne inspection – this Office has conducted ‘live’ exercises to test the local capacity to deal with emergencies. It is recognised that this causes disruption to the prison routine, so that it is preferable to carry out ‘desktop’ exercises. That is the course that was taken at Roebourne. The prison has had a number of serious cell fires in recent years, so when inspecting the prison the decision was made to focus on its capacity to deal with either a serious cell fire or an emergency evacuation. The medical evacuation could have taken several forms including the need to rescue a prisoner from the razor wire and render medical aid. Taking the above standards as a basis,²⁶ the Inspection Team found that Roebourne Prison was able to meet few of the components listed.

2.25 It was evident that Roebourne Prison Management had a range of procedures in place to deal with these emergencies – a number of its staff had private emergency service training and were actively involved in the region’s community emergency services response group. Further, staff appeared to be aware of their responsibilities in regard to emergencies and related to us a number of examples of innovative approaches they had adopted.

2.26 Nevertheless, it was also evident that the capacity of the prison to deal with an emergency did not deliver the outcome expected. Roebourne Prison Management stated that it currently has no local M.O.U. with service providers such as the Police, FESA and the Ambulance Service. When the Inspection Team sought clarification as to the extent to which they could rely on these emergency service providers, the Superintendent advised during the course of the Inspection that the local Police Service had provided a written response to clarify their role but as yet FESA and the Ambulance Service had not done so.²⁷ It is evident that Roebourne Prison Management has not been successful in its attempts to develop M.O.U.s and the Department should be taking a lead in negotiating at a higher level with external service providers.

²⁶ See paragraph 2.23.

²⁷ Roebourne Prison Management has informed this Office that since the Inspection they now have a “service intent document” with St John Ambulance (Attachment 2, letter, Director General 31 May 2004).

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- 2.27 In other areas, despite the prison assuring this Office that emergency procedure manuals were present in all work areas, the Inspection Team was not able to identify any written or visual display of emergency procedures for prisoners or visitors within the prison.²⁸ Emergency procedures do not appear to be discussed within the orientation process²⁹ and contrary to the biannual requirement of Operation Instruction 9, only one drill each in 2003 covered fire and medical emergency, both in the first third of the year. The prison was overly reliant on State Emergency Service arrangements (provided by volunteers) as a primary response to emergencies, with insufficient numbers of officers trained by the Department.³⁰
- 2.28 In this regard, on-call nursing arrangements have been made unnecessarily complicated, and have effectively stripped the prison of its decision-making powers in evacuating prisoners outside of the normal clinic hours. This decision-making now lies with the duty Medical Officer in Perth, to be accessed by phone. The Department has imposed a training standard on AIMS Corporation with respect to its Acacia Prison staff that it does not choose to apply to itself;³¹ consequently, its own staff, and by extension its prisons, demonstrate a serious knowledge and response capacity gap and concordant reliance on external State Emergency Services.³²
- 2.29 The Department needs to take responsibility for ensuring that all its prisons have adequate emergency arrangements in place and must either have its own response capabilities or negotiate appropriate and timely services from external agencies. This Office is not satisfied that either option has been established. Whilst local practices and procedures can be improved, this is primarily an issue for the Department to address. Without direct support from the Department in regards to staff training and their active lobbying and negotiation with senior management in emergency service agencies like the Police, FESA and the Ambulance Service, any measure of local improvement would simply be tinkering at the edges of the problem. This is support the Department appears unwilling to provide in any direct sense, preferring to rely on the efforts of local prison management.³³ There are risks implicit in the Department's current position, exemplified through the recent fires at Wooroloo and Acacia Prisons, and these need to be dealt with directly, by the Prison Services Executive as a priority and not left to the best efforts of a local management team.

²⁸ Roebourne Prison has since assured this Office that visual displays of emergency procedures are now present throughout the prison.

²⁹ Roebourne Prison Management has informed this Office that since the Inspection they intended to address this within the orientation process (Attachment 2, letter, Director General 31 May 2004).

³⁰ The Department of Justice supplied this Office with information that only ten officers had been trained in breathing apparatus and eight in senior first aid.

³¹ Department of Justice, 'Wooroloo Prison South Project: Request for proposal (November 1998), op. cit., p. 116.

³² On 24 June 2004 a prisoner became entangled in the razor wire of the outer perimeter fence. After a considerable delay FESA was requested to attend the prison and rescue the prisoner.

³³ The Department has stated that it "is supportive of the Roebourne Prison management in their efforts to secure local MOU's. The management at Roebourne Prison have the authority to deal with these issues at a local level".

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- 2.30 Accordingly, *it is recommended that the Department of Justice and the Roebourne Prison Management examine in detail the capacity of Roebourne Regional Prison to deal effectively with emergencies from internal sources and take such steps by way of training and the provision of equipment to improve that capacity. Negotiations should also be held with local emergency services with a view to agreeing, as far as feasible, reliable M. O. U.s as to the provision of assistance where required.*

SPECIAL-PURPOSE CELLS

- 2.31 The 2002 Inspection had shown that Roebourne Prison was making excessive use of special-purpose (alternatively known as multi-purpose) cells. The cells were found to accommodate prisoners for a range of reasons including ‘discipline, punishment, observation, segregation, and as an overflow location to allow prisoners sharing the same cell to have a cooling-off or time-out period if there is tension between prisoners’,³⁴ hence the term ‘multi-purpose cell’. Therefore, the reasons why a prisoner would be placed in a multi-purpose cell can vary markedly, as could the required regime to deal with the issue(s) for which they were placed there and subsequently on what grounds a prisoner would be returned to the mainstream population.³⁵ This is an ambiguous situation and one fraught with risk.

- 2.32 Accordingly, the 2002 Report recommended:

That the Department should clarify its policies in relation to the usage of the special-purpose cells at the prison.

- 2.33 The intent of this recommendation was for the Department to clarify the entry and exit conditions for these cells, lacking as they do, a clearly defined purpose, and in essence, to minimise their use.
- 2.34 In response to this recommendation³⁶ the Department agreed that they would clarify their policies, and then went on to state that Roebourne Prison Management would review its procedures and monitor its performance. In this way, the Department appears to have shifted to a particular prison the responsibility for determining the conditions under which special-purpose cells are used and disavowed responsibility for monitoring their use. Leaving such an important issue to the resources and decision-making capacity of an individual prison is unacceptable. The Department must provide standards for the prisons to operate within and then it must monitor performance in a meaningful fashion. Otherwise as the Inspectorate stated in Report No. 8 ‘there is a real risk that generic cell classification would result in lowest common denominator standard setting’.³⁷

³⁴ *Report of an Announced Inspection of Roebourne Regional Prison – April 2002*, op. cit., p. 67.

³⁵ For a full discussion of this issue see: Report No 8, *Report of a Follow-up Inspection of the Special Management Units at Casuarina Prison – October 2001* (Office of the Inspector of Custodial Services, Perth, 2002), pp. 10–13; and *Report of an Announced Inspection of Roebourne Regional Prison – April 2002*, op. cit., pp. 66–69.

³⁶ See Appendix 1 to this Report.

³⁷ Report No 8, *Report of a Follow-up Inspection of the Special Management Units at Casuarina Prison – October 2001* (Office of the Inspector of Custodial Services, Perth, 2002), p 15.

- 2.35 These are decisions that need to be made and clarified at the Executive level. Meanwhile, at the local level, the Inspection Team was glad to observe some decrease in the frequency of multi-purpose cell use.³⁸ In the 12 months prior to the 2002 Inspection, 146 prisoners were placed in multi-purpose cells, at this Inspection their use had decreased considerably, to 52 occasions over the preceding 12 months. Of continuing concern, however, is the fact that their use has almost doubled in 2003 from a low following the 2002 Inspection. In particular, this Office remains concerned that these cells are being used to accommodate prisoners in circumstances of overcrowding and a lack of beds in the prison mainstream.
- 2.36 The overall decrease in use found at this Inspection is a heartening local initiative, but does not address the issue of standardised entry and exit policies and procedures for multi-purpose cells. That is a decision requiring Departmental standards setting and monitoring. Further, their use as reported to this Office after the Inspection and included here, was far in excess of the three occasions reported by the prison and apparently taken at face value by the Department in their presentation to this Office, prior to the Inspection. This underlines the need for the Department to place greater emphasis on the accurate monitoring of its prisons and functions.
- 2.37 Overall, the response to our previous recommendation has been acceptable, but there is still some room for improvement and a need for the creation of processes that consolidate the improvements that have been made. Accordingly, the previous recommendation is replicated, as it requires further action.

³⁸ Information supplied by the Department of Justice.

Chapter 3

CARE AND WELLBEING

INDUCTION AND ORIENTATION

- 3.1 Induction and orientation into a prison are critical components for ensuring the safety and wellbeing of a prisoner. They are the first steps in engaging with a prisoner and a means of keying the prisoner, particularly those prisoners unfamiliar with the prison system, into the prison's support systems. Recognising this, the Department has set standards for orientation through its Policy Directive 18 which stipulates that an orientation process must explain to the prisoner: the relevant regulations, rules and orders in place within the prison; what services are available to the prisoner and how to access them; what assessment and sentence management is available; the grievances and complaints process; and the educational courses and offender treatment programs available to prisoners. Policy Directive 18 also stipulates that this information should be made available in the language of the prisoner. It is expected therefore, that the induction procedures at all prisons will involve information gathering, information dissemination, introduction to services, prison orientation, and the settling in of prisoners in an organised and coordinated fashion. It is also desirable that Peer Support prisoners assist in the induction process with an orientation officer monitoring and coordinating the process and senior unit officers having induction and orientation responsibilities.
- 3.2 At Roebourne Prison, significant disparity between this standard and the actual induction and orientation process arose during the course of this Inspection. From discussions with prisoners and observations of their records, the orientation process did not appear to be coordinated or adequately monitored and the unit orientation appeared to be superficial and disorganised. Further, Peer Support prisoners were not involved in the induction process and prisoners were not routinely introduced to internal or external service providers. From a sample of 17 prisoners inducted during the period immediately preceding the Inspection, the Inspection Team found that only ten had signed off on having been orientated. When interviewed, and despite having only recently completed their induction, three of these ten prisoners could not remember their induction and orientation. Across the board, in discussions with a range of prisoners, the Inspection Team found a profound and systematic lack of awareness of basic issues such as, prisoner rights and responsibilities, the services available to them, and as the Inspectorate has previously commented on, the process of lodging grievances and complaints. Each of these should, according to the Department's own standards, be covered by a prison's induction and orientation process.
- 3.3 Induction and orientation are critical to the welfare of prisoners, but at Roebourne Prison, these processes appear to be less than effective. The induction process and in particular orientation, appears under resourced, poorly coordinated and unmonitored and the extent of staff support to enable delivery of information in the prisoner's language of choice is at best underdeveloped.
- 3.4 Accordingly, *it is recommended that Roebourne Prison Management give careful consideration to reviewing and considerably improving its induction and orientation processes in line with Policy Directive 18.*

CASE MANAGEMENT

- 3.5 Case management is a relatively new initiative by the Department and is a primary mechanism for monitoring the rehabilitative efforts of prisoners and reducing recidivism. In addition, it is important to the good order of prisons and for ensuring that a maximum number of prisoners achieve their earliest release date. These issues are covered in Director General's Rule 14 and are repeated with particular reference to rural and regional prisons within the Department's 'Planning Brief and Operational Philosophy for Regional Prisons'. Case management is also identified as a priority within the 'Public Prisons Directorate Business Plan 2003–07', is considered a core activity with the Department's 'WA Prison System: Role and Function Profile 2003' and has been the focus of numerous reports including the 'Commonwealth/State Report on Government Services 2004'.
- 3.6 The above list demonstrates the importance of this issue in the thinking and strategic planning of the Department; in addition, as the Department advised this Office, Roebourne Prison is being considered as the Northern Assessment Prison.³⁹ In order for case management to work effectively it is incumbent upon the Department to ensure that sufficient knowledge and resources in personnel and equipment are in place at each prison so that Individual Management Plans (IMP) can be designed and monitored for all relevant prisoners.⁴⁰ Unfortunately, at Roebourne Prison this was not the case. The Inspection Team found that less than half of the eligible prisoners had IMPs, with most of those developed at other prisons. Almost no prisoners were, in a realistic sense, being case managed, and program delivery had ceased altogether. No prison officer, in the staff survey, reported being confident in the ability to write up IMPs, with only 17 per cent reporting having received any training. Almost none were confident in their rehabilitative skills or knowledge of Aboriginal culture and nearly 100 per cent saw Roebourne Prison as ineffective in preventing re-offending.
- 3.7 The impact of this deficit was that classification reviews were not being conducted in a timely fashion and prisoners were not having timely access to programs bearing on their parole reviews, eligibility for work release and home leave. The Department was not able to supply figures on the number of prisoners at Roebourne Prison affected by this issue, but an analysis of the Department information system found that at the time of the Inspection, Roebourne Prison housed eight prisoners who had gone beyond their earliest release date with additional prisoners approaching these dates.
- 3.8 Re-offending has been estimated to cost the State over one billion dollars a year.⁴¹ Given the financial cost to the taxpayer and the Department's focus on reducing re-offending, the assessment and case management resources put in place by the Department at Roebourne

³⁹ The Department's position on the Northern Assessment Prison is not yet clear. This Office has recently been advised that Greenough Prison is also under consideration for this role.

⁴⁰ It is important that IMPs are designed so that they are realistic to the needs of each prisoner and at Roebourne Prison this could include duration of stay and race issues.

⁴¹ 'Reducing Re-offending – focusing on re-entry to the community. Report on a Visit to England, Norway, Denmark, Belgium and France', op. cit., p.5

Prison are inadequate and the Department is not sufficiently monitoring the service delivered to the prisoners. Insufficient numbers of prison officers have been trained in case management and the Department is not adequately funding program delivery. Further, the Department has not ensured that prisoners have timely access to programs essential to their gaining early release and nor is it adequately monitoring prisoner's case management. These are matters that should be addressed as a matter of urgency, but which take on added impetus given that the Department is considering making Roebourne Prison an assessment hub for other regional prisons.

- 3.9 Consequently, *it is recommended that the Department develop and implement a plan for case management at Roebourne Prison. This plan to include:*

The identification and training of prison officers as case managers;

The monitoring of the case management provided;

A program schedule which will ensure timely access to programs for all prisoners meeting entry requirements.

