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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

DIRECTED REVIEW OF THE MANAGEMENT
OF OFFENDERS IN CUSTODY



**Directed Review of the Management of
Offenders in Custody**

Office of the Inspector of Custodial Services
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Contents

OVERVIEW:

OVERVIEW AND EXECUTIVE SUMMARY OF THE DIRECTED REVIEW AND ITS RELATIONSHIP TO THE MAHONEY INQUIRY	ix
The Two Inquiries.....	ix
Methodology of the Directed Review	x
Related Work	xi
Overview and Executive Summary	xi
Terms of Reference 1 and 2.....	xiv
Classification.....	xv
Aboriginal Prisoners	xvi
Women Prisoners	xvii
Overcrowding	xvii
Fencing Minimum-Security Prisons	xviii
Specialised Units	xviii
Placement Within Institutions	xix
Terms of Reference 3 and 4.....	xx
Terms of Reference 5	xxii
Terms of Reference 6.....	xxiii
Terms of Reference 7	xxv
Implementation Issues.....	xxvii

CHAPTER 1

WESTERN AUSTRALIAN CUSTODIAL CONTEXT	1
Managing Offenders in a Risk Averse Society	1
Overview of the Western Australian Prison Population	3
Aboriginal Over-Representation in Prison.....	5

CHAPTER 2

RISK MANAGEMENT AND PRISON REGIMES.....	9
Assessing the Danger an Offender Poses to the Community	12
Current Legislative Provisions	13
Current Risk Assessment in Western Australian Prisons	13
Ascertaining the Level of Custody or Surveillance Required	16
Moving Toward 50 Per Cent Minimum-Security as a Long-Term Objective	19
The Transfer of Prisoners Within Prisons and Subsequent Transfers	20
Bias in the Assessment and Classification of female prisoners	22
Escapes	24
Relative Dangerousness	25

Assessing Aboriginal Prisoners	26
Escapes	27
Dangerousness	29
The Adequacy of the Existing Three Tier Classification System.....	30
The Need for More Classification Levels	31
Determining the Criminogenic Needs of an Offender.....	31
Current Prisoner Needs Assessment	32
Regimes	35
Regimes Must be Respectful of Prisoners	35
Regimes Must Engage Prisoners in Addressing Re-offending	38
A Pathway to Release for the Majority of Prisoners.....	39
Regimes Appropriate to the Needs of Women Prisoners.....	40
Aboriginal Prison Regimes	44
Providing Community Equivalent Health and Mental Health Services.....	45
Recommendations	50
 CHAPTER 3	
CUSTODIAL MANAGEMENT IN REGIONAL WESTERN AUSTRALIA:	
THE KIMBERLEY	53
The Importance of Regional Consultation	53
The Context.....	54
Two Kimberleys: The East and the West	59
Women’s Issues	61
Juvenile Issues.....	61
Work Camps in the Kimberley	63
The Concept of ‘Community Detention’	69
Custodial Facilities in the Kimberley	71
The East and the West Kimberley: Prioritising Their Needs	72
East Kimberley Issues.....	73
The Specifications for an East Kimberley Prison and ‘Correctional Hub’	73
Kununurra or Wyndham Shires?.....	75
Related Services for Women and Juveniles in the East Kimberley	77
Work Camps in the East Kimberley.....	78
Community Justice Services in the East Kimberley	79
East Kimberley Summary	79
The Aboriginal Reference Group.....	79
West Kimberley Issues.....	82
The Location of the Correctional Hub: Broome or Derby?.....	83
Related Services for Women and Juveniles in the West Kimberley	87
Work Camps in the West Kimberley	88

Community Justice Services in the West Kimberley	88
The Continuing Role of the Aboriginal Reference Group.....	89
West Kimberley Summary	89
The Future of Broome Regional Prison.....	89
Custodial Management after Implementation of this Strategy	92
Recommendations	94

CHAPTER 4

CUSTODIAL MANAGEMENT AND PRISON REGIMES:

THE EASTERN GOLDFIELDS	100
The Context	100
Geography.....	100
Population	101
Criminal Justice in the Eastern Goldfields Region	102
The Eastern Goldfields Regional Prison.....	103
Consultation Process	105
Community Consultations – June 2005	106
Community Consultations – July 2005.....	107
Research.....	107
Findings Arising From the Consultation Process	107
Prisoners on Remand.....	109
Women’s Issues	109
Juvenile Issues.....	111
Access to Families and Traditional Lands	113
The Location of Prisons.....	115
Widening the Custodial Options.....	115
Programs and Service Delivery Should Be Culturally Appropriate	119
Trained Staff.....	120
Prisoners Stranded on Release.....	121
New Arrangements for the Administration of Aboriginal Affairs.....	121
Commonwealth Administration of Aboriginal Affairs	122
State Administration of Aboriginal Affairs	124
Aboriginal Representative Organisations.....	125
Whole-of-Government/Community Approach	125
Aboriginal Community Involvement with Prisons	126
Community Justice Services	128
Increasing the Number of Aboriginals Employed in Correctional Services.....	130
Summary of Findings for the Eastern Goldfields	131
Work Camps.....	132
Women’s Facilities	132

Juvenile Facilities.....	132
Integrative Links	132
Recommendations	133
CHAPTER 5	
HIGH MAXIMUM-SECURITY PRISON.....	136
The Context	136
‘Supermax’ in the United States	136
‘Supermax’ in the Western Australian Context	138
The Purpose of High Maximum-Security Imprisonment	138
Risk Management	138
The Concept of Extreme Dangerousness.....	139
The Risk Posed by High Maximum-Security Prisoners in Western Australia	140
Projected Numbers of High-Risk Prisoners.....	140
Current Capacity Limits	141
Best Practice Principles	142
Minimum Standards.....	144
Case Studies	144
Common Themes	145
Options for a High Maximum-Security Facility in Western Australia.....	146
Option One – New Facility (Preferred).....	146
Option Two – Upgrade of Current SHU (Not Recommended)	148
Recommendations	150
CHAPTER 6	
PRISON INFRASTRUCTURE.....	151
Planning to Plan	151
State Planning	151
Criminal Justice Planning.....	152
Regional Correctional Strategies.....	153
Regional Community Correction Plans.....	153
Regional Correctional Program Plans	154
Regional Custodial Services Plans	154
Regional Custodial Infrastructure Plans	155
Infrastructure Blueprint to 2015.....	156
Projected Male and Female Prison Populations by Region.....	158
New Regimes and Specialist Prison Services	159
Holding Most Prisoners in their Home Region	160
A Progressive Change to 50 Per Cent Minimum-Security	160
An Expansion of Work Camps and Other Innovative Pre-Release Strategies.....	160
Indicative Timing	161

Regional Blueprints	161
Kimberley Region	162
South-Eastern Region (Eastern Goldfields)	164
Metropolitan Region	165
South-West Region.....	169
Great Southern Region	172
Pilbara Region.....	173
The Full Picture: 2015.....	174
Recommendations	176
CHAPTER 7	
PRISON WORKFORCE PLANNING AND MANAGEMENT	177
The Context	177
Perceptions of Poor Leadership.....	177
Difficulties Filling Most Senior Positions	179
Role of Superintendent	180
What Needs to Change	181
Staffing Profiles Within Prisons.....	182
Prison Staff Profiling Project.....	184
Where to from Here?	184
Workforce Planning	185
The Management Structures of Prisons	186
The Role of the Prison Officer	189
A Redefinition of the Role	191
An Integrated Workforce	191
Work Camp Staffing	192
Aboriginal Employment	194
Comparisons Elsewhere.....	195
Strategies for Improvement.....	196
Employment of Women	198
Attraction and Recruitment of Staff	200
What Needs to Occur and Why.....	200
Becoming an ‘Employer of Choice’	201
Attracting Staff to Regional Prisons.....	202
What Should Happen Now	205
Selection of Prison Officers	206
The Assessment Methods Used	209
A Good Beginning.....	211
Improvements to Assessment Methods	211
The Selection Decisions and Process Management.....	212

Career Development and Staff Mobility	214
Succession Planning.....	214
Individual Development Planning.....	216
Acting Arrangements	216
Prison Rank Structure	217
First Class Prison Officer	217
Senior Prison Officer.....	217
A Review at Hakea Prison	218
Other Jurisdictions	219
An Operations Support Role	219
Proposed Rank Structure.....	221
The Prisoner Officer Promotional System	222
Improvements That Could Be Made.....	223
System for Transfer.....	224
Compassionate and Management-Initiated Transfers	225
An Age Management Strategy	225
Strategies on a Number of Fronts	226
Safety and Wellbeing of Prisons Division Employees	228
Stress.....	229
Sick Leave.....	230
The Occupational Health and Safety Framework	230
Creating a Safer and Healthier Environment	232
The Shift Arrangements Within Prisons.....	233
The 12-Hour Shift	233
The Costs.....	235
Consequences of Many Days Away.....	235
Relationships with Prisoners	235
Stress.....	236
Fatigue	236
Safety	237
Age.....	238
Work/Life Balance and Family-Friendly Policies	238
Conclusion	238
Head Office Structure for Prisons: Centralisation Versus Decentralisation.....	239
Coordination of Public and Private Prisons	240
Benefits of Decentralising	241
Best Practice Organisation Design Principles	241
The Head Office Strategic Services and Support Structure	244
Possible Head Office Structure for Prisons Division	245

Levels of Strategic Corporate Services	245
Human Resources Support for Prison Division	246
The Shared Corporate Services Reform Government Initiative	247
Implication for Prisons Division	248
Implementation and the Management of Change.....	249
What Needs to Occur for Successful Implementation	251
Recommendations	252
 CHAPTER 8	
TRAINING AND DEVELOPMENT	259
The Context.....	259
International and Human Rights Standards.....	260
Australian Guidelines (Revised 2004).....	261
National Operating Standards – United Kingdom	261
The Concept of Prison Workers	262
The Current Training Arrangements	264
The Training and Development Branch	265
Qualifications of Training Staff.....	266
Training the Trainers.....	267
Allegations of Bullying and Sexism.....	267
Scope of Present Prison Officer Training	268
Probationer Training in the Workplace.....	269
Hakea Prison Induction	270
Re-Qualification Training.....	271
Management Training.....	272
The Western Australian Correctional Training and Professional Development Academy.....	272
An Example of Change Management: Training in the Scottish Prison Service.....	274
Implementation of Standards.....	276
Line-Managers as Assessors.....	276
The Scottish Prison Service College	277
Performance Management in Western Australia.....	278
Obstacles to Effective Implementation.....	278
Essential Elements of Performance Management.....	279
Recommendations	281
 APPENDIX 1	
MAHONEY INQUIRY TERMS OF REFERENCE	283
 APPENDIX 2	
KIMBERLEY CUSTODIAL PLAN: ABORIGINAL REFERENCE GROUP CONSULTATION PROGRAM OUTLINE	285

APPENDIX 3	
ENTRY AND EXIT CRITERIA – HIGH MAXIMUM-SECURITY PRISON	286
APPENDIX 4	
MINIMUM STANDARDS FOR CUSTODIAL SERVICES	291
APPENDIX 5	
CASE STUDIES	293
APPENDIX 6	
PROPOSED STANDARDS WITHIN A HIGH MAXIMUM-SECURITY FACILITY	294
APPENDIX 7	
CONCEPT DIAGRAM	300
APPENDIX 8	
RECOMMENDED PLACEMENT ON THE CASUARINA PRISON SITE	301
APPENDIX 9	
REPORT ON PRISONER POPULATION AND SUB-POPULATION TO 2015	302
APPENDIX 10	
ROLE OF THE SUPERINTENDENT	314
APPENDIX 11	
SAMPLE WORKFORCE MANAGEMENT KEY PERFORMANCE INDICATORS	316
APPENDIX 12	
BROAD OUTCOMES OF THE PRISONS PROFILE PROJECT (ONGOING).....	317
APPENDIX 13	
BROAD FUNCTIONS WITHIN INDIVIDUAL PRISONS – GENERAL OUTLINE	318
APPENDIX 14	
PROPOSED COURSE LIST FOR THE ACADEMY	321
APPENDIX 15	
CORPORATE LEARNING AND DEVELOPMENT EVALUATION SYSTEM.....	322
APPENDIX 16	
BED CAPACITY BY PRISON AND SECURITY	325

Overview

OVERVIEW AND EXECUTIVE SUMMARY OF THE DIRECTED REVIEW AND ITS RELATIONSHIP TO THE MAHONEY INQUIRY

THE TWO INQUIRIES

On 5 April 2005 the Minister for Justice, the Hon. John D’Orazio MLA, directed the Inspector of Custodial Services, Professor Richard Harding, under s 17 of the *Inspector of Custodial Services Act 2003* (WA) ‘to inquire into and advise upon the following matters:

- The policies and practices of the Department of Justice with regard to the classification of convicted prisoners;
- The policies and practices with regard to the placement of prisoners at and within particular prisons and their subsequent transfers within the prison system;
- In the light of projections as to prisoner numbers and mix, the question whether the existing prison facilities and their regimes, and programs across the State are appropriately calibrated to achieve the objectives of imprisonment, including community safety, with particular emphasis upon the availability of regional and remote resources;
- In that context, whether innovative approaches to custodial management can be developed;
- Whether a ‘supermax’ facility should be constructed to accommodate dangerous prisoners or those whose presence in the prison system poses special risks;
- The identification of infrastructure needs and prioritization of requirements for the next decade, and
- Likely staffing needs, including the questions of custodial and civilian staff, and operational and management structures.

Simultaneously, the Premier commissioned the Hon. Dennis Mahoney AO QC as an Inquirer under the *Public Sector Management Act 1994* to conduct an Inquiry into the Performance of the Department of Justice with regard to the Management of Offenders in Custody and in the Community. The Inquirer and the Inspector met regularly to exchange views; and staff from the two groups have held frequent discussions.¹

1 The Inspector’s Directed Review Team comprised: Professor Richard Harding, Inspector of Custodial Services; Mr Robert Stacey, Deputy Inspector of Custodial Services; Mr Bill Cullen, Manager Policy and Legislation, Department of Justice (on secondment); Mr John Acres, Inspections and Research Officer, Office of the Inspector; Ms Diane Broadby, Manager Community Relations, Office of the Inspector; Mr Joseph Wallam, Community Liaison Officer, Office of the Inspector; Dr Keith Carter, Expert Advisor, University of Chester, United Kingdom (contract); Ms Fiona MacLeod, Workforce Consultant (contract); Mr Jeffrey de Souza, Expert Advisor (contract); and Ms Adelle Gardiner, Research Assistant (contract).

METHODOLOGY OF THE DIRECTED REVIEW

The terms of reference were interpreted by the Office of the Inspector of Custodial Services (“the Inspectorate”) as involving a number of discrete but intersecting sub-projects:

- Risk management and prison regime management;
- Kimberley regional custodial strategy;
- Eastern Goldfields regional custodial consultations;
- Staffing analysis;
- Training needs analysis;
- ‘Supermax’ or high maximum-security facility analysis; and
- Statewide infrastructure analysis.

In order to complete these sub-projects the Review Team undertook a number of coordinated activities that included:

- Data gathering and analysis of offender related statistical information from the Department of Justice (“the Department”) and other sources;
- Consultations with Departmental staff;
- Consultations with other Australian and international correctional organisations;
- Analysis of relevant reports, evaluations and reviews;
- Consultation with relevant stakeholder and expert groups, including the Aboriginal Reference Group previously established by the Minister to advise upon the development of a Custodial Management Strategy for the Kimberley;
- Visits to prisons and community correction centres;
- Assessment of staffing structures, configuration and practices;
- Comparison of Western Australian regimes with best practice custodial regimes; and
- Analysis of prisoner projections and the capacity required to meet accommodation, regime and service demands over a ten-year period based on regions.²

2. The regional divisions used in this report reflect those outlined by the Australian Bureau of Statistics (ABS) in the Australian Standard Geographical Classification (ASGC) and the National Localities Index (NLI). An exception is noted in Chapter 4 which has incorporated an Aboriginal understanding of land division to better define the South Eastern Region within the context of this chapter.

OVERVIEW AND EXECUTIVE SUMMARY OF THE DIRECTED REVIEW AND ITS RELATIONSHIP TO THE MAHONEY INQUIRY

Invitations to make submissions were extended to prisoners and staff of the Department as well as to a range of organisations with an interest in justice outcomes.³

RELATED WORK

The terms of reference of the Mahoney Inquiry included a direction ‘to have particular regard to the opinions and findings of the Inspector of Custodial Services’. To facilitate this, the Inspectorate produced, at an early stage of the inquiry process, consolidated accounts and analyses of its own previous Inspection Reports and Thematic Reviews. These were organised around four main themes judged to be central to the broad thrust of the Inquiry and the Directed Review:

- The achievement of the four cornerstone objectives of imprisonment in Western Australia;
- Aboriginal prisoners;
- Work camps; and
- Female prisoners.

These thematic analyses will be published in due course as part of the Inspectorate’s ongoing reporting responsibilities under the *Inspector of Custodial Services Act 2003* (WA).

OVERVIEW AND EXECUTIVE SUMMARY

Perhaps because governments have so many other legitimate calls upon their limited resources, the focus on prisons and prisoners appears only to be a priority when things go wrong. In Western Australia, the past 18 months have brought significant and warranted attention to prison practices in this State. The insufficient provision of programs to assist offenders to break the offending cycle and the failure to exercise the utmost prudence in the management of more dangerous offenders – thereby placing the public at risk, as well as prison staff and other prisoners – are evidence that many prisons are not operating at the necessary optimal level.

3 Submissions were received from the following persons or organisations: The Aboriginal Legal Service of Western Australia; The Community and Public Sector Union/Civil Service Association of WA; The Western Australian Prison Officers’ Union; Ms Maxine Drake, Health Consumers’ Council Western Australia (Inc); Mr Geoff White (Prison Officer); Mr John Dunn (Prison Officer – Hakea Prison); Mr John Dunnill (Prison Officer – Boronia Pre-release Centre for Women); Mr Paul Gill (Anglican Chaplain for Prisoners in Western Australia); and Mr Ian Johnson (Executive Director Prisons – Department of Justice). Other submissions were received but the Inspectorate has not been given permission to publish their names.

For too long the prisons in this State have been at the back of the queue for resources, with the result that they have now lost the confidence of both government and the community. The public rightly expects that government will act to put things right once and for all, with no half measures. For such a program of change to be successful, there needs to be a significant change of culture within the prison system and the necessary investment in human and infrastructure assets to properly embed that change.

While systemic change may be overdue, it is important not to fall into the trap of exaggerating the extent of the present failures. The Western Australian prison system does not set out to brutalise, humiliate or mismanage prisoners: the prison staff are ordinary and decent people and the objectives of the system, epitomised in the four cornerstones, are laudable. As the Inspectorate has previously observed, the problems lie more in poor Departmental performance in translating these objectives into operational reality.

The early warning signs of operational failure have been apparent for many years. One could go back as far as Christmas Day 1998, when a serious riot occurred at Casuarina Prison. Although the prison's management had apparently sensed its imminence, it seemed unable to act to head it off. To its credit the Department's response was not simply to tighten the system down (though it did so at Casuarina itself) but implement the Integrated Prison Regime. The problem was that, as evidence to the Mahoney Inquiry has shown, this was a creation of head office rather than something that was fully understood or resourced in the field.

The Inspectorate was established in 2000 with the statutory remit to bring independent external scrutiny to the standards and operational practices relating to custodial services in Western Australia. Observations made in successive Annual and Inspection Reports since that time provide a record of many of the issues and problems that finally manifested themselves in the incidents that were the catalyst for the setting up of the Mahoney Inquiry and the Inspectorate's Directed Review.

Thus, by 2001 the Inspectorate had already identified that the handling of critical incidents by the Department of Justice was insular and inconclusive. The very different operational cultures and divergent perspectives of the field staff and head office management had resulted in resentment and ultimately distracted from what should have been a unified objective of high quality correctional service delivery. Organisational anomalies for health services, the run-down condition of the regional prisons, and unbalanced security policy were among the numerous matters identified as needing reform.

In 2002 the Inspectorate reported that, despite expensive capital improvements to Hakea – the State’s premier remand, receipt and assessment prison – the management systems remained dysfunctional, to the detriment of the quality of life for prisoners. Incidents of self-harm tend to increase when the quality of life significantly deteriorates for prisoners, and there had been some worrying events of this kind at Hakea. The Minister exercised his statutory powers the following year to direct the Inspector to inquire into custodial deaths at that prison.

In 2003 the Department launched a raft of new initiatives and infrastructure plans. The Inspectorate was supportive of this reform agenda, but drew attention to the uneven nature of its application. Staff shortages, low morale, persistent resentment of centralised planning and control, and deficiencies in the delivery of offender programs continued.

In its 2004 Annual Report the Inspectorate noted the continuing failure of the Department to develop a coherent and convincing custodial management strategy for the regions, particularly those where the prison populations are predominantly Aboriginal. Concern was expressed about the practice of the Department to base security classifications on records rather than risk – an approach that leads both to over-classification (too secure) and under-classification (not secure enough). That observation, together with reports (recorded in a 2003 Inspection Report) that the personal safety concerns of female employees at Bunbury Regional Prison were being ignored, now seems prescient.

In 2005, comment was again made about the excessive centralisation of decision-making in the Department. The instability of senior management positions and the seemingly endless pattern of employees acting in higher positions at the expense of their own jobs were also cited as a concern. The Inspectorate conceded that these matters could not in themselves be said to be the direct cause of the various incidents of 2004–2005, but such factors had undoubtedly contributed to poor staff morale which, in turn, had encouraged a culture of indifference and cynicism. Such a culture is a breeding ground for errors and operational failures.

In the context of the concerns expressed in the Inspectorate’s reports over the past five years, it cannot be said that these problems have ‘come out of left field’ or that they were random and thus unpreventable. The purpose of the Inquiry and the Directed Review is to address these issues; not only by recommending short-term improvement, but also by facilitating a long-term recalibration of the whole prison system and related services. The system that evolves from this process should deliver

correctional value-for-money, which means making investments not only in community safety and the personal safety of prison staff, but also in the rehabilitation and re-integration of those offenders (the overwhelming majority) who will eventually return to the community.

While the Directed Review will focus upon the circumstances of the past to examine the policy and operational standards and practices, it is important that our comments do not obscure or detract from the fact that the public has every reason to have confidence in and to be grateful to the many good staff of the Department. Their efforts, under difficult conditions over a number of years, have prevented many latent risks from manifesting as critical incidents and critical occurrences from escalating further. Unfortunately, service demands currently out-strip capacity. In the course of exit debriefs following inspections, the Inspector has often indicated that the staff have a commitment to the Department that is not matched by the Department's commitment to its staff. This is a Department with a long track-record of undervaluing its human resources.

While there are serious quantitative and qualitative deficits that must now be addressed so that organisational equilibrium can be restored in the public interest, it is the Inspectorate's opinion that, if the government commits to implementing the recommendations contained in these Reports, the State is well placed to take up the reform agenda for correctional services at this time. The problems are now well-documented and understood; there are people with the motivation and the expertise to lead change; Aboriginal communities are ready to participate in and lead innovative approaches to custodial management that could help break the cycle of reoffending; the State has the financial means to make the necessary capital investments and sustain the new policies with sufficient recurrent funding. There is, in fact, very little excuse for not successfully implementing responsible and effective correctional policy in Western Australia.

TERMS OF REFERENCE 1 AND 2

Terms of reference 1 and 2 require the Inspector to advise upon 'the policies and practices of the Department of Justice with regard to the classification of convicted prisoners, and the policies and practices with regard to the placement of prisoners at and within particular prisons and their subsequent transfers within the prison system'. These terms overlap with the first term of reference of the Mahoney Inquiry itself, which is 'to examine and report on all processes and procedures involved in the assessment, placement, management and rehabilitation of offenders in custody and

into such aspects of the management as ... may appear appropriate’.

The Mahoney Inquiry has pursued its own work by means of detailed dissection of three controversial cases where the prison system has demonstrably (and comprehensively) failed. The remit of the Mahoney Inquiry in regard to this first term of reference was to have particular regard to the opinions and findings of the Inspector. By and large the Inspectorate’s own ‘broad sweep’ findings in the course of more than 30 prison inspections are consistent with Counsel Assisting’s summation.

The matters to be highlighted in this Executive Summary and which are dealt with in detail in the Directed Review include the following:

- The limitations and defects of the standard prisoner classification method employed by the Department;
- The specific problems of applying this classification method to women and Aboriginal prisoners;
- The issue of overcrowding, which in turn contributes to the placement of many prisoners in prisons that do not match their classification status or their regime needs;
- The significance of the new government policy that minimum-security prisons should be fenced, thus facilitating a move towards a long-term target of 50 per cent minimum-security accommodation, in line with the situation in New South Wales, New Zealand and the United Kingdom; and
- The need for several specialised prison units, based in the metropolitan area, to cater for such categories as high-risk (or high maximum-security) prisoners, dangerous and severe personality-disordered offenders, and treatable mentally ill offenders.

Classification

In assigning a prisoner’s security classification, the Department does not include an assessment of dangerousness in the standardised risk assessment process or Management and Placement checklist (MAP). Where assessments of likely reoffending are subsequently made as part of the needs assessment process for prisoners, they are not integrated into the security classification process. The classification review process (through which most prisoners will have their security classification reduced) is focused largely upon rating compliant behaviour in prison rather than rating progress toward reducing reoffending. It is necessary therefore, for

prisons to develop an assessment instrument that, in addition to assessing escape risk, measures risk of reoffending and dangerousness on entry and at points where a reduction in security rating may be considered or parole and release decisions are being made. The instrument should be compatible and capable of integration with risk assessment instruments used by the Department's Community Corrections Division, so that the effectiveness of programs and services directed to reducing risk in both prisons and community corrections can be compared and measured.

The inability of the security classification process to classify prisoners on a criterion of dangerousness has been accompanied by a tendency to over-classify prisoners on the criterion of escape risk. The operational focus has consequently shifted over time from reducing reoffending (explicitly an objective of the four cornerstones policy) to situational security management with the short-term objective of minimising escapes. This shift introduces the strong likelihood that the Department's stated correctional objectives will be negatively affected.

In New South Wales, New Zealand and the United Kingdom, around 50 per cent of prisoners are rated minimum-security. In comparison, the introduction of the MAP system has resulted in Western Australia classifying only around 30 per cent of its sentenced prisoners to minimum-security. The Inspectorate considers that attainment over the long-term of something approaching a 50 per cent minimum-security rating will better reflect the risk profile and system progress of the offender population in this State. However, the Inspectorate stresses that progress towards this goal should be carefully graduated and, if necessary, revised in response to any future changes in the profile of the prisoner population.

Adjustment of such matters should be reflected in the Director-General's Rules, the Department's Policy Directives or Operating Instructions, or the prison's Local Orders (as some witnesses before the Mahoney Inquiry testified, the Department has so many layers of regulation that it is almost impossible to identify the appropriate source or sources for directing operational change) and in the revised *Prisons Act 1981* (WA). It is imperative that these changes follow upon the conclusion of the Inquiry and the Directed Review.

Aboriginal Prisoners

Aboriginal prisoners have a higher 'escape' rate than non-Aboriginal prisoners. However, the typology of such escapes is different, quite often (particularly from Broome Regional Prison) being motivated by the need to deal with a family problem

or being impulsively driven by cultural imperatives. Seldom is the main objective of Aboriginal escapees that of remaining at large; indeed, it is not uncommon for them to be captured in the process of returning to prison. Nonetheless, the impact of such ‘escapes’ upon the prisoner’s classification or access to programs and privileges can be quite severe. There is clearly, in these circumstances, a need to differentiate between types of escape – ‘malicious escapes’ as opposed to ‘absconding’ (from a minimum-security prison) or ‘failure to return’ from an authorised leave arrangement.

Women Prisoners

Until the opening of Boronia Pre-Release Centre in 2004, all women prisoners in Western Australia were held in maximum-security, regardless of strong evidence to suggest that female prisoners generally pose less risk to the community than their male counterparts. In the past this has been attributable to the lack of beds elsewhere; however, the classification scale works in such a way as to hold up progress through the system and, at the present time, Boronia remains under-utilised.

A medium-term proposal is that the construction of additional accommodation for 50 women prisoners could be undertaken on what is now the Training College on the old Nyandi Prison site. This would allow Nyandi to act as a mid-way custodial option between Bandyup and Boronia.

Overcrowding

The general prison population in Western Australia is housed in overcrowded and, in many cases, sub-standard conditions. This will become critical as the population continues to grow, unless a comprehensive infrastructure-building program is undertaken. This should be planned in the context of wider government planning for justice, and should be based upon a regionalised model in which 95 per cent of prisoners are held in a range of suitable custodial options in their home region.

There is currently no long-term maximum-security accommodation for prisoners in non-metropolitan prisons, other than in Albany. This means prisoners are often held away from their usual place of residence and their families for much of their sentence, causing considerable distress for prisoners and attracting international criticism. This is particularly stressful for Aboriginal prisoners held ‘out of country’ and this factor in itself is a hurdle to ultimate re-integration and the breaking of the reoffending cycle. This matter is dealt with more specifically under Terms of Reference 3, 4 and 6.

Fencing Minimum-Security Prisons

Since the Inquiry and the Directed Review commenced, the government has committed itself to a program of fencing minimum-security prisons. This is a legitimate position for government to adopt and it would be nugatory to debate the pros and cons of this decision. The concept of this fencing is that it constitutes a point of demarcation between permissible and non-permissible prisoner movements and will act as a means of detection and alarm in such cases (as well as in relation to unauthorised intrusions) rather than as a defensible barrier. However, because the classification of prisoners is minimum-security, there will (during the daytime) be many occasions of permissible movements beyond the fence line. It is hoped and intended that the best of minimum-security can be retained and the worst (impulsive escapes) reduced.

Understood this way, fenced minimum-security arrangements should enable the Western Australian system to move towards the long-term 50 per cent minimum-security proportion that the Inspectorate considers constitutes best practice for the present profile of prisoners. However, there is extensive discussion in this Review of the great value of work camps as the final stage in the custodial continuum, and of course the notion of fencing these would be absurd. A comparable point is made about the development of other custodial arrangements – ‘female pre-release centres’ and juvenile station placements – in partnership with communities. The new fencing policy should thus not be seen as providing an excuse for not energetically developing these aspects of the State’s custodial management strategy.

Specialised Units

The objective of accommodating 95 per cent of convicted prisoners (and as high a proportion of remand prisoners as is reconcilable with court needs) in prisons situated in their own regions will have to give way, in an estimated five per cent of cases, to the need for specialised units to be available in the metropolitan area. In particular, the proposed secure forensic health institution (a proposal emanating from the Minister of Health that is strongly supported by the Inspectorate) and the High Security Unit that this Directed Review proposes, should both be statewide facilities if they are to achieve a critical mass and be cost-effective.

Placement Within Institutions

Previous Reports of the Inspectorate, particularly the thematic review *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice* (Report No. 15, May 2003), have dealt with the difficult question of the placement of protection prisoners. The broad objective is that they should be mainstreamed as much as is safe and sensible and that predators should be removed, sanctioned and reformed. The recommendations of that Report remain valid, but have not yet been adequately absorbed into practice on the ground.

The question of placement in discipline units has also been addressed in numerous reports. The need for redefinition of minor and aggravated prison offences under the Prisons Act is widely agreed. The desirable principle is that disciplinary matters should both be able to be dealt with promptly at the local level and also be regulated by due process considerations, including appellate provisions to an external body. These matters should be addressed in the formulation of a revised Prisons Act that the Inquiry has recommended. Inextricably linked to this is the need for an effective complaints system for prisoners. The Inspector has ongoing concerns about this and notes that this issue is currently under investigation by the Ombudsman and the subject of ongoing discussions with the Department.

The placement of at-risk prisoners is also a matter that is never off the prison agenda. Again, the Inspectorate has made numerous comments and recommendations about this in various Reports, in particular in the Report *Deaths at Hakea Prison 2001–2003* (Report No. 22, March 2004). Included in that Report was the recommendation that a young adults' unit be established within the prison. This recommendation has not yet been implemented. Other comments related to the optimum utilisation of Crisis Care Units across the male secure estate. On balance, it was considered that these matters of placement were sufficiently on the current agenda not to have required further intensive coverage in this Directed Review but to have been incorporated by reference.

However, in the context of risk management and dangerousness, it has become apparent that intelligence systems are not sufficiently integrated into placement decisions. The Report accordingly recommends that the entire system be reviewed to ensure that prison-based intelligence and surveillance systems are developed and that prisoners with violent histories or propensities are identified and adequately assessed when placement decisions are being made.

TERMS OF REFERENCE 3 AND 4

Terms of reference 3 and 4 are concerned with the questions ‘whether the existing prison facilities and their regimes and programs across the State are appropriately calibrated to achieve the objectives of imprisonment, including community safety, with particular emphasis upon the availability of regional and remote resources’ and ‘whether innovative approaches to custodial management can be developed.’ Questions such as these cannot sensibly be addressed in the absence of ‘projections as to prisoner numbers and mix’ which is indeed what the reference mandates.

The prevailing Departmental approach to prisoner projections has been to forecast a total or aggregated number, usually in the light of previous experience. Disaggregation seldom goes further than an attempt to distinguish between males and females. In contrast, in this Report we have attempted to disaggregate by region, Aboriginality, gender, security rating and risk status. It is only by doing this that sensible projections can be made of infrastructure, program and staffing needs. Of course, like all statistical projections the Inspectorate’s forecasts are less stable the further forward they project; but, having been explicitly brought to the surface, these projections can be meaningfully adapted should the underlying assumptions change. Policy can then, if necessary, be refined.

The greatest disconnect at present is between the need for, and availability of, various types of accommodation. Specifically, there are far too few metropolitan and near-metropolitan minimum-security beds and far too few regional secure (medium- or maximum-security) beds. Consequently, many minimum-security metropolitan prisoners are held in secure accommodation (for example, at Acacia) awaiting transfer, often for extended periods, to minimum-security prisons and far too many secure regional prisoners (predominantly Aboriginal prisoners) are held ‘out of country’. The proposed ten-year infrastructure blueprint revolves around the strategy of progressively righting those imbalances.

A comparable approach has been taken with regard to the needs for women’s imprisonment. The time has now come to service women’s needs properly in the regions. Thus, a recommendation has been made for a women’s unit to be opened at Bunbury Regional Prison – initially and temporarily when the males vacate the existing minimum-security area and soon thereafter in a purpose-built area equivalent to the male pre-release centre that is currently being designed.

Equally importantly, the ‘Aboriginal prisons’ of the Kimberley, the Pilbara, the Central (Murchison-Gascoyne) and the Eastern Goldfields should all offer full

women's services. Both secure and minimum-security women prisoners should be able to serve their sentences close to home and family. This is a crucial aspect of operational equity within the prison system and is inexorably tied to the success of government commitments to address problems of entrenched Indigenous disadvantage.

From the point of view of innovation, the Review puts great emphasis upon culturally appropriate forms of custody where this poses no risk. For women this emphasis is manifest in proposals for the development of female pre-release centres, to be run in partnership with the local community. For men there is strong commitment to the notion of more work camps, where culturally appropriate and empowering work can be done as part of the process of reparation and reclaiming community acceptance. Comparable notions are developed for juveniles, with proposals recommending the availability of station work in partnership with Aboriginal communities, either while on remand or as part of a pre-release program.

The Department currently operates male work camps and has previously attempted juvenile community placements. The latter failed because of a lack of commitment in terms of funding and capacity building. The former is, at its best, one of the Department's success stories, but this is despite the level of support, not because of it. This Review urges a seachange in the willingness of the Department to enter into genuine community partnerships on a mature and sustainable basis.

The recommendations arising from this Review are able to be made with confidence because they arise out of genuine community consultation. Chapter 3 details custodial management strategies for the Kimberley based upon consultations led by the Aboriginal Reference Group appointed by the Minister; and for the Eastern Goldfields where preliminary consultations were conducted by the Inspectorate's own Review Team working with Aboriginal leaders.

The Review argues that this intensive consultation is the only process by which effective and viable custodial management strategies acceptable to communities can be developed. This may particularly be the case with Aboriginal communities, but it is also the case with non-Aboriginal communities. In Perth, both the Acacia Prison development and the Boronia Pre-Release Centre development have demonstrated the validity and benefits of community consultations. A key aspect of this Review is its recommendation for the appointment in all regions of Regional Custodial Management Reference Groups, to be intimately involved in the development and ongoing adaptation and delivery of policies in this key area of public interest.

The status of such groups should be guaranteed in the amended Prisons Act. Custodial and correctional policy – for the remit of such groups should go beyond custodial functions – is ongoing business that never stops. The crucial need for community consultation, input and endorsement is therefore considered permanent, not merely ephemeral for the purposes of this Review.