ABORIGINAL PRISONERS

- 3.10 Roebourne Prison is a regional prison, an Aboriginal prison and a Pilbara prison. It accommodates prisoners from multiple skin groups, diverse communities, families, languages and cultural traditions. It is a complex place requiring flexibility, adaptability, responsiveness at the local level and clear strategic direction when planning and implementing custodial management. The 2002 Inspection found that across a range of services and issues the treatment of Aboriginal prisoners in Roebourne Prison did not display this responsiveness or direction and was well below acceptable standards.⁴² Consequently, the recommendation was made:

That particular attention be given to issues that impact specifically upon Aboriginal prisoners.

- 3.11 Arising from this recommendation, it was expected that the Department would provide strategic direction in this regard including, the development of local initiatives, improved outcomes for prisoners and robust and accurate monitoring. This should have been particularly opportunistic for the Department, as over the period since the 2002 Inspection the Department has been formulating both its Regional Strategic Plan and its Aboriginal Strategic Plan, where each of the issues raised under this recommendation are included.⁴³ Through these documents the Department has set standards and guiding principles within which all prisons are expected to operate. Therefore, this Office sought to identify initiatives that had or would be put into place to reflect the Department's standards by enhancing the

⁴² See generally, *Report of an Announced Inspection of Roebourne Regional Prison – April 2002*, op. cit.

⁴³ See *Report of an Announced Inspection of Roebourne Regional Prison – April 2002*, op. cit., Appendix 2 for a full listing of the issues pertinent to this recommendation.

services and conditions for Aboriginal prisoners, taking into account its own guiding principles of empowerment, consultation, reckoning of heterogeneity within the Aboriginal population, and cultural awareness. It was also expected that accurate and meaningful performance monitoring against these standards would be implemented, and that Roebourne Prison be given access to the appropriate resources (including personnel, programs, assets and discretionary funding) necessary to enable these standards to be met.

3.12 In its response to this recommendation the Department indicated that:

- it was reviewing the funeral application process particularly in relation to kinship issues;
- Roebourne Prison Management was providing kangaroo meat in the prisoners diet;
- it was implementing the findings of its internal dietary review (a study examining the nutritional needs of prisoners);
- Roebourne Prison had sufficient communication strategies on the ground already and so the Prison Service Executive were not intending to increase resources there beyond a local Aboriginal languages program initiative;
- Roebourne Prison Management would from within its own budget and local resources address the issue of subsidising family visits from remote regions;
- Roebourne Prison Management was reviewing its selection process for work and skilling opportunities and that a Senior Education Officer had been employed to undertake the required assessment;
- with the revised prisoner property policy, Roebourne Prison Management would develop local orders to reflect its prisoners' requirements;
- Aboriginal Legal Service (ALS) access was not problematic;
- a Prisoner Support Officer (PSO) would be permanently appointed;
- cross-cultural training would be implemented; and
- Roebourne Prison Management would work closely with the PSO and Aboriginal Visitors' Scheme (AVS) to encourage the use of the grievance system.

3.13 A careful analysis of the Department's response to this recommendation shows that the Prison Services Executive had only committed to review the process for funeral applications and the nutritional needs for prisoners across the State, with responsibility for the remainder delegated to the prison. The Department's Aboriginal Policy and Services Branch has conducted a thorough review of Policy Directive 9, which relates to funerals, and a range of recommendations have been made, but these are not yet reflected in policy and their impact has yet to be realised for prisoners. Reviewing the process of funeral applications does not in itself guarantee a more flexible, culturally sensitive process where by more Aboriginal prisoners attend funerals. If it did, the percentage of applications approved would have

increased. It has not, remaining static at around 57 per cent of applications⁴⁴ since the 2002 Inspection. It therefore appears that the work of the Department to date consists merely of steps toward process improvements and is not sufficiently developed to deliver outcomes.

- 3.14 In a similar manner, the Department's response of reviewing the nutritional needs of prisoners and suggesting changes to dietary fat content⁴⁵ does not in itself result in more appropriate and health specific diets for Aboriginal prisoners at Roebourne Prison. In Roebourne Prison there are Aboriginal prisoners from a range of traditional communities whose normal diets are vastly different from others in the prison, and the populations from which these prisoners are drawn have very high rates of diabetes, obesity and coronary artery disease.⁴⁶ In responding to this recommendation, this Office expected that these issues would have been taken into account and steps taken to ensure that appropriate meals were available at Roebourne Prison. In the 2003 Inspection, a review of the menu cycle and special diet provision demonstrated that this was not the case.
- 3.15 When queried on this, Roebourne Prison Management stated that it had only minimal control over the food it was able to provide, its staff stated that they had not received training in the preparation of special (health) needs diets and that they were unaware that any prisoners requiring such diets.⁴⁷ The Department largely dictates the food prepared for all prisons through its supply chain arrangements and at Roebourne Prison has failed to ensure that both the components for and the preparation of special diets (eg diabetic diets) are promoted and made available to prisoners. A similar situation occurs in respect of traditional diets. The prison certainly routinely provides kangaroo meat in the prisoner's diet and there was some evidence that damper and kangaroo tail is provided for special occasions, but to indicate, as in the prison's action plan, that this has dealt with the issue of traditional food neglects the outcomes needed for prisoners. Traditional food for Aboriginal people extends well beyond kangaroo meat and the occasional damper⁴⁸ and the menus reviewed by this Office showed that the kangaroo meat provided was prepared in the form of steak or stew. When the Inspection Team asked traditional Aboriginal prisoners for comment, they stated that they did not want kangaroo meat prepared for them in stews or even as steaks, they wanted to cook it and eat it as they would in their home communities. This is not the only prison accommodating Aboriginal prisoners and concerns regarding diet have been raised in other prisons that this Office has inspected. The Department with all its resources, including a policy unit within its Prisons Division, and its own Aboriginal Policy and Services Branch

⁴⁴ Information provided by the Department of Justice.

⁴⁵ Department of Justice, 'Nutritional Assessment of Meals at Roebourne Regional Prison' (2003).

⁴⁶ Department of Health, 'Pilbara Regional Aboriginal Health Plan' (2002).

⁴⁷ This is despite Department assurances that such special needs diets are required to be available and that their provision is directed and monitored by a visiting dietician. Unfortunately, at the time content for this report was closed - 9/9/2004, the Department had not provided evidence showing direction or monitoring by a dietician at Roebourne Regional Prison.

⁴⁸ 'Prisoners want their own peoples' food. Kimberley boys are sea people, they eat turtles and bobcat - they don't eat kangaroo.' (Roebourne prisoner quote from the 2002 Inspection).

should be actively exploring options on behalf of the prisons. Given that it has full control over the food chain supply systems, it should also be stretching the boundaries on what can be provided.

- 3.16 At the local level, Roebourne Prison Management, through the Superintendent and the Operations Manager, has developed some positive relationships with local Aboriginal organisations. Local representatives from the Department of Indigenous Affairs have met a number of times with the senior management from Roebourne Prison with tangible results.⁴⁹ Roebourne Prison Management has commenced discussions with the Pundulmurra College in Port Hedland to arrange for the occasional transport of family visitors, and with the Department for Community Development in Karratha regarding the use of local resources and the development of a funding model to enable more visitors to attend the prison. Roebourne Prison Management has also reduced procedural barriers to prisoners accessing the Aboriginal Legal Service and has continued to support the activities of the Aboriginal Visitors' Scheme within the prison. Cultural training has been introduced and discussions with Aboriginal prisoners indicate that, except for a few cases, racism is not widespread in the prison. Similarly, in the area of Aboriginal funerals and the grieving process, some of the officers in the prison (supported by the Superintendent) have shown good initiative and these efforts appear to be greatly appreciated by the prisoners. These are significant local efforts and demonstrate that the prison is capable of performing where leadership is provided and capable of 'policy partnering' with the community and other agencies.
- 3.17 Unfortunately, the reliance on the local action plan as a means of monitoring performance against the recommendations is limited by its strong focus on processes, rather than outcomes. So whilst the prison's action matrix (see Appendix 1) lists the suggested starting points made in the 2002 Inspection Report and breaks these down into component parts, it does so in a process-driven rather than outcome-driven fashion. This enabled the Roebourne Prison Management to claim that it had successfully dealt with each of the issues, despite not being able to produce for the Inspection, evidence of – or even a means of – measuring service outcomes. Consequently, when the Inspection Team reviewed the prison's action plan from an outcome perspective, there was little in the way of meaningful improvement to service delivery evident.
- 3.18 As Aboriginal prisoners are such an important population within prisons and this Office having highlighted significant deficiencies in its 2002 Inspection report, the Department was expected to do more in setting the strategic direction for this high priority area, more in resourcing the prison and more in monitoring its performance. The Department should not, as it has attempted to do, simply delegate the bulk of its responsibility for the care of Aboriginal prisoners to an individual prison. The nett result has been the instigation of very much less than acceptable, piece-meal initiatives, without an apparent demonstration of a

⁴⁹ Since the Inspection, Roebourne Prison Management has informed this Office that "formal strategies are now in place to ensure that all major Indigenous language group Elders visits Roebourne Regional Prison at least annually" (Attachment 2, letter, Director General 31 May 2004).

wider understanding of Indigenous issues. Aboriginal prisoners are not sufficiently catered for at Roebourne Prison.

- 3.19 Accordingly, it is recommended that the Department monitor its performance in the custodial management of Aboriginal prisoners at Roebourne Prison in line with the standards and guiding principles set out in its Regional Strategic Plan and Aboriginal Strategic Plan and set out a plan to address those issues identified as sub-standard.

WOMEN PRISONERS

- 3.20 The 2002 Inspection Report raised the lack of attendant services and provision for female prisoners, specifically, the lack of appropriate accommodation, education, employment, recreation and programs, as important issues for women at Roebourne Prison. Subsequently, it recommended:

That the Department also address the underlying deficiencies for women prisoners.

- 3.21 The intent was to highlight women's issues so that the Department would act to reduce what this Office saw as an unacceptable and disproportionate burden of imprisonment on the women in this prison.⁵⁰ Indeed, this Office did not make this recommendation in isolation: each of these issues were also recognised as problems faced by Aboriginal women in the Department's Strategic Plan for Aboriginal Services 2002–2005.⁵¹
- 3.22 At the strategic level within the Department of Justice, there have been a range of recent developments around women prisoner issues that reflect the concerns central to this recommendation, including: the determinations of the Women's Custodial Administrators' Conference; the Department's instigation of the low security women's prison philosophy; and its Thematic Review of Women, Young Women and Girls in Custody. In addition, women's issues were identified as a priority in the Department's 2002–2003 Annual Report and a Women's Custodial Services directorate has recently been established. Much appears to be happening, and with the implementation of the Women's Custodial Services Strategic Plan for Aboriginal Services beginning, much more is anticipated. Certainly, in regional areas, much more is expected as the Department is coming off a very low base, where despite holding almost half⁵² of its female Aboriginal prisoner population, it has repeatedly demonstrated that it has not advanced the cause of women's custodial services in regional areas. The Department's response⁵³ indicates that despite being aware of the issues, it appears to have misunderstood the extent and nature of this 'burden of imprisonment' and that it may have been too accepting of the impoverished regimes for the women at Roebourne Prison.
- 3.23 Possibly the clearest example of the Department's past lack of understanding and lack of

⁵⁰ Report of an Announced Inspection of Roebourne Regional Prison – April 2002, op. cit., pp. 40–41.

⁵¹ Department of Justice, 'Prisons Division Strategic Plan for Aboriginal Services 2002–2005' (undated), p. 9 (objective 2).

⁵² 49% based on Weekly Offender Statistics 30/10/2003

⁵³ Report of an Announced Inspection of Roebourne Regional Prison – April 2002, op. cit., p. 105.

direction on women's issues at Roebourne Prison, is demonstrated by their handling of the impact of climate on the women prisoners. The 2002 Inspection Report conveyed this Office's deep concern about the impact of the harsh climate on the women prisoners. The Department's response indicated that additional funds were provided to the prison to install refrigerated air-conditioning in the women's cells and that some of the static barriers to movement had been removed. Gratifying as this may be to women who, based on the Roebourne Prison Management's own figures,⁵⁴ are locked in their cells for more than 12 hours per day, this deals with only a part of the range of issues that impact upon the burden arising from Roebourne Prison's climate. As indicated below, the women were found to have little in the way of appropriate access to activities and as a consequence, were functionally confined to their block for almost the entire period of their imprisonment. This block is essentially a concrete pit covered with 'sky bars', with an attached recreation area that at the time of the 2002 Inspection had no shade and was only partially screened from the men's section. This is not reducing the burden of their imprisonment arising from climate, rather by attending to a part rather than the whole, women are in effect functionally imprisoned in their cells, with occasional opportunities to explore a wider, but unstructured and harsh environment.

- 3.24 The Department in its response to the 2002 Inspection Report disagreed with this Office on a number of aspects within this recommendation, stating that the Inspectorate was incorrect in its assessment that access to programs, and recreation, employment opportunities for women were unsatisfactory. According to the Department's response, women at Roebourne have as much access to recreation as the men, that their employment opportunities were as numerous and varied as practicable and that the employment of a Programs Officer would adequately deal with any inequalities in access to programs should they exist. This is totally at variance with the reality of the situation found during the 2003 Inspection. During the Inspection, women prisoners informed the Inspection Team – and it was subsequently observed – that they had no access to organised recreation, with no sporting activity on record as ever having been organised and no external Section 94 recreation such as swimming on record. None of the women were employed beyond mundane cleaning and gardening roles – jobs that consume around two hours of activity a day. Section 94 records show that only one woman was employed outside the prison in the last three months despite three Section 94 work locations being notionally available and whilst there is a Programs Officer, no programs were being offered and none of the women at Roebourne Prison at the time of the Inspection had ever participated in a program whilst at that facility.
- 3.25 Even without direction from the Department, many of the women's issues in Roebourne Prison could be dealt with at a local level. The women's section, catering as it does to all categories of prisoners, is still overly secure, its level of cleanliness was found to be substandard and shade provision inadequate. Women should not, as the Inspection Team observed, have

⁵⁴ 'Roebourne Regional Prison Business Plan/Performance Agreement 2003–04', op. cit.

to share recycled underwear and forage for sanitary products.⁵⁵ Simple initiatives such as increasing their access to welfare services could be made to reduce the isolation of these women. Their access to employment and recreation could be dramatically improved without compromising security or good order considerations and their interests could be better taken into account when making decisions regarding the prison and their activities within it.⁵⁶

- 3.26 Whilst one of the conditions within Roebourne Prison for women (cell air-conditioning) has improved, the progress taken as a whole has been less than acceptable and the resultant change has not been sufficient to make a significant impact on the ‘underlying deficiencies for women prisoners’. These are deficiencies the Department needs to take greater cognisance of and for which Roebourne Prison’s management should make a higher priority.⁵⁷
- 3.27 Accordingly, *it is recommended that the Department review the conditions of imprisonment and the services provided to females at Roebourne Prison in the light of its Strategic Plan for Aboriginal Services 2002–2005 and Women’s Custodial Services Strategic Plan for Aboriginal Services.*

OTHER SPECIAL NEEDS PRISONERS

- 3.28 As a regional prison, Roebourne must carry a wide range of prisoner categories. This range results in sub-population of prisoners who have critical needs often different to that of the mainstream for which the prison must accommodate. When previously inspected, the services available at Roebourne Prison did not reflect these diverse needs and it was recommended:

That attention also be given to the regimes and conditions applicable to the following categories of prisoners:

- *Foreign nationals;*
- *Remand prisoners;*
- *Young prisoners;*
- *Lifers, Governor’s Pleasure and Long-term prisoners.*⁵⁸

⁵⁵ The Department has informed this Office that the prison no longer retains used underwear and that sanitary products are provided in the women’s cells, in their ablutions area and is also available to the women on request.

⁵⁶ Roebourne Prison Management has informed this Office that since the Inspection the Senior Education Officer “now provides educational opportunities aimed purely at women” (Attachment 2, letter, Director General 31 May 2004).

⁵⁷ The Department has informed this Office that since the Inspection funds have been provided “to improve conditions for women prisoners at Roebourne Regional Prison” and that Roebourne Prison’s Management had “appointed a small group of interested women staff to be an ongoing part of such improvements” (Attachment 2, letter, Director General 31 May 2004).

⁵⁸ The issue of foreign nationals at Roebourne Prison was not as evident at this Inspection as the Department does not currently accommodate any there. But as the Department does not appear to have addressed any of the issues giving rise to this recommendation, should foreign nationals again be held at Roebourne Prison this would likely emerge as an issue once more.

- 3.29 In respect of the above recommendation, the Department responded that (telephone) interpreter services were available to the prison and that prisoners should help interpret for other prisoners; that everything possible was being done to promote bail for remand prisoners; that via TOMS alerts⁵⁹ the needs of young prisoners would be met; and that whilst Roebourne Prison was not intended to accommodate long-term prisoners they could choose to go there.⁶⁰ This response lacks comprehensiveness and does not adequately address the legitimate welfare needs of the various categories of prisoners and the impact that regimes and conditions can have on these. Each of these categories of prisoners had a range of special needs that at the time of the last inspection were not being met. When this Office inspected in 2003, it found that there had been little practical improvement.
- 3.30 Remand prisoners are a special category of prisoners whose needs and rights are different from those of sentenced prisoners. The Department recognises this and identifies remand prisoners as being particularly at risk of self-harm and suicide.⁶¹ Contrary to this and such best practice examples as the Standard Guidelines for Corrections in Australia 2002,⁶² the United Nation's Standard Minimum Rules⁶³ and the Department's RFP Standards Framework,⁶⁴ this Office was informed by prisoners and staff that remand prisoners were being held in the maximum-security block where occasionally there would be three prisoners held in cells designed for single occupancy and where some of these prisoners would be required to sleep on the floor. This overcrowding was later confirmed through an analysis of the population counts for the maximum-security block.⁶⁵ The Inspection Team also found that these remand prisoners were being denied basic services because of an ineffective induction process and a 'one-size-fits-all' regime whereby their special requirements and rights as unsentenced prisoners (such as access to daily visits) were not being adequately communicated to prisoners, and consequently, not provided.
- 3.31 The needs of young offenders, recognised by the Department as a particularly vulnerable group,⁶⁶ were likewise bundled in with the needs of all prisoners. When quizzed, Roebourne Prison Management was not able to immediately identify how many young offenders were in the prison and was not able to identify any specific regime or condition (educational, program or recreational activity) targeted for them. All were identified on TOMS but when this Office viewed their induction records and spoke with prisoners, less than half were seen

⁵⁹ That is, alerts placed on the Prison Service's computerised 'Total Offender Management System'.

⁶⁰ *Report of an Announced Inspection of Roebourne Regional Prison – April 2002*, op. cit., p. 106.

⁶¹ Department of Justice, *At Risk Management System – ARMS Module 6*: p. 6.

⁶² *The Standard Guidelines for Corrections in Australia 2002* (The Corrective Services Ministers' Conference, GOPRINT Queensland, 2004) states that remand prisoners should not be put in contact with convicted persons against their will.

⁶³ Rules 8(b) and 85(1) state that untried prisoners shall be kept separate from convicted prisoners and section 86 states that untried prisoners shall sleep 'singly in separate rooms, with the reservation of different local custom in respect of climate'.

⁶⁴ Department of Justice, 'Wooroloo Prison South Project: Request for proposal (November 1998), p. 116 (Annexure A – Minimum Standards and Operation Service Requirements: Services Agreement).

⁶⁵ Information supplied by Roebourne Regional Prison.

⁶⁶ Department of Justice, Suicide Prevention Taskforce, 'Suicide in Prison' (July 2002).

to have been adequately inducted. In addition, the prison appeared to lack a clear and effective mechanism to ensure their safety in the critical first few days of their imprisonment.⁶⁷ Lacking induction, monitoring or specialist consideration, there did not appear to be a process by which these young prisoners were first introduced into the life of the prison and then successfully progressed through it.⁶⁸

- 3.32 The point here is the same made in 2002 – that prisoners with special needs are falling between the gaps. Progress on addressing this has not been acceptable and more needs to be done. Consequently, *the recommendation made in the 2002 Inspection Report to improve the regimes and conditions for special need prisoners is restated.*

CLIMATE CONTROL

- 3.33 Roebourne has one of the hottest and most humid climates in Western Australia, with temperatures regularly in excess of 50 degrees Celsius.⁶⁹ In the 2002 Inspection, the structures and processes in place were found to be insufficient to mitigate this, and consequently, the climate was having a significant negative impact on prisoners. This Office recommended:

That the Department conduct a comprehensive review of ventilation and air-cooling needs and systems for the prison.

- 3.34 This recommendation was intended to encourage the Department to conduct a meaningful review of the climate control needs of prisoners at Roebourne Prison, to establish acceptable standards for issues such as cell temperatures and to monitor these. It was also the intent for the Department to establish the current capacity of the prison to meet these standards and therefore the modifications and or additional resources required. In responding to this recommendation,⁷⁰ the Department stated that they would be installing refrigerated air-conditioning in the women’s and maximum-security prisoners’ cells, but that the remaining minimum- and medium-security cells did not require any further climate control measures. At the time of this Inspection, refrigerated air-conditioning had been installed to the women’s and maximum-security prisoners’ cells. The Inspection Team also noted that air-conditioning had been installed in the dining area, but as this area was not functioning at the time of the Inspection, the impact of this improvement was not able to be determined.
- 3.35 This Office is in complete agreement that the prisoners in the women’s and maximum-security blocks – locked in their cells, as the Inspection Team found, sometimes for up to 23

⁶⁷ Because of their potential high risk of suicide, all young offenders are routinely required to be assessed and, if necessary, managed by the prison’s suicide risk management groups, the Prisoner Risk Assessment Group. At Roebourne Prison this group meets only once a week, meaning that prisoners could be left for up to six days without coordinated management.

⁶⁸ Since the Inspection, Roebourne Prison management has assured this Office that it recognised that its “process for dealing with identified young offenders was not robust enough” and that it has taken steps to “address the requirements for such offenders in a timely manner” (Attachment 2, letter, Director General 31 May 2004).

⁶⁹ Department of Justice, ‘WA Prisons Role and Function Profile’ (May 2003).

⁷⁰ *Report of an Announced Inspection of Roebourne Regional Prison – April 2002*, op. cit., p. 107.

hours a day – required in-cell air-conditioning. To stop there though, misconstrues the context from which this recommendation arises, and does not deliver the outcome that is reasonably expected. Evidence of a meaningful review was not evident. Prisoners, community and local advocacy groups did not report being consulted to determine what they would consider appropriate conditions. No minimum standards were able to be identified, monitoring had not been put into place and a range of options had not been explored.

- 3.36 The majority of prisoners in Roebourne Prison are classified as minimum- or medium-security. Focusing on cell refrigerated air-conditioning for less than 10 per cent of the population as the only addition to the climate control options of the prison is consequently a very narrow approach and does not acknowledge simple local options such as allowing a late lock-up in the minimum-security section. The failure of the Prison Services Directorate to pursue this adequately represents the imposition of a significant burden of imprisonment on the prisoners at Roebourne Prison and leaves the Department open to criticisms of structural racism.
- 3.37 *Accordingly, it is recommended that the Department conduct a meaningful review of the climate control needs of prisoners at Roebourne Prison, establish acceptable standards for issues such as cell temperatures, and monitor these. The Department should also establish the current capacity of the prison to meet these standards and therefore the modifications and or additional resources required.*

HEALTH SERVICES

- 3.38 The quality of health service delivery and provision within the prison sector is of considerable importance to the Department of Justice with the Department stating that the quality of health services provided within its prisons should reflect that offered in the community. This Office accepts this, and expected therefore that the health services at Roebourne Prison would reflect both those of the Pilbara and, being an Aboriginal prison, the Western Australian Aboriginal Health Strategy.⁷¹ This was not the case in 2002 and this Office recommended:

That health and medical services at the prison be reviewed, with particular attention to the following matters:

- *Mental health services generally and the appropriateness of ‘telepsychiatry’ in particular;*
- *Prisoner access to health services;*
- *The location and lay-out of the health clinic;*
- *The present procedures for record management;*
- *Issues relating to informed consent by prisoners.*

⁷¹ Department of Health, ‘Western Australian Aboriginal Health Strategy: A strategic approach to improving the health of Aboriginal people in Western Australia’ (2000).

- 3.39 The recommendation above states this Office's general concern regarding the health service delivery at Roebourne Prison at the time of the 2002 Inspection and identifies five issues which were of particular concern. In response, the Department replied: that it had reviewed its use of telepsychiatry and had decided to minimise its use; that negotiations with the North West Mental Health service for psychiatric services were underway; and that new processes were being trialled at Roebourne to increase access to and cultural appropriateness of the health service. To its credit the Inspection Team confirmed that the Department had done all that it had stated it would do.
- 3.40 Since the 2002 Inspection, the health centre at Roebourne Prison had been renovated and the layout of the health clinic improved. The Inspection Team found the new clinic to be spacious with adequate area for its purpose, with an appropriate medication dispensing area and private consulting rooms. The new health facility was also found to have a dedicated medical records room where only health service staff have keys and the medical records were stored in locked filing cabinets. The only layout issue that remained a concern (though a minimal one) was the suitability of the waiting area, with prisoners required to wait outside in the open environment, on a bench seat.
- 3.41 Roebourne Prison Management, for their part, had introduced a new system for prisoner access to the health services. All prisoners were issued with a personal medical identification card and processes have been put into place to ensure confidential and timely access to health services. The Inspection Team observed this system in operation and spoke to male, female, medium- and minimum-security prisoners who were pleased with the new system and reported that it allowed them some confidentiality in relation to their health details.
- 3.42 Telepsychiatry use had, in accordance with Department of Health determinations, reduced from six instances of use between January and July 2003 to no documented uses up to the time of the Inspection. One of the permanent clinic nurses within the prison has mental health qualifications (identified as desirable but not essential within the position's JDF) and one day a week has been allocated to dealing with mental health assessments/reviews and discharge planning. The Department had negotiated with the North West Mental Health Service for the provision of psychiatric sessions with the number of appointments varying depending on need, availability and accessibility. Unfortunately, that contract has now lapsed and prisoners seeing a psychiatrist are required to be escorted to Karratha, where those prisoners who are medium- or maximum-security, are required to be handcuffed or shackled when not in transit.
- 3.43 One area found to be inadequate in the 2002 Inspection Report, and with which the Department disagreed with this Office's finding, was that of informed consent. In the 2002 Inspection this Office was not satisfied that the Roebourne Prison Management had in place sufficient mechanisms to ensure that prisoners were adequately informed of any consent issues pursuant to Policy Directive 14. The Department disagreed, and assured this Office that this was not an issue. At this Inspection, whilst staff stated that they always informed prisoners

of their rights and always obtained consent, the Inspectorate Team reviewed a sample of the records of prisoner undergoing medical procedures and was not able to verify notation of this in the medical notes.⁷² More importantly, a large proportion of the prisoners at Roebourne Prison do not have English as a first language and there was no indication that interpreter services⁷³ were being used to convey the necessary information to ensure that consent, if given, was indeed informed. This Office is still not satisfied that the Department can show that medical procedures are being undertaken in accordance with its own Policy Directives and with the necessary informed consent of prisoners. This is a systems issue and one that Health Services Directorate in the Department should address as a priority not only for Roebourne Prison but also for all prison health centres.⁷⁴

- 3.44 On the whole though, the improvement in health services at Roebourne Prison has been gratifying. Whilst there are still issues that need to be addressed, the Department's progress against this Office's recommendation has been acceptable and provides a base from which to build upon.

VISITS

- 3.45 The Department, consistent with the Strategic Plan for Aboriginal Services 2002–2005⁷⁵ and its community re-entry strategy,⁷⁶ acknowledges the importance of family visits in an Aboriginal prison. When inspected in 2002, both the facilities and the visits processes were found to discourage visits and it was recommended:

That the Department should encourage visits.

- 3.46 It was expected therefore, that the Department and the Roebourne Prison Management would make a genuine effort to maximise the number of prisoners receiving visits and the number of visitors they were able to see. Fundamental to this recommendation were issues identified in the 2002 Inspection Report, namely: the low number of prisoners receiving visits, the high number of prisoners from outside the region, the lack of outside visits facilities, the need to upgrade the existing visits centre, and disincentives to visits such as random strip searches and procedural barriers. The outcomes desired were a marked increase in visits and a decrease in the percentage of prisoners never receiving visits.
- 3.47 In response the Department stated that it had reviewed its policy in this area, and intended to reduce barriers to visit, including the use of random strip searches for visitors. It also reported

⁷² The Department has disputed this and has subsequently provided evidence to this Office that at least its current practice is to record consent issues in the medical notes.

⁷³ The Department does not have a wide range of medical information available in Aboriginal languages and even should this be available, few Aboriginal prisoners in Roebourne Prison are literate in their language.