With regard to regimes and programs, the Inspectorate considers that all prisons should basically be ‘full service’. The two new prisons proposed for the Kimberley, for example, should be resourced to deliver offender programs on-site; it would defeat much of their purpose if secure prisoners had to be taken to metropolitan facilities to undertake programs. That point is subject to the one already made – that highly specialised facilities could only, for cost-effective and critical mass reasons, be located in Perth. The regimes in regional prisons should take account of the need to retain family links and cultural relevance, and our proposals for the type of accommodation take account of such matters.

Generally, the paucity of programs within the Department and the lack of evaluative material has emerged strongly in this Directed Review as in many of our previous inspections. A vastly greater commitment has to be made to each of these matters, and various discussions and recommendations address these issues. Western Australia reported the lowest cost per prisoner per day of any State for 2003–2004 to the Steering Committee for the Review of Government Service Provision. The Committee cautiously commented that a low unit cost may reflect lesser emphasis on providing prisoner programs to address the risk of reoffending. There is absolutely no doubt in the Inspector’s mind that this is precisely what the figures do reflect.

In summary, the recommendations arising out of terms of reference 3 and 4 call for radical reformulation of custodial management policies throughout the State, but particularly in the Aboriginal regions and for women.

TERM OF REFERENCE 5

The advent of terrorism into global calculations has led to the question whether special facilities are required to accommodate convicted terrorists. This was one of the factors behind the fifth term of reference, ‘whether a ‘supermax’ facility should be constructed to accommodate dangerous prisoners or those whose presence in the system poses special risks’.

The basic answer to this question is, ‘Yes’. Such a facility is required, even though the number of occupants at any given time is likely to be quite small and even if only a

very few occupants are proven to be terrorists. Four categories of prisoner are identified whose presence in the mainstream maximum-security prisons can pose a risk and a calculation, based on current populations, has been made that up to 0.5 per cent of the total population from time-to-time could fall into such a category.

The Special Handling Unit at Casuarina Prison is the only specialist high maximum-security unit in Western Australia. The Directed Review finds that it is inadequate in size to deal beyond 2010 with the projected number of dangerous prisoners who will pose special risks if left in the mainstream of maximum-security facilities. Apart from that, the unit is unfit for its purpose from both an amenity and a security perspective. There is a firm recommendation that a new unit for what we call ‘high maximum-security’ prisoners should be built. It is considered that this could be done relatively easily by building outside the main wall on the southeast corner of the gazetted Casuarina Prison site, then putting a fence around the new unit that meets and fortifies the existing fence.

The word ‘supermax’ is an Americanism that conjures up the notion of 23-hour a day lock-up in bare and repressive conditions with shackled movements within the unit or the main prison. The Review rejects that concept of a high maximum-security unit. Basically this unit will become ‘home’ for people who are likely to spend a very long time there. Because it will house such a small number of prisoners with a secure perimeter and specially trained staff, it does not need to be repressive, just disciplined and orderly. The design of the facility should achieve degrees of separation as required. Services, including health services, will need to be facilitated within the unit. Strong external scrutiny, including regular assessments by this Office, is recommended. It is considered that a 30-bed unit should meet Western Australia’s needs for the next 25 years.

TERM OF REFERENCE 6

Term of reference 6 seeks advice upon ‘infrastructure needs and prioritisation of requirements for the next ten years’. The Department’s own deliberations tend to be crisis-focused, on the one hand (‘Where can we squeeze in another 20 beds?’) and very long-term on the other (‘Can we find a ‘prison precinct’ site somewhere near the metropolitan area to develop over the next 50 years?’). In the past, the Department has suffered in governmental deliberations from its failure to formulate and argue for a graduated and strategically justified forward estimates program. It is thus crucially important that this Directed Review both looks to the foreseeable rather than the speculative future and also goes beyond the crisis management responses that an overcrowded system must constantly confront.

The infrastructure blueprint, set out in the matrix in Tables 14–20, grows naturally out of the themes that have emerged from the Review. These are:

- The urgent need to revitalise regional custodial management arrangements to facilitate the return of secure Aboriginal prisoners to country;
- The clear need for innovative custodial management arrangements in Aboriginal areas and generally;
- The urgent need for more minimum-security beds in metropolitan and near-metropolitan areas;
- The urgent need for specialist functions to be catered for, in particular by the construction of a secure forensic institution on the Hakea site and a high maximum-security unit preferably on the Casuarina site;
- The need for women’s custodial management to be genuinely statewide in geographic terms and full range in security terms;
- The need to ensure that there is eventually sufficient buffer accommodation, allowing for short-term fluctuations in the prison population;
- Acceptance that minimum-security accommodation will henceforth be fenced and recognition that this in turn will facilitate moves towards best practice industry standards that aim to accommodate up to 50 per cent of prisoners in minimum-security (or lower-security) accommodation; and
- Recognition that infrastructure alone cannot deliver the required levels of service and that a quantum leap in staff training is necessary and will best be delivered within a correctional academy setting.

After scheduling measures to alleviate immediate overcrowding, the highlights of the Inspectorate’s suggested infrastructure blueprint are:

- The development of the East Kimberley (as regional priority number one);
- The development of the West Kimberley (as regional priority number two) and the closure of the existing Broome Regional Prison upon the opening of the proposed Derby Prison;
- The development of the Goldfields on the existing but extended Boulder site (as regional priority number three);
- The construction of a Correctional Training and Professional Development Academy, possibly in the Midland-Swan area;

- The identification of a site for, and the construction of, a minimum-security male prison in the northern part of the Perth metropolitan area;
- The development of the Bunbury Regional Prison site to a full-scale maximum/medium/minimum male prison plus a minimum-security women's prison; and
- The rapid development throughout the State of good quality, properly resourced work camps and community detention facilities, such as pre-release centres and outstations.

It should be mentioned that the Pilbara, and the possible replacement of Roebourne Regional Prison, is given a relatively low priority at this time. The principle that has been strongly endorsed is that custodial developments should involve genuine and widespread community consultation. That process has not commenced in the Pilbara. The consultative structure outlined in this Report should commence as soon as possible. In the light of what emerges, it could be that the Pilbara proposals shift to a higher priority.

The blueprint is 'front-end loaded' so that benefits will be realised earlier. This will tend to pre-empt the need for further unexpected major investments during the ten-year period or for a time thereafter. The blueprint includes a 100-bed mental health unit proposed by the Health Minister and a correctional academy and provides for over 1,760 new beds.

TERM OF REFERENCE 7

The Review was also directed to advise upon 'likely staffing needs, including custodial and civilian staff, and operational and management structures'.

The Inspectorate has no wish to enter into the debate as to whether the Department of Justice should, or should not, be split into two or more components. The Mahoney Inquiry will make recommendations impacting upon this question. However, it is important to note that, regardless of the ultimate Departmental structure, staffing issues and how they are managed within that structure, will be crucial.

The problem that, above all, stands out is the excessive centralisation of decision-making in the Department as it presently stands. Superintendents lack autonomy and the authority to make operational decisions and have little control over their budget, the type of programs delivered at their prison and the staff profiles required to meet their performance objectives. A culture of blame exists in prisons, where staff are

given important responsibilities without matching support. The consequence of this is a widespread unwillingness to make decisions and a perception among prison officers of poor management and leadership. This is not assisted by a large number of senior prison positions being left unfilled and inexperienced junior officers being required to act in higher positions on a temporary basis. In addition, prison legislation and policies are hopelessly layered and complicated and in need of urgent reform. Three out of the four cornerstones of the operational philosophy adopted by the Department for prisons are not adequately covered by the legislation.

To begin to address these deficiencies, a concerted and well-resourced change management strategy will be required. The out-dated Prisons Act needs to be replaced with modern legislation that clarifies the intended outcomes of imprisonment and integrates the service delivery with community-based corrections. Improving prison management will require a cultural shift to a knowledge-oriented organisation. This will require a training needs analysis, transition planning for the ageing workforce and improved recruitment. The pivotal role of the superintendent should be given a level of autonomy and decision-making responsibility that has hitherto been restricted to head office. The rank structure of prison officers and the restrictions imposed on routine operations by the dominance of 12-hour shifts should be reviewed and, where appropriate, changed. A strong multi-disciplinary workforce, involving an appropriate blend of civilian and uniformed staff that is tailored to each prison's service requirement, should be developed. Recruitment of Aboriginal staff should be actively encouraged, taking full account of the cultural inhibitions that may be present. Female staff participation should also be improved, and the organisational culture needs to be more supportive of women.

If there is a single theme, it is that organisations that exist to deliver human services are nothing if they do not value, support, develop, encourage and reward their workforce appropriately. That is not to say that they need to become 'soft' employers; on the contrary, a supportive environment facilitates rigorous performance appraisal, merit-based promotion, and quality control over training assessments. A supportive working environment entitles the employer to optimise its human resources by identifying poor performers, whereas a scape-goating culture (such as has characterised the Department in the past) unites the good performers with the sub-standard performers.

The proposal for a ground-up revamp of training with the important objective of bringing all Departmental employees within the same training culture is crucial. That will require the establishment of a Training Academy, comparable with the Police

Academy at Joondalup; correctional training has been fragmented, irregular, superficial and under-resourced in the past and this cannot continue if the organisation is to be turned around.

Another key proposal relates to regional employment. The need to have full service prisons in regional areas cannot be effectively realised unless the Department, and the government, takes account of economic realities and workforce pressures in the mining and industrial development areas of the State. Probably government pay policy needs to be reviewed across-the-board; but short of that, it is clear that the Department of Justice has fallen short in its incentives in terms of conditions offered by other public-sector organisations such as Police and Education.

Finally, occupational health and safety issues are discussed in considerable detail – appropriate in view of the fact that one of the catalysts for the Inquiry and the Directed Review was a catastrophic failure in this area at Bunbury Regional Prison. It is evident that the Department has been a poor employer in this context and the Chapter contains a full discussion and numerous recommendations to improve this situation.

IMPLEMENTATION ISSUES

Such far-reaching changes as have been recommended by the Inquiry and the Directed Review cannot simply be left to the Department to implement. Following the formal governmental response, some kind of Implementation Group, reporting to the Premier and the Minister for Justice, needs to be established. It needs to be ‘off-line’, as should always be the case with change management. The Inspectorate can certainly contribute to this process, and indeed its statutory remit requires it to do so. However, the Group needs to be more widely representative, involving Treasury, Premier and Cabinet, arguably some union representation, certainly some Aboriginal representation, and led by an independent outsider.

The experience of the past 18 months has irrevocably brought custodial and related matters towards the centre of the socio-political agenda. Implementation of the consolidated reports of the Inquiry and the Directed Review should restore the balance and take the State through the first quarter of the 21st century without the traumas of recent times.

Chapter 1

WESTERN AUSTRALIAN CUSTODIAL CONTEXT

MANAGING OFFENDERS IN A RISK AVERSE SOCIETY

- 1.1 Modern economic development has brought more wealth, civil rights, and notions of equality to a larger proportion of the population of the world than in any other era. It has been accompanied however, by a growing appreciation that social, cultural, economic, ecological and technological change brings new risks and anxieties⁴ and that the gain in power from techno-economic progress is increasingly being overshadowed by the associated risks.⁵ This growing community wariness of risk has been as evident in Western Australia as elsewhere and has had fundamental implications for the criminal justice system.
- 1.2 Like many other modern Western societies⁶ the Western Australian media has constantly presented crime and punishment issues for debate and sought to highlight (and sometimes sensationalise) failings in policy and practice, fuelling widespread community views that the approach to crime is too soft. While a number of commentators⁷ suggest that the media amplify anxieties about personal safety and crime and that political parties then exploit these anxieties for political gain, at root the demand for greater accountability is an important part of the democratic process and must be addressed.
- 1.3 Successive Western Australian governments have responded to public concern about crime, in part, by increasing maximum sentence lengths and by the introduction of mandatory sentencing for a third burglary conviction.⁸ This has had the effect of increasing the imprisonment rate (already the second highest in Australia after the Northern Territory) and increased the disproportionate over-representation of Aboriginal prisoners. This has contributed to the rapid overcrowding of the prisons estate particularly through the period 1999 to the opening of Acacia Prison in 2001 and again through 2004-2005. In the United Kingdom, Home Office modelling suggests that the prison population would need to increase by 15 per cent to achieve a short-term reduction in crime of one per cent⁹. This argues for the development of a

4 See for example the work of A. Giddens, *The Consequences of Modernity* (Oxford: Polity Press, 1990).

5 U. Beck, *Risk Society: Towards a New Modernity* (London: Sage, 1992) p13.

6 See for example, R. Sparks, 'Risk and Blame in Criminal Justice Controversies: British Press Coverage and Official Discourse on Prison Security (1993-96)', in M. Brown and J. Pratt (eds.) *Dangerous Offenders – Punishment and Social Order*, (London: Routledge, 2000) pp127-44.

7 See for example R. Roberts, *Penal Populism and Public Opinion – Lessons From Five Countries*, (Oxford: Oxford University Press, 2003).

8 *Crime (Serious Repeat Offenders) Sentencing Act 1992* (WA) (now repealed) and the so-called 'three strikes' legislation introduced in 1996: *Criminal Code* (WA) s 401(4). However, more recently, the government has restricted the use of imprisonment for minor offences and this is discussed below in the Overview of the Western Australian Prison Population.

9 *Making Punishments Work, Report of a Review of the Sentencing Framework for England and Wales* (2001) p. 130

comprehensive criminal justice system-wide modelling of the impacts of changes before they become policy. Along with the critical need for an across justice policy development, there is an urgent need for an expanded criminal justice research capacity to provide ‘home grown’ evidence for policies and programs in Western Australia. Finally, it argues for the development of ‘defendable decision-making processes’ whereby government can confidently assure the community that appropriate and accurate risk analysis has been undertaken, that appropriate risk reduction management plans have been implemented and that these plans are being actively monitored and constantly reviewed.

- 1.4 Created in 1994, the Western Australian Ministry (now Department) of Justice was an amalgamation of the Department of Corrective Services, the juvenile justice division of the Department of Family and Children’s Services, the Crown Law Department and a number of smaller agencies. In the ten years since its creation there has been an uneven integration of different organisational cultures. While different Ministers and different Director-Generals have each had their particular foci and styles, overall there has been a marked tendency towards the centralisation of power and decision-making.
- 1.5 The Prisons Division responded to a succession of incidents that were highly profiled in the media by increasing its links to a substantially expanded public relations capacity that was given a mandate to be part of all major policy development. There was also a focus on developing systems and process maps for all operations, along with computer systems. More importantly, the move into a more centralised and more managerial approach has been at the cost of the previous correctional/justice perspective. It is not that managerialism is an inappropriate model; rather that it needs to complement instead of replace more people-centred approaches. The result has been that the hard-won gains of the 1990s made among prison officers in adopting ‘unit management’ style interactions with prisoners have been eroded by demands on those officers to spend increasing amounts of their time inputting information onto the TOMS¹⁰ database, by inadequate training and by the pressures of overcrowding.
- 1.6 Public concern about the management of offenders has not abated. Post facto explanations on the unlikelihood of a particular offender’s actions after they have done the apparently unexpected, have only fed the outrage of a growing section of the public who are apprehensive of an unwarranted presumption of harmlessness for convicted criminals. The move to an actuarial model of offender risk assessment has been occurring in corrections in North America and Europe for some time and there

10 Total Offender Management System.

has been widespread agreement among scholars that subjective predictions are less reliable than statistical/actuarial predictions.¹¹ Actuarial risk assessment shifts the correctional focus away from the individual offender and the provision of clinical treatment toward classifying offenders into groups according to their dangerousness and developing strategies to reduce and better manage the risk.¹² However, when Western Australian prisons introduced actuarial risk assessment processes, the concept of dangerousness was not included. Instead, a continuing pre-occupation with escape risk was maintained. Ultimately, the community demands protection from dangerous offenders and requires an assessment for dangerousness as is extensively argued in Chapter 5.

OVERVIEW OF THE WESTERN AUSTRALIAN PRISON POPULATION

1.7 At a glance the prison population in Western Australia may be characterised as:

- Around 93 per cent male;
- Although slowly aging, around 54 per cent are under the age of 30 years;
- Having lower education, training, employment, income, health and housing status than the general Western Australian community; and
- Around 40 per cent of the adult prison population, and over 70 per cent of juveniles in detention, are Aboriginal.¹³

1.8 The number of prisoners per 100,000 of the population is 212.6¹⁴ and, as noted earlier, is second only to the Northern Territory.

1.9 In recent years the Western Australian Parliament has passed legislation to reduce the State's high rate of imprisonment through:

- Expanding the sentencing options for fine default and driving offences;
- Providing for adjournment of sentencing;
- Introducing CEO parole, re-entry release orders, and pre-sentence orders;
- Facilitating early discharge under the *Prisons Amendment Act 2003*; and
- Abolishing sentences of six months or less.

11 M. Tonry, 'Prediction and Classification: Legal and Ethical issues', in D. Gottfredson and M. Tonry, (eds.) *Prediction and Classification: Criminal Justice Decision Making* (Chicago: University of Chicago Press, 1987).

12 M. Feeley, and J. Simon, 'The New Penology: Notes on the emerging strategy of corrections and its implications', *Criminology*, 30:4 (1992), 449–74.

13 Department of Justice Weekly *Offender Statistics* (23 June 2005).

14 ABS, *Prisoners in Australia* (2004), p. 12.

- 1.10 However, the impact of this legislative change on the rate of imprisonment appears to have been short-lived. Since the introduction of the legislation the rate of imprisonment has continued to trend up and over the next ten years is expected to grow by 25 per cent.¹⁵ Projections show that the prison population falling into the older age group (50 years and over) will increase from seven per cent in 2000 to 13 per cent in 2025 and 16 per cent in 2050. The proportion of younger prisoners (under 30 years) will remain constant at around 54 per cent but the middle age group (30–49 years) will decrease from 39 per cent to 31 per cent.
- 1.11 It is also noted that a high percentage of prisoners are unemployed when received into prison (67% non-Aboriginal and 85% Aboriginal) and that prisoners are mostly poorly educated with 76 per cent judged as having an education level of primary school only, and an estimated 70 per cent having a literacy problem. There has been little apparent change in the education levels of prisoners over the years in contrast to the general population where literacy levels are rising. Health problems are worse among prisoners than in the general community. There is over-representation of blood borne communicable diseases, asthma, cardiac conditions, diabetes, epilepsy and psychiatric alerts in the prison population. The level of intellectual impairment among prisoners is also higher than in the general population but consistent with international findings for prisoners.
- 1.12 The causal relationship between social conditions and crime is well researched. For example, National Crime Prevention has noted that:
- The roots of criminal offending are complex and cumulative, and are embedded in social as well as personal histories. The risk of crime is exacerbated by not providing meaningful social pathways for a diverse range of young people, and by not promoting the attachment of individuals and communities to mainstream social supports and developmental institutions such as families and schools.*¹⁶
- 1.13 Reoffending among the Western Australian prison population after release is also a major cause of concern. Risk assessment scores undertaken by the Department indicated that, on average, there was a 50 per cent probability that a parolee would be re-arrested, a 49 per cent probability that an offender on an Intensive Supervision Order would be re-arrested and a 41 per cent probability of re-arrest for an offender on a Community Based Order.¹⁷

15 Department of Justice, 'Population Projections' (undated).

16 Department of Justice, *Submission on Aboriginal Justice Issues in Western Australia to the Commonwealth Grants Commission* (June 2003) p. 6.

17 Preliminary and unpublished research findings provided by the Department of Justice.

There is now considerable evidence that social disadvantage is influential in maintaining patterns of cyclical offending. Research has shown that serious problems of violence and petty crime are often associated with social problems, particularly large disparities in income and employment.¹⁸ The United Kingdom Social Exclusion Unit has identified nine key social factors as significant contributors to reoffending, these are: education, employment, drug and alcohol misuse, mental and physical health, attitudes and self-control, institutionalisation and life skills, housing, financial support and debt and family networks. Stemming from this research and the Attorney-General's overseas visits, post-release supports addressing these issues have been introduced and their availability should be extended to all prisoners, if reoffending is to be reduced.

ABORIGINAL OVER-REPRESENTATION IN PRISON

1.14 The magnitude of the over-representation of Western Australian Aboriginal people in prison and all justice processes is simply unacceptable. While only 3.2 per cent of the Western Australian population is Aboriginal, as at 30 June 2005, 40.4 per cent of the State's adult prisoners were Aboriginal.

1.15 There are two major obstacles to reducing this over-representation:

1. Dispossession, settlement and the cumulative acts of colonial and State governments have left an enduring legacy of economic, social, cultural and political disadvantage that many Aboriginal people experience which results in a disproportionately high level of Aboriginal crime and victimisation. The lack of social supports and economic opportunities in rural and remote areas, where many Aboriginal people reside, also contribute to their state of disadvantage. The breadth of social disadvantage experienced by Aboriginal people in Western Australia must be comprehensively addressed. Piecemeal services and singular initiatives are not going to shift the bias, disadvantage, anomie and resulting crime.
2. A residual level of structural bias in the criminal justice system that operates to the detriment of Aboriginal people. Such bias is generally inadvertent and results from a lack of understanding rather than representing an intention to treat Aboriginal people more harshly. It is partly derived from the 'Eurocentric'

18 See for example, Walker and Macdonald, 'The Over-Representation of Indigenous People in Custody in Australia' *Trends and Issues in Criminal Justice*, Issue No 47 (Canberra: Australian Institute of Criminology, 1995).

construction of the criminal justice system which has its basis in property rights and individual responsibility and which does not easily accommodate Aboriginal cultural values and practices that do not conform to these norms.

1.16 Overcoming the second obstacle of eliminating structural bias from the justice system is rightly the responsibility of courts and correctional agencies. The significance of progressively reducing poor Aboriginal justice outcomes cannot be overstated.

In June 2005, 39.8 per cent of the State's adult male prisoners were Aboriginal; 52.4 per cent of the adult female prison population were Aboriginal; and 77.1 per cent of Juveniles in detention and in remand were Aboriginal.¹⁹ In Western Australia, Aboriginal men are 22 times (national average 15) more likely to be in prison than non-Aboriginal men, and Aboriginal women are 40 times (national average 19) more likely to be in prison than non-Aboriginal women. The Aboriginal rate for juveniles admitted to custody was over 30 times the non-Aboriginal rate²⁰ Aboriginal offenders are more likely to be held in custody prior to trial than non-Aboriginal offenders and are less likely to receive a non-custodial sentence.²¹

1.17 The Department of Justice has been pursuing a series of reviews and projects to reduce the rate of Aboriginal imprisonment. However, the rate continues to rise and Aboriginal prisoners may be expected to constitute 50 per cent of the prison population within a few years if this trend is not reversed. The reasons for this projected increase include:

- Gordon Inquiry response initiatives;
- Domestic and family violence police initiatives;
- Crime Link Unit Police Initiative targeting repeat offenders;
- Changes to the Criminal Code;
- Impact of the DNA legislation; and
- Implementation of the recommendations of the Skinner Report.²²

1.18 Aboriginal offenders also have higher rates of recidivism than non-Aboriginal offenders. Bonta et al (1997) offer three possible explanations for this:

19 Department of Justice, *Weekly Offender Statistics* (22 June 2005).

20 R. Cant, R. Downie and T. Mulholland, *Cohort Analysis of the Custodial Population for the Ministry of Justice* (April 2000), pp. i-ii.

21 Department of Justice, Prisons Division, *Strategic Plan for Aboriginal Services 2002-2005*, p. 3.

22 Department of Justice 'Review of Reducing Imprisonment Program Reports' (May 2003); (April 2004).

- The environments to which Aboriginal offenders return are more criminogenic – with high unemployment, lack of opportunities and resources, sub-standard living conditions, and high alcohol abuse levels;
- The life experiences of Aboriginal offenders are likely to be more extreme and isolating – with greater levels of psychiatric, psychological and health needs, and
- Programs provided in the community are more effective for non-Aboriginal groups because their needs and culture are better reflected in these activities. This view is supported by the Johnston (1997) survey that reported amongst Aboriginal people a general distrust of non-Aboriginal programs and a desire to attend specialist culture-specific programs as well as the need to adapt rehabilitation programs for Aboriginal groups.²³

1.19 However, the major cause for the over-representation of Aboriginal people in prison and justice processes stems from their endemic disadvantage.

1.20 It is now widely recognised²⁴ that the colonisation of Australia and the subsequent subjugation of the Aboriginal population resulted in profound and generally sustained economic and social disadvantage for Aboriginal Australians. As part of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), Commissioner Patrick Dodson's *Regional Report into Underlying Issues in Western Australia* (1991) extensively reported on the extent of Aboriginal disadvantage in the state. In addition, it gave an account of some of the major legislative and historical events that had occurred since colonisation. In the RCIADIC Report, Commissioner Elliott Johnston wrote:

*I wish to emphasise that, on almost every statistical indicator of the status or wellbeing of the Aboriginal population, we find its members to be in a highly disadvantaged position. This is the case in both absolute terms and in comparison with the position of the non-Aboriginal society ... the conclusion we must draw is that the level of Aboriginal disadvantage is very great, and that it underlies the phenomena of Aboriginal over-representation in custody...*²⁵

1.21 A number of other significant reports including the 'Stolen Generations'²⁶ report also clearly demonstrate that past policies such as the separation of Aboriginal children

23 The Forensic and Applied Psychology Research Group, *The Management of Indigenous Prisoners, Prisoners from Different Cultural Backgrounds and Women Prisoners* (Adelaide: University of South Australia, undated) , pp. 9–10.

24 Government of Western Australia, *Task Force on Aboriginal Social Justice* (1994), p. 26.

25 Royal Commission into Aboriginal Deaths in Custody (RCIADIC), National Report, (Vol.2, 1991) p. 62.

26 Human Rights and Equal Opportunity Commission, *Bringing Them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* (April 1997).

from their families, forced assimilation, removal of Aboriginal people from their land and institutionalisation have had a devastating effect on Aboriginal families, culture, identity and social structures.

- 1.22 Undertaking such a comprehensive redress of all areas of disadvantage is beyond a simple redistribution of existing resources. There are substantial additional costs involved with ensuring that each service is delivered in consultation with Aboriginal communities, in the appropriate languages, in culturally appropriate ways and in conjunction with capacity building for the governance of Aboriginal communities.²⁷
- 1.23 Aboriginal disadvantage is being addressed by the development of a comprehensive State strategy and the Western Australian Government has committed²⁸ to build a new and just relationship with Aboriginal people of Western Australia. The State strategy provides a whole-of-government blueprint to effectively integrate programs, services and funding arrangements in partnership with Aboriginal people.
- 1.24 The strategy currently brings together a number of national and state initiatives including the Council of Australian Governments' commitment to reconciliation and the government's response to the Gordon Inquiry.²⁹ It targets the severe environmental health, housing, essential services, justice and other problems faced by many Aboriginal people³⁰ and the need for capacity building in Aboriginal communities to improve their governance and management of the infrastructure delivering services to them. The strategy is being supported by other bilateral agreements including the Aboriginal Justice Agreement. This strategy was piloted in Western Australia's COAG trial ('the Munjurla Study') covering the Tjurabalan communities of Balgo, Mulan, Billiluna, Yagga Yagga, and Ringers Soak in the Kimberley region. The strategy is also consistent with the Commonwealth government's whole-of-government/community approach supported by Regional Partnership Agreements and Shared Responsibility Agreements.

27 Indigenous Housing Authority Northern Territory, *Aboriginal Communities Environmental Health Survey* (1997).

28 Government of Western Australia, *Statement of Commitment to a New and Just Relationship between the Government of Western Australia and Aboriginal Western Australians* (2001), <<http://www.dia.wa.gov.au/Policies/StateStrategy/StatementOfCommitment.asp>>.

29 S. Gordon, K. Hallahan and D. Henry, *Putting the Picture Together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities* (Perth: State Law Publisher, July 2002).

30 Indigenous Housing Authority Northern Territory, *Aboriginal Communities Environmental Health Survey* (1997).

Chapter 2

RISK MANAGEMENT AND PRISON REGIMES

- 2.1 The prison system is out of alignment with the Western Australian prison population with regard to risk management; prison regimes and services that both protect the community and reduce reoffending; the location of services; and community expectations. The existing prisons are not appropriately calibrated to service population demands. Of course prisons, as part of the correctional system, are but one aspect of the wider justice system. While this Review is focused primarily on prisons, the importance of the broader systems context is fundamental to reforming and configuring prisons for their role in the 21st century.
- 2.2 The most significant risk that prisons must manage and reduce is the threat posed by dangerous offenders to the safety of the community, prison staff, prisoners and others. Once a court remands a person to custody or sentences an offender following conviction, the responsibility for administering the remand custody or the sentence falls to corrections, that is, to the Community and Juvenile Justice Division (hereafter referred to as community corrections) or the Prisons Division of the Department of Justice. While many offenders desist from further offending once they have been involved with the criminal justice system, many others go on to become a repeat ‘client’ of prisons and community corrections. Often, the same offender moves between prisons and community corrections, yet the assessments of need and risk posed by that same offender have traditionally served different purposes and have consequently developed along different lines.
- 2.3 Prisons have traditionally focused upon:
- The risk of escape;
 - The risk of physical harm to self, staff and other prisoners; and
 - The ‘criminogenic’ needs that, if addressed, could reduce reoffending.³¹

While community corrections have focused upon:

- The risk of reoffending;
 - The risk of physical harm to the public; and
 - The ‘criminogenic’ needs that, if addressed, could reduce reoffending.
- 2.4 As the policy goals of prisons and community corrections have become increasingly aligned, many of these distinctions are becoming less clear and the purposes of

31 This summary list is intended only to be indicative of operational and policy focus and does not pretend to be an exhaustive list of assessed risks.

correctional risk across both prisons and community corrections may be conceived as needing to meet three basic assessment objectives.³²

1. Assessing the potential danger an individual poses to society – that is, how likely are they to reoffend and, if they do, how serious or dangerous is such offending likely to be.
2. Ascertaining the level of custody or supervision required – that is, given the risk of reoffending and likely seriousness of such offending, what is the least level of custody and supervision consistent with ensuring the safety of the community, staff and others.
3. Determining the criminogenic needs of an offender – that is, assessing such things as drug or alcohol dependence and antisocial attitudes and behaviours that are directly associated with criminal activity and may be able to be addressed through programs and services.

2.5 These assessment objectives are consistent with the *Revised Guidelines for Corrections in Australia* (2004) which identifies the following characteristics for classification and placement systems for prisons:

The Administering Department should provide a well structured and transparent system of classification and placement of prisoners which has as its central aim; the safety of prisoners, staff and the community, while ensuring placement of prisoners at their lowest level of security appropriate for their circumstances. ...The security classification of prisoners should be based on an objective assessment of dangerousness and a risk management strategy that takes into consideration the nature of the crime, risk of escape and their behaviour in custody. ...The placement and assignment of prisoners to prisons should also include the principle of enabling prisoners to reside as close as possible to their family, significant others, or community of interest.

2.6 Over the past decade, community corrections have developed an actuarial risk assessment instrument in conjunction with the Crime Research Centre at the University of Western Australia. However, consequent upon the arrest of a parolee in August 2003 for murder, the government commissioned Alan Skinner to review the risk assessment and management practices used by community corrections. The review report, which was presented and tabled in Parliament in October 2003, made 24 recommendations including that:

32 See for a similar exposition, R. Broadhurst, 'Criminal careers and sex offending' in M. Brown and J. Pratt (eds.), *Dangerous Offenders* (London: Routledge, 2000), p. 113.

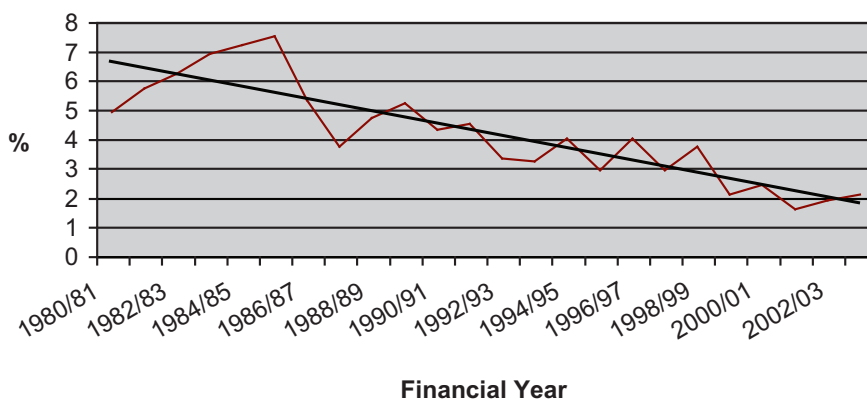
- Risk definitions of offenders be more meaningful for staff and easier for the community to understand and that an assessment and case management model outlining the risk of recidivism and potential for harm be developed; and
- A professional practice standards unit be established to develop, monitor and advise on practice standards.

2.7 Further to these recommendations a series of improvements have been introduced to risk assessment and management in community corrections so that, along with its previous capacity, it now specifically assesses both reoffending and dangerousness and thus meets the three basic assessment objectives.

2.8 Prisons however, have developed and introduced a system that focuses upon risk of escape and only poorly meets the second and third objectives. It does not assess the risk of reoffending or the risk of physical harm to the community and through a blanket approach it takes insufficient account of gender or cultural factors. These issues are further explored in more detail in the following sections.

2.9 Given the importance placed on escapes from custody to the discourse on prisons, it is instructive to place the escape rate in context and understand that escapes have been on the decline for some considerable period of years.³³

Graph 1: Escape Rate for Western Australian Prisons 1980 - 2004



2.10 It is often argued that one escape is one escape too many; however, while all escapes should be scrutinised for the lessons to be learned, prison systems release the overwhelming majority of prisoners back into the community. Release should occur

33 Based on information from Annual Reports for the Department (and former Ministry) of Justice and the Department of Corrective Services.

from minimum-security wherever possible. This argues for an escape risk assessment for every prisoner placed at minimum-security. However no risk assessment is ever 100 per cent guaranteed and there will always be some escapes. The focus for prisons must therefore be on identifying dangerousness and ensuring that those escapes that do occur are not by dangerous prisoners.

ASSESSING THE DANGER AN OFFENDER POSES TO THE COMMUNITY

2.11 The concept of ‘dangerousness’ is not a precise and quantifiable concept and is one that has changed in focus over time. In the early 19th century much popular concern was expressed around the idea that there was a threat being posed to the social order by politically ‘dangerous classes’.³⁴ Through the 20th century the concept of dangerousness came to be used most commonly for persistent property offenders and violent offenders, including serious sex offenders (although arguably certain drug offenders have also been considered as a dangerous corrupting force). More recently, the threat of terrorism and the capacity for terrorists to use extreme measures to threaten the community and escape custody has generated new concerns of ‘extreme dangerousness’. Dangerousness is consequently conceptualised as including the threat of physical harm, corruption or repeat offending.

Current Legislative Provisions

2.12 In Western Australia, only a person who has been convicted of an ‘imprisonable’ offence may be sentenced to imprisonment; however, the imposition of imprisonment as a penalty is subject to s 6(4) of the Sentencing Act 1995 (WA) (the Act) provides that:

a court must not impose a sentence of imprisonment on an offender unless it decides that —

(a) the seriousness of the offence is such that only imprisonment can be justified; or

(b) the protection of the community requires it.

2.13 There is therefore a discernible intention in the Act that imprisonment will not be used lightly for minor offending and that imprisonment will be reserved as a punishment for those people who have committed a serious imprisonable offence or those people who have committed an imprisonable offence and who threaten the community.

34 See, for example, J. Pratt, *Governing the Dangerous*, (Sydney: Federation Press, 1997).

2.14 Section 35 of the Act further emphasises this intention in that it requires that where a court imposes a (relatively short) prison term of less than 12 months, the reasons for imposing imprisonment are to be written and retained as part of the court record. From this it may be concluded that generally speaking those sentenced to more than 12 months' imprisonment are to be regarded as either serious offenders or as posing a threat to the community; that is, they are dangerous.

Current Risk Assessment in Western Australian Prisons

- 2.15 In practical terms, for prison administrators, these sections of the Act imply that all prisoners sentenced to a term of imprisonment must be regarded (at minimum) as having forfeited the 'presumption of harmlessness'.³⁵ A prisoner with a sentence length of 12 months or more, signals that the court has regarded that the prisoner has committed a serious offence and/or may be potentially dangerous.
- 2.16 In addition, prisons must manage substantial numbers of prisoners who are not sentenced by a court but for whom a proper duty of care must be exercised. At any one time these include around 150 fine defaulters along with around 500 remand (unsentenced) prisoners.³⁶
- 2.17 The Western Australian prison classification system uses the Management and Placement Checklist (MAP) to ensure that all sentenced prisoners are assigned to one of three security ratings – maximum, medium or minimum.
- 2.18 According to Director General's Rule 14, the maximum-security rating is designed for prisoners 'presenting a high risk of escape and/or a high risk to the safety of the public in the event of escape' and 'for whom high conditions of security are necessary and for whom escape must be made very difficult'. Medium-security covers prisoners who present 'a low to moderate risk of escape and/or a moderate risk to the safety of the public in the event of an escape' and who while they 'cannot be trusted in an open prison they do not present as having the resources or will to make a determined escape attempt from a secure prison'. Minimum-security is designed for prisoners 'presenting a low risk of escape and/or a low risk to the safety of the public in the event of an escape', such that these prisoners require 'a low degree of supervision and control within the prison' and 'can be reasonably trusted in open conditions'.³⁷

35 For a discussion of the concept of the presumption of harmlessness see N. Walker, 'Ethical and Other Problems' in N. Walker (ed.), *Dangerous People* (London: Blackstone, 1996).