⁷⁴ In response, the Department has once again challenged this point. But when asked to provide documental evidence of their compliance with Policy Directive 14 from the time of the Inspection they were unable to do so. This Office will keep this matter under review through its prison liaison scheme.

⁷⁵ Department of Justice, 'Strategic Plan for Aboriginal Services 2002–2005' (May 2002).

⁷⁶ Department of Justice website – Creating a Safer Community: the Community Re-entry for Prisoners Program, <http://www.justice.wa.gov.au/>

that it was reviewing the facilities for visits at Roebourne Prison and investigating the use of outside areas for visits purposes.⁷⁷

- 3.48 This was a positive response from the Department. In particular, in a prison where the majority of prisoners (over 85%) received no or very few visits⁷⁸ any disincentive, such as randomly targeted strip-searches, would be counter-productive. The adherence to the previous policy (intended to reduce the flow of contraband into the prison)⁷⁹ demonstrated a focus on security systems that was out of step with Roebourne Prison's risk profile and with the very low number of instances of contraband detected.⁸⁰ This Office applauds the Department's commitment to change in this respect; but, if this is the full extent of the Department's commitment to reducing barriers to visits at Roebourne Prison, it falls well short of the mark.
- 3.49 The prison itself has also taken some small but positive steps to maximise prison visits. Arising from Director General Rule 7.6, the introduction of photo identification for visitors has caused disruption in the visits regimes of prisons across the State. At Roebourne Prison this appears to have been minimised by the family-friendly approach taken by the visits staff. Firstly, the Superintendent had permitted significant discretion to be exercised by the staff at the Front Gate. The Inspection Team observed visitors arriving without a booking as well as visitors presenting for a visit without any of the specified items that the Department have defined as constituting 'valid proof of identification'. The staff dealt with these matters in a sympathetic manner and admitted the visitors, who were largely unaware of the extent of the concessions made. Secondly, prison staff had designed an information leaflet to be given to visitors containing the visits booking telephone number, the visits times and the photo identification requirement. Visitors were encouraged to pass the leaflet on to other potential visitors to the prison. This small effort to reach out to the community demonstrates Roebourne Prison Management's consideration for the family of prisoners.
- 3.50 During the course of the Inspection this Office discussed with the Superintendent the prospect of introducing a group processing scheme, both for visitors and prisoners. This would entail establishing a formal system to allow an individual or a group of visitors to visit an individual or group of prisoners. Although no other Western Australian prison has such a scheme in place, it is particularly appropriate in an Aboriginal prison. The Superintendent was very receptive to this suggestion and indicated that the concept would be considered and progressed if possible.
- 3.51 Despite these initiatives, the number of visits had not significantly improved, nor had the ratio of prisoners not receiving any visits.⁸¹ The visits facilities were still found to be very basic with visitors crammed into a small visits room, and seated on bench seats in close proximity to their

⁷⁷ *Report of an Announced Inspection of Roebourne Regional Prison – April 2002*, op. cit., p. 108.

⁷⁸ Information supplied by the Department of Justice.

⁷⁹ Department of Justice, Policy Directive 26 (now defunct).

⁸⁰ Information supplied by the Department of Justice.

⁸¹ Information supplied by Roebourne Regional Prison.

neighbours. The room was found to be inadequately air-conditioned and lacked sufficient refreshment facilities and activities to occupy children. Video visits were almost non-existent, with the Roebourne Prison Management not able to report to the Inspection Team how many such visits had occurred this year. These deficiencies in facilities and reporting are unacceptable and require urgent attention. Roebourne Prison Management informed the Inspection Team that it was attempting to overcome some of these issues by coordinating with the Department of Community Development to provide family transport assistance and the opening of an outside area for visits. Unfortunately, the funding for the outside visits area had been linked to the tender process for the upgrade of the perimeter fence. In the view of this Office, linking the funds to the exterior security upgrade has unnecessarily delayed the process; but, as this Office understands it, such arrangements should be in place by the end of 2003.⁸² At the end of the day, what is of importance in this situation is the welfare of prisoners and the encouragement of family support. In an Aboriginal prison like Roebourne, visits are central to the wellbeing of prisoners. The Department has acknowledged this,⁸³ so in a prison where the vast majority of prisoners still do not have visits, this presents a less than acceptable level of progress.

- 3.52 Accordingly, *it is recommended that the visits facilities at Roebourne Prison be reviewed and efforts made to improve facilities and that mechanisms for increasing prisoners access to visits be explored.*

GRIEVANCES AND COMPLAINTS

- 3.53 The grievance and complaints system within a prison is an integral local management tool for the maintenance of good order, for prisoner and staff relations and for the improvement of a prison's services. It is an essential mechanism for encouraging positive interaction between staff and prisoners whilst allowing for escalation of complaints prisoners feel have not been dealt with adequately at the unit level. It is there to improve the system, to act as an internal monitoring and compliance management system and also to provide for external review in order to develop a fairer and more equitable service. In this manner it is a useful tool for prisoners and staff in the promotion of confidence in a prison and in the Department and is a useful marker for the overall performance of a prison.
- 3.54 As outlined in the Ombudsman's 2003 Annual Report – and accepted by the Department in their response to that report – for the grievances and complaints system to work effectively it must fulfil three general conditions: there must be a commitment from all levels of the Department to the value of the system; the system should be demonstratively fair to both prisoners and staff, meaning it must be visible, accessible and responsive; and staff involved should be selected appropriately and trained. These are good practice standards that the Department has embraced within its Director General's Rule 5 and in its RFP Standards Framework. More specifically, the Department stipulates that confidential mail envelopes

⁸² Roebourne Prison Management has informed this Office that a suitable area has now been opened (Attachment 2, letter, Director General 31 May 2004).

⁸³ Department of Justice, 'Strategic Plan for Aboriginal Services 2002–2005' (May 2002).

should be readily available within prisons and, according to the Department's RFP Standards Framework,⁸⁴ information on their use and the grievance system in general should be promoted to prisoners in various formats (including in booklet form and as part of prisoner orientation) appropriate to their culture and literacy level. The Superintendents' Circular 10/2003 instructed prisons that a dedicated confidential mailbox should be set aside and positioned in such a way as to give easy access and some measure of confidentiality to those posting complaints or confidential mail. Again, according to the RFP Standards Framework,⁸⁵ a monitored process should be put in place to guarantee the integrity of confidential mail and the complaints process, and there should be open and frank discussion with, and feedback to, prisoners on complaints. For Roebourne Prison, prison officers did not appear to consider these to be issues for the Inspection, with the staff survey indicating that 75 per cent of officers believed that the current process was acceptable.

- 3.55 When the Inspection Team examined the grievances and complaints system at Roebourne Prison it found (as it did in 2002) that contrary to the Superintendents' Circular, no areas within the prison had a separate box for confidential mail⁸⁶ and that prisoners were still required to place confidential mail into the unit mail box in clear view of the unit control room. The key to this box was found to be held in the unit office and accessible to all staff, with no senior officer or administrative person dedicated to the task of clearing the confidential mail.⁸⁷ The yellow confidential mail envelopes were evident, but prisoners informed us that these had only appeared in the week prior to the Inspection. Staff confirmed this and stated that as this Office had found in its previous Inspection, forms would normally be available only from within the unit office with prisoners required to request access to them. In addition, in October 2003 the Ombudsman wrote to the Superintendent of Roebourne Prison and enclosed a new simplified complaint form for prisoners. The Inspection Team was unable to locate any of these forms in places easily accessible to prisoners, such as in the units or in the library.
- 3.56 Further, the Inspection Team found that information on the grievances and complaints process was not visible in the units and was not included in written material provided to prisoners in their induction. Also, none of the prisoners interviewed during the Inspection remembered any officer describing the process to them in their orientation, or since. This Office observed that the only complaints information available within the prison was in English with, contrary to good practice standards,⁸⁸ no local language resources evident. The lack of local language resources is of particular significance for a prison with such a high

⁸⁴ Department of Justice, 'Wooroloo Prison South Project: Request for proposal (November 1998), op. cit., p. 113.

⁸⁵ Ibid, pp. 113–14.

⁸⁶ Roebourne Prison Management has informed this Office that since the Inspection confidential mail boxes have been installed (Appendix 2, letter, Director General 31 May 2004).

⁸⁷ This Office was informed by Roebourne Prison Management that clearing the mailbox was the responsibility of the night shift staff.

⁸⁸ Such as the Standard Guidelines for Corrections in Australia (guideline 1.5 for illiterate prisoners) and the 'Department of Justice, 'Wooroloo Prison South Project: Request for proposal (November 1998), op. cit., pp. 117–18.

Aboriginal population, a considerable number of whom do not have English as a first or second language.

- 3.57 The Inspection Team was not able to identify any process to test the integrity of the current system. When a sample of complaints was reviewed, Roebourne Prison Management was not able to satisfy the Inspection Team that it had, pursuant to Director General's Rule 5, adequately investigated the complaints, had communicated clearly with the prisoners, or had made the prisoners aware that they could take their complaint to a higher level. Not surprisingly then, prisoners informed the Inspection Team that they did not trust the grievances and complaints systems. This was further exacerbated by the perception from prisoners that they would be labelled as 'whingers' for putting in complaints and that they may be targeted as a result. This attitude, of viewing complaints by prisoners as whingeing, was further confirmed in discussion with staff.
- 3.58 The Department has failed to ensure that Roebourne Prison's grievances and complaints system complies with its own practice guidelines and standards. Protocols are not adequately supported by the physical resources in place (envelopes, blue boxes) or by staff training and prisoner orientation. The process was not being adequately supervised locally and was not being evaluated or compliance monitored centrally. Therefore the grievances and complaints system at Roebourne Prison was under-utilised and lacked credibility amongst prisoners. In the preceding seven months, prisoners in Roebourne Prison had lodged only one complaint. Yet in the one day the Inspection Team member from the Ombudsman's Office set aside for the purpose, ten complaints were received, and over the one week period of the Inspection, fourteen were received. This is clearly not a prison without complaints. Regional and particularly remote Aboriginal prisoners are typically compliant and slow to register complaints; where they do complain this should be seen as a potential red flag, identifying an aspect of service likely to need review.
- 3.59 Accordingly, *it is recommended that Roebourne Prison seriously address its grievance and complaints processes and resources in line with the RFP Standards Framework and the Superintendents' Circular 10/2003.*

Chapter 4

REHABILITATION

OFFENDING BEHAVIOUR

- 4.1 Roebourne is a regional prison that must be able to provide offender programs that appropriately address the needs of its prisoners. These prisoners are largely Aboriginal and consequently, the programs delivered should recognise the diversity in Aboriginal populations, the content and delivery complexity arising from this diversity and the need for programs to be offered at Roebourne Prison rather than sites further south. Addressing this in part, the 2002 Report recommended:

That the Cognitive Skills Program for prisoners should be continued in a format that has been appropriately modified to take account of Aboriginal cultural issues.

- 4.2 This was a recommendation towards a specific action to which the Department merely stated that it had already modified the Cognitive Skills Program for Aboriginal cultural issues and would be evaluating the overall program at some stage in the future.⁸⁹ This Office requested a copy of the relevant modifications to the Cognitive Skills Program, but the Department was not able to produce any such modifications and informed this Office that these changes made were made locally and were in the nature of delivery format rather than content. The Inspectorate, still waiting on the results of the Department's review of this program, has since conducted its own Thematic Review of Cognitive Skills Programs in Western Australian Prisons and found that 'some attempt is being made to adapt the program for use with Aboriginal prisoners; however, to date those adaptations are not in accessible written form and their benefit to the program had not been determined'.⁹⁰ This Office is therefore unable to comment on the quality or appropriateness of any modification, if indeed any have actually been made.
- 4.3 On the wider issues, the Inspection Team noted from the prison's records that few programs had been delivered at Roebourne Prison since June 2003⁹¹ and that the Cognitive Skills Program had not operated in 2003. This trend has been evident since 2002 where only 38 prisoners were reported as attending programs; down from 132 prisoners in the previous year. By 2003 that number had dropped again to 21. It is fair to say therefore that program delivery at Roebourne Prison has basically ceased. Both Roebourne Prison Management and the Department informed the Inspection Team that the Programs Officer had been instructed by the Department not to attempt to run further programs in 2003.
- 4.4 This is a Department funding issue and one that has a real potential to negatively impact on the number of prisoners at Roebourne Prison who, because of the inability to complete core offending behaviour programs, may not be granted early release by the Parole Board. In this

⁸⁹ *Report of an Announced Inspection of Roebourne Regional Prison – April 2002*, op. cit., p. 108.

⁹⁰ *Thematic Review of Cognitive Skills Programs in Western Australian Prisons* (Office of the Inspector of Custodial Services, Perth, Draft Report April 2004).

⁹¹ One program was run earlier in the year for a total of 21 people. This hardly meets the needs of a prison where in 2003 this Office estimates that over ten times this number of prisoners would have been assessed as having need of alcohol and drug programs.

REHABILITATION

respect the Department does not appear to have made any progress against the particulars of this recommendation and very little in regard to program service delivery.

- 4.5 Consequently, *it is recommended that the Department review each of its offender programs delivered to Aboriginal prisoners in regards to: delivery format; content; language; and effectiveness specific to the Aboriginal group receiving the program. The previous recommendation made earlier in this report, that sufficient programs be provided to meet the needs of the prisoners at Roebourne Prison is also restated.*

DRUGS AND ALCOHOL

- 4.6 One of the most serious threats to security and good order in prisons is the use of alcohol and drugs by prisoners. The management of the impact of alcohol and drug use, whether through withdrawal, or in respect of current or historical use, is also very important to the welfare of prisoners.
- 4.7 The population from which Roebourne Prison typically draws the majority of its prisoners experience serious alcohol and drug problems. Indeed, 70 per cent of prisoners at Roebourne have been assessed as having an alcohol problem that contributed to their offending behaviour.⁹² Consequently, the Inspection Team expected that there would be considerable focus on alcohol and drug issues during induction, that a competent testing process would be in place and that relevant treatment programs would be offered to affected prisoners. These are good practice standards identified by the Western Australian Government in a recent Ministerial report on reducing re-offending.⁹³
- 4.8 In these circumstances it was surprising to find that there was no mention of alcohol or drug issues or strategies in the prison's current Business Plan. As well, in discussions with prison officers and management there was an apparent lack of familiarity with the Department's Drug Plan. In terms of facilities, the area used for taking urine samples was found to be unhygienic and there was a noticeable lack of printed resources for the prisoners. The resources that were available were outdated and otherwise unsuitable for people with limited literacy skills.
- 4.9 The Inspection Team also found poor provision for after hours risk assessment of new prisoners, particularly those arriving with minimal warning. In the absence of after hours nursing staff, risk assessments appear to be undertaken by the reception staff, who report that they have had no formal training in the assessment of potential medical risk. In addition, there were no written local standing orders for the after hours management of intoxicated prisoners or those suffering the symptoms of withdrawal from alcohol or drugs. These findings are unacceptable for a reception prison.
- 4.10 Community agencies such as Mawarnkarra Health Service Aboriginal Corporation and the

⁹² Information supplied by Roebourne Regional Prison.