36 Department of Justice, 'Monthly Statistical Reports' (April, 2005)

37 Director General's Rules 14 or 13.

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- 2.19 Although the need to assess ‘dangerousness’ is recognised and explicitly required in the Director General’s Rules,³⁸ the Initial Security Rating Instrument (see Rule 18) does not (in fact) require the assessor to include an assessment of dangerousness or reoffending.
- 2.20 The amount of research on risk of harm or dangerousness is small and suggests that combinations of factors associated with risk of harm are similar to those for general reoffending.³⁹ Importantly, assessments of dangerousness must include situational factors. For example, for many prisoners convicted of violent offences a key situational factor may be access to significant amounts of alcohol or it may be that such violence is not a generalised behaviour and is confined to a relationship with a particular person. There is a need to better understand and be able to make defensible decisions about prisoners based upon criteria-based assessments of risk of reoffending and dangerousness.
- 2.21 In addition to the initial security rating, all prisoners with an effective sentence of greater than six months are required to be assessed for an Individual Management Plan (IMP). The assessment process for this plan is directed to identifying individual prisoner needs in relation to addressing their offending behaviour. An IMP is thus intended to provide a planned approach to meeting those needs through programs and services as well as a pathway through the security classifications and prisons. It is acknowledged that this process can thereby address some of the situational factors associated with reoffending and dangerousness. However, the assessments do not apply to the original security rating, only to a reassessment of the rating at a later stage. By completing a program that addresses offending behaviour a prisoner may satisfy the current requirements of the classification review process and may gain a reduction in security. This process tends to concentrate programs in maximum and medium-security prisons and frequently means that prisoners who may need to undertake programs but who are not a security risk can only complete a program by being moved into a more secure prison.
- 2.22 In other prison 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,⁴⁰ has a four-tier system where the will to escape and risk posed by the escapee have greater weight in the lowest security category,

38 Director General’s Rules 14 10.1.1, 10.1.2, and 10.1.3.

39 P. Howard, D. Clark and N. Garnham, *An Evaluation of the Offender Assessment System (OASys) in Three Pilots 1999–2001* (London: National Probation Service, 2003)

40 HM Prison Service (UK), ‘Prison Service Order 0900 – Categorisation and Allocation’ (July 2000).

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 amenable to increases and decreases in security rating according to changes in risk, resources or will to escape.

- 2.23 In contrast, the Western Australian system is focused on the risk of escape and is potentially insensitive to issues of dangerousness. However, to balance factors not in the assessment instrument and to give prison administrators flexibility in the management of their populations⁴¹ there is provision to override the score and to promote or demote the classification rating for both the MAP and the Management and Placement Review (MAPR). In determining the end classification, Director General's Rule 14 directs that 18 factors can be considered. One of these (others will be discussed later) is the 'level of risk/perceived risk to the security of the public'. Thus, the dangerousness of a prisoner is only able to be included in the assessment by way of an override facility that is subject to considerable individual interpretation and variation. This is simply not adequate for a modern penal system.
- 2.24 The consequence of developing a measure for reoffending and dangerousness will be an improved capacity to manage such risks. Where such assessments indicate a high risk of physical dangerousness, there should be a high security prison management regime that is available to more closely manage such prisoners and the risks they pose. (For a fuller discussion of this issue see Chapter 5 on the 'supermax' high maximum-security prison.) However, for prisoners who are assessed as posing a high risk of dangerousness there should be a further layer of management oversight. In this regard, there is a need for a high-level panel to review the management of those prisoners that pose the highest risks to staff and the community. Such a body should be independent of prison line management and should have links to the Parole Board and any multi-agency public protection arrangements established to track such prisoners following release.
- 2.25 If assessments of dangerousness were made it would be possible to weigh both the risk of escape and the risk of dangerousness and it is likely that many prisoners would be able to be placed at lower security than is currently the case. In this regard, the Inspectorate has noted (in a number of reports)⁴² concern that the same security

41 Director General's Rule 14.

42 See for example, Report No. 6, *Report of an Announced Inspection of Broome Regional Prison – June 2001* (Perth: Office of the Inspector of Custodial Services, 2002), p. 71; Report No. 9, *Report of the Follow-up Inspection of Eastern Goldfields Regional Prison – February 2002* (Perth: Office of the Inspector of Custodial Services, 2002), p. 6; Report No. 27, *Report of an Announced Inspection of Broome Regional Prison – March 2005* (Perth: Office of the Inspector of Custodial Services, 2005), p. 28.

classification assessments are used for all prisoners regardless of gender or Aboriginality and that this appears to result in the over-classification of many of these prisoners.

- 2.26 Where the risk of dangerousness is present but not high and where such risk is coupled with a significant risk of escape, there may be a need for classification as maximum-security. However, the most likely outcome is for a significant expansion of medium-security classifications as the default classification for most long-term prisoners.
- 2.27 This would bring Western Australia in closer alignment with New Zealand, which classifies 1.8 per cent of its prisoners to maximum-security, 14.1 per cent to high medium-security, 36.1 per cent to low medium-security and 45.9 per cent to minimum-security.⁴³ The appropriateness of the Western Australian proportions and adequacy of the existing three-tier maximum, medium and minimum-security classification system is further discussed in the next section.

Ascertaining the Level of Custody or Surveillance Required

- 2.28 Despite the systematic gathering of intelligence in prisons, the current classification system does not make good use of intelligence reports that could provide valuable information in maintaining good security and good order in prisons or in assessing the likelihood of a prisoner escaping or reoffending.
- 2.29 The initial MAP and the later MAPR are used to generate a security score that determines the security level of custody. Both the MAP (eight items) and the MAPR (14 items)⁴⁴ generate a score from the sum of weighted items. This score is then used to determine a combination of the prisoner’s risk of escape and their propensity for disorder within the prison system which determines the prisoner’s security rating (see Table 1).

Table 1: MAP and MAPR cut scores

11 or more points on items 1 - 4	Maximum-security
14 or more points	Maximum-security
7–13 points	Medium-security
6 or fewer points	Minimum-security

43 Department of Corrections (NZ), *Census of Prison Inmates and Home Detainees 2003* (2003), Table 4.6 ‘Security Status for Sentenced Inmates’.

44 The MAPR is essentially an augmented version of the MAP.

2.30 The original determination of these scores was achieved by trial and error to get the points necessary to attain the same levels of custody realised under the old subjective system. This is an eminently sensible approach. However, it should be observed that it tends to conservatively ‘retro-fit’ prisoners to the accommodation available rather than classifying them to the lowest level of security consistent with protecting the community from harm, as required by the Director-General’s Rules. Thus, the introduction of the system would be expected to replicate the previous proportions of maximum, medium and minimum-security prisoners, except that it occurred at the same time that Acacia Prison was commissioned, which significantly changed the security balance of prison accommodation. Acacia Prison increased the State’s total prison beds by around 30 per cent and because these were all medium-security beds, it inevitably resulted in realignment toward a greater proportion of medium-security prisoners, largely drawing from those previously classified as maximum-security. This is not to suggest there was anything wrong or amiss in this process but simply to draw attention to the extent to which available accommodation tends to drive security classifications.

2.31 It is also worth observing that in order to test the newly introduced scoring system it was first piloted (and subsequently amended based on this experience) at Bandyup Women’s Prison. The practice of testing the system on women and then applying it to men supports the Inspector’s contention that the security classifications are applied in a blanket manner and do not discriminate for gender or culture. The issue of gender and cultural bias is examined further in a later section of this review report.

To return to the issue of accommodation driving classification, while it is important that escapes be minimised it is also important to optimise the trade-off between a conservative approach to security and the rehabilitative gains and cost savings to be made from lower levels of security.

2.32 Prisoners in maximum-security experience greater restriction in their day-to-day activities and generally experience more stress. Many prisoners have indicated that they dissuade family and particularly children from visiting in maximum and medium-security because these environments are not conducive to visits. They report they feel shame for their families being subjected to the intense security monitoring and searching that routinely occurs at closed-security prisons. While such security measures may be justifiable, keeping prisoners unnecessarily at higher levels of security clearly exacerbates stress and can further breakdown family ties, thereby undermining reintegration and rehabilitation. For prisoners from the regions who are

held in maximum-security in Perth, these tensions are further increased because of the geographic distance from family (limiting the possibility of visits) and the high cost of, and time restrictions on, telephone calls.

- 2.33 While cost savings should not determine security policy, budgetary constraints are constantly applied to the management of prisons and are consequently a severe limiting factor on the implementation of policy. Therefore, the ability to make good security decisions and save money is a powerful argument for change. Put simply, it is significantly cheaper to hold a prisoner at lower levels of security than higher. By way of demonstration, the fully absorbed cost per prisoner per day for a maximum-security male prison, such as Casuarina Prison, is estimated to be almost double that for prisoners at Wooroloo Prison Farm.⁴⁵ Caution needs to be taken with comparisons and it is acknowledged that individual prison costs also reflect the generality and/or speciality of their roles and the economies of scale to be had from differently sized prison populations.
- 2.34 Nonetheless, the level of security significantly affects the ultimate cost of running prisons and it consequently makes good sense to ensure prisoners are held at the lowest level of security consistent with the safety of the community.
- 2.35 However, the prison system has a number of inhibitors to ensuring that prisoners are managed at the lowest appropriate level of security. Firstly, prisoners can generally expect that their security rating will be regularly reviewed and, subject to certain conditions, progressively reduced. However, the demand for minimum-security accommodation greatly exceeds the current supply. Consequently, there are always a large number of prisoners who are awaiting transfer to lower security accommodation. A complicating issue here is that the rating for the seriousness of offence should not change between entry to prison, progression down the security levels and even on entry to the community corrections risk assessment system. So, the question arises, ‘What criteria drive reductions in security?’ Recent unpublished research by the Department of Justice indicates that the greatest weight in the MAPR is attached to good behaviour and work reports. Thus a reduction in security level is more dependent upon compliant behaviour in prison and good work reports rather than of an offender working toward reducing the risk of reoffending or dangerousness.

45 Figures provided by the Department of Justice, Prisons Division, email from Mr Mark Kuzminski (14 July 2005).

2.36 The introduction of the MAP system in 2001 acted to significantly reduce the proportion of the prisoner population held in minimum-security. For example, according to the Department of Justice, the proportion of male sentenced prisoners classified minimum-security were stable at around 38 per cent whereas it reduced by five per cent following the introduction and adjustments to the MAP system in 2001:

- 1998 - 38 per cent male minimum-security and 62 per cent closed (maximum and medium-security);
- 2000 - 38 per cent male minimum-security and 62 per cent closed; and
- 2005 - 33 per cent male minimum-security and 67 per cent closed.⁴⁶

2.37 There is no perfect classification scheme, but a good one will avoid over-classification, which involves unnecessarily sending low-risk prisoners to maximum-security settings.

MOVING TOWARD 50 PER CENT MINIMUM-SECURITY AS A LONG-TERM OBJECTIVE

2.38 The government has re-affirmed an intention to fence the male minimum-security prisons at Wooroloo and Karnet in order to further reduce the number of male minimum-security escapes. It is the Inspector's view that this reduction in the real level of freedom at these prisons is regrettable but is likely to reduce the number of impulsive escapes.

2.39 When the Department implements the government's policy to fence male minimum-security prisons, it will significantly change the prisons estate. It therefore should be possible to increase the proportion of the prison population classified as minimum-security. In this regard, the experience of New South Wales is instructive where following the introduction of 'truth in sentencing' legislation (without a requirement for the judiciary to adjust their sentences to ensure that prisoners spent no longer in custody), the New South Wales prison population went through a period of rapid expansion. Given that the lead time for the construction of a new prison is approximately five years, in order to accommodate the huge growth in the prison population an 'infill' strategy was adopted that saw a large increase in accommodation at the minimum-security level. A concomitant increase in escapes saw the introduction of increased night staffing and fencing around minimum-security compound areas that

46 Census figure for male sentenced prisoners by security classification derived from the TOMS database.

are locked at night but open during the day. While prisoners determined to escape still do, it sufficiently deterred those prisoners who previously took impulsive opportunities to escape under cover of night. Currently, New South Wales enjoys one of the lowest escape rates while classifying 48 per cent of its male prison population as minimum-security.

2.40 The security classification for all Western Australian prisoners on 30 April 2005 was:

- Maximum-security 18 per cent.
- Medium-security 53 per cent.
- Minimum-security 29 per cent.

2.41 The implications of implementing the foregoing recommendations for the security profile is large, and could see the prison population move to the following security profile:

- High maximum-security 0.5 per cent.
- Maximum-security 10 per cent.
- Medium-security 40 per cent.
- Minimum-security 50 per cent.

2.42 The real significance of such proposed changes lie in the shift over time from 30 per cent of the prison population being housed in minimum-security toward a target of around 50 per cent. Such a shift would free up significant resources, which could be allocated to improving programs directed at the longer-term goal of rehabilitation. Such changes to the security profile of prisoners would also bring Western Australia into alignment with the New Zealand, United Kingdom and New South Wales prisoner profiles. Further changes to eliminate bias in the classification system are detailed in the next section and these will support and strengthen the proportional changes to security classifications arising from the recommendations made thus far and have significance for the development of State infrastructure planning.

THE TRANSFER OF PRISONERS WITHIN PRISONS AND SUBSEQUENT TRANSFERS

2.43 The good order and security of prisons are the responsibility of superintendents, pursuant to s 36 of the Prisons Act. Superintendents have statutory powers to issue local and standing orders to officers and prisoners for this purpose. Violence in prisons

that does not involve escape is typically measured by the rate of assault. The nationally agreed corrective service framework reported to the Steering Committee for the Review of Government Service Provision states that ‘effective custodial management involves a duty of care for the safety of persons detained or working in prisons. This includes providing an environment where there is a low level of violence perpetrated by prisoners on staff or other prisoners’. The performance indicator for this is also a measurement of the assault rate.

- 2.44 Safety in Western Australian prisons has not been comprehensively addressed. There were 437 reported prisoner-on-prisoner assaults (including 22 serious assaults involving hospitalisation) and 133 reported prisoner-on-staff assaults (including four serious assaults) for the year to the end of June 2005. The annualised rate for the former is 12.96 per cent and 3.94 per cent for the latter.⁴⁷ Past inspection reports have documented numerous occasions when prisoners and staff reported feeling unsafe. The current performance measure only deals with actual physical assaults; preventative strategies are therefore, at best, underdeveloped.
- 2.45 Western Australian prisons have established operational practices over time for the transfer of prisoners within prisons commonly referred to as the ‘hierarchy model’. This involves criteria for progression and regression between grades of supervision. The underlying principle is that behaviour is linked to rewards or sanctions that involve increased or reduced privileges and increased or reduced supervision (good behaviour results in reduced supervision and increased privileges). While the practice is fundamentally sound, it is not sufficiently calibrated for managing dangerousness. There are serious implications for security under-classification in the current arrangements.
- 2.46 It is necessary for the entire system to be subjected to a thorough review to ensure that prison-based intelligence and surveillance systems are developed and maintained so that prisoners who have a history of perpetrating violence are identified and satisfactory supervision is applied to them. In the context of current serious understaffing it should not be assumed that limited static deployment of prison officers interspersed with occasional dynamic security patrols will in itself minimise violence. Good order and control of prisons demands active and preventative systems that link

47 Calculated by counting the number of victims of violent physical attacks reported over the year, divided by the annual average prisoner population and multiplied by 100: Department of Justice, Prisons Division, ‘Monthly Performance Report’ (June 2005).

aspects of static and dynamic security with intelligence gathering, case management and classification. The New South Wales' Department of Corrective Services claims to have unique anti-violence measures based around this which significantly reduced violent incidents in that State. Western Australia should in any case apply case management strategies involving assessment for and appropriate inclusion in violent offending behaviour programs and sufficient documentation over time to record behaviour modification. All staff, but especially prison officers, need to be trained in anti-bullying and anti-violent initiatives. The present system is far too reliant upon an assumption that 'no news is good news' for the purpose of hierarchical progression, transfer between prisons (sometimes at the same classification level) and reduction of security classification. In particular it is recommended that the Executive Director of Prisons should have the power to veto the reduction in classification of high risk or notorious prisoners.

BIAS IN THE ASSESSMENT AND CLASSIFICATION OF FEMALE PRISONERS

2.47 The theoretical underpinnings for female classification have been well set out by authors such as Van Voorhis and Presser.⁴⁸ In essence, these are no different from those that would apply for any population:

- The classification tool or system should reflect the custodial intent of the agency;
- The tool or system should enable the agency to deliver on that intent; and
- The tool or system should be normed on all populations it is used on.

2.48 Recently, the Department announced it had developed a new philosophy for the imprisonment of women.⁴⁹ However, the classification system does not differentiate between males and females and it is difficult to understand therefore how the classification process supports this new 'women-centred philosophy'. Indeed, there is a body of literature that argues that a male-based or normed classification system will negatively impact upon women, as indicated in Table 2.

48 J. Van Voorhis and L. Presser, *Classification of Women Offenders: A national assessment of current practice* (US Department of Corrections, 2001).

49 Based on the Department's Boronia low-security prison project and now adopted across the entire women's prison estate.

Table 2: The classification of female prisoners – literature review

MAP	
Seriousness of offence	Over-classifies women (Burke and Adams 1991)
Seriousness of offence history	Over-classifies women (Burke and Adams 1991)
History of escapes/attempts	Over-classifies women (Burke and Adams 1991)
Offences at large	No rigorous reviews found
Substance abuse	No rigorous reviews found
Further charges	Over-classifies women (Burke and Adams 1991)
Length of sentence	No rigorous reviews found
Stability factors	Over-classifies women (Burke and Adams 1991)
Additional MAPR items	
History of institutional Violence	Over-classifies women (Harer and Langan 2001) Appropriately classifies (Blanchette and Taylor 2004)
Disciplinary convictions	Over-classifies women (Harer and Langan 2001) Appropriately classifies (Blanchette and Taylor 2004)
Severity of disciplinary conviction	Over-classifies women (Harer and Langan 2001) Appropriately classifies (Blanchette and Taylor 2004)
Family relations	Can appropriately classify, but problems with the dynamic nature of relationships (Blanchette and Taylor 2004)
Work/education report	Can appropriately classify, but problems with definitions of employment (Blanchette and Taylor 2004)
Program performance	Appropriately classifies (Blanchette and Taylor 2004)

2.49 From the summary of the literature in women's custodial classification, it can be seen that of the 14 items making up the MAP and MAPR, many have been found in other jurisdictions to be gender biased. While the evidence for bias in the MAPR is more equivocal, the biases in the MAP all tend to be in the same direction, that is, to over-classify women. This has a significant impact on women as the initial classification sets the pattern for their imprisonment and determines their first prison placement.

- 2.50 The literature also identifies a range of items seen to be less gender-biased that may warrant inclusion⁵⁰ and methods of alternate scoring or weighting of existing items to better reflect women's risk.⁵¹ Some of these find their way into the classification of women through the use of the override criteria. In practical terms, overriding the computed classification score is dissuaded both by the risk to the officer should the override prove to be inappropriate and through direction given in Rule 14 to use overrides sparingly and with caution.
- 2.51 There is a lack of research on the security needs of the Western Australian female prison population and the Department has conducted no thorough studies of its own.⁵² Therefore, the Department is applying instruments of uncertain bias but for which the available literature suggests may, at least at their initial security rating, over-classify women.

Escapes

- 2.52 The escape rate for women prisoners is very low. In fact, the rate is so low in Western Australia as to approach zero for women in maximum and medium-security and only marginally higher for those with a minimum-security rating. Such very low rates of escape present statistical problems when attempting prediction. With rare events just one new occurrence is likely to heavily skew prediction and to prevent one event would require a large number of false positives.⁵³ As such, models based on rare and very rare events tend to overstate risk. In relation to women's escape risk, this would lead to many women being classified as medium or maximum risk to prevent a single escape that might be unlikely to occur for many years.

50 B. Bloom, B and S. Covington, *Gendered Justice: Programming for Women in Correctional Settings* Paper presented at 52nd Annual Meeting of American Society of Criminology (San Francisco, CA, Nov 2000); K Blanchette 'Classifying Female Offenders for Effective Intervention: Application of the Case-Based Principle of Risk and Need', *CSC Forum* 14:1 (2002); J. Bonta, B. Pang and S. Wallace-Capretta, 'Predictors of Recidivism among Incarcerated Female Offenders' *The Prison Journal* 75:3 (1995) 277-293.

51 See J. Van Voorhis and L. Presser, *Classification of Women Offenders: A national assessment of current practice* (US Department of Corrections, 2001).

52 The Department's trial of the MAP at Bandyup was too limited to constitute a thorough study and the Profile of Women Prisoners conducted did not research gender bias in the classification instruments.

53 T. Clear, 'Statistical Prediction in Corrections' *Research in Corrections* 1 (1988) 1-39; T. Brennan, 'Institutional Classification of Females: Problems and Some Proposals for Reform' in R. Zaplin (ed.) *Female Crime and Delinquency: Critical Perspectives and Effective Interventions* (Gaithersburg MD: Aspen Publishing, Inc, 1998).

Relative Dangerousness

- 2.53 The offences committed by women (and the underlying reasons for their offending) tend to be different to males. Comparatively with males, women's sentences also tend to be shorter, indicating that courts view their crimes as less heinous or of lower risk to the community and their reoffending rates are lower. That is, their risk profile, their dangerousness and their criminogenic needs are different to male prisoners.
- 2.54 These differences are not adequately reflected in the MAP and MAPR, rendering the system too reliant on overrides. Further, a focus on escape risk ignores the low danger posed by women to the community if they did escape and can run counter to the achievement of the new women-centred philosophy.
- 2.55 Focus on escape risk limits women's access to Section 94 activities and to Boronia Pre-Release Centre. Similarly, due to a current lack of suitable facilities in the regions, maximum-security rated women tend to spend the greater part their sentence in maximum-security at Bandyup. This undermines the considerable rehabilitative, cultural and welfare benefits of keeping female (and male) prisoners close to their families and communities.
- 2.56 In summary, the classification system for females based on MAP and MAPR and a process for overriding that recommendation appears biased. The tools are based largely on items with suspect gender biases, fail to incorporate items shown to better distinguish risk in females, cannot be validated due to the focus on escapes, does not reflect the new women-centred philosophy for female custodial management and in many cases actively works against its achievement. As a result, we cannot have confidence in the validity or utility of the classification system.

ASSESSING ABORIGINAL PRISONERS

- 2.57 Aboriginal Western Australians are the most imprisoned people in Australia. While they comprise only three per cent of the adult population in the State, an imprisonment rate more than 20 times that of non-Aboriginal people has seen Aboriginal Australians grossly over-represented in the Western Australian prison system. The Inspectorate has raised concerns in a number of previous inspection reports in regard to the security classification of Aboriginal prisoners and the tendency for the current classification systems to overrate the potential security risk of Aboriginal prisoners.⁵⁴ Perhaps unsurprisingly it is in the regional 'Aboriginal' prisons where such over-classification

54 For example, see Report No. 27, *Report of an Announced Inspection of Broome Regional Prison – March 2005* (Perth: Office of the Inspector of Custodial Services, 2005), p. 28.

is most evident. Of those Aboriginal prisoners who are convicted of violent offences many are highly compliant and are generally not dangerous when away from the situational factors related to their offending. Frequently such situational factors include alcohol. In those prisons where Aboriginal prisoners dominate the prison population these considerations have become the primary cause of significant use of the override option.

- 2.58 There is a substantial body of literature on prison classification instruments. However, little literature or research has been published on the classification of Western Australian Aboriginal prisoners. A notable exception has been the recent study of violent and sexual offending by Aboriginal offenders in Western Australia.⁵⁵ This highly relevant study indicated that instruments specifically developed for Aboriginal offenders can be more accurate than instruments developed overseas, or for non-Aboriginal populations in Australia. However, it is necessary not only to develop a risk assessment instrument specifically for Aboriginal sexual offenders, but also to separate assessment instruments specifically for violent and non-violent Aboriginal sexual offenders.
- 2.59 As noted previously, the classification system in Western Australia is primarily focused upon estimating the extent of escape and disorder risks posed by prisoners and to enable their placement into an appropriately secure prison. It is similarly applied to all prisoners regardless of gender or race. Yet, the Department of Justice has singled out Aboriginal prisoners as a significant group who are to be treated differently to non-Aboriginal prisoners. This custodial intent is articulated in the Prisons Division Strategic Plan for Aboriginal Services 2002–2005 where it notes:

...the history of injustice towards Aboriginal people in this State following European settlement and the degree of social and economic disadvantage, cultural and personal dislocation which this history has created. The criminal justice system generally and the prison system in particular have played central roles in the historical subjugation of Aboriginal people and have thus contributed to the social conditions which are now reflected in the alarmingly high Aboriginal incarceration rate⁵⁶.

- 2.60 The strategic plan also notes:

...the opportunity the Department now has to make amends to the Aboriginal community through embracing new ways of working with Aboriginal people.⁵⁷

55 A. Allan and D. Dawson, 'Assessment of the Risk of Reoffending by Indigenous Male Violent and Sexual Offenders', *Trends and Issues No 280*, (Canberra: Australian Institute of Criminology, 2004).

56 Department of Justice, *Prisons Division Strategic Plan for Aboriginal Services 2002–2005*, p. 1.

57 Ibid.

2.61 In the strategic plan there are a number of statements of intent and admissions of problems, including the issues already referred to in earlier sections. In particular the plan observes that:

- Contact with families and their community has been limited for some Aboriginal prisoners;
- Aboriginal prisoners have been held in levels of security above that required for retaining their custody;
- Programs suitable for Aboriginal prisoners have been lacking and Aboriginal prisoners have not been able to adequately access those that exist;
- Involvement of Aboriginal prisoners in culturally appropriate Section 94 work and self development activities has been limited and poorly coordinated;
- Culturally appropriate assessments tools have been lacking; and
- Aboriginal input into the classification of prisoners has been absent.

2.62 As noted earlier, almost no research has been done on the classification of Aboriginal prisoners in Western Australia. The presence or extent of bias within the individual items in predicting escape or disorder risk for the various Aboriginal populations in Western Australia is therefore unknown. The Department simply cannot know if these items would under-or over-score risk for a particular Aboriginal prisoner. Further, on even a cursory reading of the items in the MAP and MAPR, a number present with the potential for bias. Chief among these are: seriousness of offence; seriousness of offence history; further charges; stability factors; family relations; work/education report; and program performance. Such factors have been found elsewhere to be very poor predictors of Aboriginal behaviour.⁵⁸

Escapes

2.63 The escape rate for Aboriginal prisoners is higher than that for women, but is still statistically low, especially when Broome Regional Prison is removed from the equation. This low rate of escape presents statistical problems when attempting prediction and is likely to result in a high number of false positives, or over-prediction of risk.⁵⁹ As such, a large number of Aboriginal prisoners would need to be

58 A. Allan and D. Dawson, 'Assessment of the risk of reoffending by Indigenous male, violent and sexual offenders', *Trends and Issues in Crime and Criminal Justice No. 280* (Canberra: Australian Institute of Criminology, 2004).

59 T. Clear, 'Statistical prediction in corrections', *Research in Corrections*, 1:1 (1988); T. Brennan, 'Institutional classification of females', in R. Zaplin (ed.), *Female Offenders: Critical Perspectives and effective Interventions* (Gaithersburg, MD: Aspen Publishers, 1998).

inappropriately classified as medium or maximum risk to prevent a single escape. Using such a tool then would appear contrary to the Department's undertakings laid out in its Aboriginal Strategic Plan.

2.64 Another way of looking at the validity of the classification system is to ask whether the focus and result of classification enables the Department to deliver on its intent. The Strategic Plan states this to be, in part:

- Where the security rating allows, accommodating Aboriginal prisoners within their homelands (action under objective 6);
- Maximising Aboriginal prisoners' contact with families and community (action under objective 6);
- Keeping prisoners in custody for the period prescribed by the court at the least restrictive security level (action under objective 4);
- Housing Aboriginal prisoners in institutions which provide programs that respond to their specific needs (action under objective 3);
- Developing strategies at each prison to maximise the involvement of Aboriginal prisoners in culturally appropriate Section 94 work and self development activities (action under objective 4); and
- Developing culturally appropriate assessments in prisons and in the community to support and sustain reintegration (action under objective 3).

2.65 The major limitation to service delivery for Aboriginal prisoners is the lack of facilities and culturally appropriate programs in the regions. Having said that, it is evident that the current classification system adds to these problems. In order to balance Aboriginal and regional factors the system is reliant on overriding the MAP and MAPR scores.

*It is accepted that the new assessment and classification instrument does not neatly meet the management needs of many Aboriginal prisoners at the more remote prisons. ... if the instrument is used without discretion many Aboriginal offenders would be moved to the more secure prisons in the south of the state. This is clearly not necessary given the long history managing such prisoners in their local prison nor is it culturally appropriate to remove prisoners to a situation that increases their personal vulnerability.*⁶⁰

60 Department of Justice, 'Application of Classification Instrument to meet the Unique Cultural Needs of Aboriginal Offenders' (undated). This 'draft for interim' policy was issued to the prisons and has been implemented, although never formally adopted.

2.66 Escapes from Broome Regional Prison accounted for 22 of the 50 escapes in 2003/2004. A recent Departmental review of escapes was highly critical and attributed the prison's performance to prisoners being 'wrongly scored and that many scores were overridden'.⁶¹ In contrast, the prison's administration considers its level of escape as a tolerable by-product of its focus on reintegration, rehabilitation and empowerment.⁶² In justifying its position the prison highlighted that:

- Sixty-five per cent of its escapees have been apprehended returning to the prison or otherwise voluntarily surrendered;
- It is extremely rare for any of this group to have attracted further charges other than that pertaining to their escape from legal custody;
- Overrides occur where prisoners have demonstrated their ability to comply with the prison regime; and
- The central location of the prison means that news of domestic issues which were not present at the time of admission can spread rapidly to prisoners who feel obliged to be involved.⁶³

2.67 The intention behind this use of the override is to allow Kimberley Aboriginal prisoners to remain within the region. It also increases access to Section 94 activities and work camp placements which, in turn, may ease the chronic overcrowding at Broome Regional Prison. None of these objectives are contrary to the activities and objectives outlined in the Strategic Plan for Aboriginal Services. A stricter adherence to the MAP and MAPR would, however, work against them. Perhaps the most important point is that little harm was caused to the community by these escapes.

Dangerousness

2.68 Of course, not all prisoners escaping to deal with an acute family crisis are intending to do so without causing harm. The risk of harm would be better assessed in a revised classification system that is sensitive to Aboriginal cultural issues and to assessing dangerousness. The Department's overall position on the appropriateness of the classification system for Aboriginal prisoners is unclear. In the past the Department has agreed that there was a need to review the classification system for Aboriginal prisoners.⁶⁴ Subsequently, in relation to the recommendations contained in the

61 Manager Assessment, Hakea Prison, 'Changes to how Escapes are Defined and Managed' (25 February 2004).

62 Report No. 27, *Report of an Announced Inspection of Broome Regional Prison – March 2005* (Perth: Office of the Inspector of Custodial Services, 2005).

63 Assistant Superintendent, Broome Regional Prison, 'Comments from Broome on Changes to how Escapes are Defined and Managed' (24 March 2004).

64 See Report No. 24, *Report of an Announced Inspection of Roebourne Regional Prison* (Perth: Office of the Inspector of Custodial Services, 2004).

Inspectorate's Report No 27 on Broome Regional Prison, it disagreed. Similarly, while the Department produced an extensive report on its *Review of Assessment and Case Management in the Prison System*, where it stated an intention to look at the classification of Aboriginal prisoners, almost nothing in the Report addresses classification issues. Yet, despite not actually investigating the appropriateness of the MAP and MAPR for Aboriginals, a number of changes to the scoring of individual items have been made, ostensibly to make the instruments more culturally appropriate.

- 2.69 The uncertainty of the Department's position and its criticism where overrides are associated with escapes has led to many superintendents being risk averse and under-utilising the override option. As a result, 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.⁶⁵

THE ADEQUACY OF THE EXISTING THREE TIER CLASSIFICATION SYSTEM

- 2.70 The previous section identified the need for a high security classification for those most dangerous prisoners. As noted earlier, Director General's Rule 14 establishes that:
- The maximum-security rating is designed for prisoners 'presenting a high risk of escape and/or a high risk to the safety of the public in the event of escape' and 'for whom high conditions of security are necessary and for whom escape must be made very difficult';
 - Medium-security covers prisoners who present 'a low to moderate risk of escape and/or a moderate risk to the safety of the public in the event of an escape' and who while they 'cannot be trusted in an open prison they do not present as having the resources or will to make a determined escape attempt from a secure prison'; and
 - Minimum-security is designed for prisoners 'presenting a low risk of escape and/or a low risk to the safety of the public in the event of an escape', such that these prisoners require 'a low degree of supervision and control within the prison' and 'can be reasonably trusted in open conditions'.

65 See Director General's Rule 13, sub-rule 9.1.

2.71 However, additional conditions are set out for prisoners who are to be placed at work camps or who may participate in Section 94 programs away from the prison. In general terms conditions impose unnecessarily strict ‘no escape’ criteria that act to severely restrict access to these worthwhile programs. There is a strong case for differentiating between the various circumstances of escapes from custody as there is a considerable difference between walk away situations and breakouts. Similarly, there is an argument for the addition of a high security category with clear criteria for inclusion and exclusion.

The Need for More Classification Levels

2.72 A number of other prison systems have adopted more complex classification systems that are used for a similar range of security circumstances to that found in Western Australian prisons. These range from variations to the Western Australian three tier system of Maximum, Medium, and Minimum – such as the New Zealand system that provides for Maximum, High Medium, Low Medium, and Minimum – to systems that use letters and numbers. For example:

- A1 Extreme High Risk (EHR) = Maximum-security and Close Custody ;
- A2 High Risk (HR) Maximum-security;
- B1 Medium Risk;
- B2 Medium Risk;
- C1 Low Risk; and
- C2 Minimum Risk.

DETERMINING THE CRIMINOGENIC NEEDS OF AN OFFENDER

2.73 There is a considerable literature on best practice for matching prisoners to programs⁶⁶ and it suggests that the process of matching offenders to programs should be based on the following three factors or principles:

- The Risk Principle – generally speaking there is little to be gained from providing services to low-risk offenders, it is the higher risk offenders that require more intensive services while lower risk offenders require little or no services.

66 See for example, DA. Andrews, I. Zinger, RD. Hoge, J. Bonta, P. Gendreau and FT. Cullen, ‘Does Correctional Treatment Work?: A Clinically Relevant and Psychologically In formed Meta-Analysis’, *Criminology*, 28 (1990), 369–89; C. Dowden and DA. Andrews. ‘Effective Correctional Treatment and Violent Reoffending: A Meta-Analysis’, *Canadian Journal of Criminology*, 42:4 (October 2000), 449–67.

- The Need Principle – offender needs are divided into criminogenic needs or those factors that if addressed may reduce reoffending (such as drug abuse or lack of employment skills) and non-criminogenic factors such as low self-esteem (which by themselves are unlikely to affect reoffending). Research in New Zealand⁶⁷, where parole boards have exercised extensive decision making powers relating to parolees attending programs, suggests that a broad-based extension of programs to all parolees serving sentences of more than 12 months is unlikely to affect recidivism and is a highly ineffective use of scarce resources;
- The Responsivity Principle – which assesses an offender’s readiness for services and the intensity and way such services should be delivered.

2.74 However, the use of these principles needs to be tempered with an understanding of how they may disadvantage certain offender groups. For example, under a classification system that is sensitive to dangerousness it is possible for women as a group to be classed as low risk and as a consequence be regarded as having a low need for programs.

Current Prisoner Needs Assessment

2.75 The Assessment and Integrated Prisoner Management Regime (AIPR) is the mechanism through which each prisoner’s sentence is planned and programs and services are brought to bear on the rehabilitation and preparation of prisoners for release. AIPR procedures are based on the remand, receipt and assessment procedures at Hakea Prison and are intended to also occur at Bandyup Women’s Prison and all regional prisons.

2.76 The AIPR was gradually introduced to the Western Australian prison system from August 2000 having been endorsed by the Prisons Division Executive in May 2000. The AIPR is set out in Director General’s Rules 13 and 14. These are recognised as being draft or transitional in nature. A revision (DG Rule 18) was circulated on 5 September 2005 which appears to abandon the concept of risk of harm to the community and this is not supported. Indeed, it should be reviewed as a matter of urgency in light of the recommendations of this Review.

2.77 As previously noted, current policy requires that all prisoners have a MAP developed to determine their security classification and prisoners who have an effective (minimum) sentence in excess of six months are required to have an Individual

67 M. Brown, ‘Refining the Risk Concept: decision context as a factor in mediating the relation between risk and program effectiveness’, *Crime and Delinquency*, 42:3 (1996), 435–55.

Management Plan (IMP) developed in the following 28 days. For this purpose the prisoner's offending behaviour and education and skills training needs are assessed by qualified educational and psychological staff. The prisoner should then be assigned a case officer to attend case conferences, discuss the needs of the prisoner and ensure these needs are reflected in the IMP. The prisoner should also be invited to comment on the IMP contents. The case officer is meant to act as a resource and support contact for the prisoner and is expected to organise a review of the IMP at designated points throughout the imprisonment term.⁶⁸

- 2.78 In the Report of the Mahoney Inquiry, Peter Quinlan's address of the evidence reveals very low compliance with the 28 day deadline. Reasons for this relate to Departmental failures in regard to re-training, resources, etc. In a number of inspection reports⁶⁹ the Inspectorate has noted concern that in practice many eligible prisoners who have been in the prison system for some considerable time do not in fact have IMPs and in some cases do not have MAPs.
- 2.79 However, while many prisoners will be able to be assessed within the guideline time of 28 days, it should also be acknowledged in policy and practice that some prisoners may not be able to be engaged in the assessment process within this timeframe. This may be due to the mental state of the prisoner or, perhaps for cultural reasons, the prisoner is unwilling or unable to participate in the process. It may also be due to complex and underlying issues such as poor hearing or speech that may need further exploration as a potential criminogenic factor. The key issues are that the prisoner should be effectively engaged in the process of sentence planning, however long that takes. Officers should have access to multi-disciplinary expertise and be much more highly skilled than they currently are in engaging with prisoners. The needs assessment process should go beyond finding 'horses for courses' in the way it currently assesses prisoners for whether they need, drug and alcohol, violence, sex offender, education or a cognitive skills program. While it is not necessary to squander resources on unnecessary programs or programs without an evidence base, it is vitally important to understand the needs of the Western Australian prisoner population.
- 2.80 The AIPR system incorporates a checklist system for assessing prisoner needs and a booking system for scheduling programs. Taken in parallel with the MAP system and social history information it comprises the bulk of a prisoner's IMP, which becomes

68 Report No. 18, *Report of an Announced Inspection of Albany Regional Prison – September 2002* (Perth: Office of the Inspector of Custodial Services, 2003), p. 22.

69 For example see Report No.19, *Report of an Announced Inspection of Acacia Prison – March 2003* (Perth: Office of the Inspector of Custodial Services, 2003); Office of the Inspector of Custodial Services, 'Bandyup Exit Debrief and Inspection Notes' (2005).

the primary planning document for each long-term prisoner's sentence management. However, as noted in earlier sections, what is missing in prison assessments (and therefore management) is a rigorous and objective assessment of each prisoner's dangerousness and risk of reoffending. The preface to the Victorian Intervention Screening Assessment Tool (VISAT) Manual 2005 notes the importance of this aspect of assessments.

The assessment of offenders is one of the key requirements for effective correctional interventions. Unless we know about offenders' propensity to reoffend, it is difficult to make sensible decisions about how they should be managed, and how program resources should be allocated.

- 2.81 There is now considerable evidence that clinical assessments are not as accurate as actuarial assessments of the prediction of future criminal behaviour. As noted at the beginning of this section, community corrections have developed an actuarial risk assessment instrument to indicate the likelihood of an offender committing a new offence along with an assessment of whether that offending is likely to include violence (dangerousness). Anecdotal comments from community corrections officers suggest that this resulted in a decrease in number of offenders rated as high risk. Without the benefit of a fuller understanding of the A-CAMM system (the current community corrections assessment instrument) and how it could be adapted for use in prisons, it is not possible to recommend such an approach. However, the opportunity exists to examine the potential for a system to be used in prisons and in community corrections in the same way that the VISAT is being developed for use in Victorian prisons and community corrections as the key integrated assessment instrument for Corrections Victoria in conjunction with existing reception, classification and clinical assessment systems. The advantage of a common system across prisons and community corrections is the potential to measure the effectiveness of prison programs and community corrections programs separately and as a joined-up process.
- 2.82 In the United Kingdom the recently established National Offender Management Services integrated offender management for the whole of sentence, whether served partly in custody and partly in the community or wholly in the community. Similarly, New Zealand has introduced a unified integration service in July 2004 which is a separate service delivery organisation. However, moving to such assessments requires highly skilled and trained assessors. The application of A-CAMM has required an input of considerable time, skill and expertise by community corrections officers. For prison officers to use even a modified version would require a significant investment in training and quality control. It may also be appropriate for consideration to be given to recruiting specialist assessment officers for such assessment systems.

REGIMES

- 2.83 Regimes are broadly defined as those organising systems prevailing in individual prisons and across prisons that define the way that a prison or prison system operates. Regimes embody security procedures, arrangements for daily activities, learning, skilling, employment, treatment and development. Prison regimes are also the defining elements of the whole inasmuch as the regime is greater than the sum total of the parts.
- 2.84 While there is much that may be said about prison regimes, there are a number of key aspects to prison regimes that prisons in Western Australia must improve. Importantly, prison regimes should:
- Be respectful of prisoners;
 - Effectively engage prisoners in constructive activity and programs that reduce reoffending;
 - Provide incentives to behave and work, particularly to undertake reparative work through work camps and similar programs;
 - Be gender equitable and sensitive to the needs of women prisoners;
 - Be culturally appropriate to Aboriginal prisoners; and
 - Provide equivalent quality health and mental health services to services provided in the community.

Regimes Must be Respectful of Prisoners

- 2.85 A key element of prison regimes is the level of security at a prison, or within the different security areas within a prison. Regimes in maximum or medium-security naturally have a greater security focus than those in minimum-security. These areas or prisons are likely to be more restrictive and controlling of prisoners and staff alike and regimes have, as a consequence, a different ‘feel’ and different outcomes for prisoners.
- 2.86 However, the formal security rating of a prison only goes so far in determining the prison regime. The maximum-security regime in Albany Regional Prison is respectful of prisoners and staff and the primary organising principles for the day-to-day operation of the prison are a structured working day and an incentive scheme that includes three levels of accommodation and privilege. These are backed up by a

70 Report No. 18, *Report of an announced inspection of Albany Regional Prison – September 2002* (Perth: Office of the Inspector of Custodial Services, 2003), p. 20.

disciplinary system that is characterised by fairness and procedural propriety⁷⁰. Being treated with fairness is a key aspect of maintaining prisoners' compliance and cooperation and this in turn facilitates positive interactions between staff and prisoners. While inevitably there are some prisoners who from time-to-time manifest problematic behaviours, ultimately the regime avoids unnecessary provocation and most prisoners and staff are able to coexist within the tight security with little friction or animosity.

- 2.87 In contrast, the State's main maximum-security prison – Casuarina Prison – has not been able to develop such harmonious regimes. The Department's Operational Review of Casuarina Prison in August 2001 reported that bullying by both prisoners and staff was a serious concern and that there were no programs in place to address this problem. The majority of staff who responded to a survey by the Inspectorate in October that year 'thought that physical and verbal abuse between prisoners happened often. They also reported that while physical assaults by prisoners on staff sometimes happened, verbal abuse often occurred'.⁷¹
- 2.88 How can such differences exist within prisons that are subject to the same legislation, policies, rules, and custodial plans? In part, the answer lies in the sheer weight of layer upon layer of policy and rules that makes the Department's custodial intentions difficult for staff to discern. Certainly, as noted earlier, it is essential that a new Prisons Act be developed as soon as practicable to clarify the objectives of imprisonment. Such new legislation should also be accompanied by new and simpler rules instead of the existing layers of rules, policy directives, and circulars that are sent out detailing policy from time to time.
- 2.89 The promulgation of the four cornerstone objectives for Western Australian prisons – custody, care and wellbeing, rehabilitation, and reparation – has been an attempt to reduce complex and diverse strategies to a simple and easily understood set of objectives. However, the cornerstones require a balance to be achieved between their competing imperatives. This is necessarily difficult to specify as the right balance for one prisoner may not be right for another, similarly, the balance may vary according to whether a prisoner is sentenced or unsentenced and according to what stage of a sentence has been reached. Consequently, the cornerstones can be meaningless motherhood statements unless they are accompanied by detailed strategies and objectives. It is now time to incorporate such detailed strategies and objectives and

71 Report No. 11, *Report of an Announced Inspection of Casuarina Prison – October 2001*, (Perth: Office of the Inspector of Custodial Services, 2002), p. 36.

bring them into everyday use in prisons. Until a new Prisons Act can be developed and enacted, consideration should be given to attaching greater operational currency to the Standard Guidelines for Corrections in Australia (2004) which were endorsed by the Conference of Ministers of Corrections as indicating the direction that corrections are heading both in Western Australia and nationally. The Guidelines are organised around the four cornerstones and provide valuable detail to the cornerstones. Importantly, the first principle of the Guidelines clearly sets out the need for respectful treatment:

Prisoners are treated with respect as human beings and are not to be subject to harsh or degrading treatment, physical or psychological abuse.

- 2.90 The concept of respectful treatment of prisoners is a key aspect of modern prison practice and has been recognised in the United Kingdom Inspector’s concept of a ‘healthy prison’⁷² where it is rated second only to safety (see Table 3, below).
- 2.91 The United Kingdom Prison Service has adopted a similar but broader objective in their commitment ‘to treating prisoners with decency in a caring and secure environment’.⁷³ Included in the concept of decency is the notion of standards of propriety and modesty as well as that accommodation will be clean and be of a decent standard. While notions of propriety and modesty may have immediate resonance for the new women-centred philosophy implemented at Boronia, these standards have equal application to male prisoners in Western Australia.

2.92 Table 3: The Healthy Prison

Safety	Prisoners, even the most vulnerable, are held safely.
Respect	Prisoners are treated with respect for their human dignity.
Purposeful activity	Prisoners are able, and expected, to engage in activity that is likely to benefit them.
Resettlement	Prisoners are prepared for their release into the community and helped to reduce the likelihood of reoffending.

- 2.93 However, except for one mention in the *Prisons Division Business Plan 2004–2008*, the concept of the respectful treatment of prisoners is not made explicit in prison centred policy and consequently has mixed currency in prisons.

72 First enunciated in 1999 in the thematic review by HM Chief Inspector of Prisons for England and Wales, *Suicide is Everyone’s Concern – Healthy Prisons* (London: HM Inspectorate of Prisons, 1999)

73 See: <www.hmprisonservice.gov.uk/abouttheservice/decency>.

Regimes Must Engage Prisoners in Addressing Reoffending

- 2.94 Regimes must take seriously the need to engage prisoners in activities and programs that seek to reduce the risk of reoffending. There is a prevailing laxity in prisons concerning the engagement of prisoners in programs. This derives from a shortage of sufficient program opportunities (there are no violent offender program places available until 2007), from the lack of any discernable management imperative to ensure engagement is vigorously pursued,⁷⁴ and the traditional ‘turn-key’ role of prison officers as set out in the current Prisons Act.⁷⁵ The evidence regarding reducing reoffending is now sufficiently well established that prisons should make rehabilitation and reducing reoffending a major element in all correctional planning and services.
- 2.95 Without being naive about the difficulties of motivating change among prisoners, there should be a process that attempts to convince prisoners that they should embrace change for their own self-interest. The ‘Responsivity Principle’ (referred to earlier under ‘risk management’) that is used in assessing a prisoner’s readiness for such programs (and therefore the intensity and mode of delivery of such programs), is reduced the less enthusiastically and the less voluntarily a prisoner comes to programs. Currently, too much reliance is placed upon prisoners engaging in programs because their chances of gaining parole may be enhanced. This should be the fall-back position only and the limitations of this leverage should be clearly understood; for while this can be a motivating factor for prisoners seeking parole from the Parole Board, those who are automatically eligible for CEO Parole under s 23 of the *Sentence Administration Act 2003* (WA) have no such imperatives to address their offending behaviour.
- 2.96 The situation in regional prisons is completely unacceptable with a chronic shortage of programs and program staff across the northern and eastern prisons. For example, at the Eastern Goldfields Regional Prison where about 80 per cent of the male prisoner population is Aboriginal and prone to heavy alcohol and substance use, just 28 Aboriginal prisoners attended the Indigenous Men Managing Anger and Substance Use program (IMMASU) in 2003–2004.⁷⁶ No other programs were run during the year except for two non-Aboriginal prisoners who participated in the non-Aboriginal

74 For example the *Prisons Division Business Plan 2004–2008* refers to ‘encouraging’ prisoners to engage in programs, etc. This is weak and does not require officers to take responsibility for getting prisoners to ‘engage’ in programs. A far more active approach is required.

75 Three of the four cornerstones are not even mentioned in the Prisons Act.

76 Department of Justice, Prisons Division, Offender Services Branch, ‘Offender Programs Service Guide July 2004–June 2005 (2004).

version of the same program (MASU). Thus, out of a total of 649 prisoners received at the prison during 2003–2004 (of whom 241 were sentenced) the paltry total of only 30 prisoners attended a program.

A Pathway to Release for the Majority of Prisoners.

- 2.97 The prisoner work camp project has operated in Western Australia since 1998 and although not yet formally evaluated, work camps have been a positive innovation in the Department's approach to reparation, skilling and preparation of prisoners for release into the community.⁷⁷ Based in rural and remote areas, work camps provide select minimum-security prisoners with the opportunity to live in the bush away from the prison environment, to work on rewarding community projects and to interact with the general community on a daily basis.⁷⁸ They are a key transitional link between prison and the community and their success is based on a sound and lasting partnership with the communities in which they operate.⁷⁹
- 2.98 Communities generally appreciate the benefits to be had from the work performed by work camp prisoners and the fact that they provide a much needed boost to local business in the wake of ongoing economic rural decline in many parts of Western Australia.⁸⁰ Work camps are also much cheaper to run than prisons. According to the *Broome Regional Prison Business Plan 2003–2004* the average cost per day of prisoners at Broome Regional Prison was \$127.79; at Bungarun Work Camp it was \$95.52; and at Wyndham Work Camp it was \$113.18.
- 2.99 In many cases, the location of work camps enables Aboriginal prisoners to retain or remake connections with their families and communities. However, further development beyond the original work camp concept has not occurred and they generally offer only a fraction of the services available at most prisons. Prisoners therefore have to accept a trade-off in deciding to be transferred to a work camp and it is necessary to ensure that there are sufficient incentives to prisoners to transfer to these camps.
- 2.100 The strict eligibility criteria⁸¹ applied to Section 94 prisoners who wish to transfer to a work camp along with too few incentives means that work camps often attract insufficient number of prisoners to make them viable. With programs generally

77 Report No. 5, *Report of an Announced Inspection of Karnet Prison Farm – April 2001* (Perth: Office of the Inspector of Custodial Services, 2001), p. 29.

78 K. Csaba, *Adult prison work camps – Achieving rehabilitation outcomes in partnership with the community*, Paper presented at the Reducing Criminality: Partnerships and Best Practice Conference, Perth (31 July 2000).

79 Ibid, p. 3.

80 Ibid, p. 4.

81 For a fuller discussion of the need to loosen the eligibility criteria for Section 94 programs, see the chapter on the Kimberley Custodial Strategy, below.

unavailable at work camps, prisoners have to make the difficult choice of forgoing a program to take up the opportunity to participate at the work camps. In some cases, the visiting regimes at work camps appear to undermine family and community connections – this is particularly evident in the Kimberley. Unlike the situation at Broome Regional Prison, where visits take place every day, visits occur at the Bungarun Work Camp only on Sundays and between 12.00 p.m. and 4.00 p.m. on the weekends at Wyndham. Similarly, prisoners at the Millstream Work Camp are not permitted visits at the camp. They must return to Roebourne Regional Prison and remain there following their visit until they can return to the camp the following week. The relative isolation of Walpole Work Camp and the absence of any form of public transport to the camp makes it difficult for prisoner’s families to contemplate visiting. Prisoners at Walpole must make the trip to Pardelup for visits. These visits are conducted every Saturday and generally coincide with officer shift changes at the camp.

- 2.101 Further disincentives to prisoners transferring to work camps operate inasmuch as facilities are extremely basic and the workload can be onerous in comparison with staying at a minimum-security prison. Prisoners at Wyndham Work Camp, for example, work seven days a week. Prisoners at work camps do receive level one-gratuity payments; however, given the trade-off prisoners must make in relocating to a work camp and the need to provide better incentives to ensure the continued feasibility of work camps, consideration should be given to enhancing, say doubling, these gratuities. In addition, prisoners at work camps could have increased opportunities for recreational and sporting activities in the surrounding communities, given that they are already approved for Section 94 activities.

A number of unnecessary restrictions are applied to the way that work camps operate that appear to stem from a lack of adequate resources. These include the requirement that community groups for whom work is done must supply necessary equipment and the lack of financial incentives for staff who work in such remote locations.

Regimes Appropriate to the Needs of Women Prisoners

- 2.102 At around seven per cent of the prison population, women prisoners have traditionally experienced prison regimes that have been stereotyping, confining and limiting in terms of rehabilitative opportunities compared with regimes for male prisoners.⁸² As men’s prisons are designed for men, so should women’s prisons be designed to meet the needs of women. Where women are accommodated in men’s prisons, in most cases their specific needs are unlikely to be met.⁸³

82 Report No. 6, *Report of an Announced Inspection of Broome Regional Prison – June 2001* (Perth: Office of the Inspector of Custodial Services, 2002), p. 36.

83 *Ibid.*, p. 37.

2.103 Two metropolitan and four regional prisons accommodate women prisoners. Bandyup Women's Prison in the Swan Valley is the State's only secure facility for women and is responsible for the majority of Western Australia's female prisoners. Bandyup is not only a maximum-security prison for women, it is also a multi-functional prison. In this it shares some of the qualities, complexities and dilemmas of the regional prisons. As the main prison for women – and until recently the only women's prison in the State – the prison inevitably has a broad focus and multiple functions that can compete and conflict.

2.104 Recently, the Department announced it had developed a new philosophy for the imprisonment of women.⁸⁴ The Boronia pre-release facility is the only purpose-built prison of the six that house women. The management philosophy stresses ten aspects of custodial management for women:

- The mirroring within prison of responsibilities faced by women in everyday life;
- Support for strong community and family focus;
- Empowering women to contribute to society through community and voluntary work;
- Empowering women prisoners to take responsibility for their choices;
- Positive, confident and safe reintegration with families and communities;
- Addressing reoffending risk;
- Offering meaningful opportunities and support;
- Community safety;
- Focus on improving health; and
- Focus on work and education skills acquisition.

2.105 This new philosophy appears to be a significant step forward and is to be applauded. However, in the rest of the women's prisons estate the regime for women prisoners is not laudable; although, a change management strategy currently being implemented at Bandyup Women's Prison is acknowledged as starting to take that prison in the right direction.

84 Based on the Department's Boronia low security prisons project and now adopted across its entire women's estate.

- 2.106 Four regional prisons – Broome, Roebourne, Greenough and Eastern Goldfields – enable small numbers of women (43% of all female Aboriginal prisoners and 10% of all non-Aboriginal women prisoners) to serve their sentences in, or close to, their home regions. However, with women comprising only about ten per cent of the population of each of these prisons the disadvantage felt by female prisoners is pronounced. These are effectively and overtly male prisons. They are conceived of as men’s facilities and operate according to a schedule constructed around the male prisoners.⁸⁵
- 2.107 Female prisoners are often subject to levels of security beyond their individual classification. This is largely on account of the relatively few options available for female placement within the prison system. Bandyup is the most common placement yet only 17 per cent of women warrant placement in a maximum-security facility.⁸⁶
- 2.108 Many of the policies that operate across the prisons estate are designed for male prisoners and appear less than satisfactory when applied in blanket fashion to women. For example, the Director General’s Rules have required maximum and medium security prisoners who are being escorted to medical treatment outside a prison to be placed in restraints. Although medical officers can request the removal of restraints for medical reasons, this is subject to the discretion of the prison superintendent. In a public hospital it would be exceptional for doctors to be aware of the rules governing the removal of restraints, and in any case having to make contact with a prison superintendent is cumbersome and unlikely to occur. Most inappropriately, a female prisoner gave birth by caesarean section in a public hospital and was restrained with either shackles or handcuffs for almost the entire duration of her stay in hospital.
- 2.109 In the regional prisons, women experience an especially harsh security regime regardless of their classification. At Eastern Goldfields, for example, the regime for secure women dictates the regime for all women.⁸⁷ At Roebourne all women are confined to the yard, with medium and minimum-security prisoners able to leave by signalling to prison staff in the unit control pod from the yard barrier door. A revised security regime allows for the barrier door to remain unlocked so women are free to leave the section as long as there are no maximum-security women in the section. If there are, the process reverts to the old regime.⁸⁸

85 Report No. 6, *Report of an Announced Inspection of Broome Regional Prison – June 2001* (Perth: Office of the Inspector of Custodial Services, 2002), p. 37.

86 Report No. 13, *Report of an Announced Inspection of Bandyup Women’s Prison – June 2002* (Perth: Office of the Inspector of Custodial Services, 2003), p.34.

87 Report No. 4, *Report of an Unannounced Inspection of Eastern Goldfields Regional Prison – August 2001* (Perth: Office of the Inspector of Custodial Services, 2001), p. 28.

88 Report No. 14, *Report of an Announced Inspection of Roebourne Regional Prison – April 2002* (Perth: Office of the Inspector of Custodial Services, 2003), p. 40.

- 2.110 Women held in regional prisons are exposed to an additional layer of ‘security’, imposed on them because they are women and few in number. The early lock-up of female prisoners appears standard practice in regional prisons. The 2001 inspection of Broome found women were confined to their section at 7.00 p.m., a full three hours before lock-up. The women’s access to the main prison compared with the men is often reduced more if the women’s unlock is delayed. Not surprisingly, the women’s shortened period of effective unlock has become the main focus of the women prisoners’ perceptions that they are second-class citizens, even by prison standards.⁸⁹ Inspection reports of the regional prisons at Broome, the Eastern Goldfields and Roebourne have all recommended that a better balance be struck between security considerations and the wellbeing and rehabilitation of women prisoners.
- 2.111 Conditions for women at each of the four regional prisons have been found to be well below the standard expected.⁹⁰ At Roebourne Regional Prison the women’s 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.⁹¹ The level of cleanliness and shade provision was still found to be inadequate in the 2003 inspection and the Inspection Team observed that women have to share recycled underwear and forage for sanitary products.⁹² These deficiencies have subsequently been addressed and while conditions in the women’s block are still less than in the men’s, they are much improved. In Broome Regional Prison the restriction of the women’s section has been extreme comprising three cells linked by a narrow covered walkway. The compound was old, shabby and almost devoid of amenity. Prisoners had nowhere to go to socialise but into the open central courtyard or to another prisoner’s cell. There were no day rooms, and kitchen facilities consisted of a sink, two hot water systems, a refrigerator and a metal store cupboard, all of which were located under the eaves, exposed to the weather. Such conditions are not replicated anywhere else in metropolitan prisons, but are common in regional prisons, especially where there are significant Aboriginal populations. Following the recommendations of the 2001 inspection, facilities for women in Broome Regional Prison were upgraded, with the renovation of ablutions in the cells, the addition of a demountable with computer and limited self-care facilities, and the provision of artwork and shading in the women’s outdoor courtyard.⁹³

89 Report No. 6, *Report of an Announced Inspection of Broome Regional Prison – June 2001* (Perth: Office of the Inspector of Custodial Services, 2002), p. 37.

90 Report No. 14, *Report of an Announced Inspection of Roebourne Regional Prison – April 2002* (Perth: Office of the Inspector of Custodial Services, 2003), p. 40.

91 Report No. 24, *Report of an Announced inspection of Roebourne Regional Prison – November 2003* (Perth: Office of the Inspector of Custodial Services, 2004), p. 19.

92 Ibid.

93 Report No. 27, *Report of an Announced Inspection of Broome Regional Prison – May 2004*, (Perth: Office of the Inspector of Custodial Services, 2005), p. 41.

Aboriginal Prison Regimes

2.112 Aboriginal prisoners comprise around 40 per cent of the prison population.

Aboriginality is therefore central to the core business of prisons and the *Prisons Division Strategic Plan for Aboriginal Services 2002–2005* acknowledges that it is essential ‘to ensure the services provided by the Prisons Division are appropriate to the culture and needs of Aboriginal people and their local communities.’⁹⁴ Yet, despite the intent in this and many previous Departmental policies, objectives and statements, the regimes for Aboriginal prisoners are characterised by being far below those provided for non-Aboriginal prisoners. The issue of culturally appropriate services is further explored in Chapter 4.

2.113 The prison regimes for Aboriginal people have been a matter of deep concern to the Inspectorate. This Office’s *2000–2001 Annual Report* recorded that:

*Broome, Eastern Goldfields, Roebourne and Greenough hold almost half the Aboriginal prisoner population at any one time. Apart from security upgrades, these prisons have for the most part been neglected by the Department of Justice for many years.*⁹⁵

2.114 And in a 2001 Inspection Report, the Inspectorate observed that:

*Aboriginal prisoners continue to face conditions that are markedly inferior to those of non-Aboriginal prisoners. This underlying discrimination has been highlighted in many of the Inspectorates’ reports and referred to as ‘structural racism’. Structural racism is not about whether individuals hold racist views but about the discriminatory impact of systemic policies and practices.*⁹⁶

2.115 The Kimberley and Eastern Goldfields consultation processes undertaken by the Inspectorate have demonstrated how essential it is to listen to stakeholders in attempting to develop viable prison regimes and custodial strategies. Regional reference groups should be established in each region that can speak for a reasonable cross-section of the regional prisoner population, particularly Aboriginal people. Such groups should be comprised of people who have standing in the white and Aboriginal communities at a regional level. Such reference groups should be a vehicle for maintaining effective links with the community and in particular Aboriginal communities and Aboriginal leaders. They should be accorded an ongoing fully

94 Department of Justice, ‘Prisons Division Strategic Plan for Aboriginal Services 2002–2005’ (undated), objective 3.

95 Office of the Inspector of Custodial Services, *Annual Report 2000–2001* (2001).

96 Report No. 4, *Report of an Unannounced Inspection of Eastern Goldfields Regional Prison – August 2001* (Perth: Office of the Inspector of Custodial Services, 2001), p. 38.

consultative role in the planning and resource prioritisation processes for each region, for discussing policy and for monitoring the impact of correctional policy on the community.

- 2.116 The Department's funeral attendance policy is also out of step with Aboriginal notions of family. This area of prison policy is the single most important issue for most Aboriginal prisoners. They believe it does not work fairly for them. The fact that the Department has no data in relation to substantiating how it handles funeral applications means that it is unable to properly defend itself against complaints of bias or discrimination. The Department needs to establish a comprehensive record-keeping capability in this very important and sensitive area of service delivery. Above all, the Department needs to revisit and rewrite its funeral attendance policy so that it addresses the specific needs and expectations of Aboriginal people. In doing so the Department might consider the Department of Corrective Services in Queensland policy – 'Funeral Attendances by Aboriginal Prisoners' – for a more inclusive recognition of Aboriginal family relationships and kinship obligations. The Department should also consult with and accept guidance from the regional reference groups where they are established.

Providing Community Equivalent Health and Mental Health Services

- 2.117 This is a matter of particular concern to the Inspector of Custodial Services. In most of the Inspections carried out by this Office, the health care needs of prisoners have consistently presented as problematic. It is well understood that the health profile of the prison population is considerably worse than that of the general community. Rates of drug dependence, blood-borne communicable diseases, sexually transmitted diseases, mental illness, diabetes and heart disease substantially exceed comparable rates in the outside world. Time spent in prison can be seen as a window of opportunity to get people back on the track to better health, thus reducing their post-release impost on the public health system and the hazards they may pose to others by spreading communicable diseases. Seen in that context, prisoner health services have not, in the view of this Office, been of a sufficient standard. Our observations in the course of carrying out more than 30 inspections and reviews of custodial services is that this deficiency is partly an issue of the adequacy of resources, partly it is organisational, and partly it is cultural or attitudinal.
- 2.118 The Inspector's concern has prompted a comprehensive thematic review of prison health services that is currently being circulated in draft form for comment and will be published early in 2006. Evidence gathered for the thematic review indicates that

prisoner health should be part of the general health services provided by the Health Department rather than a specialist service under the Prisons Division of the Department of Justice. Other jurisdictions throughout the world have taken this step of total integration, with France moving to this structure in 1994 and more recently England and Wales in 2000. In New South Wales, prisoner health services have been part of the public health system for many years, with supportive legislation.

- 2.119 In 2000, the Department of Justice contracted for a ‘Cohort Analysis of the Custodial Population’ to be undertaken by Social System and Evaluation (SSE). The methodology for this analysis involved paper-based surveys of prisoners, dependent solely upon medical records and not supplemented by interview and medical examination. However, even at this level of research, the SSE report highlighted that blood-borne viruses, asthma, cardiac conditions, diabetes, epilepsy and psychiatric issues, intellectual impairment and general physical disability were over-represented in the prison population in comparison to the general community.
- 2.120 Women are higher users of health services generally, with more complex problems requiring attention. Females’ complicated reproductive systems introduce other types of health problems that require specialist gynaecological and obstetric care. Women in prison are more likely to have histories of family dysfunction, sexual and physical abuse, domestic violence, substance abuse and mental health problems.
- 2.121 The health of Aboriginal prisoners is generally worse than that of non-Aboriginal prisoners and the health of Aboriginal children is such as to give rise to grave concern for future Aboriginal prisoner health needs. The Western Australian Aboriginal Child Health Survey (WAACHS) reported that Aboriginal children were at greater risk of clinically significant emotional or behavioural difficulties (24 percent) compared with the risk faced by non-Aboriginal children. There are many reasons for this including poor physical health factors. Biological stressors such as low birth weight, chronic infections and poor nutrition can adversely affect human growth particularly with regard to how the brain and nervous system grow and adapt. The rate of low birth weight among Aboriginal children was almost double that of the general population, and the high rate of maternal tobacco use is a significant contributing factor. The mothers of 46.5 per cent of Aboriginal children had smoked tobacco during pregnancy compared to 22 per cent in the general population.
- 2.122 Aboriginal children experienced a high rate of recurrent and co-morbid infections including skin, ear, chest and gastrointestinal infections. Ear infections are of particular concern with an estimated 18.1 per cent of children between 0 and 17 years

reported as experiencing recurring ear infections. This is likely to have a negative impact on hearing loss and on speech, language and learning problems, which in turn may contribute to the presence of clinically significant emotional or behavioural difficulties. Children with speech difficulties, runny ears (a result of chronic ear infection) and/or any degree of vision impairment were one and a half to three times at greater risk of clinically significant emotional or behavioural difficulties. There is therefore a significant need to educate Aboriginal people about good health practices.

- 2.123 Substance use among Aboriginal young people is high. Over one-third have smoked regularly, over one-quarter drink alcohol and 30 per cent have used marijuana. Without intervention these health problems are likely to continue to reoccur over generations.⁹⁷
- 2.124 Mental health problems among prisoners generally, include a range of psychological and/or psychiatric conditions such as major personality problems, substance abuse and mental illness. In terms of treatment, only mental illnesses – that is, conditions that are usually managed by a psychiatrist – respond to medication. Personality disorders cover a range of chronic, maladaptive behaviours that do not necessarily respond to medication and are notoriously difficult to treat. Prisoners experience very high rates of mental health problems and it is often the severe personality disorders that prove the most difficult to manage in prison.
- 2.125 The prevalence of mental health conditions among prisoners is being widely recognised as, in part, a consequence of the mental health de-institutionalisation policies of the latter part of the last century. With few places available in mental hospitals and a critical shortage of community support for people with a mental illness, many such people end up in prisons.
- 2.126 Attorney General Jim McGinty’s unpublished report on services for prisoners with mental health and dangerous and severe personality disorder (DSPD) in England⁹⁸ proposes a blueprint for improving health services to Western Australian prisoners comprising the following nine elements:
- The development of mental health services for prisoners in Western Australia is underpinned by the National Statement of Principles for Forensic Mental Health;

97 The *Western Australian Child Health Survey Volume One: The Health of Aboriginal Children and Young People* (Perth: Telethon Institute for Child Health Research, 2004).

98 McGinty J, Attorney-General and Minister for Health and Electoral Affairs (WA), Unpublished report on the investigation into mental health and DSPD services for prisoners in England 1–11 July 2005 (2005).

- Improvements to the legal framework for managing the release of prisoners described as having DSPD as is contemplated in the through current proposals for legislative change. Consideration of the Review of the *Mental Health Act 1996* (WA) and the *Criminal Law (Mentally Impaired Accused) Act 1996* (WA) will address other related matters;
- A statement of goals for mental health service provision to people in the justice system based on the goals of the mental health system and the justice goals of rehabilitation and public protection;
- Detailed specification of demand for mental health services for prisoners using:
 - > known prevalence rates of at least 20 per cent of the prison population requiring mental health services and over half of these requiring hospitalisation at some point in the year;
 - > an exit rate of 1,000 per year requiring community mental health services;
 - > long-term treatment and management of 100 DSPD prisoners and a requirement for a specialised program for 40–50 at a time;
 - > service needs of regional prisoners with mental health problems, particularly Aboriginal prisoners; and
 - > services for 18–20 people who are detained in custody under the CLMIAA.
- Increased forensic hospital facilities for serious mental illness of prisoners. This would ensure assessment, treatment, adjustment of treatment regime and stabilisation is achieved prior to prisoners being returned to prison;
- Increased capacity to provide mental health assessments at the different stages of the justice system process by qualified mental health practitioners and improved coordination between the services. This includes Community Mental Health, Forensic Mental Health, Police, Courts, Community Justice Services, Juvenile Custodial Services and Prisons;
- Mental health services provided in prison locations with adequate facilities, multidisciplinary teams and a varied and productive range of therapeutic activities for prisoners. The treatment and management approaches would provide for prisoners with multiple conditions and learning abilities and where necessary, provide rehabilitative residential options for the most vulnerable groups of prisoners, including those detained in prison under a custody order; and

- Establishing a DSPD treatment program in a new specialised forensic mental health facility that provides a range of forensic mental health services, and a support and maintenance program in one or more prisons. This would be facilitated by improved expertise in identifying and assessing serious personality disorder in offenders and staff training to treat and work with DSPD in prisoners and offenders.
- Three levels of response are proposed for the DSPD group of offenders which is determined according to the best available assessment methodologies:
 - > long term prison sentences, with appropriate access to treatment regimes and consideration of dangerousness at the end of the sentence period;
 - > release to the community in conjunction with very long and highly supervised parole periods; or
 - > release to the community and maintained on the sex offender register.

2.127 Western Australia shapes its strategies in relation to managing and treating DSPD prisoners with information gained from the English pilots and evaluation program. Further development of mental health services in prisons is informed by the Saskatoon Regional Psychiatric Centre model, the Victorian Thomas Embling Hospital model and recent developments in NSW.

Planning for new services is progressed under a joint management group with representatives from the Department of Justice (including prisons, community corrections and Court Services) and the Department of Health (including the Office of Mental Health and Forensic Mental Health Services).

2.128 Resourcing these proposals will require:

- A capacity to expand the pool of qualified people and provide further training and development. While the Western Australian Mental Health Strategy aims to increase the pool of mental health professionals, additional effort may be required to attract and train staff to work within the forensic mental health context; and
- An overarching service model that sets out the relationship between multidisciplinary specialist teams in prisons, inpatient forensic facilities, community mental health in reach to prisons, community mental health services to offenders and specialist accommodation.⁹⁹

99 Ibid, p. 43.

The thrust of these proposals is welcomed and broadly supported, although the human rights implications of the second element are such that support must be qualified in relation to any extended imprisonment based upon risk of reoffending. Certainly, any improvement to the provision of mental health services, be they in the community or in prisons, are long overdue in Western Australia.

2.129 RECOMMENDATIONS

1. There should be a comprehensive, research-based review of the initial (MAP) and subsequent (MAPR) risk assessment instruments and processes. The review should include independent expert advice and should ensure that risk of harm posed by prisoners is explicitly measured and factored alongside risk of escape into all security classification determinations – initial and prior to a reduction in security classification. The risk assessment instrument should be compatible with risk assessments undertaken by community corrections and should in total be capable of providing a picture of the effectiveness of programs and steps taken to reduce reoffending and dangerousness. The risk assessment models developed in the United Kingdom and Victoria provide appropriate starting points for such a review.
2. The cultural appropriateness of the classification system should be reviewed as part of the comprehensive review of classification. Many Aboriginal prisoners, particularly those from outside the metropolitan area appear to be disadvantaged by many aspects and criteria contained in the current classification system. In particular, the current weighting applied to work reports ignores the reality of Aboriginal prisoners being consigned to the lowest status and lowest paid work assignments in prisons.
3. Consideration should also be given to developing separate classification rating scale for female prisoners that appropriately reflects their generally lower risk of harm to the community. In comparison to male offenders, female offenders generally pose a reduced risk of harm to staff, other prisoners and the community.
4. The utility of the current three tier classification system should be reviewed. While having the advantage of simplicity, it is in reality inadequate to the task of identifying high security risk prisoners on the one hand and the differing levels of trust ascribed to prisoners in minimum-security prisons and work camps on the other. As the range of work camp type programs is developed in line with other recommendations in this report, even further classification refinements at the margins of the scale may be required.