⁹³ 'Reducing Re-offending – focusing on re-entry to the community. Report on a Visit to England, Norway, Denmark, Belgium and France', op. cit.

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Community Drug Service Team in Karratha report poor linkages with the prison, with no local agency identified by the Department to run the prison's next scheduled alcohol and drug treatment program. As mentioned earlier, all treatment programs appear to have stalled at Roebourne Prison, with none run over the past five months.⁹⁴ Paradoxically, this Office was informed at the Department of Justice briefing for this Inspection and later itself confirmed at the prison, that the need to assess prisoners for treatment programs and the subsequent paperwork arising from the high demand for programs, was swamping the prison's capacity to run programs.

- 4.11 The Department should (and does according to its latest Annual Report)⁹⁵ consider the provision of alcohol and drug services at Roebourne Prison as core business. In doing so it should also resource it appropriately. Roebourne Prison Management itself should do more to engage the local service providers and to raise awareness of drug and alcohol issues with its staff. Drug issues should be central to the activities of the prison and this should be evidenced by Roebourne Prison Management's and the Department's commitment to assessment, treatment and program delivery at this prison.
- 4.12 *Consequently, it is recommended that Roebourne Prison introduce alcohol and drug information during induction, that a competent testing process be put in place, that relevant treatment programs be offered to affected prisoners, and that the Department ensure that all health risk assessments for alcohol be conducted only by suitably qualified and trained staff.*

EDUCATIONAL SERVICES

- 4.13 At the 2002 Inspection, education was in a state of flux, with a new education centre being developed and considerable disruption to normal services evident. Due to inconsistencies in the information provided to the Inspection Team and its own observations, the true level of education provision in 2002 was not able to be determined, but on all figures it was lower than would have been expected for a prison of its size. TAFE training had ceased due to administrative difficulties and there was a general lack of direction and focus for education within the prison. The Report therefore recommended:

That the activities of the Education Unit should be reviewed and a clear set of objectives identified.

- 4.14 Since the 2002 Inspection a new education centre has been completed, the Department has run an education forum to look at making education more appropriate to regional needs and a new Senior Education Officer has been appointed to the prison. When the Inspection Team reviewed the educational activities at Roebourne Prison for this Inspection, the prisoner participation rates were very impressive (52 prisoners involved in 169 TAFE units). Wherever possible the Education Centre was combining education and training into the work, recreation and daily activities of prisoners with apparent positive results (71% completion

⁹⁴ Information supplied by the Department of Justice.

⁹⁵ Department of Justice. Department of Justice Annual Report 2002/2003 p. 81.

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rate). The Superintendent, with the Operations Manager and the Senior Education Officer, had been working with the Pilbara TAFE to considerably expand its activities within the prison, such that all courses have national accreditation and prisoners are able to attend the local TAFE branch on Fridays. Courses were adapted to the local prisoner population and there was heavy use of local tutors in translating and teaching content. In addition, discussions have been held with remote Aboriginal communities to better match education options to the likely needs of prisoners once released back into these communities. Prisoners were participating in art programs pre- and post-release at Cossack (a nearby tourist site), and women now have three education programs available per week.

- 4.15 This is an exceptional improvement and one for which the Roebourne Prison Management should be duly proud. The new Senior Education Officer showed good leadership within the prison and demonstrated dedication and competence. The Department should be commended for employing a quality candidate for Roebourne Prison. Similarly, the Superintendent has been very supportive and should likewise be commended for this service outcome.
- 4.16 On the less positive side, based on comments made by the Senior Education Officer, the resources available to education still appear limited, with no Skills Development Officer able to be employed, no funding available for non-accredited activities such as hobby art and only limited access to the library.⁹⁶ Access to education for maximum-security prisoners could also be improved. In general, though, this is a very good service with procedural aspects that prisons throughout the State could learn from and the Department's progress against this Office's recommendation has been more than acceptable.

COMMUNITY RE-ENTRY STRATEGIES

- 4.17 Section 94 work activities, a component of the Department's Rehabilitation and Reintegration Cornerstone, are integral to the successful re-entry of minimum-security prisoners back into normal living situations and their communities. They are also a means of further engaging the prison with the community and 'provide a focal point for prisoners to be organised to provide reparation to the community'.⁹⁷ The Inspectorate views Section 94 work activities as essential for regional prisons and believes that they should be developed to their fullest potential in prisons like Roebourne. This was not the case in 2002 and this Office recommended:

That in the light of the apparent success of the Millstream Work Camp and the general importance of good interactions between prisoners and the community, Section 94 activities should be further developed.

⁹⁶ The Library Officer is also the Recreation Officer and library facilities are therefore only available outside recreation times or in place of recreation.

⁹⁷ Report No. 18, *Report on an Announced Inspection of Albany Regional Prison – September 2002* (Office of the Inspector of Custodial Services, Perth, 2003), p. 40.

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- 4.18 Given the Department's acceptance of this recommendation, this Office expected to see that the number of prisoners engaged in Section 94 activities had increased since 2002 and that the nature of the work would have reflected its rehabilitative components (through vocational education and skilling) over and above the reparation to the community. Further, given the recent focus on re-entry reflected in the Ministerial Report to Parliament⁹⁸ and the Department's Community Re-entry for Prisoners Program, the Inspection Team also expected to see the local community and the communities to which prisoners at Roebourne Prison were to be released into, actively engaged in the planning for and allocation of Section 94 activities.
- 4.19 Following the 2002 Inspection of Roebourne Prison, the Department committed itself⁹⁹ to providing funding to upgrade the effluent system at the Millstream work camp in order to eventually allow for a further four prisoners to be accommodated there.¹⁰⁰ Beyond that, it merely noted: that Roebourne Prison Management planned to increase its Section 94 activities; that Roebourne Prison Management had linked activities to TAFE training; and that Roebourne Prison Management was paying particular attention to women's Section 94 needs and opportunities. These were to occur without the Department of Justice providing funds for a full-time Section 94 officer.
- 4.20 The Department's response is inadequate, as it does not provide sufficient detail in terms of standards setting or participation rates and makes no commitment to sustainability. The Department should clearly be doing more at the strategic level, particularly in negotiating at a management level with other agencies to expand the options for Section 94 activities.
- 4.21 Meanwhile, Roebourne Prison Management was working hard to maintain and develop its Section 94 activities but appears to be struggling. At the time of this Inspection, not including prisoners at the outstation, only nine prisoners were involved in Section 94 work, none of whom were female. The work being done, whilst linked to weekly TAFE training, did not appear to be particularly meaningful and was limited to sites near the prison. As this Office understands it, the Superintendent is working with local government and agencies to expand the options available, but as yet no firm commitments have been made. The Pilbara is currently experiencing a sustained employment and economic boom¹⁰¹ and the Roebourne Prison Management should be actively negotiating with business in the Pilbara to secure reparation and re-entry opportunities. Of course this is difficult without a full-time Section 94 officer and with little to no support from the Prison Services Executive, but Roebourne

⁹⁸ McGinty, J., 'Reducing Re-offending – focusing on re-entry to the community. Report on a Visit to England, Norway, Denmark, Belgium and France' (2002).

⁹⁹ See Appendix 1 to this Report.

¹⁰⁰ The Department has notified this Office that it plans to increase the number of prisoners to 12 but requires an additional donga to accommodate the increased numbers. Funds have been allocated and it is anticipated that this work will occur towards the end of the 2003–04 financial year.

¹⁰¹ Department of Local Government and Regional Development, 'Pilbara Economic Perspective: An update on the economy of Western Australia's Pilbara Regions' (May 2003).

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Prison Management should seek to organise its own local level solutions.¹⁰² In the end, the intent of this recommendation was to increase the number and scope of Section 94 work activities and that has not been achieved to an acceptable level.

- 4.22 Consequently, *it is recommended that Roebourne Prison continue efforts to enhance the scope of Section 94 activities and the number of prisoners involved.*

¹⁰² Roebourne Prison Management has informed this Office that since the Inspection it has “reviewed and changed an existing Uniformed Industrial Officer position to enable an additional group of prisoners [to participate in Section 94 work] on a daily basis”. This is currently an unfilled position that Roebourne Prison Management is endeavouring to fill (Attachment 2; letter Director General 31 May 2004).

Chapter 5

REPARATION

EMPLOYMENT

- 5.1 Employment, within the prison setting, is very important to prisoners and to the functioning and good order of a prison. Employment serves many purposes including reparation, preparation for release and, most importantly to the well-being of prisoners, the provision of constructive activity. In addition, Canadian figures show that engaging prisoners in constructive employment can significantly reduce recidivism.¹⁰³ As such, it falls within the Department's cornerstones for reparation, and rehabilitation and reintegration. It is also covered in the Department's Policy Directive 25.
- 5.2 Because of its importance, this Office anticipates a broad range of employment opportunities to be available in all prisons. At its very basic level these would involve prisoners in routine activities around the prison such as cleaning, gardening, maintenance, kitchen and laundry. In addition, the Department and individual prisons are expected to have developed business cases for multiple industries and strategies for skill formation and maintenance. This would necessarily involve discussion and negotiation with the local community and the consideration of the viability and utility of the activity to prisoners and to the community. Employment should be, where possible, tied into the activities of the prison's education unit and involve the local TAFE. Active and constructive Section 94 work programs should be an operational priority. Where for various reasons such activities are curtailed, this Office would expect that the Department and the prison's management would have a clear plan to ensure that this would be for the shortest possible duration and that sufficient alternative constructive activities were available. This would be commensurate with good practice, arising from the Department's Policy Directive 25 and consistent with the approach reflected in the Department's RFP Standards Framework.¹⁰⁴
- 5.3 The Inspection found that Roebourne Prison had a mixed result in respect of employment initiatives. On the positive side, the way in which the activities of the education unit had been tied into prisoner employment and in particular the involvement of the local TAFE, were probably some of the better examples this Office has seen. Roebourne Prison Management has attempted to progress local planning for industries and has commenced discussions with the community and local suppliers. It has secured Section 94 work opportunities and the Millstream Work Camp is a shining example of how an outstation should function. However, on the negative side, employment was found to be running at the barest minimum and had done so for some time. On-site industry was not functioning, with workshops closed down and industrial staff, as observed by this Office and confirmed by Roebourne Prison Management, wholly employed on prison maintenance and upgrades with which prisoners were only nominally involved. Some prisoners were performing routine cleaning and gardening tasks but this was on a part-time basis and largely unsupervised. Similarly, whilst a few prisoners worked in the laundry, there was no Laundry Officer and therefore no control over process, occupational health and safety or the quality of the output. Only a small number of prisoners were working on Section 94 activities that were quite menial and limited to a

¹⁰³ Correctional Services Canada 'Prison work programs (Coran) Participation: Post release employment and recidivism'.

¹⁰⁴ Department of Justice, 'Wooroloo Prison South Project: Request for proposal (November 1998), op. cit., p. 132.

PHOTOGRAPHS OF ROEBOURNE REGIONAL PRISON



Security

Roebourne Prison, a medium security facility, caters for male and female prisoners across all security ratings. As such, it has a secure perimeter with electronic movement detection, CCTV monitoring, two layers of fencing and razor wire. Given the security of its perimeter and the profile of its population, including the high number of minimum security prisoners, this Office believes that the prison is overly reliant on internal movement controls and static barriers.



Female yard

Due to a lack of services and activities, female prisoners are functionally confined to their block for almost the entire period of their imprisonment. This block is essentially a concrete pit covered with 'sky bars'. An attached grassed recreation area is seldom used due to its small size, lack of shading and insufficient screening from the adjacent male section.



Maxi yard

This picture shows the yard and recreation area for male maximum and remand prisoners. Just prior to the Inspection this area was accommodating three prisoners per cells designed for single occupancy and some of these prisoners were required to sleep on the floor.

In light of the secure perimeter, also note the very high level of security in this unit, disproportionate to the risk posed by these prisoners to the community, their resources or their will to escape.

PHOTOGRAPHS OF ROEBOURNE REGIONAL PRISON

Medium yard

Roebourne Prison has only two levels of general accommodation: maximum, and this, medium security. There is not incentive, hierarchical accommodation or self care facilities at Roebourne Prison. Two such medium yards exist. Note the absence of 'sky bars' and the increased availability of open space. This area contains a unit BBQ and meeting place, both unshaded. The veranda areas directly outside the cells provide the only shade in the yard.



Accommodation cells

Roebourne has one of the hottest and most humid climates in Western Australia, with summer temperatures regularly in excess of 50 degrees Celsius.

Prisoners are locked in these cells for between 12 and 23 hours a day with only the female and maximum security cells having access to air conditioning. The remainder of cells (90%) rely on a single fan placed as in the picture attached, for cooling.

Cells, amenities and provisions (pillows, sheets etc) were found to be poorly maintained and unhygienic. Note the leaking water from the toilet cistern and the absence of privacy.



PHOTOGRAPHS OF ROEBOURNE REGIONAL PRISON



Visits room

The visits facilities at Roebourne Prison are very basic, with visitors crammed into a small visits room, and seated on bench seats in close proximity to their neighbours. The room was found to be inadequately air-conditioned and lacked sufficient refreshment facilities and activities to occupy children.



Outside visits area

The attached outside visits area, a concreted space surrounded by verandas, was not used for visits and at the time of the Inspection was being used for art classes.



Proposed outside visits area

During the course of the Inspection this Office discussed with the Superintendent the prospect of introducing group visits in a grassed area adjacent to the visits room. The use of this area received the support of the Superintendent and the prison has progressed this proposal since the Inspection.

PHOTOGRAPHS OF ROEBOURNE REGIONAL PRISON

Laundry

At the time of the Inspection the laundry area and service was in disarray, without a laundry officer position or formal observation of prisoner activities. Prisoners regularly complained about damage to and loss of clothing and their inability to have their clothes adequately cleaned.