5. Procedures should also be explored for ensuring that relevant information contained in intelligence reports is reviewed prior to the finalisation of classification decisions.
6. Consideration should be given for an appropriate executive level power to veto the reduction in classification of high risk or notorious prisoners.
7. Transparent monitoring mechanisms should be established to ensure that practice follows policy in a timely way and all eligible prisoners are given the assessments and sentence planning that they require. It is clear that many prisoners are not being given a MAP risk assessment or a needs assessment in a timely way.
8. It is recommended that the Western Australian prison system adopt as a long-term objective a move to 50 per cent minimum-security. The planning for custodial infrastructure (and custodial service planning) should anticipate such a change in the classification profile of prisoners. The decision to proceed with the fencing of minimum-security compound areas should increase the proportion of prisoners that are able to be safely held at minimum-security. Other comparable systems that have implemented similar minimum-security regimes have up to 50 per cent of prisoners classified minimum-security.
9. Until a new Prisons Act can be enacted, consideration should be given to the Standard Guidelines for Corrections in Australia 2004 becoming more widely used to inform prison practice, training and standards performance measurement. In particular, the first guiding principle for the management of prisoners regarding respectful treatment should be made explicit in relation to all prison regimes.
10. Innovative means should be sought to ensure that prisoners with high needs for programs and services are engaged in programs that are directed at reducing their offending. A more proactive engagement by prison staff with prisoners is required to make case management more effective. In particular, it is simply not sufficient to rely upon prisoners recognising the importance of program completion to Parole Board considerations.
11. Regimes for Aboriginal prisoners, particularly those in regional prisons, should be developed in consultation with appropriate regional reference groups and prisoners. To ensure that custodial services are regionally and culturally appropriate, particular emphasis should be placed on ensuring that Aboriginal community leaders are consulted.
12. Departmental policies should be reviewed to ensure cultural sensitivity and

appropriateness for Aboriginal prisoners, particularly on the issue of prisoners attending the funeral of a person with whom the prisoner has a significant relationship, but who may not meet the strict criteria for immediate family.

13. Consideration should be given to expanding research capacity to assist government decision-making, to actively monitor and review risk reduction management plans as well as to research prisoner cohorts and staffing issues.
14. The use of work camps should be expanded as a pre-release program for a larger proportion of the prison population. To achieve this objective it will be necessary to finance and develop the concept of work camps beyond its current form to include a range of innovative , pre-release centres and out stations. A range of improved incentives for prisoner will be required. Consideration should be given to increasing gratuity payments, improved visiting arrangements, more program and education opportunities and better access to external sporting activities.
15. Female prisoners' access to facilities and services should be no less than that provided for male prisoners. In all future service and infrastructure planning, female prisoners should be accommodated in 'fit for purpose' buildings and provided with regimes appropriate to women.
16. The government's proposed improvements to mental health services as envisaged in the Attorney General's 'Report on the investigation into mental health and DSPD services for prisoners in England' are supported and where possible, the implementation of new DSPD services and facilities for prisoners should be expedited.
17. Those prisoners who are assessed as posing a high risk of dangerousness should have their management oversighted by a high-level panel who would periodically review each case to ensure the community is being adequately protected and monitor any special management regimes they are under. Such a body should have links to the Parole Board and any multi-agency public protection arrangements established to track such prisoners following release.
18. There is an urgent need for operational policy directives to be developed to guide the practice of the progression and transfer between prisons, in order to ensure statewide consistency of practice.

Chapter 3

CUSTODIAL MANAGEMENT IN REGIONAL WESTERN AUSTRALIA: THE KIMBERLEYS

THE IMPORTANCE OF REGIONAL CONSULTATION

- 3.1 According to the Western Australia Regional Development Commission, 99 per cent of the Kimberley region is defined as ‘very remote’ and one per cent is defined as ‘remote’. In the Pilbara region, 97 per cent is defined as very remote and three per cent is defined as remote. In the Goldfields region 80 per cent is defined as very remote and 15 per cent as remote. These areas are defined as disadvantaged, with very little access to services and limited opportunities for social support. Each area has only a few country towns and many isolated small communities, mining sites and pastoral stations dispersed over large geographic areas. The majority of people in these regions reside in the towns and the mining, pastoral and tourism industries impact upon regional activities. Each of these regions has a large proportion of Aboriginal residents compared to other regions in the State.
- 3.2 While each region is unique, there are many similarities between the Kimberley, Eastern Goldfields and Pilbara. For the purposes of this Review, the Inspectorate engaged in community consultation in the Kimberley and Eastern Goldfields regions. The Kimberley Regional Custodial Management Reference Group model has proved effective in promoting community consultation and leadership resulting in a range and depth of outcomes. The Inspectorate considers that this model, with some adaptations, could be successfully adopted for the Pilbara. Although slightly less remote, the reference group model would also appear to be suitable for application to the Murchison-Gascoyne (Central) region, which shares many of the features of the other regions described above.
- 3.3 The south-west region is quite different to those described above. Communities in the south-west generally have better access to services, larger populations (with a smaller proportion of Aboriginal people), and stronger and more diverse economies. A different kind of model should be developed for the south-west region although the principle of a community consultative process should nonetheless resonate strongly.
- 3.4 The metropolitan region is unique with a substantially larger overall population (with a proportionately small but nonetheless, large Aboriginal population), more (and more easily accessed) services, and well-developed social and economic structures. In relation to corrections, the metropolitan region features six individual yet integrated prisons and the Department’s head office. The metropolitan region not only administers prisons for its own population, but also houses many prisoners from the regions. It further provides professional and other support to regional corrections facilities and services. The metropolitan region is therefore sufficiently different to

require a separate model. For the purposes of assessing demand the Midlands region has been included in the geographic reach of the metropolitan region.

- 3.5 The regions of Western Australia where the concentration of the Aboriginal population is greatest have the highest levels of Aboriginal rates of imprisonment. This has led the Inspector to identify four regional prisons – Broome, Roebourne, Eastern Goldfields and Greenough – as ‘Aboriginal prisons’. Typically, these prisons feature a normal population of more than 85 per cent Aboriginal prisoners and are subject to conditions and regimes that would not be tolerated if the population were predominantly non-Aboriginal.
- 3.6 Increasing concern about poor conditions in Aboriginal prisons led, in 2004, to the establishment of a Ministerial Taskforce to develop a custodial management strategy for the Kimberley. This initiative subsequently was partially subsumed into the third and fourth terms of reference for the Directed Review. This aspect of the Directed Review covers matters relevant to the third term of reference (the needs of regional and remote areas), the fourth term of reference (innovative approaches to custodial management and the types of custodial facility), the sixth term of reference (identification and prioritisation of infrastructure needs) and the seventh term of reference (staffing needs).
- 3.7 The discussion and recommendations have been developed in close association with the Kimberley Aboriginal Reference Group, originally set up as part of the Ministerial Taskforce to develop a Kimberley Custodial Management Strategy. As will become clear, the Inspectorate considers this methodology to be a robust model for the development of custodial management strategies for all regions of Western Australia.

The Context

- 3.8 The development of the Kimberley Custodial Management Strategy takes existing imprisonment patterns as a given starting point. Aboriginal people are imprisoned in Western Australia at rates that historically range from 15 to 24 times more than non-Aboriginal people. At the time of writing, the overall disparity was approximately 21:1; within the Kimberley, the disparity was nearer to 40:1. These rates are neither morally defensible nor socially sustainable.
- 3.9 The strategy draws its strength from the range and depth of the consultation process that has taken place. The Inspectorate has been privileged to coordinate its activities with those of the Aboriginal Reference Group, chaired by Mr Peter Yu, which has carried out extensive consultations with Aboriginal stakeholders and communities

across the Kimberley, as well as with governmental and official stakeholders. If there is a single message loudly coming through it is that Aboriginal communities want to get involved in how best to manage the contacts of their own people with the criminal justice and custodial systems.

- 3.10 This has come out in other ways in Western Australia over the past 20 years and, more particularly, in the last five years. These include the growth of night patrol arrangements in some communities and active participation in responses to the recommendations of the Gordon Report. Dr Harry Blagg's Background Paper, *A New Way of Doing Justice Business? Community Justice Mechanisms and Sustainable Governance in Western Australia*, written for the Law Reform Commission of Western Australia's reference on Aboriginal Customary Laws encapsulates the crucial importance of consultation with Aboriginal groups so that justice strategies are not just accepted but, where feasible, owned by the community. Referring to the Munjurla Study, a consultative justice policy development trial in the Kadjungka/Tjurabalan area of the East Kimberley, Blagg states:

The study focuses on issues of great significance for the construction of resilient communities ... The Report places emphasis on, among other things, the need to nurture new partnerships, a regional approach, a commitment to best practice, sustained involvement and capacity building – the aim being to enable increased social stability, participation and engagement, sustainability, governance capacity and economic independence...

- 3.11 Blagg recommends 'new structural arrangements and processes. These include the creation of a regional forum, representing the disparate Aboriginal voices and interests in the area.'¹⁰⁰

This philosophy very much drives many of the detailed proposals in the Kimberley Custodial Management Strategy set out in the pages that follow. Involvement in custodial management of their own people may become one of the important catalysts for changes not only in the attitudes and processes of the official agencies but also in those behaviours of Aboriginal people that expose them so starkly to the exigencies of western justice arrangements. In other words, the disparity in custodial rates may start to diminish as the justice system is seen to be less one created and operated by non-Aboriginals and imposed upon Aboriginals.

100 H. Blagg, *A New Way of Doing Justice Business? Community Justice Mechanisms and Sustainable Governance in Western Australia* (Perth: Law Reform Commission of Western Australia, 2005), p. 33.

- 3.12 However, much more is needed than a possible by-product of Aboriginal participation in and partial ownership of justice processes, if Aboriginal custodial rates are to be brought back to acceptable levels. A whole-of-government approach – involving the various agencies and Departments responsible for policing, community development, Indigenous affairs, health, crime prevention, drug and alcohol strategies, mental health, education and training, courts and others – is required. That holistic approach should adopt alternative ways of dealing with offenders through restorative justice and victim mediation models, for example.
- 3.13 Statements of this sort have become bureaucratic platitudes, matters to which administrators pay lip-service but seldom carry out whole-heartedly. Can this Review, in conjunction with the Mahoney Inquiry and earlier landmarks such as the Gordon Inquiry, become the catalyst for creating a new correctional landscape? Only time will tell.
- 3.14 Kimberley prisoner issues are overwhelmingly Aboriginal prisoner issues. Three recent ‘snapshots’ illustrate this. In April 2004 there were 194 prisoners from the Kimberley, of whom 184 (95%) were Aboriginal; in March 2005, 257 prisoners of whom 244 (95%) were Aboriginal; and in June 2005, 237 prisoners of whom 222 (94%) were Aboriginal.
- 3.15 Adult custodial facilities in the Kimberley consist of Broome Regional Prison, Bungarun Work Camp and Wyndham Work Camp. The design capacity of Broome Regional Prison is 15 secure prisoners (including three females) and 51 minimum-security prisoners (including six females). The design capacity of Bungarun is 22 male prisoners and of Wyndham, 24 male prisoners. In practice, for reasons to be discussed later, neither of these work camps regularly approaches its full capacity.
- 3.16 From these figures it is evident that there are more Kimberley prisoners than there are Kimberley prison beds. Taking the same three snapshot points, in March 2004, 112 (61%) of the 184 Kimberley Aboriginal prisoners were held in one or another of the three facilities; in March 2005 the figure was 116 (48%) out of 244; and in June 2005, 92 (41%) out of 222. In other words, more than half of Kimberley Aboriginal prisoners are typically imprisoned ‘out of country’. Analysis of the security ratings reveals why this is the case. There are too many prisoners assessed as requiring closed-security and with only 12 secure beds at Broome, these are normally reserved for remand prisoners. In April 2004 there were 78 (42%) out of 184 Aboriginal prisoners who required secure beds; in March 2005, 132 (54%) out of 244 prisoners; and in June 2005, 127 (57%) out of 222 prisoners.

- 3.17 In summary, the profile of the Kimberley Aboriginal prisoner population does not effectively align with the available facilities. Table 4 summarises this crucial point. Unless it is brought into alignment, large numbers of prisoners will continue to serve substantial proportions of their sentences out of country. It is well understood that, especially for traditional Aboriginal people, the stresses of imprisonment are exacerbated and the chances of rehabilitation diminished by prolonged separation from their land, culture and kin.
- 3.18 Recognising these factors, the Department of Justice as long ago as 2000 began to explore the possibility of constructing a new multi-security prison at the Waterbank site, which is approximately 15 kilometres from the centre of the Broome town-site. A capacity of 300 prisoners was contemplated and the possibility of building staff accommodation in the adjoining area was also discussed. However, this plan has never been realised or indeed, meaningfully developed. Several reasons may be cited for this. First, native title over the area is contested amongst local Aboriginal groups and remains unresolved. Second, the concept of one large prison was worrying: there should be a movement toward more innovative custodial arrangements for a traditional population whose offending profiles range across the spectrum from the extremely serious to the trivial and/or technical. A third difficulty was that the Waterbank proposal stood alone; it was not fitted into the context of regional and remote Western Australian custodial needs and policies generally.
- 3.19 The final flaw in this proposal was that no attempt had been made to ascertain the views of the relevant stakeholders – primarily Aboriginal persons and groups from the Kimberley, but also shire councils, chambers of commerce and other government agencies whose activities might be affected by such a radical change in prisoner management approaches. In a word, there had been no consultation with the people who mattered, merely top-down bureaucratic pronouncements.

3.20 Table 4: Prisoners from the Kimberley
(Male and Female, Sentenced and Unsentenced)

Total Prisoners and date	Total (%) Aboriginal prisoners ¹⁰¹	Number & % Aboriginal prisoners in Kimberley facilities ¹⁰²	Number secure beds required for Kimberley Aboriginal prisoners ¹⁰³	Number secure prisoners held outside the Kimberley ¹⁰⁴
194 30 April 2004	184 (95%)	112 (61%)	78 (42%)	62 (79%)
257 31 March 2005	244 (95%)	116 (48%)	132 (54%)	116 (89%)
237 30 June 2005	222 (94%)	92 (41%)	127 (57%)	118 (93%)

3.21 In the course of extensive consultations in August 2004, the Inspectorate ascertained that community support for the Waterbank proposal was virtually non-existent. Yet demonstrably the situation at Broome Regional Prison was unacceptable. Constantly overcrowded, lacking the most basic correctional services, having hygiene and sanitation problems and in poor repair, it presents as a third-world facility. As the Inspector pointed out in the Annual Report for 2000–2001, the conditions would not be tolerated except in an ‘Aboriginal prison’.

3.22 Admittedly, some infrastructure improvements have been made in the past two or three years; also the regime operates in such a way that about half of the population spend a substantial amount of time off the premises working in the community.¹⁰⁵ However, the conclusion is inescapable that the prison is below an acceptable standard. People such as members of the Aboriginal Reference Group (see below) who are not used to visiting prisons are typically horrified when they see Broome Regional Prison for the first time.

101 Column 2 as a % of column 1.

102 Column 3 as a % of column 2.

103 Column 4 as a % of column 2.

104 Column 5 as a % of column 4.

105 This figure has recently fallen away because of changes to eligibility for Section 94 programs. When the Inspector most recently visited Broome Regional Prison (31 August 2005), only 11 of the 61 minimum-security prisoners held there were out of the prison on Section 94 programs. That snapshot was stated by the prison management to be fairly typical of recent trends. Each of the earlier inspection reports of Broome Regional Prison published by the Inspectorate has highlighted community links and interaction by way of Section 94 as one of the redeeming factors of the prison.

- 3.23 In November 2004, responding to the factors set out above, the then Minister for Justice, the Hon. Michelle Roberts, announced the establishment of a Ministerial Taskforce to develop a holistic custodial management strategy for the Kimberley region. The centrepiece for the identification of this strategy was to be genuine community consultation – to find out what the stakeholders and affected population actually want and will support. This contrasted sharply with the earlier approach in the development of the Waterbank proposal. A high-level Aboriginal Reference Group was appointed, chaired by Mr Peter Yu, who is also Chair of the Western Australian Aboriginal Housing Trust. As mentioned earlier, the Ministerial Task Force was subsequently absorbed into the Inspectorate’s Directed Review process. Between May and September 2005, the Aboriginal Reference Group consulted widely throughout the Kimberley.¹⁰⁶ The broad outcome has been to identify a surprising and impressive consensus about a range of custodial issues, and these will be discussed below.
- 3.24 The Aboriginal Reference Group will be producing its own Report to the Minister. It will be in two parts: the first relating to infrastructure and facility needs, and the second to programs and regimes. The first part will be made available by October 2005 and the second part by December 2005. In pursuing the relevant term of reference within the Directed Review, the Inspector has taken great care to liaise closely with the Aboriginal Reference Group in order to eliminate the possibility of major policy differences emerging. The Report of the Aboriginal Reference Group will, of course, be more detailed with regard to implementing some of the broad policy proposals and will also carry with it the imprimatur of almost all the key stakeholders in the region.

TWO KIMBERLEYS: THE EAST AND THE WEST

- 3.25 The key point that quickly emerged, and about which no contrary views were expressed, is that it is misleading and erroneous to see a Kimberley Custodial Strategy simply in terms of what should happen in Broome or the West Kimberley area. There need to be two components to a Kimberley strategy: one for the West Kimberley and one for the East Kimberley. This was apparent from analysis of the last known or immediate pre-conviction addresses of Kimberley Aboriginal prisoners. The three snapshots, used previously, showed the pattern set out in Table 5, below.
- 2.26 Interviews with prisoners, both in Broome and some southern prisons, and family consultations conducted through the Aboriginal Reference Group, confirmed that the

106 See schedule attached at Appendix 2.

Halls Creek/Wyndham-East Kimberley prisoners considered themselves as much ‘out of country’ at Broome as they would be down south. A ‘return to country’ would not, for these prisoners, be achieved by returning them from down south to Broome or some other part of the West Kimberley. There was unanimity, therefore, that a Kimberley Custodial Management Strategy should have at least these two elements. Secure facilities will ultimately be required in both areas.

3.27 Table 5: Kimberley prisoners, by location

Location	April 2004	March 2005	June 2005
Broome	58	57	60
Derby/West Kimberley	32	61	51
Total	90 (49%)	118 (48%)	111 (50%)
Halls Creek	38	47	52
Wyndham/East Kimberley	56	79	59
Total	94 (51%)	126 (52%)	111 (50%)

3.28 If further confirmation were needed, the officer-in-charge of the Kununurra Police Station confirmed that the lock-up has accommodated as many as 27 prisoners at any one time and that, because of the vagaries of court hearings and transport arrangements,¹⁰⁷ it is not unusual for prisoners to be held for two weeks in the lock-up. Indeed, there were a few occasions where people had been held for as long as seven weeks. Although the Kununurra lock-up is by no means the worst in the State, the conditions simply do not meet acceptable human rights standards for stays of longer than a few days. It should also be said that acting as lock-up keepers is not core police business and wastes the skills of highly trained and expensive police personnel.

3.29 Before pursuing further questions such as the preferred locations, capacities, security profiles and so on of the prison components of the East Kimberley and the West Kimberley custodial strategies, other matters that emerged from the consultation process should be explored.

107 If the transport arrangements work as scheduled (and quite often they do not do so because of vehicle breakdowns or, in the wet season, road closures), there is a once weekly trip between Kununurra and Broome. The impact of this journey upon prisoners was described in the November 2001 *Report of an Announced Inspection of Adult Prisoner Transport Services*, paragraphs 2.4–2.8, and indicated severe distress levels. Although the journey is now broken overnight at Halls Creek, the experience remains a daunting one. The December 2004 report of HM Chief Inspector of Prisons *Prisoners Under Escort* (London: HM Inspectorate of Prisons, 2004) characterised as oppressive journey conditions and lengths that, by Kimberley standards, are like ‘picnics’.

Women's Issues

- 3.30 The first matter relates to the position of women prisoners. Those who were sent to Bandyup were 'lost', we were told. Great concern was also expressed at all consultations that female prisoners were held in conditions at Broome Regional Prison where interaction with male prisoners was unavoidable. It was accepted by the women's group that it would not be feasible to construct a completely separate secure facility for female prisoners, given the very low figures of Kimberley women who are imprisoned at any given time. However, they were emphatic that any mixed-gender custodial facility should be built in such a way as to ensure visual and service provision separation of women from male prisoners. In their view, the background of most of the women prisoners is such that they need to be protected from 'jealousing' and 'humberging' by males; prison should at least provide some respite from these things.
- 3.31 The women's groups had even more fundamental concerns, however, going to the very nature of women's imprisonment. There was a widespread belief that, for all but a small number of violent female offenders, custodial time should be seen as a time for building self-esteem and for 'healing'.¹⁰⁸ Thus in the course of the consultation process the point was repeatedly made that women offenders at present have no access to work camps, and that this was inequitable. Not that a male model of a work camp was necessarily appropriate; women's groups saw these end-of-sentence arrangements also as a means of re-connecting with children and other family dependants, and the style of accommodation would need to reflect this. In summary, the two main components of the Kimberley Custodial Strategy will need to take account of these issues relating to women offenders.

Juvenile Issues

- 3.32 Another issue of great concern to the Aboriginal Reference Group was the position of juveniles. Although the number of Kimberley juvenile detainees is quite small,¹⁰⁹ considerable disruption results to a young person's life and stability every time he (or she) is sent to Rangeview on remand or sentenced by the Children's Court to be detained at Banksia Hill. Everywhere we went, there was dismay about the practice of

108 'Healing' is very much the language used by Canadian Aboriginals, and is somewhat foreign to notions embraced by Kimberley Aboriginals. However, the underlying concepts of this idea – re-connecting with cultural values and traditions, inputs by elders, strengthening of family relationships – are very similar.

109 In the 12-month period to August 2005, 37 Kimberley juveniles were sent to Rangeview on remand. A separate figure was not available with regard to how many of these went on to Banksia Hill to serve a sentence.

sending remanded juveniles ‘down south’, thereby fracturing family and skin relationships. Many Aboriginal people also expressed the view that the Perth Detention Centres are schools for crime – their young people return to their communities worse than they were before they went.

- 3.33 Prior to the 2004 State election, the government announced that juvenile remand and rehabilitation centres would be built and operated in the Eastern Goldfields and the Geraldton area – an acknowledgement of the fact that movements of juveniles to Rangeview and Banksia Hill are as disruptive as Aboriginal people claim. However, no comparable undertaking was made in relation to the Kimberley or the Pilbara.
- 3.34 Previously, the Kimberley and the Pilbara had been served by community-run juvenile bail hostels – at Yandeyarra in the Pilbara, Banana Wells in the West Kimberley and Bell Springs in the East Kimberley.¹¹⁰ The model in each case was that the Department funded capital infrastructure on the basis that the Aboriginal community would thereafter maintain it and accept placements on a per diem payment basis as and when required.
- 3.35 Unfortunately, all three of these arrangements have broken down. The Department is conducting a detailed analysis of the dynamics of failure in each case. The preliminary findings and our own observations strongly suggest that too much reliance was placed on particular individuals and their role in their communities rather than on building capacity across the whole community. Changes in individual situations thus impacted upon service delivery to a disproportionate and ultimately fatal degree. In addition, another common factor was weak linkage to formal Departmental arrangements and personnel. While the strength of a community detention system is that the community truly does accept and carry the responsibility, this does not mean that the accountable Department can opt out completely. Admittedly, the balance between offering support and imposing bureaucratic models is difficult to achieve; but if these sorts of arrangements are to thrive, that balance must be achieved.
- 3.36 Financial arrangements were also important. The per diem payment was about \$50 per juvenile. This contrasts with the Rangeview costs of about \$500 per day. In passing it should be mentioned that the total budget for the Kimberley area for outsourcing services to communities was at that time \$16,000. The budget of the Offender Services Divisions of the Department was more than \$300 million. There was, in summary, more than an element of the Department abdicating custodial responsibility for these young people for a pittance instead of genuinely trying to empower communities to assume these responsibilities in a sustainable way.

110 The legal basis for this appears to be s 50E of the *Bail Act 1982* (WA). Clarification of this power and its inclusion in the Young Offenders Act would be desirable if it is to grow as a custodial management tool.

3.37 The consultation process has revealed encouraging support for the notion of community detention and support of juveniles. Details will be set out later. Future attempts to involve communities in the detention of juveniles should take account of the lessons learned from the previous failures. If that is done, there is huge positive potential to achieve diversion of Kimberley juveniles from the most intrusive and stressful aspect of the juvenile justice system – imprisonment in Perth.

Work Camps in the Kimberley

3.38 There are presently two work camps for adult males operating in the Kimberley: at Bungarun and at Wyndham. These were widely supported during the consultation process.¹¹¹ Before discussing their operational and strategic significance, it should be understood that their statutory basis is cumbersome and confused. Indeed, the term ‘work camp’ is not found anywhere in the Prisons Act. Section 94 of the Act, the original purpose of which was to regulate absences from the prison rather than to establish a non-prison accommodation alternative, has been relied upon as the legislative source for this activity. It is not suggested for a moment that there is anything improper about this; the statute clearly supports that interpretation. But it does mean that the range of operational issues that can and do arise in the running of work camps are not explicitly addressed by the empowering legislation. Work camps are in principle such an important activity, with their key role in reparation and re-entry arrangements, that they require tailor-made legislation, and the proposed new Prisons Act should address the issues identified at various points in this Review.¹¹²

3.39 To return to the Kimberley situation, the Bungarun camp is situated just off the Gibb River Road, about 25 kilometres west of Derby. It is on the site of the old leprosarium, now owned by the Aboriginal Lands Trust. The Department pays rent in the order of \$35,000 per annum for access to the land and use of several buildings. The work camp is essentially a base from which work can be organised in the Derby Shire and around Bungarun itself.

111 The Inspectorate has found that work camps, once established, are keenly supported by the communities where they are located. This is so whether the location is in a predominantly Aboriginal or non-Aboriginal area. Typically, a local Reference Group is actively involved in the identification and allocation of work projects, and the community soon recognises the benefits of having such a group working for and with them.

112 Section 94 requires more general amendment and clarification. For example, it is far from clear that it applies to educational activities, yet authorisation of attendance at TAFE courses is one of the most common uses of the provision.

- 3.40 Staff of the Inspectorate have visited Bungarun regularly since its establishment in 2002 and on each occasion it has appeared to be well run and the atmosphere has been positive. This has been the case even in the wet season, when work opportunities are more restricted and mosquito infestation is typical. The prisoner population mostly comes from the Kullari and the Malarabah lands, but not exclusively. We have encountered prisoners from places as far-flung as Kalumbaru and Balgo and even as far south as the Goldfields and the Spinifex country. This point is worth emphasising because, although the greatest appeal of work camps is that they enable prisoners to remain in country and work in areas where they feel they are helping their own people, they also can be managed in such a way as to have a generic attraction for some Aboriginal prisoners from other lands.
- 3.41 A drawback of Bungarun is that it relies upon the utilisation of redundant State assets. The infrastructure is of very poor quality. Environmental health inspections by the Department of Health have raised concerns about the suitability of much of the accommodation and the kitchen facilities. Similar problems can be found in several of the other six work camps in the State. If, as the Inspectorate recommends, there is an expansion of work camp activity in the Kimberley (and indeed generally throughout the State), new facilities should be purpose-built to an acceptable standard.
- 3.42 Another problem is the lack of offender programs at the camps. It was frequently raised during our consultations that end-of-sentence life-skills and/or reinforcement of violent offender programs and the like should be offered at the work camps. Of course, one does not wish to distract from the main purposes – the acquisition of good work habits, the attainment of skills, and the preparation for release that comes from living in a lightly supervised environment in which it is essential to cooperate effectively with a cross-section of other people. Nonetheless, it should be possible to provide access to some programs and education at work camps.
- 3.43 The most successful work camps are those where the work is dignified and is perceived by the prisoners as meaningful. Millstream in the Pilbara is an excellent example. At Millstream the prisoners contribute to cultural and land preservation while learning basic construction and machinery skills, working in conjunction with officers from Conservation and Land Management. Typically, these officers are sympathetic to and supportive of local Aboriginal cultural values and traditions. A virtually exclusive Aboriginal workforce sees itself as working for Aboriginal people and values. This is consistent with the broader government objective of building capacity and resilience in remote communities.

- 3.44 A drawback to Bungarun is that this link is not as strong as at Millstream. Much of the work is relatively low grade, is carried out around the Derby area, and is for the civic benefit generally rather than for Aboriginal benefit specifically. While the proposition that reparation should only be for one's own peers is flawed, it is also true to say that the effectiveness of work camps and the willingness of prisoners to participate in their activities is affected by the question who benefits from the work done.¹¹³ To put it the other way around, for Aboriginal prisoners a strong incentive to participate and to work well is the perception that their work will benefit their own people. Having said that, the vitality and pride that emerges when the men are involved in traditional activities such as hunting lizards or fishing for barramundi – activities that constitute the 'social' side of work camp life at Bungarun – is also significant to the building of self-esteem.
- 3.45 The Department can, however, be seen to be seeking to improve available work camp opportunities. In July 2005, a Memorandum of Understanding was signed with the Department of Conservation and Land Management (CALM) re-affirming the intention of both Departments to explore the availability of suitable work in national parks and other CALM sites. It would seem timely to identify suitable East and West Kimberley sites with a view to developing future work camp opportunities and activities both generally and in conjunction with CALM.
- 3.46 During consultations we repeatedly heard comments that communities would welcome the opportunity of partnering the Department in the running of work camps. How precisely this might work is as yet unclear; the statutory provisions do not appear at present to be suitably adapted to this end.¹¹⁴ But one theme stands out – the desire and willingness of communities to make staffing or supervision inputs, not so much from a custodial point of view as in the context of work selection and direction. Of course, as with juveniles, capacity building and the creation of reliable linkages with Departmental personnel would be crucial if any such arrangements were to succeed. So also would realistic funding, rather than the tokenism that has previously marked community service funding arrangements.

113 The Department has complicated the identification of work projects by developing a rather confused rule to try to ensure that private or commercial interests do not benefit from 'free' labour. This concern, while understandable if manifested in an extreme form, distracts from the main question as to the value of such work from the point of view of re-entry, re-integration and rehabilitation. While the notion of reparation involves benefit to the whole community, if work is done that would otherwise not get done at all and it is not exploitative or commercially opportunistic, then that would seem to meet the reasonable requirements of Section 94 and work camp activities.

114 This is another matter that would have to be taken into account in the proposed revision of the Prisons Act.

- 3.47 It is necessary to return to the question of incentives, for this is particularly relevant to the Bungarun situation. We were repeatedly told, mostly by Aboriginal informants, that minimum-security custodial arrangements in Broome Regional Prison meant that the imprisonment experience was a time of good tucker, plenty of yarning, very little stress and as much or as little work as suited prisoners. Consequently, it was said, many prisoners were not prepared to go out to Bungarun, even though it offered more freedom.
- 3.48 It should be explained at this point that work camp placements involve consent. They are not like prison placements, which ultimately, however sensitively they are handled, involve compulsion. A better way of putting it may be to contrast voluntary (work camp) placements with involuntary (prison) placements.
- 3.49 This Review does not wish to suggest that current conditions at Broome Regional Prison should be made more rigorous, so as to encourage eligible prisoners to choose Bungarun. But the question of incentives has to be confronted. One such incentive may relate to gratuity levels. At present work camp prisoners receive Level 1 gratuities plus an extra phone card credit, usually of ten dollars. A more dramatic shift – for example, to double the present Level 1 gratuities as a bonus for participation – might be sufficient. Possibly, this could be fortified by a scheme to facilitate saving the additional money to be used upon release. Perhaps also a notion of ‘good time’ remission for all time spent at a work camp should be introduced. This also would require legislative change. From the point of view of equity, consideration should be given to applying the same approach to all Section 94 work commitments, if carried out to an appropriate standard.
- 3.50 Some incentive is certainly needed at the present time, because the restrictions on work camp eligibility that were introduced following abuse of Section 94 opportunities at some metropolitan prison farms (Karnet and Wooroloo) have diminished the potential pool even further. The main restriction is that prisoners must have participated successfully in a Section 94 program during their present term of imprisonment. That seems mostly to be interpreted as involving four weeks or thereabouts in such a program. However, they are not in any case eligible for a Section 94 program until they have demonstrated a high standard of work and behaviour within prison for a period of four weeks. In other words, the soonest that a minimum-security prisoner can in practice normally become eligible for a work camp is two months into the minimum-security phase of his sentence. In addition, a prisoner’s eligibility for work camp placement¹¹⁵ is affected adversely (but not necessarily

115 The applicable Western Australian legislation does not adequately distinguish between ‘escape’, ‘absconding’ and ‘failure to return from an authorised absence’. This would need to be addressed in the work camp provisions in an amended Prisons Act.

fatally) by a previous escape history and also if he is subject to a Violence Restraining Order applicable in the general vicinity of the work camp. Finally, a prison or criminal drug offence within the previous three months disqualifies a prisoner from work camp participation.

- 3.51 Cumulatively these provisions limit eligibility, cutting out some prisoners whom superintendents might consider would benefit from such a program without posing any community risk. The initial impact at Bungarun when the eligibility rules were tightened was to cause six of the 20 prisoners to be transferred back to Broome Regional Prison. The figures have still not fully recovered.
- 3.52 Work camps are self-evidently a positive end-of-sentence activity, facilitating re-entry into the community. No evaluation has been done by the Department as to recidivism rates of work camp participants as against a control group of other prison leavers. However, anecdotally there appears to have been some success not just in relation to recidivism rates but also with regard to post-release employment rates (an inextricably linked factor). The statutory provisions and Departmental Directives should facilitate and encourage access to work camps. This can be done consistently with the stated Departmental objective of all Section 94 activities, including work camps:
- The primary reason for a prisoner's participation in a Section 94 activity will be to facilitate the prisoner's staged re-entry into the community, within the cornerstones of rehabilitation and re-integration, and reparation.* ¹¹⁶
- 3.53 Recent changes have disturbed the balance, and the time is apposite to re-balance the equation. This is essential if a balanced and equitable Kimberley Custodial Management Strategy is to be achieved.
- 3.54 The Wyndham work camp is an exception to the new rules and the balance has thus remained weighted towards these objectives. Wyndham is the only work camp that can receive prisoners directly, in effect, from court. This arrangement is authorised by paragraph 4.4 of Director General's Rule 17 and represents a sensible and practical recognition of the disadvantage that would otherwise ensue for East Kimberley prisoners.
- 3.55 The way it works is as follows. After a prisoner has been convicted in an East Kimberley court – most likely Kununurra – the police may contact either the work camp Senior Officer or the Broome Regional Prison Assistant Superintendent to check the prisoner's eligibility for the work camp. For such prisoners the double threshold –

116 Department of Justice, Policy Directive 53, [2].

four weeks in good standing in minimum-security and four weeks or so of successful Section 94 activity – will not be applied. In essence all this is done by telephone, though confirmatory documentation is also required. The fortuitous factor of where in the Kimberley a person is convicted thus has a direct bearing on his access to a work camp. Departmental managers find it difficult to comprehend why similar protocols cannot equally apply to Bungarun work camp eligibility.¹¹⁷

- 3.56 More fundamentally, they wonder why prisoners, once they have attained minimum-security status, cannot be managed by those whose very job is managing prisons and prisoners according to their own assessment of what is appropriate, what the particular prisoner is ready for, what stage of his sentence he has reached, how Section 94 or work camp experience will impact upon the overall objectives of his imprisonment, and so on. In other words, this question goes to the broader issue of the excessive centralisation of Department management.
- 2.57 With regard to the operations of the Wyndham work camp itself, it does seem to be better linked to Aboriginal and culturally appropriate work and services than the Bungarun camp, though the prisoners are certainly also involved in general town activities. There is widespread community support in Wyndham, including at the level of the Wyndham-East Kimberley Shire Council. This support seems to have increased and consolidated with the passage of time since the work camp's initial opening.
- 3.58 An interesting aspect of the camp's activities is that it is also a base for mobile operations; prisoners and an officer occasionally go bush with their swags for three nights to work on an Aboriginal-owned station, Home Valley. In the course of our consultations, both in the Kimberley and in the Goldfields and also in the 'Lands',¹¹⁸ the notion of a mobile work camp was put forward several times. This also is a model that should be considered, though the 'base camp' model adopted at Wyndham is certainly easier to service and less stressful for staff. However, a further advantage of a mobile work camp is the potential capacity to involve fine defaulters from remote locations prior to their imprisonment.
- 3.59 In this specific context, and also generally, it should be noted that the work camps often seem to be struggling for sufficient equipment, particularly vehicles and tools. Equipment demands are seen simply in accountancy terms, not in terms of the custodial and correctional objectives mentioned in Policy Directive 53, namely staged re-entry consistent with rehabilitation, re-integration and reparation.