Meeting place

The Aboriginal meeting place, pictured here, is seldom used by prisoners. Prisoners reported that they saw little to attract them to the meeting place and that despite shading the summer temperatures rendered it unusable.



Education

Since the 2002 Inspection a new education centre has been completed at Roebourne Prison. When the Inspection Team reviewed the educational activities provided, the prisoner participation rates were very impressive and wherever possible the Education Centre was combining education and training into the work, recreation and daily activities of prisoners. The results were valued by prisoners and benefited the community.



REPARATION

small radius around the prison. This observation of inadequate prisoner employment was supported by staff who highlighted the lack of prisoner employment activity and opportunities in their survey, rating prisoner access to employment as the least accessible of all the activities within the prison.

- 5.4 The Inspection Team did not find that compensatory activities had (outside of education) increased. Recreation was low, hobby art non-existent, there was no Skills Development Officer, and for a prison with such a low level of industry activity, the facilities and surrounds were surprisingly unkempt.
- 5.5 The low level of employment evident at this Inspection was contrary to the information published in the Department's Monthly Performance Reports (and provided to the Inspection Team at the Department briefing), which indicated near full employment for the prison. This inexplicable disparity between the Department's published figures and the Inspection findings necessarily casts doubt upon the Department's ability to effectively and accurately monitor the performance of individual prisons.
- 5.6 Part of the reason for the apparent lack of meaningful activity at Roebourne Prison can be attributed to local planning, which appears to be limited and narrowly focused. The three business cases for new and reinvigorated industries presented to the Inspection Team,¹⁰⁵ had not progressed as far as might be expected given the near completion of the prison refurbishment. In addition, no timetable for the rollout of these industries could be identified.
- 5.7 The majority of these issues though, arise as a consequence of the Department's apparent neglect of Roebourne Prison. It is the Department's responsibility to fund capital upgrades so that the prison can continue to operate and not need to second its industrial officers in order for projects to be completed. It also has a responsibility to monitor activities to ensure that upgrades or capital works do not unduly interfere in the routine running of the prison.¹⁰⁶ The Department should have a plan for the prison, rooted in the opportunities provided by its regional location and should provide support to the prison on what industries would be best suited to it, and what industries would best fit within its overall prison employment vision. Information similar to that necessary for this leadership and direction is maintained by the Department of Education and Training for workforce planning purposes and allocation of curriculum pathways for TAFE Colleges. The current Departmental research and planning, and indeed that of the prison, do not appear to be collecting a similar level of information or making use of existing data sources. As a consequence of these deficiencies, employment at Roebourne Prison has suffered.
- 5.8 Consequently, *it is recommended that the Department develop and implement an industries plan for Roebourne Prison that takes into account training needs and their employment options for prisons on release.*

¹⁰⁵ The three business cases were: vegetable growing, concrete products and carpentry.

¹⁰⁶ Capital upgrades in occupied prisons necessarily require detailed plans, good supervision and adequate funding. Inadequate funding can result in 'corners being cut' and the overall quality of prison life diminishing for the period of the project.

Chapter 6

RESOURCES AND SYSTEMS

HUMAN RESOURCE MANAGEMENT

6.1 At the time of the 2002 Inspection the Department published the results of its Employee Options Survey 2002¹⁰⁷ that showed that Justice employees believed they experienced high levels of work related distress, poor training, lack of career development, lack of clarity of direction or communication from upper management and that many were looking to find alternate employment. For Roebourne Prison, this disaffection is seen in the 12 prison officers who have left the prison since the 2002 Inspection, and the further 22 (nearly 50% of the uniformed staff) who are currently seeking transfer. Regional prisons such as Roebourne have, as demonstrated here, difficulty attracting or retaining quality staff and the Prison Service has been promising for many years to comprehensively address this issue. To its credit the Department has developed a Strategic Human Resources Plan¹⁰⁸ that acknowledges a number of the concerns this Office has raised in its Inspection Reports. It was hoped that this plan would provide the leadership and outcomes that prison staff have been looking for over many years from their senior managers and directors. In light of this, the 2002 Report recommended:

That the Department arrange for the implications and impact of its recently concluded external review of its Human Resources policies to be assessed and implemented, with particular reference to:

- *The training needs of officers working in a predominantly Aboriginal prison;*
- *The very low representation of Aboriginal staff at the prison; and,*
- *The need for a Remote Area Incentive Strategy.*

6.2 At this Inspection it was expected that evidence of the implementation of the Strategic Human Resources Plan would be found at Roebourne Prison, and that particular attention would have been paid to the issues identified in the above recommendation. The Department's response¹⁰⁹ stated that cross-cultural awareness training was a priority for Roebourne Regional Prison; however, the prison's training records indicated that the Department had provided only a minimum amount of funding to train a small number of officers, and then for only one occasion. The training provided was organised at the local level, which has its benefits but could also be seen to reflect the Department's lack of ownership of this issue. During the 2003 Inspection, prison officers and management reported that the training was not monitored for quality assurance, was not accredited, that outcomes (beyond attendance) were not measured, and that there did not appear to be a statewide or even regional training framework. Training issues extend beyond cultural awareness needs, with groups (such as the administrative staff) largely isolated within the prison and with very limited relief options and little scope for in-service development and advancement.

¹⁰⁷ Department of Justice, 'Employee Options Survey 2002' (May 2003).

¹⁰⁸ Department of Justice, 'Public Prisons Strategic Human Resources Plan 2002–2006' (2002).

¹⁰⁹ *Report of an Announced Inspection of Roebourne Regional Prison – April 2002*, op. cit., p. 109.

- 6.3 In respect of this Office's concern over the low representation of Aboriginal staff at the prison, the Department indicated that it shared this concern and that it would be addressing it with targeted staff recruitment. As this Office understands it, there has been some success in this area, with three prison officers recruited from the local community.
- 6.4 With regard to the need for a Remote Area Incentive Strategy, the Department's response showed its lack of understanding of the needs and concerns of its own regional workforce. As stated in its response, the Department has been working on avenues to provide incentives for employees in remote areas since 2001. In reviewing these incentives, it appears that the Department's major initiative has been the promotion of a State Government scheme for subsidising home loans for regional employees. This limited option does little to address the needs and concerns of prison officers or their families and given the time that has passed and the range of options presented to the Department, this Office would have expected much more to have been achieved in this area. From the prison officer surveys this Office has conducted in the six regional prisons and Roebourne Prison's own survey of staff, it is clear that not all prison officers in regional and in particular, remote areas, want to live there indefinitely or even for a prolonged period. For these officers home ownership is not a priority and therefore not a meaningful incentive.
- 6.5 Whilst local recruitment may in time deliver a workforce more inclined to remain living in the region for a longer period, the present workforce characteristics of the region indicate a transient workforce. The Government's own figures show that over 78 per cent of people moving to the Pilbara do so for employment reasons with almost none (2%) for lifestyle.¹¹⁰ Most of these then leave within five years.¹¹¹ Roebourne Prison Management itself has confirmed this in a recent poll of its prison officers.¹¹² This showed that whilst a small number wished to leave immediately, a much larger number were willing to stay for periods of up to five years, as long as this was not indefinite and the transfer list system was made more flexible, fair and equitable. For the Department to ignore this poll and the commensurate population trends again reflects the Prison Services Executive's poor planning for the sustainability of Roebourne Prison.
- 6.6 In making this recommendation, the Inspectorate did not ask for anything additional to what the Department had already committed to doing. However, on its second Inspection, this Office found that little or nothing had been done to address the substance of the recommendation and progress therefore, had been less than acceptable.
- 6.7 Consequently, this Office once again recommends that the Department *assess and implement the general and Roebourne Prison specific findings of its own review of human resources issues.*

¹¹⁰ Department of Commerce and Trade, 'Living in the Regions: The Views of Western Australians' op. cit. p. 13.

¹¹¹ Ibid, p. 36.

¹¹² Information supplied by Roebourne Regional Prison.

SUMMARY OF RESOURCES AND SYSTEMS ALREADY IDENTIFIED

- 6.8 Throughout this report a number of resource and systems level matters have been identified. They include:
- Out of date security infrastructure;
 - Poor living conditions of the female section;
 - The paucity of induction and orientation resources and systems;
 - The lack of confidential mail envelopes and boxes;
 - Ineffective grievance and complaints procedures;
 - Inadequate visits facilities;
 - Poorly developed industries and lack of employment opportunities;
 - Inappropriate and poorly coordinated regimes for population sub-groups;
 - A lack of staff training across a range of issues;
 - The lack of case management;
 - The lack of offender program availability and cultural appropriateness;
 - Poor after hours health provision and assessment;
 - The lack of a full-time Section 94 officer.
- 6.9 Roebourne Prison, as identified earlier in this Report, has limited financial, human and community resources to address these issues. Consequently, *it is recommended that the Department review the capacity of Roebourne Prison to fund and implement changes arising from this report and that the Department suitably support the prison where it is not able to meet identified requirements.*
- 6.10 To this end, *it is also recommended that the Department appoint a Change Manager for Roebourne Prison to work with the Roebourne Prison Management to establish priorities against the Department's action plan arising out of this Report and to assist the prison to implement its plan.*

A COMPREHENSIVE PLAN

- 6.11 For many of the Inspection recommendations a series of starting points or key markers for change are included. The text of the recommendations make it clear that these are not exhaustive and that in order to meet the substance of the recommendation, effort beyond that list is expected. This Office expects the Department to look closely at the substance of these recommendations and to read them in light of the contexts in which they were made and in the light of its policy and planning framework. Addressing these issues would require clear direction and integration into the wider strategic plan for prison management within rural and regional Western Australia. Importantly, this Office expects that the Department monitor its performance against the recommendations and that it would do so in a convincing and rigorous fashion.
- 6.12 Consequently, *it is recommended that a comprehensive plan containing clear time lines be developed for*

Roebourne Prison to address the issues identified in this Report and that the Prison Service Executive take responsibility for the progress of Roebourne Prison against a published action plan.

- 6.13 In its response to a similar recommendation made in the 2002 Report, the Department wrote, ‘Roebourne Regional Prison has an ongoing plan to address the issues identified in this Report. The plan is continually updated as progress is made’.¹¹³ That Roebourne Prison had developed a local action plan was found to be the case, with Roebourne Prison showing some initiative in developing a local plan intended to address the recommendations as well as those made through the Independent Prison Visitors.¹¹⁴ In 2003, when this Office requested a copy of the Department’s planning and progress against the 2002 recommendations, it was provided with the prison’s local action plan and stated progress by the prison against that plan. Subsequently, the Department informed this Office that it had never formally endorsed the prison’s plan, that it had not funded any aspect of it, nor was it necessarily supportive of it.
- 6.14 Roebourne Prison’s action matrix presented to this Office claimed that almost all recommendations had been met and local initiatives implemented. At the conclusion of the Inspection however, it was clear that this was not in fact correct. More worrying was that it was also clear that the Department appears to have taken the Roebourne Prison Management’s status report without independent verification – presenting to this Office a list of positive developments for the prison that was out-of-date and contained significant factual inconsistencies.¹¹⁵
- 6.15 It is hoped that the Department would respond to an implement the recommendation of this Report with greater commitment and rigor than it demonstrated for the 2002 Report.
- 6.16 Consequently, *it is recommended that complementary to an Action Plan, the Department establish measurable outcome markers and monitor the progress of the prison in moving to deal with the substance of recommendations and the prison’s compliance with the Department’s rules, policy directives and operation instructions.*

¹¹³ *Report of an Announced Inspection of Roebourne Regional Prison – April 2002*, op. cit., p. 104.

¹¹⁴ A summary of this local plan, provided to us by the Prison Services Executive in their pre-inspection briefing.

¹¹⁵ As contained in the Department of Justice’s briefing note titled ‘Discussion Points for Meeting with OICS on Roebourne Prison’ (23 October 2003).

Chapter 7

STRATEGIC PLANNING, THE DEPARTMENT AND THE PILBARA

- 7.1 This chapter explores the extent of the Department's strategic thinking, their long- and medium-term planning for the Pilbara and how this has impacted on Roebourne Prison.
- 7.2 The Prisons Division Business Plan 2003–2007¹¹⁶ states that the strategic objectives for all correctional service areas were derived from the Correctional Services Charter.¹¹⁷ Aligned with this charter, the Department's 'Four Cornerstones of Prisoner Management' are described as the service level outputs that provide the framework for planning services and measuring performance.¹¹⁸
- 7.3 These cornerstones and their associated guiding principles¹¹⁹ are necessarily broad in nature and set the tone through which the Department seeks to meet its primary objective to 'reduce re-offending, protect the community and encourage prisoners towards law-abiding lifestyles'.¹²⁰ In order for this to occur and for appropriate services to be delivered within regional areas, strategic planning, targeted funding and measurable and monitored outcomes specific to those regions need to be developed. Within the Department of Justice, these find expression through its long-term strategic level planning and resultant capital works plans for regional areas, and in the more medium-term through its various divisions' business plans and its commissioned research. In the short-term it can be seen in individual prisons' operational planning and service delivery commitments, and in the Department's response to the recommendations of this Office.

LONG-TERM VIEW OF THE PILBARA

- 7.4 In respect of Roebourne Prison, this Office sought published planning documents referring to the Pilbara that might reflect the Department's long-term view and planning for the region.¹²¹ Whilst no specific document appears to exist, two important Department publications have a bearing upon the Pilbara area. These are the draft Planning Brief and Operational Philosophy for Regional Prisons¹²² and the Prisons Division Strategic Plan for Aboriginal Services 2002–2005. These two documents are sufficiently encompassing and strategic to be considered long-term statements of the Department's intentions in regional areas and to a lesser extent, the Pilbara; however, their focus is confined to broad issues that impact across regions rather than long-term planning strategies for the Pilbara and are therefore of only limited utility.
- 7.5 A more localised (Roebourne Prison) expression of the above two documents was sought in the Building and Infrastructure Program for the Department and to some extent, in the

¹¹⁶ Prisons Division Business Plan 2003–2007, op. cit., p. 5.

¹¹⁷ The Correctional Services Charter: Custodial and Community Services' contains 13 statements of intent. As contained in Department of Justice. Prisons Division Business Plan 2003–2007, p. 5.

¹¹⁸ 'WA Prison System: Role and Function Profile May 2003', op. cit., p. 4.

¹¹⁹ The Prisons Division Guiding Principles are detailed in Public Prisons Directorate Business Plan 2003–07, p. 9.