117 Subsequently, the Department has submitted to the Minister an amendment to Director-General's Rule 17 that would put the Bungarun and Mount Morgans work camps on the same footing as Wyndham. This is laudable and appropriate.

118 Ngaanyatjarra lands.

- 3.60 A recent example underlines this point. Millstream, the Department's exemplary work camp, has eight prisoners and one leased eight-passenger 4WD vehicle. The accommodation block and general infrastructure would enable four extra prisoners to be accommodated, and the officers are confident that this would not cause management stress. However, the camp vehicle would need to be larger. A case was made for the purchase of an Oka, an advanced 4WD with a passenger capacity of 16. The Department's Capital Works Committee rejected the case on the basis that its purchase would not save the Department any money. Correctional objectives and returns were apparently irrelevant. This account is symptomatic of the continuing marginalisation of this side of the custodial business. The Inspectorate therefore recommends internal structural changes to bring Section 94 and work camp issues into appropriate policy prominence within the Department.¹¹⁹
- 3.61 A final issue relates to staffing. The officers who staff the work camps are an interesting and admirable group – self-reliant, possessing strong people skills and an ability to cope with conditions that can be quite demanding. Without people of this calibre, the work camps could not function; yet there is no clear Departmental recognition of this in relation to allowances, recruitment or training. This will be discussed further in Chapter 7, 'Prison Workforce Planning and Management'.

The Concept of 'Community Detention'

- 3.62 At the outset of the consultations, the Inspectorate considered that there was potential to develop, for Aboriginal communities, an equivalent to the quintessentially non-Aboriginal concept of home detention. In other words, the Aboriginal notion of 'home' being less static than the non-Aboriginal notion, equivalent access to custodial alternatives seemed to require a looser form of detention – detention in the community. However, in the course of consultations it became relatively clear that communities are reluctant to take on the responsibility of managing or supervising offenders at the front end of their sentences. Often, these people have been involved in domestic violence or family feuding and their community above all wants some respite from their presence. End-of-sentence community involvement, however, is a different matter. Partnering the Department in work camp activities or simply providing culturally appropriate work opportunities are ideas that received support.

119 Work camps should be seen as an integrated activity, not as simply an appendage of the particular host prisons. The person in charge of work camp operations and development should have at least of the status of superintendent and the budget for this activity should be set in a comparable way to that in which prison budgets are fixed. Access to the decision-making levels of the Department should be equal to that of prison superintendents.

The above comments refer to adult male offenders. With women the case is altogether different. Several women's groups would be prepared to host female pre-release centres along the lines of the model developed in Canada at the Okimaw Ohci Women's Healing Lodge in Saskatchewan. The manner in which this lodge operates draws very much upon the role of elders and the teaching and reinforcement of traditional culture. The elders are central to the programs, the ceremonies, the involvement with the local community and the counselling that is provided to the women. The most important elements for success were the cultural programs, gender-appropriate regimes and supportive staff, at least half of whom were Aboriginal. The regime was strengthened by strong family in-reach arrangements and provision for community leave of absence.

- 3.63 This model could be transposed to an Australian Aboriginal context with the overlay of programs relating to protective behaviours in domestic situations, the development of parenting skills, and skilling programs relevant to actual domestic needs post-release. The Warmun female elders indicated that they would, in principle, assist in such a program for female prisoners. So also did the Looma community in the West Kimberley. Of course, the construction of appropriate infrastructure, capacity building, adequate remuneration and appropriate linkages to the official agencies would be crucial to support such an activity. (The view was also expressed that women should have access to women's work camps, though this idea seemed to be rolled up into the notion of a female pre-release centre.)
- 3.64 As for juveniles, there was widespread support for community bail facilities. In particular, several stations were identified that could, in partnership with the Department, assist young people in acquiring skills while awaiting court hearings, as well as strengthening their cultural links. There was also acceptance of the notion that parallel arrangements might be made for the end-of-sentence phase of custodial management. However, as with adult males, there was marked reluctance for communities to take on front-end responsibility for convicted juveniles, particularly those whose offences involved violence. In summary, a 'pure' model of community detention was not supported. But the importance of community participation and input in various aspects of custodial management with regard to various groups of Aboriginal offenders was recognised and supported.
- 3.65 An idea that was not fully explored but seems important was the provision of 'community leave of absence' for the settling of family affairs. This would be easier to implement towards the end of a sentence and could fit well with the notion of re-entry planning and support. The present leave of absence provisions in the Prisons Act do

not explicitly cover this, but could be made to do so.¹²⁰ However, it would be preferable to introduce specific authorisation and criteria into the revised legislation. Comparable provisions are found in some other jurisdictions, including Canada, and appear to work without causing disruption to correctional strategies.

CUSTODIAL FACILITIES IN THE KIMBERLEY

- 3.66 Secure facilities are required in the East Kimberley and the West Kimberley. The data discussed in paragraphs above, as well as our own direct observations and consultations, have made this point absolutely clear. In each case they should be regarded not just as prisons but also as the administrative and strategic hub for the range of custodial and correctional services available in that area. Prisons, work camps, juvenile bail facilities, women's pre-release centres and also non-custodial correctional services should be integrated into a holistic service – something that has not hitherto been the case. The requirement of genuine regional direction and management is paramount.
- 3.67 The need to bridge the divide between Prisons Division and Juvenile Custodial Services on the one hand and Community Justice Services on the other, emerged strongly during the various consultations. The gaps in community justice services actually contribute to imprisonment patterns. For example, Community Justice Services has no presence at Wyndham. Consequently, no work has been identified and negotiated which is suitable to be carried out under Community Service Orders; and in any case there is no one to supervise it. Obviously, to sentence Wyndham or Oombulgurri offenders to do Community Service Order (CSO) work at Kununurra, where supervision is available, would be futile. Thus the courts are forced into imposing fines (which frequently end up as prison sentences by default) or imprisoning offenders.
- 3.68 This observation is supported by the long-established trend that Aboriginals are less over-represented in community corrections than in custodial settings. For example, as of 18 August 2005, 1,660 of the 5,550 distinct adults serving some kind of community order in Western Australia were Aboriginal – only 30 per cent as opposed to the 40 per cent plus normal prison population. At the juvenile level, the comparable figures are 56 per cent community orders as opposed to 80 per cent custodial orders. While it is understood that the explanation for this is substantially attributable to decisions made on the apparent merits by sentencing authorities, it seems self-evident that the lack of community justice personnel and services in some predominantly Aboriginal areas such as Wyndham necessarily exacerbates this inequitable situation.¹²¹

120 In particular, ss 83 and 87(2) of the Prisons Act could be applied so as to cover these situations, but in neither case is that the primary or explicit purpose of the provision.

121 A comparable point is true of Derby, as well as many of the remote communities.

- 3.69 A second example illustrates the same point in a slightly different way. Public servants tend to see the status quo as an unchangeable ‘given’, so that when the Inspectorate held discussions in Broome in August 2004 about the possibility of locating the West Kimberley prison in Derby, the objection was made that there was no Community Justice Services office there. Thus, it was argued, pre-release planning could not be effective, parole supervision would be difficult and accordingly a prison would not be feasible. The elementary notion of solving this problem by putting such services into Derby somehow did not present itself – better to leave the problem in place as an impassable barrier to change. This was a revealing example of ‘the tail wagging the dog’ in a Department whose tasks and structures at that stage were too fragmented.
- 3.70 In summary, a secure prison should be seen as the hub of a regional correctional service, the administrative location at which integrated and mutually reinforcing correctional strategies are implemented and developed. The model of functional and management separation that has characterised the Department since its 1993 amalgamation into a single Department is outmoded for contemporary needs.

The East and the West Kimberley: Prioritising Their Needs

- 3.71 In service terms, both regions of the Kimberley are impoverished; yet realistically two Kimberley capital infrastructure projects are unlikely to commence simultaneously. A preference must therefore be expressed. It is at this point that the crucial value of the consultation process becomes evident. Because of its consultations, the Inspectorate can say with confidence that the East Kimberley should be prioritised and that this decision, while not universally endorsed, will be broadly acceptable to the key stakeholders. The basis for this preference is that Kimberley prisoners from Halls Creek to Kununurra to Kalumburu are even more disadvantaged than those from Fitzroy Crossing to Bidyadanga to Derby. They are disadvantaged in terms of short-term detention (at the Kununurra Police lock-up), because of the onerous transportation arrangements to Broome and because, once in Broome, they are even further out of country than the West Kimberley prisoners. It is a simple matter of equity to deal with East Kimberley custodial needs first.
- 3.72 Note in this context Table 6 which records the distribution of Kimberley prisoners between the east and the west. There seems to be a relatively stable 50:50 split. An argument previously endorsed by the Department of Justice that the growth of population will be much more rapid in the West Kimberley, particularly Broome, than the East Kimberley obfuscates the point that the Broome growth will mainly relate to non-Aboriginal migration and transient tourism populations to the area – whereas the clientele of the criminal justice system is, unfortunately, predominantly Aboriginal.

EAST KIMBERLEY ISSUES

The Specifications for an East Kimberley Prison and ‘Correctional Hub’

- 3.73 Three questions arise. What should be the capacity of the prison; what security ratings should it cover; and where should it be located?
- 3.74 To begin with the latter question, it should be in either Kununurra or Wyndham; there is no other feasible location. The benefits and drawbacks of these locations will be reviewed later, but an important point to note (one beyond the remit or the knowledge of this Review) is that the developing cross-border jurisdictional arrangements with the Northern Territory could lead to a situation where some out-of-State prisoners would be accommodated in an East Kimberley secure prison. That is a possibility that should be kept in mind as the planning enters its final stages.
- 3.75 However, for present purposes the discussion as to capacity and security rating will proceed on the basis that only Western Australian prisoners will be housed there. Figures from the same three snapshot points give some indication of the overall Kimberley pattern.

3.76 Table 6: Kimberley Prisoners by Security Rating

Date	Maximum	Medium	Minimum	Total
April 2004	10	76	108	194
March 2005	11	128	118	257
June 2005	8	126	103	237

- 3.77 These figures relate to both Aboriginal and non-Aboriginal prisoners, but of course the Aboriginal component is overwhelming. The data is not collected by the Department in such a way as to enable a further breakdown to be made between East and West Kimberley prisoners, but for working purposes it is assumed that the 50:50 split is about right across security ratings generally.
- 3.78 Elsewhere in this Review calculations have been made about the ten-year population pressures across the whole State. The complexities and variables have been brought to the surface so that, if they change with changing circumstances, the calculations can be recalibrated. The only prudent way of planning is to build in a buffer at the outset: it is infinitely more difficult and expensive to in-fill an existing prison than to over-specify it somewhat in the first place. The recent experience of additions and adaptations to the Hakea and Bandyup sites graphically demonstrate this.

- 3.79 The Inspectorate’s ten-year projections suggest that the following needs will have to be met across the Kimberley: 145 secure male beds, 11 secure female beds, 88 secure open male beds,¹²² 56 work camp beds and 11 open female beds¹²³ – a total of 311 beds. These projections take account of the possibility that some Kimberley prisoners will still be held down south – for example, in the proposed secure forensic institution or in the high maximum security prison that should ultimately be constructed.
- 3.80 On the basis that 50 per cent of Kimberley capacity will be required in the East and allowing for a reasonable buffer, a round figure of 200 adult prisoners need to be provided for by 2015. Of course, not all will be in the prison part of the ‘correctional hub’, as we have called it. A female pre-release centre and at least two men’s work camps would devolve the open security prisoners away from the hub. Moreover, the minimum-security or secure open beds would operate in such a way that Section 94 work opportunities would be available. However, in the light of all these factors, it is estimated that 100 secure beds and 60 secure open beds would be needed at the prison site. The remainder of the custodial population would be accommodated in the female pre-release centres or the men’s work camps.
- 3.81 From an architectural and security design point of view, the Inspectorate has been most impressed with the design of Malmsbury Prison in Victoria. It successfully combines the security requirements for maximum and medium-security rated prisoners with open security for minimum-security prisoners, while at the same time achieving the cost-effectiveness in capital and recurrent terms of joining up the two approaches to custody. A good starting point for the designers of the proposed East Kimberley Prison would be Malmsbury – though it would require adaptation for climatic and cultural reasons. Planning would also have to take account of the need to have a secure women’s section as a separate, self-contained and comprehensively serviced area, albeit within the main perimeter. Allowance will also have to be made for the temporary return of work camp or female pre-release centre prisoners, for visits and other family or program reasons.
- 3.82 As previously stated, the prison should be ‘full service’, rather than the ‘self-serve’ model that has characterised ‘Aboriginal prisons’ previously – though we accept that highly specialised programs, such as sex offender treatment programs, may for cost-effective reasons need to be delivered in the specialist prisons down south. This is less

122 ‘Secure open beds’ is the phrase that we use to describe minimum-security accommodation surrounded by a fence, in the proposed new Wooroloo and Karnet style or in the existing Greenough style.

123 ‘Open female beds’ is the phrase that we use to describe Boronia-type accommodation, where the fence is not so much a barrier as a sensor.

than ideal, but probably unavoidable. However, fundamental programs, such as those relating to alcohol and drug abuse or to managing relationships without violence, should be available. ‘Aboriginal prisons’ have in the past largely been bereft of the program output that is necessary. From the point of view of rehabilitation, the new prison should be a powerhouse not a warehouse.

Kununurra or Wyndham Shires?

- 3.83 Decisions about major regional infrastructure developments should ultimately be made within the context of broad governmental priorities and policies. Other developments – for example, the proposed Ord Stage 2 project and the Argyle Diamonds continuation – also have a bearing on these matters. Governmental priorities thus go beyond the narrower issues of justice policy. What can be said however, is that as between Wyndham and Kununurra, either location would be viable. In our consultations, officers and representatives of the Wyndham-East Kimberley Shire Council informally indicated that they would in principle welcome and support a development at either location.
- 3.84 Apart from the construction phase, which itself would provide a significant input into the chosen community, a correctional hub of the suggested size would bring to the selected area about the same number of workers as there are prisoners – 150 maximum. Labour force availability would be important therefore, opening up questions of potential new entrants into this sector of the public service, particularly Aboriginals and women. With those workers would come families, and the need for suitable housing, infrastructure and services – education and health facilities, in particular.
- 3.85 The arguments for and against the two locations include the following. Kununurra has better-developed existing services – education (including TAFE services), health, other justice services, transport (with a commercial airport), related government functions such as the Department of Community Development, and police. However, land costs are higher than Wyndham and the availability of residential land is coming under some pressure as the town grows to service the mining boom. However, because of the availability of well-established services and facilities, it is probable that many of the potential new residents would prefer to live in the environment of Kununurra.
- 3.86 Wyndham’s current population is about 20 per cent of Kununurra’s. The town has undergone a long period of relative decline, with the closure of first the meat works, then the State Shipping Service and even the small 40-bed prison that once operated

there. However, the consensus was that this process has ‘bottomed out’ and that there were tangible signs of revival. The town still possesses good communications (transport and electronic) and basic education, health and other government services. Of course, these include the work camp itself, which would be an important aspect of this correctional hub.

- 3.87 There is plenty of land available in Wyndham for both residential and infrastructure development purposes. Market forces have not pushed up the price of land, as in Kununurra. Development of a prison could be the ‘tipping point’ to complete the town’s revival, meaning that there would be two significant regional centres in the East Kimberley. From a long-term point of view, that would seem to be a good thing – though that sort of consideration is par excellence something to be determined by broad governmental policy.
- 3.88 Of course, this assumes certain labour force factors, in particular that people would want to live in the Wyndham area. Certainly, it has its attractions, with the rivers, the hills and the estuary – but it is a remote location. In Chapter 7, ‘Prison Workforce Planning and Management’, the point is made that hitherto the Department has not understood the importance of creating real and valuable incentives for staff to remain in regional areas. That point would need to be addressed.
- 3.89 Currently, the custodial workforce – uniformed and civilian – is overwhelmingly non-Aboriginal. This must change. Community Justice Services have been reasonably successful in recruiting Aboriginal workers in the Kimberley, markedly more so than Prisons Division. Possibly, from the point of view of successful recruitment and retention of Aboriginal staff, Wyndham might have some advantage over Kununurra. However, in the case of both Wyndham and Kununurra, the Department links with the relevant Aboriginal organisations and peak bodies seem strong – a crucial point.
- 3.90 Geographically, Wyndham is better placed than Kununurra from the point of view of the catchment area for clientele, in that Oombulgurri and Kalumburu are closer. On the other hand, the growing population of Kununurra does not, unlike Broome, simply reflect an increase in the non-Aboriginal population; the Aboriginal population is growing also. In each town, it was relatively easy to identify a site that prima facie would seem to meet the needs. A proper site selection process would have to be carried out to confirm this.
- 3.91 In summary, it is almost an embarrassment of riches to identify in the context of a proposed prison development two locations that would be viable and amenable. The benefits and detriments of the two possible locations are so well-balanced that it is not

necessary or appropriate for this Review to indicate a firm preference.¹²⁴ The fact that there are two viable sites is in itself an additional reason to consider putting the East Kimberley ahead of the West Kimberley, where the location issues are much more difficult and are likely to take longer to resolve.

Related Services for Women and Juveniles in the East Kimberley

- 3.92 The possibility of a female pre-release centre should be thoroughly explored, initially with the Warmun women.¹²⁵ The broader Warmun community has a population equivalent to a small Wheatbelt town, and in that regard should be seen as meriting government-funded support services to no less an extent. Funding, both capital and recurrent, for a female pre-release centre would be a positive and productive investment. As emphasised repeatedly however, it should not just be a case of handing over some funds – and a problem to go with them – but rather should involve capacity building and strong linkages with and support from the Department.
- 3.93 With regard to juveniles, the Inspectorate readily identified one community organisation that seemed to have the motivation and experience to manage all but the most intractable juveniles through a period on bail. This was at Violet Valley, a 100 square kilometre station owned by the Aboriginal Lands Trust, which currently runs cattle and horses and offers cultural training courses. It is situated off the Halls Creek Road, some 250 kilometres from Kununurra. The community that runs it offer stockman programs for young males, most of whom are sent there on a semi-voluntary basis – for example, from the Halls Creek High School with the agreement of their families – and a few apparently pursuant to the provisions of the *Young Offenders Act 1994* relating to ‘informal punishment’ and ‘adjournment’.¹²⁶ Our observation is that the program was positive, culturally appropriate and directed towards self-esteem and employability.
- 3.94 Violet Valley is the sort of community that could partner the Department in dealing with some of the juvenile population. There would need to be great care in negotiating a balance between the quality control and duty of care concerns of the Department and its inputs into capacity building on the one hand, and the innovative and fresh approaches of the community on the other. A more flexible model of ‘contracting out’ would need to be developed by the Department – as would also be the case with the proposed female pre-release centres.

124 It is anticipated that the Aboriginal Reference Group in its own Report to the Minister will express a preference.

125 The Aboriginal Reference Group was to hold further discussions at Warmun, and the outcome of these will doubtless be reflected in their Final Report to the Minister.

126 Sections 67 and 68. The Kimberley Magistrate has subsequently confirmed with the Inspector that this was the legal device used in relation to that particular juvenile.

3.95 Violet Valley is not the only community in the East Kimberley with this kind of potential. In the course of this project, we have identified an additional 17 communities and sites throughout the Kimberley that might possibly take up service provision to juveniles, women or pre-release adults.¹²⁷ A fuller inventory should be made, with the benefits, disadvantages and capacities of each evaluated. This should be done through the standing Aboriginal Reference Group recommended by this Review.

Work Camps in the East Kimberley

3.96 The Wyndham Work Camp should remain operational if the correctional hub is established at Kununurra. However, if it is established at Wyndham itself, it may well be that many of its present activities could be conducted by open secure male prisoners under Section 94. That would open up the possibility of looking for an alternative suitable site. In any case, an additional site should be identified and developed. The Memorandum of Understanding with CALM and the self-evident synergy between the conservation role of that department and the skills and cultural backgrounds of the relevant population would suggest that sites should be sought in national parks and/or on Aboriginal-owned stations. Again, the Department, working in conjunction with the Aboriginal Reference Group, should make an inventory of possible sites and evaluate the feasibility of each.

3.97 Experience has shown that these developments should not be ‘done on the cheap’. The notion of recycling redundant State assets for correctional purposes, something that has characterised the early history of work camps, will no longer do. The kind of accommodation required is not expensive and represents a tiny fraction of the cost of secure prison cells. Also, proper investment should be made in equipment, particularly vehicles but also tools and small plant items. At present the Department functions on a policy that the group or agency for whom the work is being done must supply the necessary equipment – a practice that by definition limits and possibly distorts its choice as to what sorts of work in which locations can be utilised for the correctional objectives of re-entry, rehabilitation, re-integration and reparation. Also, this practice bypasses the benefit of teaching prisoners to understand the importance of looking after equipment and taking responsibility for occupational health and safety aspects.

127 These are as follows: Looma, Jalmadanga, Banana Wells, Mount Pierre, Ngarandju, Linga, Camp Marralan, Bell Springs, Warmun, Lower Liverings, Mowanjum outstations, Cattle Creek Camp, Ruby Plains Station, Ngulapi Station, Yarri Yarri, Djilumbaddi, and the Old Cherrubin Homestead.

General management of the East Kimberley work camps would be carried out from the correctional hub, whether at Wyndham or Kununurra.

Community Justice Services in the East Kimberley

3.98 The array of custodial services described above blends naturally into community-based justice services. Section 94 work by prisoners is by its nature indistinguishable from Community Service Order (CSO) work by offenders who are in the community. Release planning by a Community Corrections Officer (CCO) should meld into re-entry sequences involving prisoners – work camps, home or community leave of absence privileges, and so on. At the regional level, organisational fragmentation is dysfunctional. Without necessarily wishing to disturb basic organisational arrangements for the sake of doing so, the point is simply made that what works in Perth is often inefficient in the regions furthest from Perth. An alternative management model therefore needs to be developed.

East Kimberley Summary

3.99 The East Kimberley is an ideal area for piloting the new approach to custodial strategies for Aboriginal prisoners. It is best to think in terms of a holistic and integrated approach to custodial strategies within a particular region. This also fits with the notion that custodial strategies must be devolved from Perth to the places where they are actually being implemented. The East Kimberley initiatives would also provide a learning curve enabling the West Kimberley and the Goldfields strategies, and ultimately the strategies in each of the other regions of the State, to be implemented more effectively.

THE ABORIGINAL REFERENCE GROUP

3.100 The Kimberley consultation process has demonstrated how essential it is to listen to the voices of stakeholders, particularly Aboriginal people, in attempting to develop viable custodial strategies for Aboriginal prisons. It has also demonstrated that the consultation process is a beginning, not an end.

3.101 If the government accepts the recommendations of this Review, multiple tasks will follow:

- The decision as to which of Wyndham and Kununurra will be developed as the new prison site and correctional hub;
- Site selection within the preferred town site;

- Recruitment of staff, with an emphasis on the desirability of bringing Aboriginal people into the justice workforce;
- Identification of work camp sites that are culturally acceptable;
- Discussions with women elders about the establishment of a female pre-release centre; and
- Identification of specific communities that would appropriately manage and support services for juveniles.

3.102 These things cannot successfully be done by a Perth-based bureaucracy or by a predominantly non-Aboriginal regional-based bureaucracy.¹²⁸

3.103 In criminal justice policy and administration, nothing is static. The above tasks cannot be done once and for all time. Circumstances change, policies have to be re-evaluated, unintended consequences emerge and previously reliable community partnerships erode. For that reason that the Aboriginal Reference Group, or some derivative of it, should continue to exist. It should be a standing group, with clear remit and authority within the Justice portfolio. Its remit should be regional. In the particular context of the Kimberley, the present group should be continued indefinitely as an administrative matter, though ultimately its role would require statutory authorisation, as discussed in paragraphs below.

3.104 The Inspectorate also believes that comparable reference groups should be established in all the other regions. The Minister, rather than the Department, should appoint its members, so as to achieve a degree of autonomy. The history of statewide Aboriginal Reference Groups has not been promising, and the demise of ATSIC, with whom the Western Australian government had made a partnership agreement covering justice-related State government agencies, has eliminated the rather weak organisational glue that might otherwise have held statewide consultation processes together.

3.105 The role of the Kimberley Regional Aboriginal Reference Group would include the following: to maintain effective linkages with Aboriginal communities; to consider and discuss possible policy changes put forward by the Department before implementation, as well as to develop policy changes of its own for discussion with the Department; and to monitor the actual impact of current policies and practices upon their people, both prisoners and families. It should also have links with the

128 The present justice model of a senior manager of one of its activities being designated regional manager is ineffectual.

Inspector of Custodial Services, the Ombudsman and the Office of Health Review, to ensure that their concerns could be fed effectively into the accountability agencies as well as the operational Justice Department. The Reference Group should thus be constituted so that it has access to government and policy-makers, authority to make recommendations and get answers, and status to make inputs into funding priorities.

- 3.106 The main provisions relating to Regional Reference Groups (and in some other regions they will not be predominantly Aboriginal in membership) should be reflected in the revised Prisons Act. Possibly, these regional groups would best be described as Regional Custodial Services Reference Groups (that is, without specifying Aboriginality), reflecting both the essentially regional nature of their role and allowing for flexibility as to the ethnicity of the members so as to reflect the demographics and needs of each region. However this is done and whatever nomenclature is adopted, the key principles are as follows: (a) statutory authorisation; (b) Ministerial appointment; (c) clear remit including access, authority and funding inputs; (d) strong links to accountability agencies; (e) administrative support sufficient to enable a proper flow of information to and from the Groups; and (f) payment of sitting fees sufficient to ensure that community leaders and other key personnel will be prepared to participate.
- 3.107 The Department for a long time has proceeded on a model of ‘inform and implement’ rather than ‘consult and adapt’. Regional custodial policies, if they are to be effective, must now adopt the latter model. In the past four years, the Department has attempted to improve its approach to these matters. The Prisons Division has produced a Strategic Plan for Aboriginal Services 2002–2005, and a Kimberley Regional Justice Project was commenced involving consultation with various communities. Out of this has grown a proposal for the establishment of local Aboriginal Justice Committees, described by the Department as the ‘entry point’ for consultation with Aboriginal communities and groups.
- 3.108 The supposed role of these committees is, first and foremost, to develop a plan with regard to justice services generally for their local areas – to enhance ‘safe and just communities’. The status of such plans thereafter is unclear; it sounds very much as if they may be subjected to the familiar bureaucratic second-guessing process. Access to the decision-making level does not seem to be guaranteed nor is the authority of these committees clear. Input into funding decisions also seems at best very indirect. Their remit is to encourage ‘safe and just communities’ through the development of local plans expressing local priorities, and it is evidently not intended that custodial strategies should be within that remit. Whatever the strengths and weaknesses of this model, therefore, it is clear that it does not cut across, nor will it compete with, Regional Custodial Services Reference Groups.

3.109 Since 1901, Aboriginal custodial issues have been core business for Western Australian governments, though this has not always been recognised. In recent times, 40 per cent plus of male prisoners, 50 per cent plus of female prisoners and 80 per cent plus of juvenile detainees have been Aboriginal. Yet in policy terms Aboriginal custodial issues have lacked clear articulation and focus. The disgraceful state of the ‘Aboriginal prisons’ and the sub-standard service provision for Aboriginal prisoners in 2000, when the Inspectorate was established, is sufficient testament to this. Laudable as recent efforts have been, it is difficult to have any confidence that the mechanisms developed internally by the Department’s Aboriginal Policy Directorate will fundamentally alter that balance. A new model of consultation is required. In the short-term, the proposed continuation in some form or another of the Kimberley Regional Aboriginal Reference Group is considered as crucial.

3.110 A final point is that the same group would cover both the East and the West Kimberley, even though the Review sees them as requiring discrete approaches. The present membership covers all geographic areas and cultural experience and their understanding and experience is mutually reinforcing. The Kimberley cannot be regarded as a monolithic area from the point of view of prisoner custody arrangements, but the political and cultural links between community leaders are strong.

WEST KIMBERLEY ISSUES

3.111 The discussion in this section proceeds on the same basis as in relation to the East Kimberley – namely, that a round figure of 200 adult prisoners will need to be provided for by 2015. Allowing for a buffer, it is estimated that 100 secure beds and 60 open secure beds would be needed at the prison site itself, while alternative custodial arrangements including work camps and a female pre-release centre would also need to be available.

3.112 However, there is one important difference from the East Kimberley. This relates to the fact that the District Court sits in Broome – a practice that is likely to continue.¹²⁹ Accordingly, provision should be made to enable prisoners who are actually undergoing trial to be held at Broome for the duration of that trial rather than moved back and forth daily to the location of a proposed new prison. This point will be developed in detail later.¹³⁰

129 The Supreme Court also sits in Broome, but its sittings are very much ad hoc and infrequent, according to need.

130 Ibid

- 3.113 A related point about court activity concerns the fact that there is only one magistrate for the whole of the Kimberley area. The consequence of this, already alluded to, is that quite often offenders spend long periods of time in the Kununurra Police lockup, and our observations from the earlier and current review of prisoner transportation services indicate that there is a great deal of movement between Kununurra and Broome using AIMS vehicles. The conditions of such transports are oppressive and can border on breach of fundamental human rights. While it is accepted that such movements are inevitable from time-to-time, it does appear that the numbers could be substantially reduced not only by the establishment of appropriate custodial and other facilities in the East Kimberley, but also by the creation of a system offering court services in the East Kimberley on a regular basis.
- 3.114 To flesh out that proposal a little, it is evident that a magistrate based say in Kununurra would take on responsibility for the whole East Kimberley area from Halls Creek in the south to Kalumbaru in the north. Such an appointment would certainly improve the quality of justice services in this important area of Western Australia. However, there is some dispute as to whether there would be sufficient work to justify such an appointment. If that is an issue, questions of the possible re-distribution of work could be explored – for example, commissioning the magistrates or one of them to carry out District Court trials in the Kimberley as required from time to time, thus obviating the need for expensive District Court circuits in that region. That is something for the Department and the Attorney General to pursue.
- 3.115 The core point is that the extent of justice services in an area of the State that contributes a great deal to the wealth of Western Australia is below an acceptable standard and that this in turn distorts services available to the most vulnerable group in the population, Aboriginal people. The question should therefore be constructively addressed.

The Location of the Correctional Hub: Broome or Derby?

- 3.116 There are only two towns that could conceivably support correctional operations of the kind that are needed, namely Broome and Derby. As previously mentioned, the Department had intended constructing a large new prison on the Waterbank site approximately 15 kilometres from the centre of the Broome townsite. Even though it now appears to be accepted and understood by the Department that a single Kimberley custodial development would not be appropriate, there is still some support for the notion of developing the required West Kimberley facilities at the Waterbank site. The only other site that has seriously been considered in the Broome area is near the

racecourse; but it is considered inconceivable that such prime real estate would be assigned for a prison development in a town that is in need of land for further residential development. In other words, if Broome is to be the location for the new correctional hub then Waterbank would appear to be the only possibility.

3.117 Before discussing some of the issues surrounding Waterbank, the main arguments supporting a development at Broome need to be spelt out. Essentially, they come back to the fact that Broome is now already a major regional centre that has all the government and related services that ideally should be in place to support prison and correctional operations. Thus, there is a well-developed health service including psychiatric services; there is a good communication system, both electronic and in transport terms, including a major airport; education facilities are good, including an excellent TAFE and even a tertiary university presence; there is a considerable amount of Section 94 work potential around the townsite; police services are well established, with a new police complex construction shortly to be commenced; as mentioned already, justice services including community justice services as well as court services are established strongly at Broome; and there is an ability to retain non-Aboriginal staff in the area. It is also said that the attraction of Broome is that the population growth in the Kimberley generally and particularly within the West Kimberley is likely to occur in that area. But as pointed out previously, the population growth mainly refers to inwards migration of non-Aboriginal persons to service the burgeoning tourist industry upon which Broome now substantially depends.

3.118 There are some countervailing drawbacks to the Broome area, however. One of them is the sheer expense of acquiring land, constructing a major complex and living in the area. The relevance of the expense of acquiring land mainly relates to the need to provide additional accommodation for the increased numbers of staff that would be required to run the correctional hub that is envisaged. With regard to staffing more generally, the observation of the Inspectorate has been that there is more than a suggestion that some staff go into semi-retirement when they take up employment at Broome Regional Prison; the 2003 Employee Opinion Survey indicated that for many, work at Broome Regional Prison was a lifestyle choice. In that regard, despite some recent attempts to redress the balance, the existing prison very much depends on non-Aboriginal staff. One of the key issues for regional prisons in Aboriginal areas is that they should be drawing upon Aboriginal people imaginatively and flexibly to play significant roles in the running of the prison. In summary, the existing infrastructure arguments are certainly attractive in relation to any major new human service development in Broome, but there are clear countervailing detriments that would also have to be taken into account.

3.119 This brings us to the question whether, in any case, Waterbank is a viable site for prison construction as the administrative centre of a correctional hub. One matter in its favour is that, if a development can be undertaken there, there is plenty of land. There is a strong evolving view among communities that for the secure open prisoners the prison situation should allow for training in such activities as horticulture and skilling in the use of plant such as grading equipment or forklift trucks; and these activities require good land and water. More generally, provision of a hostel or accommodation for visitors would be possible on the Waterbank site.

3.120 However, the problems with Waterbank are legal and political, in the sense that there are numerous Aboriginal groups with interests in or claims to the land. The matter is complex, and the broad conclusion reached after the consultation process through the Aboriginal Reference Group was as follows:

*The unresolved legal issues, with the complicated and complex local political dynamics between the respected competing interests, make this environment and a proposal for a facility at Waterbank a continuing uncertainty. While such a proposal for some form of custody facility and associated benefits could focus the groups, it could equally be a continuing point for reinforcing the divisions.*¹³¹

3.121 Thus, a decision to proceed with a development on the Waterbank site could not sensibly be made at the present time. Clearly, as previously mentioned, the potential for reaching agreement for a development in the East Kimberley is considerably more realistic than a proposal for proceeding with a Broome-based new development.

3.122 The claims of Derby now need to be examined. In recent years there has been an apparent policy of reducing Derby's significance as a regional centre. Government services have tended to grow in Broome and diminish somewhat in Derby. However, having said that, adequate and viable services nevertheless do appear still to be in existence. The health service, while not of the standard of that at Broome, is adequate. Education facilities exist, including the presence of TAFE. Road transport is good, and air transport is available and likely to grow. In an emergency, a plane of any size could land at the Curtin Airbase and in any case the Derby airstrip can cater for small aircraft including the Royal Flying Doctor Service.

131 This summation of the situation is based upon discussions between the Chairman of the Aboriginal Reference Group and representatives of the Kimberley Land Council.

- 3.123 From the point of view of visitors to a prison, there is already a reasonably low-cost Aboriginal hostel. By contrast there is almost nowhere inexpensive now available in Broome for Aboriginal visitors to the town to stay, and one can see the impact of this with one's own eyes as people sleep out and incidentally, tend to come to the attention of the police because of their presence in the town without any residential support.
- 3.124 In staffing terms, Derby would offer opportunities for the recruitment of Aboriginal staff, although it could be less attractive to non-Aboriginal staff than Broome. (In this regard the chapter dealing with work force recruitment and retention refers to the key need for proper regional incentive allowances, and these should be applicable to all staff, including Aboriginal staff from the surrounding areas.) From the point of view of new staff housing, land is less expensive, and we were informed that more residential land can quite readily be brought on line.
- 3.125 From the point of view of justice services generally, a new police station is under construction; also there is a well-used courthouse. Importantly, the local population accepts custodial services in their neighbourhood; the Bungarun camp is testament to this and so also was the Immigration Detention Centre at Curtin. When that was in existence, its activities were absorbed well into the local community, including its need for health services and the enrolment of some detainee children at the local school.
- 3.126 The main issue, still not fully resolved, is the question of a suitable site. A small site has been already identified near the turnoff to the local airport, and the Review has been informed that supplementary land could also be excised from the Derby Town Commonage to create a viable area. In the same general vicinity, a 68 hectare site currently owned by the Department of Agriculture appears suitable for the sort of correctional facility discussed above. Both of these sites are approximately 15 kilometres from the town centre.¹³² Another suggestion is that the Bungarun site itself could be redeveloped as a prison, but on balance the Review is not in favour of such a move and doubts whether the Aboriginal Lands Trust would approve.
- 3.127 The final point that should be made is that the local Shire Council would welcome any such development. Interestingly, the Broome Shire Council is also supportive of Derby taking on this role, and our distinct impression is that this was very much from the point of view that two major regional towns are desirable in the West Kimberley, not from the point of view that it was wishing to push an unwanted service onto a less favoured town.¹³³

132 Of course, in each case there would be legal processes to be followed and issues to be overcome but they appear at this stage to be straightforward in comparison to those involving the Waterbank site in Broome.