¹²⁰ Department of Justice, 'Annual Report 2002–2003', p. 72.

¹²¹ By long-term this Office is referring to planning for activity or direction over a period in excess of ten years, but typically, in the range of 20 years.

¹²² Department of Justice, 'Planning Brief and Operational Philosophy for Regional Prisons' (October 2003).

direction evident from the Department's medium-term planning documents for the: Prisons Division; Prison Services; Public Prisons; and the Women's Custodial Services Strategic Plan for Aboriginal Services. In these documents the Department acknowledges that the facilities at Roebourne Prison are not 'consistent with contemporary standards for the delivery of prison services' and are 'near the end of their economic life',¹²³ yet neither its current capital funding plans, stretching to 2015, nor any of the medium-term planning documents mentioned above, refer to Roebourne Prison or the Pilbara region. It appears therefore and despite a need apparent to both this Office and to the Department, that the Department is not planning a new prison or major upgrade in facilities in the Pilbara until after that time. The Department does appear thought to have commenced (but not published) research on which it intends to base its long term plan for the region and is using as a model, the community consultation model devised for the Kimberley.¹²⁴ It is expected that an aspect of this research will include an exploration of options for relocating the prison closer to its primary Court and the local communities that it serves.

- 7.6 For custodial management in the Pilbara, the Department has not published a clear long-term vision and its planning, particularly for Roebourne Prison, appears to be still very much in the embryonic stage. Without this, it remains unclear how the Department intends to deliver a service that moves custodial management along the path chosen. The Department runs the risk of reactionary decision making, at the local and Executive level, driving strategic policy, with the end result likely to be considerable drift in the servicing of what are often complex custodial needs.

MEDIUM-TERM VIEW

- 7.7 Turning to medium-term planning, the Department has published a number of documents including various business plans, responses to the Aboriginal Strategic Plan and planning for various initiatives such as the Community Re-entry Strategy and the Low Security Women's Prison Project. Unfortunately, within these documents there is little content specific to the Pilbara region or indeed any particular prison or region. Importantly, the planning documents central to the future of custodial management at Roebourne Prison and within the Pilbara region – such as the responses to the Aboriginal Strategic Plan, the Women's Custodial Services Strategic Plan for Aboriginal Services and the Public Prisons Strategic Human Resources Plan – do not specifically mention Roebourne Prison, while the WA Prison System: Role and Function Profile 2003 merely describes the current state of the prison without any indication of its future development. In addition, the various Departmental business plans are still heavily metropolitan focused with the vast majority of regional comment pertaining to the proposed new Kimberley Prison or the Low Security Women's Prison Project (based in Perth).

¹²³ Ibid, p. 13.

¹²⁴ Department of Justice, Kimberley Regional Justice Project: Market Research, (December 2002).

- 7.8 These documents state strategic objectives to be achieved but do not provide Roebourne Prison with meaning direction for service delivery prioritisation or planning and give no guidance as to how the prison could best move towards their accomplishment. Devised from the broadly scoped, metropolitan focused planning these performance objectives do not reflect the needs of the widely varying regional prison populations, such as that found in Roebourne Prison and lack accurate or meaningful compliance monitoring. As a consequence, the prison's local action has not always been in line with the Prisons Division's guiding principles and in addition, the Department's response to the 2002 Inspection recommendations has been inadequate
- 7.9 In summary, the Department does not appear to be aware of, or is not taking into account, the divergent needs of the regions in its medium-term planning or in formulating its medium-term performance goals. It has not developed its strategic direction from identified needs and for the Pilbara at least, it does not possess a sufficient focus on outcomes to draw it from its abstract philosophical commitments to more immediate operational priorities and funding decisions. Decisions taken within the Prison have been haphazard and reactionary, and this is due in large part to the Department's lack of direction, leadership, supervision and funding to the prison. As a consequence, custodial management at Roebourne Prison has not purposefully moved it towards the Department's overarching strategic objectives and does not appear to conform to the Department's guiding principles.
- 7.10 Consequently, *it is recommended that the Department devise a comprehensive and integrated long-term strategic view for custodial management within the Pilbara, developed through consultation with the Pilbara communities, Roebourne Prison Management, the Prison Officers' Union, external service providers and other government agencies within the region.*

Chapter 8

CONCLUSIONS AND RECOMMENDATIONS

- 8.1 From this report, a number of themes emerge. Roebourne Prison is an Aboriginal prison, a remote prison, and also an impoverished prison. The prison is in a region with improving job opportunities and economic wealth, with a growing but dynamic population that continues to centralise around major industry hubs. For historical reasons the prison sits away from populated areas and as such, is isolated from its main Court and the majority of the population it services.
- 8.2 The Department has not published any long-term planning strategies specifically relating to the Pilbara region and its medium-term planning is insufficient to guide and progress the prison. Partly as a result of this, the funding of the prison has not met the needs of prisoners, nor of the staff working there. In this regard, the Department does not appear to have sufficiently considered the geographic, climatic, demographic or cultural characteristics of its prison when allocating funding. It appears to lack an evidence base to support planning and it is not clear from its performance indicators how custodial management at Roebourne Prison fits in with or progresses the Department's stated aim of reducing re-offending, protecting the community or encouraging prisoners towards law-abiding lifestyles. The compliance monitoring against these key performance indicators and against a range of other indicators appears ineffectual with published information having little relevance to actual custodial activity. Indeed, the aggregation of State performance reporting by minimising difference between and within prisons, works to the disadvantage of prisons such as Roebourne.
- 8.3 Despite some good local efforts, Roebourne Prison has not made adequate progress against many of the 2002 Inspection recommendations and its custodial management does not appear to be sufficiently informed by the Department's guiding principles. There is a definite need for better strategic planning from the Department and a greater focus on valid, measurable outcomes. There is also a need for a stronger and more evident regional priority within the Department and for the research upon which to base this. From the perspective of the prisoners and staff at Roebourne Prison, there is the need also to develop a comprehensive and adequately funded plan to address the issues raised in this Report. Further, it is the view of this Office that Roebourne Prison requires a dedicated change management strategy, reflecting the seriousness and urgency of many of the issues facing Roebourne Prison.

RECOMMENDATIONS

1. That security arrangements at the prison take better account of the fact that a substantial proportion of the population is minimum-security.
2. That the classification system for Western Australian prisoners be re-examined with a view to reflecting risk more accurately, particularly in relation to the Aboriginal population.
3. That the Department of Justice and the Roebourne Prison Management examine in detail the capacity of Roebourne Regional Prison to deal effectively with emergencies from internal sources and take such steps by way of training and the provision of

CONCLUSIONS AND RECOMMENDATIONS

equipment to improve that capacity. Negotiations should also be held with local emergency services with a view to agreeing, as far as feasible, reliable M.O.U.s as to the provision of assistance where required.

4. That the Department should clarify its policies in relation to the usage of the special-purposes cells at the prison.
5. That the Department monitor its performance in the custodial management of Aboriginal prisoners at Roebourne Prison in line with the standards and guiding principles set out in its Regional Strategic Plan and Aboriginal Strategic Plan and set out a plan to address those issues identified as sub-standard.
6. That the Department review the conditions of imprisonment and the services provided to females at Roebourne Prison in the light of its Strategic Plan for Aboriginal Services 2002–2005 and Women’s Custodial Services Strategic Plan for Aboriginal Services.
7. That attention also be given to the regimes and conditions applicable to the following categories of prisoners:
 - Foreign nationals;
 - Remand prisoners;
 - Young prisoners;
 - Lifers, Governor’s Pleasure and Long-term prisoners.
8. That the Department conduct a meaningful review of the climate control needs of prisoners at Roebourne Prison, establish acceptable standards for issues such as cell temperatures, and monitor these. The Department should also establish the current capacity of the prison to meet these standards and therefore the modifications and or additional resources required.
9. That Roebourne Prison Management give careful consideration to reviewing and considerably improving its induction and orientation processes in line with Policy Directive 18.
10. That Roebourne Prison seriously address its grievance and complaints processes and resources in line with the RFP Standards Framework and the Superintendents’ Circular 10/2003.
11. That the visits facilities at Roebourne Prison be reviewed and efforts made to improve facilities and that mechanisms for increasing prisoners access to visits be explored.
12. That the Department develop and implement a plan for case management at Roebourne Prison. This plan to include:
 - The identification and training of prison officers as case managers;
 - The monitoring of the case management provided;

CONCLUSIONS AND RECOMMENDATIONS

- A program schedule which will ensure timely access to programs for all prisoners meeting entry requirements.
13. That the Department review each of its offender programs delivered to Aboriginal prisoners in regards to: delivery format; content; language; and effectiveness specific to the Aboriginal group receiving the program. The previous recommendation made earlier in this report, that sufficient programs be provided to meet the needs of the prisoners at Roebourne Prison is also restated.
 14. That Roebourne Prison introduce alcohol and drug issues during induction, that a competent testing process be put place, that relevant treatment programs would be offered to affected prisoners, and that the Department ensure that all health risk assessments for alcohol be conducted only by suitably qualified and trained staff.
 15. That Roebourne Prison continue efforts to enhance the scope of Section 94 activities and the number of prisoners involved.
 16. That the Department develop and implement an industries plan for Roebourne Prison that takes into account training needs and their employment options for prisons on release.
 17. That the Department assess and implement the general and Roebourne Prison specific findings of its own review of human resources issues.
 18. That the Department review the capacity of Roebourne Prison to fund and implement changes arising from this report and that the Department suitably support the prison where it is not able to meet its requirements internally.
 19. That the Department appoint a Change Manager for Roebourne Prison to work with the Roebourne Prison Management to establish priorities against the Department's action plan arising out of this Report and to assist the prison in implementing its plan.
 20. That a comprehensive plan containing clear time lines be developed for Roebourne Prison to address the issues identified in this Report and that the Prison Service Executive take responsibility for the progress of Roebourne Prison against its action plan.
 21. That complementary to that action plan, the Department establish measurable outcome markers and monitor the progress of the prison in moving to deal with the substance of recommendations and the prison's compliance with the Department's rules, policy directives and operation instructions.
 22. That the Department devise a comprehensive and integrated long-term strategic view for custodial management within the Pilbara, developed through consultation with the Pilbara communities, Roebourne Prison Management, the Prison Officers' Union, external service providers and other government agencies within the region.

Appendix 1

DEPARTMENT OF JUSTICE RESPONSE TO THE 2004 RECOMMENDATIONS

Recommendations	DOJ Response
1 That security arrangements at the prison take better account of the fact that a substantial proportion of the population is minimum-security	<p>Agreed in Principle. Roebourne Prison, unlike Broome and Eastern Goldfields, is a closed medium-security facility, and as such, its prisoner population includes all security classifications as well as both genders within the same secure perimeter. Greenough is also different to Roebourne because that prison has a separate male minimum-security section outside of the secure perimeter – allowing for a much later minimum lockup time. Roebourne Prison is currently holding less than 50% minimum-security prisoners (including a number of women). A later lockup for such prisoners will occur during 2004-05, with management issues being revisited.</p> <p>The Department is currently undertaking a review of the Role & Function of Roebourne Prison and this will identify the options for current and future long-term solutions.</p>
2 That the classification system for Western Australian prisoners be re-examined with a view to reflecting risk more accurately, particularly in relation to the Aboriginal population.	<p>Agreed. The classification system for prisoners is being re-examined as part of the current review of Assessment & Case Management, with one of the areas of specific focus being the suitability of the system as a tool to accurately assess security/escape risk for Aboriginal Prisoners. It is anticipated the review of Assessment & Case Management will make recommendations for changes/improvements to the instrument in this area. The review will be completed by the end of September 2004.</p>

Recommendations	DOJ Response
<p>3 That the Department of Justice and the Roebourne Prison Management examine in detail the capacity of Roebourne Regional Prison to deal effectively with emergencies from internal sources and take such steps by way of training and the provision of equipment to improve that capacity. Negotiations should also be held with local emergency services with a view to agreeing, as far as feasible, reliable MOUs as to the provision of assistance where required.</p>	<p>Agreed. Roebourne Prison emergency procedures documentation has been reviewed and meets Departmental requirements. These procedures will form part of the revised induction/orientation process for Roebourne Prison prisoners.</p> <p>Emergency procedures exercises process have improved – there is now a minimum of one exercise per month. This requirement will be reflected in the Roebourne Prison Business Plan.</p> <p>Relevant training & provision of equipment being progressed, with ongoing internal training. Additionally, local Fire and Emergency Services Authority providing training assistance and advice.</p> <p>Memorandum of Understanding negotiations with local emergency services providers have been ongoing for some time, with required outcomes planned by Sept 2004.</p>
<p>4 That the Department should clarify its policies in relation to the usage of the special-purpose cells at the prison.</p>	<p>Agreed. Roebourne Prison use of Special (or Multi) Purpose Cells internal processes has been reviewed. Such cells are normally only utilised as their design purpose dictates – being subject to the provisions of Section 36 (3) of the <i>Prisons Act 1981</i> and Director General’s Rule 1, including compliance with the reporting requirements of Section 3.2.</p> <p>Any other use of Special Purpose cells will be limited to exceptional circumstances, that is, where overcrowding leaves no other viable option with the existing infrastructure. In these circumstances the prisoners would be subject to normal prison regime.</p>

DEPARTMENT OF JUSTICE RESPONSE TO THE 2004 RECOMMENDATIONS

Recommendations	DOJ Response
5 That the Department monitor its performance in the custodial management of Aboriginal prisoners at Roebourne Prison in line with the standards and guiding principles set out in its Regional Strategic Plan and Aboriginal Strategic Plan and set out a plan to address those issues identified as sub-standard.	<p>Agreed. Superintendents are required to regularly report their progress in this area. The Department is currently examining options for a model to monitor and evaluate the overall performance of each prison.</p>
6 That the Department review the conditions of imprisonment and the services provided to females at Roebourne Prison in the light of its Strategic Plan for Aboriginal Services 2002-2005 and Women's Custodial Services Strategic Plan for Aboriginal Services.	<p>Agreed. Women's accommodation climate control issues have been addressed, with refrigerated air-conditioning being provided to cells.</p> <p>Educational services to women have improved at Roebourne Prison, with women specific programs offered in a Women's area of the Education Centre. Health Services also offer women prisoners' information sessions on a range of matters.</p> <p>Constructive (recreational, programs, employment etc) and other opportunities for women are being reviewed as part of Roebourne Prison Change Management process.</p> <p>Currently Roebourne Prison offers limited S.94, recreational and work opportunities – all of which will be reviewed by the Women's Support Officer (please see below).</p> <p>A Women's Support Officer position is being developed for Roebourne Prison, which will assist women prisoners in terms of Management and Coordination, Service delivery & Consultation and Liaison.</p> <p>Additional recreational equipment has recently been provided as part of a general improvement of the Women's part of the prison.</p> <p>Women's unit facilities are also being upgraded – \$80000 approved. The main features of this upgrade are decking to allow more use of unit</p>