133 This view was expressed both at the Inspector's August 2004 consultation and during the Aboriginal Reference Group's thorough August 2005 consultation.

- 3.128 In summary, a development for the West Kimberley seems more appropriately based in the Derby area than the Broome area. Following its extensive consultations, the Aboriginal Reference Group developed a strong consensus on this point. Fortified by our confidence in the consultation process, the Review is prepared to express a clear preference for Derby.
- 3.129 Of course, broad government policy as to regional development and services will have a key role in any decision as to location, but from a correctional and a community point of view Derby seems to be preferable. The Department should now start putting its energy and commitment into trying to flesh out this possible development. As in the case of the East Kimberley, this can best be done working through and with the standing Aboriginal Reference Group or its successor body, as well as the local government agencies and other official stakeholders.

Related Services for Women and Juveniles in the West Kimberley

- 3.130 Exactly the same sort of issue arose in the West Kimberley consultations as in the East Kimberley. There was strong feeling that minimum-security female prisoners from the region required innovative and supportive services that included a women's work camp and enabled the children of the women to be accommodated with them during the latter stages of their custodial period.
- 3.131 The way the work camp notion was articulated brought it nearer to the concept of a female pre-release centre. Thus, the living-in possibility for children accorded with this notion, as did the view that there should be female-specific programs and female counsellors. The notion of a women's peer program which could teach such matters as public speaking would give these women the confidence to pass on their experiences in order to deter children and others from similar paths. It was also considered that women's place in the community and their ability to deal with family violence issues and the like could be strengthened during this period of custody. Above all it was crucial that Aboriginal people should predominantly be responsible for the management of this kind of facility. The further and deeper involvement of Aboriginal people in Aboriginal custody of all kinds was a dominant and strong theme throughout all of the consultations. The Looma community has already put forward a proposal to build a women's centre, including a crèche, to teach skills and provide support, particularly to young mothers who often are stressed. This indicates the level of potential community support for these kinds of activities in support of women.
- 3.132 With regard to juveniles, the same message that was heard in the East Kimberley was repeated: that the communities did not really wish to take on responsibility directly at

the front-end of sentences for male juveniles, particularly those whose offending behaviour involved violence. On the other hand, it was considered that either while on remand or towards the end of a sentence there were potential opportunities for the young males to learn relevant skills of the sort at Violet Valley. The Looma community referred to two stations at Yarri Yarri and Djilunbaddi as well as to an existing location offering a stockman's course, Sammy Lovell's 'harnessing school' on the Gibb River Road. There is already a 'Youth at Risk' program, known as the Yiriman Project, about which the local community is very enthusiastic. It is based in Derby. The programs offered there to juveniles – who are referred by the relevant community under the *Aboriginal Communities Act 1979 (WA)* – aim to give balance to life and include bush trips, historical events and dreamtime stories. This program is run under the auspices of the Jarlmadangah Burru Community.

Work Camps in the West Kimberley

3.133 The Bungarun Work Camp has been successful, though like every other work camp in the system it has not been formally evaluated in terms of its impact upon the recidivism or the employment rates of those who have re-entered society via a work camp. Nevertheless, communities perceived it as being successful, and that is an important and valid benchmark. There can be no doubt that the Bungarun work camp should remain operational.

3.134 In relation to Wyndham (and indeed the other work camps), it is under-resourced in terms of equipment and its accommodation and other buildings need refurbishment. The costs involved are likely to be quite trivial in relation to the overall custodial budget, and the time has come for this facility to be properly funded by the Department. There was widespread agreement that other work camp sites could successfully be commenced. The strongest support came for one in the Fitzroy Crossing area, and again consultation with CALM and with the Aboriginal Reference Group would enable a precise location and set of objectives and work opportunities to be identified.

Community Justice Services in the West Kimberley

3.135 As already mentioned, there are no such services in the Derby area. The arguments for establishing them are parallel for establishing them at Wyndham and they hold up regardless of whether Derby is the site selected for the West Kimberley correctional hub.

The Continuing Role of the Aboriginal Reference Group

3.137 Again, identical arguments exist for the retention of the Aboriginal Reference Group as a standing body. In the West Kimberley, if the broad thrust of this Report is accepted, the tasks to be carried out include the following:

- Determination of whether Broome or Derby is to be the location of the correctional hub;
- Once the location is determined, widespread consultation with all relevant communities to ensure full support for the development;
- The simultaneous identification of suitable locations for a female pre-release centre;
- Identification of suitable locations for juvenile bail facilities or end of sentence station activities;
- Input into the negotiations with the relevant communities as to the management and funding models for these developments;
- Leadership in bringing more Aboriginal people into the justice workforce in ways which are culturally appropriate; and
- Ongoing political and community liaison to ensure that these new developments evolve in ways which remain acceptable.

West Kimberley Summary

3.138 In summary, it is evident that there are strong community mechanisms in the West Kimberley that can be tapped to enable a viable West Kimberley Custodial Management Strategy to be developed and implemented. However, there are enough unresolved issues, in contrast to the East Kimberley, to lead the Review to recommend that the initial Kimberley developments be carried out in the East Kimberley but that planning should immediately commence with a view to bringing the West Kimberley on line as soon as is feasible.

THE FUTURE OF BROOME REGIONAL PRISON

3.139 Recognising that the situation in the Kimberley is approaching crisis point, the Department has developed some preliminary options for interim accommodation at Broome Regional Prison. In essence, these preliminary plans, if implemented, would achieve the following objectives:

- Provide for the whole site to be fenced in a way which is consistent with the recently endorsed plans for minimum-security prisons or, to use our own previous terminology, achieve ‘open security’;
- Create a secure section precinct; that is, one that is suitable for maximum-security prisoners. The capacity would be increased from nine secure male beds to 18 and this new arrangement would be supported by the construction of a secure sallyport;
- Add 28 open security beds to the existing number, making a total of 73 for male prisoners;
- Re-arrange the internal structure and carry out appropriate modifications so that there would be a self-contained female precinct which was quite separate from that of the male prisoners and which included facilities for education programs and training; and
- Construct a new health centre facility that was accessible from both the secure section and the open secure area.

3.140 In the light of the proposals set out above, the question arises whether this is a sensible expenditure for an interim purpose. The answer to that may partly depend upon how it is contemplated the Broome Regional Prison should be used in future. It may also depend upon how promptly the East and West Kimberley custodial management plans and the infrastructure commitments are commenced. If there were to be a long delay, then the case for making the kind of proposed interim arrangements suggested for Broome Regional Prison would be somewhat more persuasive. If, however, the East Kimberley project were commenced as soon as is feasible, some of the pressure would be relieved in the medium term (three to five years) from the Broome Regional Prison situation, enabling questions to be asked about its appropriate ultimate use. Moreover, there may well be less expensive ways of easing the short-term pressure, as discussed in paragraphs below.

3.141 There are several views about the future of the prison. One that is strongly held among most of the relevant Aboriginal groups is that the prison should be closed and returned to the Rubibi people, who are the traditional landowners. At the other end of the spectrum there is a view that the site is premium developmental land in the centre of town and that it should accordingly be sold by the Department and made available for commercial or residential development that accords with the Broome town plan.

- 3.142 With regard to the views of those who consider that it should be retained for custodial purposes, a range of suggested uses has been put forward: a juvenile remand and rehabilitation centre, akin to that proposed for Kalgoorlie–Boulder and Geraldton; a work camp base for the activities that are currently carried out under the authorisation of Section 94 to be continued around the Broome townsite; a women’s prison, enabling the new facility to be male only, thus avoiding some management and construction complexities and at the same time achieving separation for the female prisoners; or a temporary holding prison for those who are undergoing trial at the Broome District Court or, where relevant, at the Broome Magistrates Court.
- 3.143 It is the opinion of this Review that the government should make a commitment to close Broome Regional Prison altogether with consideration being given to returning it to the traditional landowners, once the East and West Kimberley Custodial Management Strategies are in place. Realistically, that would involve an earliest return date of 2012–13. Historically, the site represents a symbol of an oppressive relationship between the non-Aboriginal settlers and the traditional Aboriginal people. It is as alien to contemporary standards as Fremantle Prison had become when it was closed in 1991. In addition, it adjoins land that holds considerable cultural significance.
- 3.144 The other competing uses described below could each be met in alternative ways. With regard to women’s secure imprisonment, improved design techniques and cultural understanding will mean that the arrangements at the new prison can be made acceptable. With juveniles, community support for bail arrangements and end-of-sentence preparation for re-entry will mean that the alternative strategies discussed should be viable. As for the Section 94 activities that have previously been successful at Broome, possibly when the Waterbank issues are resolved it may be possible to establish a base there. In the meantime, there are other possibilities to be explored around the Broome area and as far south as Bidadanga.
- 3.145 With regard to court appearances, if Derby becomes the site of the new West Kimberley Regional Prison there is no reason why the West Kimberley magistrate should not be based in Derby, coming to Broome occasionally – the obverse of the present practice. Also, the timing is opportune to explore with the Police Department whether the new facility that is being planned for the present site and some adjoining land could be constructed in such a way that it contained better quality holding cells in which prisoners could be held for the duration of District Court trials – if indeed these were still held at Broome rather than Derby.¹³⁴ The recent refurbishment of the Derby Courthouse would

134 It would be possible to provide that the Department of Justice, either directly or through its contractor AIMS, ran that part of the lock-up – mirroring the present arrangement at Carnarvon.

seem to facilitate the possibility that Derby could replace Broome as the judicial hub of the West Kimberley. Indeed, District Court trials are already held there.

- 3.146 The short-term population pressures could inexpensively be met in the following ways. First, there is room to lift in four eight-bed, air-conditioned dongas between the fence and the present minimum-security area, thus increasing accommodation by 32. That would enable some of the existing multiple-bed cells to be utilised in ways closer to their design purpose and capacity. Second, one or two additional work camp sites could be identified, probably in the Fitzroy Crossing and the Halls Creek areas. This would be done under the aegis of the Aboriginal Reference Group and in partnership with the local communities. Investment in decent accommodation and proper vehicles and equipment should be made. This would add at least 24 further beds to the Kimberley custodial capacity.
- 3.147 Of course, the restrictions upon admission to Section 94 and work camp programs would have to be eased to enable these proposed new facilities to be fully utilised as would the question of incentives (see paragraphs above). But this approach would not involve throwing good money and resources after bad; the proposed work camps would constitute an ongoing component of the Kimberley Custodial Management Strategy.
- 3.148 This short-term solution to the overcrowding of minimum-security prisoners would leave maximum- and medium-security prisoners down south and out of country until such time as first the East Kimberley and then the West Kimberley prisons came on line. Unfortunately, there can be no quick fix to this problem. What really matters is to get it right in the longer term.

CUSTODIAL MANAGEMENT AFTER IMPLEMENTATION OF THIS STRATEGY

- 3.149 The Kimberley custodial arrangements, once fully implemented, would look something like the picture described below. Some elements would be fixed and some dynamic. In particular, the precise location and the partnership arrangements in relation to services for minimum-security women and juveniles would be dynamic, reflecting the changing profile of populations and the capacity or desire of communities to continue to provide services.
- There should be two prisons – one in Kununurra or Wyndham, the other preferably in Derby. Each prison would have 100 secure beds and 60 open security beds. A design drawing upon the insights of Malmsbury Prison in Victoria would enable the secure and the open parts to be contiguous so that they

could draw upon common services. Within the overall design there would be discrete secure female accommodation;

- The notion of a ‘secure bed’ recognises that the perimeter security for maximum and medium-security rated prisoners is identical, and the only differences between the two would be reflected in internal arrangements;
- The initial demand for secure beds should fall short of capacity, enabling a wing of, perhaps, 20 beds to be ‘mothballed’ until such time as needed;
- Both prisons would be ‘full service’ in terms of offender programs, education, training and work opportunities – though some specialised services may still have to be delivered in other prisons;
- Staffing profiles would reflect the fact that the population is likely to be predominantly Aboriginal, with greatly increased numbers of Aboriginal people in all parts of the workforce;
- Open security prisoners would be involved, as appropriate, in Section 94 programs in the community;
- Work camps for male prisoners would exist throughout the Kimberley, as justified by eligible numbers and may be relocated from time to time. Consequently, the use of relocatable work camp buildings is recommended;
- Female pre-release centres would be established in both the West and the East Kimberley, in partnership with community groups;
- Juvenile community detention centres would be established as required throughout the Kimberley, in partnership with community groups;
- The activities of Community Justice Services (as well as Juvenile Community Services) would be meshed with those of Custodial Services so as to produce an integrated service;
- Day-to-day management of the range of custodial and relevant community services would be carried out from the regional administrative hub, based at the two prisons;
- The Regional Custodial Services Reference Group would be involved in policy development and implementation across the whole regional sector;
- Full court services would be available throughout the Kimberley; and
- The demand for intra-prison transport services would be markedly reduced.

3.150 RECOMMENDATIONS

Overall policy and planning

19. The planning, development and implementation of the Kimberley Custodial Management Strategy should proceed on the basis that the East Kimberley and the West Kimberley have equal service needs and each requires full custodial and related services, as also identified in the report to the Minister from the Kimberley Aboriginal Reference Group.¹³⁵
20. Recognising that the needs are urgent across the whole region, nevertheless the planning, development and implementation of the East Kimberley component of the total Custodial Management Strategy should be given a higher priority with regard to the prison construction aspect of the strategy.
21. The planning, development and implementation of the West Kimberley component should also commence as soon as possible.
22. The key components of the strategy for both parts of the region are as follows:
 - secure beds to enable maximum and medium-security prisoners from the region to serve their sentences in their own country;
 - separate secure accommodation for maximum and medium-security women prisoners from the region to enable them to serve their sentences in their own country;
 - minimum-security or ‘open secure’ beds to enable prisoners from the region to serve their sentences in their own country in conditions that accord with modern standards of service and decency;
 - the establishment of work camps for male prisoners across the region, preferably in partnership with local communities;
 - the establishment of female pre-release centres in partnership with local communities;
 - the establishment of juvenile bail and pre-release centres in partnership with local communities;

135 The Kimberley Aboriginal Reference Group *The Kimberley Custodial Plan: An Aboriginal Perspective. Stage one Report: Custodial Facilities in the Kimberley* (October 2005)

- full integration of custodial services with community justice services (adult and juvenile) so as to provide enhanced opportunities for non-custodial alternatives, improved pre-release planning and effective post-release through-care;
- the implementation of policies that ensure greater workforce participation by Aboriginal people in all aspects of custodial management across the Kimberley; and
- ongoing input from the Aboriginal Reference Group during all stages of the planning, development and implementation of the Kimberley Custodial Management Strategy.

The prison complexes

23. Consideration should be given to the East Kimberley Prison being located in either the Kununurra or the Wyndham shire areas. Consideration should be given to the West Kimberley Prison being located in the Derby area.
24. Ultimately, consideration should be given to the Broome Regional Prison being closed once the East and West Kimberley Prison complexes have been completed and are operational. Consideration could also be given to the site being returned to the traditional landowners
25. As a short-term solution, consideration should be given to minimum-security accommodation at Broome Regional Prison being increased as soon as possible by 32 beds by lifting in dongas or other temporary buildings of a suitable standard.
26. Expenditure on Broome Regional Prison, thereafter and until its closure, should be limited to improving the women's facilities and amenities which are still currently less than those for male prisoners; any low cost enhancements that enable more humane regimes; as well as minimal maintenance, subject to any emergency capital requirements required for reasons of security, duty of care or occupational health and safety.
27. Section 94 work and recreational programs for prisoners at Broome Regional Prison should be reinvigorated during the remaining period of use of the prison so as to make the regime and conditions more acceptable.

28. The design of the two regional prisons should take account of the approach whereby accommodation for secure prisoners and minimum-security accommodation can be constructed in contiguous zones, so as to enable all services to be shared thus enhancing cost-effectiveness.
29. The secure women's facilities should provide visual privacy from the male prisons while allowing for shared services. Importantly, women prisoners will require an equitable range and quality of services and facilities to that provided to male prisoners, regardless of their lesser number.
30. Each of the prisons should be 'full service' in the sense of the availability of offender programs, education, work and training opportunities, and welfare and health services. However, it is recognised that some highly specialised services can only be effectively delivered on a statewide basis.
31. Each prison complex should be the administrative hub of custodial services in the regional area, and organisational structures and accountabilities should reflect this.

Work camps

32. Policy development and management of work camps across the whole State should be upgraded under the direction of a person whose status is at least equivalent to that of a superintendent.(see also recommendation 110)
33. Consideration should also be given to the position having the remit for managing all Section 94 and leave of absence matters.
34. The managing position should have control of a budget sufficient to develop work camp and Section 94 activities across the State.
35. In relation to work camps, the budget should be sufficient so that accommodation could if necessary be constructed (rather than redundant State or local government facilities being relied upon), that all necessary vehicle and equipment needs can be met directly and that the staffing levels and allowances are such as to reflect the responsibilities that are involved.
36. In identifying new locations and programs, the managing position should consult with local communities both through the Aboriginal Reference Group and directly, and should also liaise closely with CALM pursuant to the July 2005 Memorandum of Understanding. Across the Kimberley, the guiding principle should be that, where a critical mass of prisoner population can be achieved, as many work camps are established as are reasonably necessary to cover the geographic spread of the relevant population.

37. In the immediate future the Department, acting with the advice of the Aboriginal Reference Group, should explore the possibility of establishing work camps in the Fitzroy Crossing and the Halls Creek areas with a view to relieving overcrowding in the minimum-security areas of Broome Regional Prison.
38. Policy Directive 53 and Director General's Rule 17 should be reviewed in terms of the discussion in this Report so as to facilitate eligibility for participation in work camp activities.
39. The question of incentives for work camp participation should also be reviewed.
40. The existing work camps at Bungarun and Wyndham should continue in operation and the Department should urgently review their vehicle and equipment needs, the possible refurbishment of some of the accommodation areas and the staffing arrangements to meet the criteria set out in this Report.

Women's pre-release centres

41. The Department, with the advice of the Aboriginal Reference Group, should identify and negotiate with senior women at communities that would be prepared to enter into partnership arrangements for the management in country of minimum-security women prisoners.
42. Consideration should be given to suitable accommodation being constructed at Department expense to enable the women themselves and, as and when appropriate, their children or other family members to reside in those communities.
43. Consideration should be given to programs being available to address the offending, cultural, family, life skills and social needs of the women prisoners.
44. The activities of the centres should be linked with relevant community justice, health and welfare services in the general community.
45. Consideration should be given to the remuneration basis of these arrangements being at commercial rates and should take account of the fact that the capacity to accept offenders from time-to-time needs to be maintained.
46. The legislative basis for these arrangements should be clarified and consolidated.

Juvenile facilities

47. The Department, with the advice of the Aboriginal Reference Group, should identify and negotiate with communities that would be prepared to enter into partnership arrangements for the management in country of appropriate juveniles while on bail and during the pre-release stage of their sentences.
48. Where necessary, consideration should be given to accommodation arrangements being supplemented or re-furnished at Department expense.
49. Consideration should be given to programs being available to address the offending, cultural, family, life skills and social needs of the juveniles, with particular emphasis upon employability after release.
50. The activities of these facilities should be linked with relevant community justice, health and welfare services in the general community.
51. Consideration should be given to the remuneration basis of these facilities being at commercial rates and should take account of the fact that the capacity to accept offenders from time-to-time needs to be maintained.
52. The legislative basis for these arrangements should be clarified and consolidated.

Adult and juvenile community justice services

53. Organisational arrangements within the Department at the regional level should take account of the need to achieve effective linkage between these services and the available custodial services. This will require providing such services in areas not currently serviced.

The Aboriginal Reference Group

54. The existing Aboriginal Reference Group should remain in existence for the period of implementation of this Review's recommendations and in particular, should be involved in the tasks identified earlier in this chapter.
55. Serious consideration should be given to the provision of administrative support for the Group.
56. The amended Prisons Act should provide for the establishment of Regional Custodial Services Reference Groups for each region of the State with standing, authority and remit as broadly set out in paragraphs earlier in this chapter.

57. The role of the Aboriginal Reference Group should be subsumed by the Regional Custodial Services Reference Group for the Kimberley once a statutory framework is in place.

Judicial, court and trial matters

58. Consideration should be given to a review of the current arrangements whereby one Magistrate is required to cover the whole Kimberley Region. If it is appropriate to appoint a second Magistrate consideration should be given to basing the second Magistrate for the Kimberley in the East Kimberley.
59. Consideration should also be given to commissioning one of the Kimberley magistrates to exercise District Court jurisdiction.
60. If the main custodial facility for the West Kimberley is constructed in the Derby area, consideration should be given to making Derby the principal base for West Kimberley Magistrates and District Court matters.
61. The possibility should be explored of constructing the new Police complex at Broome so as to provide capacity to hold prisoners who are being tried at Broome for the duration of their trial in conditions that meet appropriate standards as set out in the Standard Guidelines for Corrections in Australia 2004.
62. In that event, the possibility should be further explored of devolving responsibility for the management of that part of the complex, when being used for such prisoners, to the Department.

Chapter 4

CUSTODIAL MANAGEMENT AND PRISON REGIMES: THE EASTERN GOLDFIELDS

The Context

- 4.1 In light of the overall direction from the Minister, the Eastern Goldfields project study sought to:
- Identify the level of community support for, and participation in, the development of an Integrated Custodial Management Strategy for the region that encompasses degrees and styles of imprisonment together with non-custodial options;
 - Take into account the views and opinions of Aboriginal people and others in the region;
 - Make recommendations regarding custodial facilities; and
 - Make recommendations regarding future community consultation models.

Geography

- 4.2 The Eastern Goldfields region is located in the south-eastern corner of Western Australia and incorporates eight local government areas – the City of Kalgoorlie-Boulder and the Shires of Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies, and Ngaanyatjarra'ku. It is bounded geographically by the Sandy and Gibson deserts to the north; the wheatbelt region to the west; the Great Australian Bight to the south; and the South Australian and Northern Territory borders to the east.

The region is about the size of New South Wales and over three times the size of Victoria. It is just under a third of Western Australia's total land mass and is the largest region in the State.

- 4.3 In an Aboriginal context, the Eastern Goldfields region comprises:
- The Spinifex people (residing in the Spinifex native title claim in Western Australia) – this includes the Coonana, Cundeelee and Tjuntjunjatjarra communities);
 - The Ngaanyatjarra people – including the Warburton, Warakurna, Tjukurla, Wannan, Tjirrkarli, Jameson (Mantamaru), Wingellina (Irrunytju), Blackstone (Papulankutja), Karilywara (Patjaar), Kiwirrkurra and Cosmo Newbery communities; and
 - The people living in the Mulga Mallee (former) ATSIC region – including Esperance, Norseman, Kalgoorlie-Boulder, Coolgardie, Menzies, Leonora, Laverton, Mt Margaret and Mulga Queen.

- 4.4 Although the Spinifex and Ngaanyatjarra people have strong links with other Aboriginal people in South Australia and the Northern Territory, the jurisdiction of this case study only addresses issues in Western Australia.
- 4.5 There were complications in defining the region in a non-Aboriginal context as State and Commonwealth government departmental boundaries varied from agency to agency. For example, the State Department of Indigenous Affairs' boundary for the Eastern Goldfields region largely corresponds with the boundaries used by the Australian Bureau of Statistics, while the Police Service boundary goes further west and includes the Shire of Southern Cross.
- 4.6 For this case study it was decided to define the Eastern Goldfields region as incorporating the City of Kalgoorlie-Boulder and the Shires of Esperance, Dundas, Coolgardie, Menzies, Leonora, Laverton and Ngaanyatjarra'ku.
- 4.7 The Shires of Ravensthorpe and Wiluna were not included for the following reasons:
- From an Aboriginal perspective the Shire of Wiluna is Martu land with links to other Martu people further north (particularly Jigalong, Cotton Creek, Punmu and Newman). From a non-Aboriginal perspective, while the Wiluna Shire has connections with the Eastern Goldfields region, it has strong links with the Murchison-Gascoyne areas and with the Pilbara. The Wiluna Shire does not fall within the Department of Justice's boundary for the Eastern Goldfields region.
 - From an Aboriginal perspective the Shire of Ravensthorpe is Noongar land with connections to the south-west of the State. While this shire falls within the Department's Eastern Goldfields region, many prisoners from Ravensthorpe are sent further west to Perth, Bunbury and Albany.

Population

- 4.8 In 2001 the population of the region was 54,610 (2001 Census). Just over half of the region's population live within the City of Kalgoorlie-Boulder (28,818) and just under a quarter live in the Shire of Esperance (12,820). Coolgardie Shire had a population of 4,241, Laverton Shire had 2,077 people and Leonora Shire had 2,950. Three local government areas had populations of less than 2,000 people – Dundas (1,646), Ngaanyatjarra'ku (1,562) and Menzies (496).¹³⁶
- 4.9 9.3 per cent of the Eastern Goldfields region's population is of Aboriginal descent (5,086), compared with 3.2 per cent for Western Australia as a whole. The Shires of

136 Community Safety and Crime Prevention: Shire Profiles. (<http://www.crimeprevention.wa.gov.au>).

Ngaanyatjarra'ku (83.1%) and Menzies (34.1%) are the local government areas with the highest proportion of Aboriginal residents. Aboriginal culture is strong with a mixture of traditional languages. Lore business is still conducted in the eastern desert areas – mainly around the Ngaanyatjarra Lands and the Spinifex native title claim area.

- 4.10 There are significant disparities in the Median Individual Weekly Income between residents in the Eastern Goldfields region's Shires with Leonora and Laverton being \$1,400–\$1,499; Kalgoorlie-Boulder, Coolgardie and Menzies being \$500–\$599; Dundas being \$400–\$499; Esperance being \$300–\$399; and Ngaanyatjarra'ku being impoverished at \$100–\$199. The overall Western Australian Median Individual Weekly Income is \$300–\$399.¹³⁷

Criminal Justice in the Eastern Goldfields Region

- 4.11 The Department's *Profile of the Criminal Justice System in the Goldfields* reveals that:

- The rate of recorded crime was higher than that recorded for the whole State. Crimes against the person were more than double the rate recorded for the State in four local government areas in the region (Laverton, Leonora, Ngaanyatjarra'ku and Kalgoorlie-Boulder) and almost double in a fifth (Dundas);
- Defendants in the Eastern Goldfields region are less likely to receive a Community Based Order but more likely to receive a custodial sentence or a fine than in other areas of the State;
- Defendants in the Eastern Goldfields region are more likely to receive a custodial sentence for an act intended to cause injury, acts endangering an individual and traffic offences, but less likely to receive a custodial sentence for offences against justice procedures;
- In 2003–2004, court orders and Work and Development Orders comprised 70 per cent of all orders in the region;
- During 2002–2003 there were 370 unsentenced receivals at the Eastern Goldfields Regional Prison, 364 were remanded and seven were awaiting extradition. Of the 364 remand receivals, 74 per cent were remanded without bail;
- Over 80 per cent of prisoners are Aboriginal;

137 Ibid.

- Forty-four per cent of prisoners in Eastern Goldfields Regional Prison had a last known address of Kalgoorlie/Boulder and almost 17 per cent were from Ngaanyatjarra'ku;
- The most common offence type for prisoners was offences against the person;
- Prisoners in Eastern Goldfields Regional Prison have high rates of substance abuse (79%). The majority indicated alcohol was the major problem. In addition, 20 per cent of prisoners had some involvement with family and domestic violence (either as perpetrator, victim or both);
- In December 2004, 143 prisoners from the Eastern Goldfields region were held in prisons in other areas of the State. The majority of these prisoners were from the Kalgoorlie/Boulder area (60%) and 15 per cent were from the Shire of Ngaanyatjarra'ku; and
- Recent Community Justice initiatives in the Goldfields include: Regional Program Development Officers, Community Supervision Agreements, Regional Community Conferencing, Child Witness and Victim Support Service, NPY Cross Border Justice Project, Mount Morgans Work Camp, and an inquiry into sentencing legislation¹³⁸

4.12 Additionally, in response to the Gordon Inquiry, 'multi-functional facilities' are being built in Warburton and Warakurna (in the Ngaanyatjarra Lands) to accommodate police and other services in remote communities. While there was strong community support for the high priority being given to public safety, there was community concern that corresponding and proportionate increases in resources had not been provided to the courts and the prison system. The lack of integration between resourcing the various justice-related portfolios has contributed to court delays and overcrowding in the prisons.

The Eastern Goldfields Regional Prison

4.13 Located in Boulder, the Eastern Goldfields Regional Prison replaced the old Kalgoorlie Regional Prison in 1980. It manages both male and female prisoners and services the courts and lock-ups throughout the Eastern Goldfields region. It was designed for a capacity of 96 prisoners. The prison is rated as a minimum-security facility but does hold maximum and medium-security prisoners on a short-term basis to facilitate visits or court appearances.

138 Department of Justice, 'Profile of the Criminal Justice System in the Goldfields' (undated), p.1.

- 4.14 The prison buildings are nearing the end of their useful life and are inadequate for the prison's changing needs and increasing population. Piecemeal changes have been made but the prison does not work well. There have been a few beneficial changes (such as the upgrade of the health centre and the women's accommodation area) but the core infrastructure is sub-standard.
- 4.15 Eastern Goldfields Regional Prison is what the Inspectorate terms an 'Aboriginal prison', meaning its population is 75 per cent or more Aboriginal. In August 2005, out of a total prison population of 80 offenders, 67 were Aboriginal (84%). Many of the Aboriginal prisoners are from communities where a traditional life-style is still dominant and English is sometimes not even a second language.
- 4.16 There is a need to accommodate short-term maximum and medium-security prisoners but limited bed availability at the Eastern Goldfields Regional Prison impacts on prisoners visiting from metropolitan prisons as short-term transfers. The prison recognises that families must often travel long distances for visits so a flexible visits routine is allowed to support and encourage family bonds. In spite of the flexible policy, almost half of the prisoners do not receive visitors. Although the Eastern Goldfields Regional Prison population is predominantly from the Eastern Goldfields region, it is important to note that the majority of prisoners from the region were placed 'out of country' – mainly in metropolitan prisons. Limited bed capacity, particularly the lack of long-term secure facilities, restricts more Eastern Goldfields region prisoners being accommodated.
- 4.17 There are simply not enough program opportunities being offered to prisoners to address alcohol and substance abuse and domestic violence, let alone other more specialised programs. There are particularly restrictive options for meeting the needs of women prisoners – with limited choices in work, programs and training options. There is no program in place for Aboriginal women to address substance use.
- 4.18 An 'annex' of the Eastern Goldfields Regional Prison, the Mount Morgans Work Camp, was recently established. It is located approximately 300 kilometres north of Kalgoorlie between Leonora and Laverton. The Mount Morgans Work Camp will have a capacity of 24 prisoners when fully developed.

The Eastern Goldfields Regional Prison, like the other 'Aboriginal Prisons' in the State, remains impoverished and barely above third world conditions. In previous inspections of the Eastern Goldfields Regional Prison, the Inspectorate reported that some parts of the prison were clean but other parts were sub-standard, unhygienic and dirty. The Inspectorate concluded that the conditions were unacceptable and would not

be tolerated in a prison which was not primarily Aboriginal.¹³⁹

- 4.19 There are currently no facilities for juvenile detention in the region although the government has announced that a juvenile facility will be established in Kalgoorlie.

Consultation Process

- 4.20 Given the timeframe, two phases of community consultations were planned for the Eastern Goldfields region – the initial consultations in June 2005 were to introduce the case study, provide background information on justice issues and to establish Community Focus Groups (CFGs). CFGs were then tasked with networking within their communities to establish justice-related issues relevant to the case study.
- 4.21 The second phase was undertaken in the latter part of July 2005 when the Review Team members met with the CFGs and drew on their input to the case study. The community input, together with relevant research undertaken which support community views received, form the basis of this Report.
- 4.22 Broad consultations with the head office staff of various Western Australian government agencies regarding the project were held prior to consultation in the Eastern Goldfields region. Informal meetings with representatives of the Departments of Justice, Community Development, Indigenous Affairs, the Western Australian Police Service and the Aboriginal Legal Service of Western Australia – as the signatory agencies to the Aboriginal Justice Agreement – were held in May 2005. Meetings were also held with the State Department of Health and the Department of Education and Training; the Commonwealth Department of the Attorney-General; and the Commonwealth Department of Immigration and Multicultural Affairs and Indigenous Affairs. At these meetings a broad outline of the proposed consultation was made and the agencies were invited to participate in the Eastern Goldfields region consultation process.
- 4.23 Justice information relating to the Eastern Goldfields region was requested from the Department in early June 2005 (similar to the information provided to the Kimberley Aboriginal Reference Group) covering areas such as recorded crime in the region (by Shire), a profile of the region's prisoners, and a profile of community justice services, and so on. This information was intended to assist each CFG with their deliberations and to enable them to make more informed decisions prior to the final community consultations later in July. However, the information was not provided until after the

139 Office of the Inspector of Custodial Services, 'Eastern Goldfields Regional Prison, Announced Inspection Exit Debrief – February 2005', unpublished (2005), p. 6.

team's departure for the final consultations. The information is incorporated in this Report.

Community Consultations – June 2005

- 4.24 Planning for the Eastern Goldfields region consultations began early with requests for mailing lists from the Departments of Justice and Indigenous Affairs. The mailing list obtained from the Eastern Goldfields region Prisoner Support Officer was used as a starting point for an invitation list to meetings in the region. This list was expanded further with advice from the Indigenous Coordinating Centre (Kalgoorlie). Over 120 agencies, groups, organisations and other stakeholders were invited to participate in the community consultations. Consultations were held with police, local government, State and Commonwealth government agencies, non-government agencies, Aboriginal organisations, business people and employees of the Department of Justice.
- 4.25 Arrangements were made to link with the eight shires in the region – Esperance, Dundas (Norseman), Kalgoorlie-Boulder, Coolgardie (joint meeting with the City of Kalgoorlie-Boulder), Menzies, Leonora, Laverton and Ngaanyatjarra'ku (Warburton) – for community consultations in June and followed up with another visit in July. Community consultations were also held in Coonana with the Spinifex people. Further information and telephone calls supplemented the face-to-face consultations.
- 4.26 The principal aims of the June meetings were to:
- Provide background information relating to the case study;
 - Share information;
 - Encourage community interest, discussion and deliberation of issues; and
 - Establish a CFG in each area.
- 4.27 The approach was for each CFG to establish links with the community and seek its views regarding the case study. The CFG would collate the community's input and provide this to the case study team. The CFG could also, in the longer term, be a link between the Department of Justice and the broader community on justice-related issues. Ongoing contact between each CFG and the team was offered for queries and provision of further information. Special meetings were offered to key stakeholders in the region who were unable to participate in the community consultation meetings. During the visits the offices of State Members of Parliament in the Eastern Goldfields region were also contacted and offered a briefing of the sub-project.

Community Consultations – July 2005

- 4.28 The aim of the July consultations was to meet with each of the CFGs to discuss their respective community feedback and views regarding the case study. It was recognised that there could well be a diversity of views, some of which may be conflicting, within the community. Each CFG was requested to take into account all views received and to provide them to the team. Each CFG was advised that it could develop a community submission and send it to the Mahoney Inquiry and/or the Inspector. Alternatively, each CFG could record its community's views in 'dot point' or by utilising visual/audio mechanisms. The issues identified could be expanded and discussed with the team for input into the team's report to the Inspector. The use of audio/visual mechanisms have previously been a useful mode of communication, particularly for more traditional Aboriginal people, in recording their views.
- 4.29 The team members undertook the final consultations at Coonana, Kalgoorlie, Leonora (where the Leonora, Laverton, Mt Margaret, Mulga Queen and Menzies community representatives had agreed to meet as the north-east Goldfields community), Norseman and Esperance. Invitations for these consultations were organised by the respective CFGs (with support from the team). Arrangements to meet with the Ngaanyatjarra Council at its July 2005 meeting in Blackstone were deferred because the Council already had a full agenda (including progressing agreements with the Commonwealth Minister for Indigenous Affairs as well as arrangements following the recently successful Ngaanyatjarra native title claim). A further meeting with the Ngaanyatjarra Council will occur later to negotiate further developments.
- 4.30 Community input from these meetings form the basis of this report. The team has used research studies to support and complement the communities' views.