DEPARTMENT OF JUSTICE RESPONSE TO THE 2004 RECOMMENDATIONS

Recommendations	DOJ Response
	<p>space, a cooking stove, exhaust fan, replacement floor coverings and stainless steel sink in the dayroom, and additional fittings in the mother child cell.</p>
<p>7 That attention also be given to the regimes and conditions applicable to the following categories of prisoners:</p> <ul style="list-style-type: none"> • Foreign nationals; • Remand prisoners; • Young prisoners; • Lifers, Governor’s Pleasure and Long-term prisoners. 	<p>Agreed. Roebourne Prison is conforming to the relevant rules, policies and management regime in relation to each category of prisoners nominated.</p>
<p>8 That the Department conduct a meaningful review of the climate control needs of prisoners at Roebourne Prison, establish acceptable standards for issues such as cell temperatures, and monitor these. The Department should also establish the current capacity of the prison to meet these standards and therefore the modifications and or additional resources required.</p>	<p>Agreed. A review of the climate control needs of prisoners at Roebourne Prison will be conducted. The review will establish acceptable standards and monitor them.</p>
<p>9 That Roebourne Prison Management gives careful consideration to reviewing and considerably improving its induction and orientation processes in line with Policy Directive 18.</p>	<p>Agreed. Existing Roebourne Prison Induction and Orientation process improved – including coordination by an administrative position made, additional review process ongoing. Enhanced role for Prison/Peer Support Team envisaged.</p>
<p>10 That Roebourne Prison seriously address its grievance and complaints processes and resources in line with the RFP Standards Framework and the Superintendents’ Circular 10/2003</p>	<p>Agreed. The grievance process is in place at Roebourne Prison and is being monitored by the Prison’s management team.</p>

DEPARTMENT OF JUSTICE RESPONSE TO THE 2004 RECOMMENDATIONS

Recommendations	DOJ Response
11 That the visits facilities at Roebourne Prison be reviewed and efforts made to improve facilities and that mechanisms for increasing prisoners' access to visits be explored.	<p>Agreed. Garden visits area now operational – for medium/minimum prisoners.</p> <p>Remote communities Elders visits commenced which aids additional visitors' access to Roebourne Prison.</p> <p>Cessation of random strip searching of visitors has increased visitor numbers.</p> <p>Local review to boost use of video and free phone visits will be conducted by October 2004.</p>
12 That the Department develop and implement a plan for case management at Roebourne Prison. This plan to include: The identification and training of prison officers as case managers; The monitoring of the case management provided; and A program schedule, which will ensure timely access to programs for all prisoners meeting entry requirements.	<p>Agreed. Roebourne Prison will review local requirements for Case Management allocation, training, coordination and monitoring as part of the planned Change Management process.</p> <p>The review of Assessment and Case Management, which is currently underway, will examine and make recommendations relating to the scheduling of and timely access to programs for prisoners to meet their re-entry requirements. It is anticipated a key outcome of the review will be the implementation of a modified case management process across the prison system, with particular attention given to the appropriate selection and training of prison officers as case managers. The rollout of the revised case management system will feature a site-by-site plan for the delivery of case management, including the identification of key performance indicators to monitor case management performance in the prisons.</p>

DEPARTMENT OF JUSTICE RESPONSE TO THE 2004 RECOMMENDATIONS

Recommendations	DOJ Response
<p>13 That the Department review each of its offender programs delivered to Aboriginal prisoners in regard to: delivery format; content; language; and effectiveness specific to the Aboriginal group receiving the program. The previous recommendation made earlier in this Report, that sufficient programs be provided to meet the needs of the prisoners at Roebourne Prison is also restated.</p>	<p>Agreed. The IMMASU program currently delivered at Roebourne Prison has been designed specifically for Aboriginal prisoners, and the OPEC unit has commenced a process of reviewing the appropriateness of the program's pre & post-delivery evaluation measures for Aboriginal participants. This is part of an ongoing focus by the OPEC team on evaluating the appropriateness of offender programs delivered to Aboriginal prisoners.</p>
<p>14 That Roebourne Prison introduce alcohol and drug information during induction, that a competent testing process be put in place, that relevant treatment programs be offered to affected prisoners, and that the Department ensure that all health risk assessments for alcohol be conducted only by suitably qualified and trained staff.</p>	<p>Agreed. On entry to prison, health assessments on prisoners are initially performed by nursing staff who perform a comprehensive assessment. A medical officer then sees the prisoners and if required withdrawal regimes are commenced as are any treatment of identified medical conditions whether due to alcohol abuse or not. Prisoners who after initial assessment meet the criteria are referred to PAST who make a referral to a medical officer for possible inclusion on a pharmacotherapy program.</p> <p>The prison is currently scheduling the Indigenous Men Managing Anger & Substance Abuse (IMMASU) program three times per year which specifically addresses alcohol and drug abuse. The success of the program, delivered by the Men's Outreach Group from Broome, will be evaluated and consideration given to extending the number of programs scheduled in future years.</p>
<p>15 That Roebourne Prison continue efforts to enhance the scope of Section 94 activities and the number of prisoners involved.</p>	<p>Agreed. Roebourne Prison continually seeks additional S.94 placements – including activities for Indigenous and women prisoners.</p> <p>Roebourne Prison has recently contracted an Indigenous person to undertake S.94 projects locally.</p>

DEPARTMENT OF JUSTICE RESPONSE TO THE 2004 RECOMMENDATIONS

Recommendations	DOJ Response
	<p>Funding has been made available to upgrade the Millstream Workcamp – which will provide accommodation for up to twelve prisoners (Only eight can be accommodated at the moment).</p>
<p>16 That the Department develop and implement an industries plan for Roebourne Prison that takes into account prisoners’ training needs and their employment options on release.</p>	<p>Agreed. The Business Manager at Roebourne is developing the industries plan and the individual workshop action plans with the assistance of Manager of Prison Industries. Local agencies are being consulted to determine what training should be provided to prisoners to best increase their employment options.</p>
<p>17 That the Department assess and implement the general and Roebourne Prison specific findings of its own review of human resource issues.</p>	<p>Agreed. The Department is endeavouring to accommodate staff wishing to transfer to the metropolitan area. To this end, Roebourne Prison has recently attracted sufficient new staff to assist four staff to transfer.</p> <p>In addition to the above, the Department is actively engaged in regional recruitment and is currently running an entry-level training programme for staff specifically recruited for regional prisons. Four of these recruits will be posted to Roebourne Prison.</p> <p>Roebourne has been particularly successful in attracting local and other recruits to the Pilbara. There is near full staffing, with thirteen women (21%) employed as uniformed shift staff – four of whom are of Indigenous descent. There are also four Indigenous male shift staff.</p> <p>The career development of staff will be enhanced through access to the Leaders Program and a new performance management system.</p> <p>Regional incentives are being negotiated centrally on behalf of Government by DOCEP.</p>

DEPARTMENT OF JUSTICE RESPONSE TO THE 2004 RECOMMENDATIONS

Recommendations	DOJ Response
18 That the Department review the capacity of Roebourne Prison to fund and implement changes arising from this Report and that the Department suitably support the prison where it is not able to meet its requirements internally.	Agreed. Costs associated with changes arising from the report will be reviewed and incorporated into the budget process where required.
19 That the Department appoint a Change Manager for Roebourne Prison to work with the Roebourne Prison Management to establish priorities against the Department's action plan arising out of this Report and to assist the prison in implementing its plan.	Agreed. A Change Manager will be appointed to Roebourne Prison and a Change Management Team established.
20 That a comprehensive plan containing clear time lines be developed for Roebourne Prison to address the issues identified in this Report and that the Prison Service Executive take responsibility for the progress of Roebourne Prison against a published action plan.	Agreed. The Change Management Team will develop an Action Plan to address issues arising from the report and matters arising from the change management process.
21 That complementary to an action plan, the Department establish measurable outcome markers and monitor the progress of the prison in moving to deal with the substance of recommendations and the prison's compliance with the Department's rules, policy directives and operation instructions.	Agreed. The Department will introduce a procedural compliance audit process at Roebourne Prison. The Action Plan developed to address recommendations from the report will include measurable outcome markers.
22 That the Department devise a comprehensive and integrated long-term strategic view for custodial management within the Pilbara, developed through consultation with the Pilbara communities, Roebourne Prison Management, the Prison Officers' Union, external service providers and other government agencies within the region.	Agreed. The Department of Justice is taking a long term strategic view in its planning for new regional prisons over the next 10 to 15 years. This will require an agreed understanding on what are the future roles, functions, purpose and objectives of a new prison for the Pilbara region within the overall prison system, taking into account the need to identify and address

DEPARTMENT OF JUSTICE RESPONSE TO THE 2004 RECOMMENDATIONS

Recommendations

DOJ Response

regionally specific needs through an ongoing consultation with all stakeholders. This process is currently underway as part of the regional prisons planning project.

Appendix 2

SCORE CARD

No.	Recommendation: <i>Report of an Announced Inspection of Roebourne Regional Prison – April 2002</i>	<i>Type of Recommendation</i>	<i>Assessment of the Department of Justice implementation</i>
1.	It is recommended that a comprehensive plan containing clear time lines be developed for Roebourne Prison to address the issues identified in this report. These time lines should take account of the fact that a follow-up inspection will be carried out before the end of 2003.	Administration and accountability	Less than acceptable
2.	It is recommended that particular attention be given to issues that impact specifically upon Aboriginal prisoners.	Racism, Aboriginality & equity	Less than acceptable
3.	It is recommended that the Department also address the underlying deficiencies for women prisoners including; the quality of accommodation and access to education, employment, recreation, section 94 activities and treatment programs.	Racism, Aboriginality & equity	Less than acceptable
4.	It is recommended that attention also be given to the regimes and conditions applicable to the following categories of prisoners: <ul style="list-style-type: none"> • Foreign nationals • Remand prisoners • Young prisoners • Lifers, Governor's Pleasure and Long-term prisoners 	Human rights	Less than acceptable
5.	It is recommended that security arrangements at the prison take better account of the fact that a substantial proportion of the population is minimum-security with regard to such matters as lock-up times and various static security measures such as the skirting around unit control pods, the caging of some cells areas, the widespread use of overhead grilles and the positioning of some movement control barriers.	Custody and security	Less than acceptable
6.	It is recommended that the Department should clarify its policies in relation to the usage of the special-purposes cells at the prison.	Custody and security	Acceptable

SCORE CARD

No.	Recommendation: <i>Report of an Announced Inspection of Roebourne Regional Prison – April 2002</i>	<i>Type of Recommendation</i>	<i>Assessment of the Department of Justice implementation</i>
7.	It is recommended that the Department conduct a comprehensive review of ventilation and air-cooling needs and systems for the prison.	Care and wellbeing	Less than acceptable
8.	It is recommended that health and medical services at the prison be reviewed, with particular attention to the following matters: <ul style="list-style-type: none"> • Mental health services and the appropriateness of ‘telepsychiatry’ in particular; • Prisoner access to health services • The location and layout of the health clinic; • The present procedures for record management; • Issues relating to informed consent by prisoners. 	Health	Acceptable
9.	It is recommended that the Department should encourage visits by such measures as reviewing its strip-search policies and improving facilities for visitors and accompanying family members, particularly children.	Care and wellbeing	Less than acceptable
10.	The activities of the Education Unit should be reviewed and a clear set of objectives identified.	Rehabilitation	More than acceptable
11.	The Cognitive Skills Program for prisoners should be continued in a format that has been appropriately modified to take account of Aboriginal cultural issues.	Rehabilitation	Less than acceptable
12.	In the light of the apparent success of the Millstream Work Camp and the general importance of good interactions between prisoners and the community, section 94 activities should be further developed.	Rehabilitation	Less than acceptable
13.	It is recommended that the Department arrange for the implications and impact of its recently concluded external review of its Human Resources policies to be assessed and implemented, with particular reference to: <ul style="list-style-type: none"> • The training needs of officers working in a 	Staffing issues	Less than acceptable

SCORE CARD

No.	Recommendation: <i>Report of an Announced Inspection of Roebourne Regional Prison – April 2002</i>	<i>Type of Recommendation</i>	<i>Assessment of the Department of Justice implementation</i>
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- predominantly Aboriginal prison;
- The very low representation of Aboriginal staff at the prison;
 - The need for a Remote Area Incentive Strategy.

Appendix 3

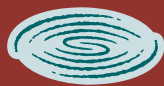
THE MONITORING FRAMEWORK FOR THE 2004 RECOMMENDATIONS

Recommendation Number	Type of Recommendation	Solutions			Acceptance		
		Short term < 1 yr	Medium term < 3 yrs	Long term > 3yrs	Agreed	Disagreed	Partially
1	Custody and security		•				•
2	Custody and security		•		•		
3	Custody and security	•			•		
4	Care and wellbeing	•			•		
5	Racism,Aboriginality and equity		•		•		
6	Racism,Aboriginality and equity	•			•		
7	Racism,Aboriginality and equity		•		•		
8	Care and wellbeing	•			•		
9	Care and wellbeing	•			•		
10	Administration and accountability of DOJ	•			•		
11	Care and wellbeing	•			•		
12	Rehabilitation	•			•		
13	Racism,Aboriginality and equity		•		•		
14	Health		•		•		
15	Reparation	•			•		
16	Reparation	•			•		
17	Staffing issues		•		•		
18	Administration and accountability of DOJ		•		•		
19	Administration and accountability of DOJ		•		•		
20	Administration and accountability of DOJ	•			•		
21	Administration and accountability of DOJ		•		•		
22	Correctional value-for-money			•	•		

Appendix 4

INSPECTION TEAM

Professor Richard Harding	The Inspector of Custodial Services
Dace Tomsons	Expert Advisor (Drug and Alcohol Office)
Sherry Armstrong	Expert Advisor (Ombudsman's Office)
Bob Stacey	Director of Operations
Jocelyn Jones	Senior Research Officer
John Acres	Inspections and Research Officer
Leonie Sinclair	Inspections and Research Officer (seconded from the Department of Justice)
Joseph Wallam	Community Liaison Officer



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