Research

- 4.31 Research included generic studies of custodial facilities and services in Australia, the United Kingdom, Canada, the United States of America and New Zealand. Data and information was also obtained relating to the custodial regimes in Western Australia and specifically to the Eastern Goldfields region. Information was drawn from the Department of Justice, Law Reform Commission, Crime Research Centre, the Inspector of Custodial Services reports, national and international studies and other documents. Regional reports from communities and others in the region were instructive.

4.32 Findings Arising from the Consultation Process

- Less than half of Eastern Goldfields region Aboriginal prisoners are accommodated

CUSTODIAL MANAGEMENT AND PRISON REGIMES:
THE EASTERN GOLDFIELDS

in the region and the majority are typically imprisoned ‘out of country’.

- The design bed capacity at the Eastern Goldfields Regional Prison is 96 (with another 24 beds being developed, but not yet ready, at the Mount Morgans Work Camp), giving a total capacity of 120 beds.
- The number of prisoners from the region at April 2005 was 215 (that is, 179 per cent of current capacity). The projected 2015 prisoner population is 269 that is, 224 per cent of current capacity).
- The projected sub-populations by 2015 are 251 males and 18 females, and 208 Aboriginals (13 females) and 61 non-Aboriginals (five females).
- Further to the recommendations made earlier in this Report regarding a move to 50 per cent of prisoners rated minimum-security, it is expected that there will be a need to accommodate 50 per cent of males and females in minimum-security.
- In community consultations, there was strong support for maximum-, medium- and minimum-security prisoners from the region to be accommodated in their home region. As one community person put it: ‘Aboriginal people need to be close to their family, community and land. They get homesick and stressed out when they are far away.’
- There are too few secure beds at the Eastern Goldfields Regional Prison. In April 2004 there were 82 (58%) out of 141 Aboriginal prisoners who required secure beds; in March 2005, 103 (60%) out of 171 prisoners; and in June 2005, 115 (67%) out of 172. There are, however, only 29 secure beds at the Eastern Goldfields Regional Prison.

4.33 Table 7: Prisoners from the Eastern Goldfields Region (March 2005)

Total Prisoners	Total Aboriginal Prisoners	Aboriginal Prisoners in EGR Facilities	Secure beds required for EGR Aboriginal prisoners	Secure Aboriginal prisoners held outside EGR
222	171 (77%)	74 (43%)	103 (60%)	86 (83%)

4.34 In summary, the profile of the Eastern Goldfields region Aboriginal prisoner population is completely out of kilter with the available facilities. Table 7 summarises this crucial point. Unless it is brought into alignment, large numbers of Aboriginal prisoners will continue to serve substantial proportions of their sentences out of country. It is well understood that for traditional Aboriginals (of which there is a large population in the Eastern Goldfields region) the stresses of imprisonment are exacerbated and the chance of rehabilitation diminished by prolonged separation from land, family and culture.

Prisoners on Remand

4.35 During 2002–2003, of the 364 remand receivals in the Eastern Goldfields Regional Prison, 74 per cent were remanded without bail. The Department can assist by making representation to the court where the offender presents as a low risk, facilitating access to accommodation, assisting defendants to have bail conditions reassessed when conditions cannot be met, and seeking the replacement of surety provisions with other requirements.

4.36 The question whether all these remanded prisoners should be held in conditions of maximum-security was not put to the CFGs but elsewhere the practice of classifying the security risk posed by individual remanded prisoners has yielded opportunities to reduce over-crowding in maximum-security and consequently should be explored at Eastern Goldfields Regional Prison. There may not be any justification for holding those who are awaiting trial for relatively minor crimes in the same conditions as those charged with more serious offences. Remand prisoners should be subjected to an assessment and classified according to risk. Remand prisoners should also have access to appropriate programs and services while awaiting trial - as part of a structured day.

Women's Issues

4.37 There are not many women prisoners from the Eastern Goldfields region. As at 30 June 2005 there were 15 women from the region imprisoned in the Western Australian prison system. Of these, 11 (73.3%) were Aboriginal women. Aboriginal women in Western Australia face an unacceptably high risk of imprisonment. The rising rate of over-representation of Aboriginal women in prison is occurring in the context of intolerably high levels of family violence, over-policing for selected offences, ill-health, unemployment and poverty. The consequences to the community of the removal of Aboriginal women are significant and potentially expose children to the risk of neglect, abuse, hunger and homelessness.

- 4.38 As at 30 June 2005, there were 11 women prisoners held at the Eastern Goldfields Regional Prison. Of these, ten were Aboriginal (91%). Five of these women were classified as maximum-security, two as medium-security and four as minimum-security. All the women are held in the same area, in maximum-security conditions.
- 4.39 Some women prisoners from the region have been accommodated ‘out of country’. As at 30 June 2005, four (26.6%) of the 15 women prisoners from the Eastern Goldfields region were held in prison outside the region. In our consultations we were told that many women prisoners imprisoned outside the region were very lonely – missing their children and families. Women from the Eastern Goldfields region, particularly the more traditional women from the Ngaanyatjarra and Spinifex lands, should not be imprisoned outside the Eastern Goldfields region – they get ‘lost’ in Bandyup, have language problems and are disoriented.
- 4.40 It was accepted that it would not be feasible to build a separate secure facility for female prisoners, given the very low numbers of Eastern Goldfields women who are imprisoned at any given time. Women prisoners at the Eastern Goldfields Regional Prison said that while there was some ‘humbugging’ by males, the women enjoyed the limited interaction with male prisoners who were family and friends. They also said that as the women spent long periods locked up with a small number of other women prisoners ‘we get into each other’s face all the time’ and seek some respite from being in a closed environment with the same people for much of the time.
- 4.41 As mentioned earlier, as at 30 June 2005, of the total Eastern Goldfields Regional Prison prisoner population only 11 prisoners (13.6%) were female. One consequence of this small proportion is that the prison and the regimes therein are generally organised on the basis of the needs and requirements of male prisoners (including in terms of design, facilities, security, programs and all other services). The situation and needs of female prisoners are very different to those of male prisoners. Women who are sent to prison will often have suffered physical or sexual abuse and have a variety of untreated health problems. Often they are a primary carer of children, and may be the sole carer. Prison administrators need to consider suitable arrangements to respond to these needs as well as programs to address offending behaviours, life skills and social needs.
- 4.42 Female prisoners do not present the same escape risk as male prisoners yet the women are rated similarly to male prisoners and are disproportionately held in more maximum-security than males, despite there being wide acceptance that women do not pose the same level of risk to the community. Prison officers working at Bandyup

Women's Prison in Perth spoke, during that prison's inspection in 2002, of the fundamental differences in working with female as opposed to male prisoners and this should be recognised in training as well as staff selection. They suggested that more Departmental support is needed through the provision of specialised training for regional prison officers and non-uniformed prison staff on issues affecting women and families and women's pre-release issues. Increasing and maintaining the employment of Aboriginal female prison officers is imperative and they should be given equal opportunity of advancement in their careers.

- 4.43 There was strong community support for a women's work camp or an alternative facility in the region. It was recognised that there were advantages for many women prisoners to be supported by appropriate programs and services and that these were more accessible in a regional centre rather than in an isolated work camp. There were also views that a women's support unit (modelled on the Boronia Pre-Release Centre) could be an appropriate option. These alternatives should be considered further by the Department in consultation with regional stakeholders and communities who want to be involved. The facility should have strong links with other services available to the general community.

Juvenile Issues

- 4.44 Statistics provided by the Department showed that on 30 June 2005 there were five sentenced and five unsentenced juveniles from the Eastern Goldfields region in detention. Of these, nine were males and one was female. Other snapshots show that there were ten juveniles in detention or remand on 30 April 2004, and seven on 30 March 2005.
- 4.45 Community members and agency personnel consulted in the Eastern Goldfields all expressed concern that such juveniles in custody were 'out of country'. The number of young people on remand or in detention from the Eastern Goldfields region is small; however, the two juvenile facilities (Banksia Hill Juvenile Detention Centre and Rangeview Juvenile Remand Centre) are both located in Perth – a long way from their home communities. For many the move to the metropolitan area is the first time they have been into a city or in contact with a large number of strangers. Geographical dislocation for this group can be particularly stressful. Added to this is the community's view that young people return from these facilities 'learning new tricks from more hardened and streetwise offenders' with more potential to offend than they had before.

- 4.46 Consultations within the region supported the idea of a wide range of non-custodial sentencing options being available. It was felt that community-run juvenile bail hostels can work but will fail without building capacity across the whole community and strong linkages to formal Departmental arrangements and relevant personnel. ‘Support must be strong and sustained’ was the message. Participants strongly supported keeping Eastern Goldfields region juvenile offenders in the region. The creation of bail, remand, work camp and community detention options within the region were strongly advocated.
- 4.47 In late 2004, the Department established a partnership with Bali Station (Cackleberry Farm) to provide a supervised bail facility in the Kalgoorlie region. There are two placements available for supervised bail at Bali Station and the average length of stay is 25 days. The facility is semi-rural with close links and access to resources and amenities in Kalgoorlie and Coolgardie. Community Justice Services coordinates input and supports from other agencies and with families and communities to enable placement. Two young people placed there successfully completed placements with their families after time at the facility. Since establishment, eleven young people have been assessed for placement and nine placed on supervised bail or with Responsible Undertaking Bail in the six-month period up to 30 June 2005.
- 4.48 In February 2005, the Government pledged to develop a new purpose-built juvenile remand centre for Kalgoorlie-Boulder that would secure young offenders on remand for periods ranging from a few days to several months and deliver drug and other juvenile rehabilitation programs as required. Sentenced offenders, however, would continue to serve out sentences at the main juvenile detention centre in Perth at Banksia Hill. The objective in developing regional remand facilities is primarily to provide appropriate remand accommodation and rehabilitation services in the area and to maximise the potential for successful reintegration and reduced recidivism. A Project Manager has been appointed and a Steering Committee established.
- 4.49 A number of other alternative options were offered and bear further consideration. A work camp for juveniles, possibly on a pastoral station, was supported. Pinjin station at Mt Celia, 200 kilometres north-east of Kalgoorlie, was suggested as a possible site for a juvenile work camp or perhaps a remand facility. Juveniles would do schooling and be taught trade, pastoral and life skills based on the Outward Bound approach as well as cultural awareness. This program would increase their confidence, self-respect and discipline as well as provide better prospects for employment in the region later on. There should also be strong links with other social services available to the general community.

- 4.50 Other suggestions for juveniles included a hostel-type facility on Aboriginal land behind the Maku Stadium in Kalgoorlie which could be suitable as a juvenile bail facility and utilising existing facilities and services such as the Wongatha Christian Aboriginal Parent-directed Schools and Teen Challenge boarding schools (some of which are located in farm environments where the students are involved in land care and agriculture). Increasing the number of foster families would provide greater juvenile bail options. Service providers in Esperance advised that there is a chronic shortage of foster families in the area but that a concerted recruitment drive would change the situation.
- 4.51 The consultation process has revealed encouraging support for the notion of community detention and support of juveniles. Future attempts to involve communities in the detention of juveniles should take account of the lessons learned from the previous failures in the Kimberley (Banana Wells and Bell Springs) and Pilbara (Yandeyarra). If that is done effectively, there is potential to divert regional juvenile offenders from the disruptive and distressing aspects of the metropolitan juvenile justice system.

Access to Families and Traditional Lands

- 4.52 Offenders who are sent to prison lose the right to free movement but retain all other rights as human beings. One of the most important of these is the right to contact with their families. As well as being a right for the prisoner, it is equally a right for the family members who are not in prison. Prison administrators have a responsibility to ensure that these relationships can be maintained and developed. As Article 23 of the International Covenant on Civil and Political Rights sets out: ‘The family is the natural and fundamental unit of society and is entitled to protection by society and the State.’¹⁴⁰
- 4.53 In a climate of historic and continuing deprivation, where access and opportunity has been stunted, ‘family’ has remained an unassailable constant for Aboriginal people. Losing contact with family is to lose a lifeline in a prison setting that can lead to serious distress and trauma. Imprisonment outside the region causes cultural dislocation, lack of access to traditional country, deprivation of family visits (as many families come from impoverished backgrounds and cannot afford the required travel and accommodation costs associated with visits), problems consequent on being in another Aboriginal tribal area (for example, Wongis in Noongar traditional land) and difficulty of attending funerals. There are also English language and literacy deficits experienced particularly by more traditional Aboriginals which can contribute to an

140 , *International Covenant on Civil and Political Rights*, Article 23. See also A. Coyle, *A Human Rights Approach to Prison Management: A Handbook for Prison Staff* (London: International Centre for Prison Studies, 2002) p. 95.

overall feeling of dislocation within the prison system. These additional tensions often lead to higher risks of stress, depression and self-harm.

- 5.54 The Department repeatedly espouses a commitment to keeping Aboriginal prisoners in their homeland and in contact with their family and community as primary considerations with reference to the prisoner's care and wellbeing and their potential for successful re-entry. However, as we have seen, there are far too many Aboriginal prisoners serving their sentences away from their own lands. During an inspection of Acacia Prison the Inspectorate reported:

We were both puzzled and disturbed by the presence of so many Wongi men at Acacia, including people from as far away as Warburton, Jamieson and Blackstone – remote communities near the South Australian border. We have never previously encountered any group that appears so unhappy and so out-of-place as the Wongis at Acacia. Indeed, one young man self-harmed during the Inspection period.¹⁴¹

- 4.55 Many prisoners imprisoned outside the region rarely, if ever, receive visitors. This affects the whole atmosphere of the prison. This is detrimental to prisoners, as contact with family through prison visits can provide Aboriginal prisoners with the family support and cultural links with their community that enable them to cope with the prison environment.¹⁴²
- 4.56 Accommodating Aboriginal prisoners within their homelands and assisting their contact with families and communities would be a significant step in reducing the negative impact of imprisonment on Aboriginal people. The cost of this inability to imprison Aboriginal prisoners in their own lands can be measured in the distress of prisoners at their dislocation, the potential for 'acting up' and self-harm, and the impact such events have on prison staff, as well as the disruption and hardship to their families and broader community. Prisoners from this area were unsettled and had significant issues, mainly relating to difficulty of family contact and support. This seems to be egregiously wrong. The whole question of prisoner placement needs to be addressed urgently, and transfer policies should be made to work in such a way that prisoners are not unduly disadvantaged. This is a matter of concern for Aboriginal prisoners that has also been reported elsewhere.¹⁴³ During consultations in the Goldfields it was further advocated that there should be a range of initiatives to ameliorate and offset the effects of prisoners being accommodated 'out of country'.

141 Report No. 19, *Report of an Announced Inspection of Acacia Prison – March 2003* (Perth: Office of the Inspector of Custodial Services, 2003), p. 52.

142 Report No. 14, *Report of an Announced Inspection of Roebourne Regional Prison – April 2002* (Perth: Office of the Inspector of Custodial Services, 2003), p. 13.

143 Report No. 21, *Report of an Announced Inspection of Greenough Regional Prison – May 2003* (Office of the Inspector of Custodial Services, Perth 2004), p. 49.

The Location of Prisons

4.57 Table 8 shows where the region's Aboriginal prisoners come from (the best information available from the Department is the last given address of the prisoners by local government area).

4.58 Table 8: Eastern Goldfields Aboriginal Prisoners, by Location

Shire	March 2005
Esperance	10 (6%)
Dundas	1 (1%)
Kalgoorlie-Boulder	90 (52%)
Coolgardie	13 (8%)
Menzies	0 (0%)
Leonora	7 (4%)
Laverton	14 (8%)
Ngaanyatjarra'ku	36 (21%)
TOTAL	171 (100%)

4.59 The above table shows that about half the prisoners from the region come from the City of Kalgoorlie-Boulder, approximately a fifth come from the Shire of Ngaanyatjarra'ku, with between one and eight per cent coming from each of the remaining Shires in the region. It appears therefore that it would not be advantageous to have a prison outside the Kalgoorlie area. Indeed, during the community consultations in the region, there was no proposal for a further prison for the Eastern Goldfields region and the location of the current prison at Boulder was considered acceptable. It is understood that the Department is arranging the transfer of an adjoining block of land to the current prison from the City of Kalgoorlie-Boulder and is considering a proposal to purchase another adjoining block from a private vendor. This would increase the acreage of the Eastern Goldfields Regional Prison site for the construction of further prison accommodation and facilities.

Widening the Custodial Options

4.60 During the community consultations in the Eastern Goldfields region, the concept of a large traditional prison was of concern. Participants recognised that prisoners who had committed serious offences would require secure facilities. However, there was very strong support that those who had been sentenced for more minor crimes, some which were considered trivial or technical, would be more appropriately placed in alternative

custodial facilities such as work camps, healing places, bail facilities and pre-release centres as well as utilising non-custodial options.

- 4.61 A large percentage of current Eastern Goldfields Regional Prison prisoners, therefore, could be held in alternative minimum-security accommodation, particularly work camps, subject to eligibility. Work camps are not only more culturally appropriate facilities for Aboriginal prisoners, they also offer positive re-entry arrangements, rehabilitation and reparation opportunities.
- 4.62 Work camps for low risk minimum-security prisoners with supervising personnel were widely supported by Aboriginal and non-Aboriginal community representatives during the consultation process. Similar support was found in the local magistrate, justices of the peace, police, prison staff and prisoners. While there was strong support for the concept of work camps and outstations, more rigorous examination is required regarding the viability of potential sites (for example, availability and cost for the provision of essential services, personnel issues and level of local community involvement). The Department should undertake this process in consultation with regional stakeholders.
- 4.63 The overwhelming support for work camps was, however, conditional on the facilities being well-managed, properly resourced and with long-term government commitment. A drawback about Mount Morgans, like the other work camps in the State, is that it relies upon the use of redundant assets and consequently the infrastructure is of poor quality. New work camp facilities should preferably be purpose-built to an acceptable standard. The work camps should also have vehicles, plant and equipment necessary for the various work activities.
- 4.64 There were strong views expressed by Aboriginal participants, particularly in the meetings in Kalgoorlie, Esperance and Leonora (communities in the Mulga Mallee area) that Aboriginal people wanted to engage with government and take responsibility for the management and rehabilitation of Aboriginal offenders, as well as partnering to reduce the number of Aboriginals in prison. How precisely this might work requires further negotiation. It was clear, however, that there was the desire and willingness to be involved. Capacity building and good support by the Department is essential if such arrangements are to succeed.
- 4.65 A strong emphasis was that Aboriginal people wanted to care for Aboriginal people – with support from government and non-government agencies. However, such management should also take into account Aboriginal views and not only reflect the

position of government departments. The point being made by Aboriginal participants is consistent with the government's Statement of Commitment to a New and Just Relationship and the Aboriginal Justice Agreement for a whole-of-government/community approach. Aboriginal involvement will enhance links with the community, will ensure more culturally appropriate programs and services are delivered and will strengthen successful re-entry prospects. Aboriginal participants saw the involvement and support of the Department, and that of other government and non-government agencies, as vital.

- 4.66 So while work camps are currently managed by the Department directly, the option that work camps be operated by Aboriginal community organisations in an alliance with the Department should be more thoroughly examined. One participant suggested that work camps could be contracted out to private enterprises. There was also the suggestion that when an offender (with a previous prison record) was again sentenced to prison, he or she may be placed directly in a work camp environment from the court upon meeting the requisite criteria. Such a person should only serve a part of the sentence at the parent prison if there is a requirement for the prisoner to undertake a program.
- 4.67 We were also informed that there was the view that there should be incentives for prisoners to go to work camps to encourage more prisoner placements. While there are some inherent incentives for prisoners to go to work camps (such as being close to family and land, a more open environment in a bush setting, and doing traditional activities such as hunting), consideration should be given to introducing other incentives (such as time remittance and increased gratuities) to encourage prisoners to volunteer for work camps.
- 4.68 There were also views that work camps needed to be staffed by people with 'good hands-on experience' (such as tradesmen) who also had 'good people skills'. Work camp officers needed to be better recognised by the Department with good training opportunities, career paths and other incentives. There tended to be high staff turnover, particularly in the remote work camps, so personnel strategies are required to attract and retain good staff. There was also a need to recruit local people and to increase Aboriginal involvement in work camp cultural activities, programs and services.
- 4.69 Views were also expressed that offenders should be undertaking reparation work in their own communities wherever possible. Recognition by their communities for the work the prisoners do will increase their self-esteem and enhance their re-integration when released.

- 4.70 The prospect of mobile work camps – currently successfully operating in South Australia for fine default – was also raised in relation to the desert communities. Mobile camps would provide the flexibility of responding to the needs of smaller communities dispersed over large geographic areas. The Shire of Ngaanyatjarra’ku has the second highest number of prisoners from the region. Further examination of the viability of work camps for the Ngaanyatjarra Lands should be undertaken taking into account road and climatic conditions as well as the transportation of equipment by the work camp team. The examination of work opportunities for the work camps should also be examined so that there is no competition with Community Development Employment Program (CDEP) activities in the communities.
- 4.71 New work opportunities, such as land and cultural preservation projects, should be explored. It is timely that more culturally appropriate opportunities and activities for work camps be investigated in the region. Similarly, the prospect of the work camp participating in road improvements to the Outback Highway (through the Ngaanyatjarra Lands to Uluru) warrants further exploration.
- 4.72 Projected prisoner numbers by 2015 indicate that there would be 54 prisoners from the region classified as very low risk. On this basis three work camps can be justified in the region: the current Mount Morgans work camp to service the north-east Goldfields region, a possible mobile camp for the Ngaanyatjarra Lands and a third work camp for the southern area.
- 4.73 There was also support for the establishment of pre-release centres in the Kalgoorlie area. The pre-release centres can be conventional Homeswest style residences with the Department or a contracted organisation to provide social support to tenants. People accommodated here could include:
- Released offenders on a parole order who want to complete their rehabilitation program;
 - Suitable offenders on a pre-release scheme;
 - People on bail; and
 - Offenders who have a community order requiring them to undertake a program which is not available in their remote community.
- 4.74 Residents would get support and encouragement with employment, program attendance, life skills, temporary housing and successful re-integration into the community. People on bail would be supported to meet their bail conditions.

4.75 Prison officers said that Aboriginal offenders in minimum-security are easier to manage than most other populations. The Inspectorate has raised concerns that there is a tendency for the current classification system to overrate the security risk of Aboriginal prisoners.¹⁴⁴ In line with comments made with regard to the Kimberley the eligibility criteria for prisoners to attend work camps should be reviewed.

Programs and Service Delivery Should be Culturally Appropriate

4.76 As more generally discussed in Chapter 2, ‘Risk Management and Prison Regimes’ there is a need to develop culturally appropriate offender programs within prisons. In the Eastern Goldfields there is a particular deficiency of culturally appropriate offender treatment programs both for Aboriginal and non-Aboriginal prisoners. Appropriate programs need to be developed for Aboriginal prisoners, including prisoners with limited English language skills.¹⁴⁵ It is essential that, as a releasing prison, Eastern Goldfields has access to culturally appropriate programs, such as violence and substance abuse programs that can assist a prisoner to address his or her offending behaviour and to better prepare for release. There is also a critical need for mental health and psychiatric services. A pre-release centre located in Kalgoorlie-Boulder to assist female prisoners to adjust prior to returning to their families and communities was a widely supported proposal.

4.77 The Department has made an effort to include Aboriginal focused programs like IMMASU in the prison treatment regime, but not enough of these programs have been made available throughout the year. For regional Aboriginal prisoners, language and cultural barriers should be considered, as it is not realistic (or indeed ethical) to place prisoners who have limited comprehension of the program on it merely to satisfy Parole Board review requirements. Programs need to be appropriately modified to take into account Aboriginal cultural issues. The Inspectorate has recommended that the Department review its offender programs in each prison to ensure that the delivery format, content and language are addressed specifically to the Aboriginal prisoners receiving the program.¹⁴⁶ As discussed in the previous chapter, Aboriginal people should be involved in the development, implementation and review of programs for Aboriginal prisoners.

144 Report No. 27, *Report of an Announced Inspection of Broome Regional Prison – March 2005* (Perth: Office of the Inspector of Custodial Services, 2005), p. 28.

145 Report No. 9, *Follow-Up Inspection of Eastern Goldfields Regional Prison – February 2002*, (Perth: Office of the Inspector of Custodial Services, 2002), p.18.

146 Report No. 24 *Report of an Announced Inspection of Roebourne Regional Prison – October 2004* (Perth: Office of the Inspector of Custodial Services, 2004), p. 31.

- 4.78 Participants in the Inspectorate's consultations said that prison offers an opportunity to deal with the health matters that might be missed when offenders are in the community. This is particularly so for Aboriginal people whose health status is one of the lowest in the developed world and it is well recognised that this group, especially when they are from remote parts of the State, are less likely to access health services than other members of the Australian community whether in prison or not.¹⁴⁷ The Eastern Goldfields Regional Prison engages the services of the Bega Gambirringu Aboriginal Medical Service which has a relationship with many Aboriginal prisoners, knows their medical histories and provides health services to many offenders after they are released.
- 4.79 Prisons are required to meet prisoners' religious and spiritual needs. For Aboriginal prisoners this includes access to recognised spiritual leaders and the encouragement and strengthening of Aboriginal spirituality through observance of customs related to language, food, death, funerals, healing, art and other tribal traditions.¹⁴⁸ Many of these cultural issues need to be addressed by prison management engaging with representatives of the Aboriginal communities in the region. Representatives should be consulted to help shape appropriate prison policy and practices relevant to the region as well as being encouraged to interact with prisoners who come from their country. The local community representatives and prisoners should also be involved in prison design – more than simply the design of Aboriginal meeting places and the placement of Aboriginal murals.
- 4.80 Other participant suggestions regarding programs and services were:
- There should be a comprehensive assessment process to identify Aboriginal needs which is linked to the case management system;
 - Some programs were of limited intensity and were more educational than rehabilitative;
 - More research and evaluation needs to be undertaken to determine if the programs are effective with their target audience;
 - Certain programs (for example, substance abuse programs) should include the offender's family for greater sustainability in the longer term;
 - Interpreters were required in the prison;

147 Report No. 14, *Report of an Announced Inspection of Roebourne Regional Prison – April 2002* (Perth: Office of the Inspector of Custodial Services, 2003), p. 51.

148 Report No. 11, *Report of an Announced Inspection of Casuarina Prison – October 2001* (Perth: Office of the Inspector of Custodial Services, 2002), p. 51.

- Art and traditional craft programs were popular among Aboriginal prisoners, and
- Aboriginal-specific programs should be provided, including those which address Aboriginal identity, history and trauma.

Trained Staff

4.81 Prison officers consulted at the Eastern Goldfields Regional Prison widely criticised the Department for the lack of training across the board. Participants at community meetings also felt that prison staff required more intensive cross-cultural training on Aboriginal issues including an understanding of Aboriginal concepts of kinship, cultural differences with grieving and communication, Aboriginal history (including the impact of colonialism, dispossession, disadvantage, discrimination, and contact with the justice system) and appreciation of Aboriginal cultural values. Prison staff should also have training in general interpersonal skills, such as conflict resolution, negotiation and mediation.

Prisoners Stranded on Release

4.82 At almost every community meeting we were told that offenders from remote communities were frequently stranded in Kalgoorlie (or one of the other towns on their way home) soon after their release from prison. Participants argued that because the State took offenders away from their home community to prison, the State has an obligation upon the offenders' release to return them to their communities.

4.83 There is no public road transport to many remote communities – such as those in the Ngaanyatjarra Lands. There is, however, an air service to the Ngaanyatjarra communities and consideration should be given to utilising this service at the cost of the Department to ensure that released offenders are returned home. Relying on family members from isolated communities (often with poor transport and travelling on poor quality roads) to meet released prisoners at a pre-arranged meeting place is unsatisfactory. A released prisoner stranded without accommodation and with very little money is at great risk of reoffending and consequent re-imprisonment. This, in turn, results in social and economic costs to the victim, the offender, their families and the wider community.

New Arrangements for the Administration of Aboriginal Affairs

4.84 At nearly every community meeting held in the Eastern Goldfields region participants raised the issue of why the Inquiry and Directed Review were not focusing on the

underlying factors leading to crime. Participants consistently pointed out that there should be more investment in the ‘up-stream’ issues related to prevention, early intervention and diversion as well as a ‘down-stream’ investment in rehabilitation. They also consistently said that governments should be working closely with communities to address issues of concern. The upstream issues, such as poor education, training, employment, income, health, housing and recreation – many of which lead to substance abuse, antisocial behaviour and criminal acts – are primarily the responsibility of agencies other than the Department of Justice. These socio-economic issues must be tackled more effectively if there is to be a marked reduction in the crime and imprisonment rates. While the up-stream issues fall outside the Terms of Reference of the Directed Review, some issues can be taken up in as much as the effective rehabilitation of prisoners will diminish the risk of reoffending and re-imprisonment. However, it is recognised that the Department cannot make progress in isolation and needs to work closely with other government agencies (State, Commonwealth and local government) and community organisations to achieve better social and economic outcomes for persons at risk of offending.

Commonwealth Administration of Aboriginal Affairs

4.85 Following the demise of the Aboriginal and Torres Strait Islander Commission (ATSIC), the Commonwealth Government has begun implementing new arrangements for Aboriginal affairs. The Commonwealth Minister for Indigenous Affairs, Senator Amanda Vanstone, has indicated that ‘nothing short of revolutionary reform is required if we are to turn around the appalling indicators of Aboriginal disadvantage and the sense of hopelessness that many Aboriginal people face every day’.¹⁴⁹

4.86 Included in the new Commonwealth arrangements are:

- The establishment of the Ministerial Taskforce on Indigenous Affairs chaired by the Minister for Indigenous Affairs and consisting of Ministers with program responsibilities for Indigenous affairs. The Taskforce will provide high-level direction on Aboriginal policy, priorities and allocation of resources;
- The establishment of the Secretaries Group on Indigenous Affairs to support the Ministerial Taskforce and report annually on the performance of Aboriginal programs across government;

149 Human Rights and Equal Opportunities Commission, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2004* (2005), Chapter 3, part 2.

CUSTODIAL MANAGEMENT AND PRISON REGIMES:
THE EASTERN GOLDFIELDS

- The establishment of a National Indigenous Council consisting of Aboriginal experts appointed to advise the government on policy, program and service delivery issues;
- The transfer of Aboriginal specific programs (previously administered by ATSIC) to mainstream government departments and agencies;
- Improved accountability for mainstream programs and services;
- Movement to a single budget submission for Aboriginal affairs;
- The creation of the Office of Indigenous Policy Coordination (OIPC) to coordinate federal policy development and service delivery on a whole-of-government basis. The Indigenous Coordination Centres (ICCs) will be part of OIPC and will coordinate the service delivery of all federal departments at the regional level, as well as negotiate agreements with Aboriginal peoples and communities at the regional and local level;
- Support for regional Aboriginal representative structures; and
- A focus on implementing the commitments of the COAG addressing Aboriginal disadvantage with the States and local government in a whole-of-government approach.

4.87 The principles underpinning the new arrangements for Aboriginal affairs are:

- **Collaboration:** this involves a whole-of-government/community partnership approach on the design of policy, identification of priorities, shared responsibilities and ways of working;
- **Focus on regional needs:** Aboriginal people will identify regional and local needs and priorities and link with government through Regional Partnership Agreements and Shared Responsibility Agreements. The Commonwealth will integrate its activities with those of the State and local governments to achieve local outcomes and this will be pursued through bilateral agreements;
- **Flexibility:** program guidelines will no longer be treated as rigid rules, inhibiting innovation; however, flexibility will not be introduced at the expense of due process;
- **Accountability:** improved accountability, performance monitoring and reporting will be built into the new arrangements; and

- Leadership: strong leadership is required to make the new arrangements work, both within government and from the networks of representative Aboriginal organisations, at regional and local levels.¹⁵⁰

State Administration of Aboriginal Affairs

4.88 The Statement of Commitment to a New and Just Relationship between the Government of Western Australia and Aboriginal Western Australians was endorsed in 2001. The purpose of this statement was to agree on a set of principles and a process to negotiate a statewide framework that could facilitate negotiated agreements at the local and regional level to improve Aboriginal disadvantage in a whole-of-government/community approach. The stated principles included equity to citizenship entitlements, inclusiveness, improved governance, capacity building and economic independence.

4.89 The Western Australian Government (led by the Department of Premier and Cabinet and the Department of Indigenous Affairs) is currently developing the State's Strategy for Indigenous Affairs. The strategy will incorporate governance issues and is expected to have Cabinet endorsement by the end of the year.

4.90 The Department of Justice, consistent with the Statement of Commitment to a New and Just Relationship, has an objective 'to acknowledge Aboriginal culture and diversity and to ensure ongoing consultation and collaboration with Aboriginal people'.¹⁵¹ The Department has also stated:

*We actively engage with the community and are committed to ongoing consultation and collaboration as the most effective strategy for sustained crime reduction. In partnership with communities we provide services that are responsive to local needs. We maintain a balance between prevention, early intervention, diversion and reactive programs and services. We work collaboratively with other agencies to achieve optimum outcomes.*¹⁵²

4.91 The Department has utilised a number of structures including the Aboriginal Justice Agreement groups and the Kimberley Aboriginal Reference Group in advancing the strategy.

150 Ibid, Chapter 3, part 1.

151 Department of Justice, *Prisons Division Strategic Plan for Aboriginal Services 2002–2005*, p. 13.

152 Department of Justice, '20 Year Prison Accommodation Plan' (2000), pp. 7–8.

Aboriginal Representative Organisations

- 4.92 With the closure of ATSIC, the State and Commonwealth governments are encouraging Aboriginal Western Australians to develop regional Aboriginal representative bodies who have the mandate of their constituencies to negotiate on behalf of Aboriginal people in their regions. The Western Australian Department of Indigenous Affairs is facilitating this process. To date the Ngaanyatjarra Council has been endorsed as the representative body for the Ngaanyatjarra region and has reached agreement with the Western Australian and Commonwealth governments. Other regional Aboriginal representative bodies in the State are at various stages of development.
- 4.93 It is important that these bodies, when established, have access to government, are recognised as having authority to speak on behalf of Aboriginal people in the region, and have influence in decision-making and in the allocation of resources which impact on the lives of Aboriginal people in their region. The regional Aboriginal representative bodies, when established, should have close links on justice issues with the Regional Reference Groups, the Aboriginal Legal Service and government agencies.

Whole-of-Government/Community Approach

- 4.94 The key point to note is that all Australian governments and Aboriginal communities want to engage with each other as equal partners to address Aboriginal issues of concern, particularly Aboriginal disadvantage. These alliances are to incorporate joined-up processes between government agencies and Aboriginal bodies in all phases of program delivery including policy formulation, service provision, decision-making and monitoring the performance of programs which affect the lives of Aboriginal Western Australians. Many groups were clear and consistent in their message that they are ready and willing to build on alliances.
- 4.95 There are already a number of precedents for governments and community to work together in a joined-up way. In the Kimberley there is the COAG trial in the Tjurabulan native title area where Commonwealth, State and local government bodies are working closely with the Balgo, Mulan, Mindibungu and Ringer's Soak communities to address social and economic needs and priorities identified by the communities themselves.
- 4.96 The Cross Border Justice Project has brought together the justice portfolios in Western Australia, Northern Territory and South Australia with the Pitjantjatjarra,

Yankunytjatjarra and Ngaanyatjarra communities to address justice-related needs and services in the central desert region. The aim is to minimise the difficulties created by the remoteness of the region and State/Territory borders in the provision of effective court, police and correctional services. Currently legislation and policies are being examined with a view to enable the police, courts and other justice services to work across borders and to develop a consultative and coordinated approach for shared facilities and programs. Strategies will also be developed jointly for crime prevention and early intervention, community-based sentencing options and support for victims of crime. Shared arrangements are already in place with a Western Australian commissioned police constable located at Kintore just across the border in the Northern Territory. Progress in the Cross Border Justice Project needs to be taken into account in the development of justice strategies for the Eastern Goldfields region.

Aboriginal Community Involvement with Prisons

- 4.97 Participants at the community consultations were interested in community representation on what was called the ‘Prison Board’. One participant said, ‘Prisons tend to be inward-looking and have a narrow view. They need to look outwards as well.’ There was a feeling that there is very little public knowledge about prisons, prison staff, or their work and that it is important that the public has a stake in regional justice administration. Participants felt that there is a need for enhanced accountability and community involvement in corrections. In some ways this view resembles the Aboriginal Reference Group concept established for the Kimberley region – although participants at the Kalgoorlie meeting said that the ‘Prison Board’ should consist of Aboriginal and non-Aboriginal members.
- 4.98 There was strong interest for Aboriginal participation in the justice system in the Mulga Mallee area. This interest was particularly strong for involvement in work camps, pre-release centres, bail facilities, program and service areas. However, there were reservations on the extent of the Ngaanyatjarra and Spinifex peoples’ participation in justice – due, in part, to cultural considerations (these are more traditional peoples) but also due to competing pressures arising from other priorities which the communities are trying to address. While the Ngaanyatjarra Council is keen to work with the State Government on customary law issues, the Council regarded community management of offenders under Aboriginal Community Supervision Agreements as problematic. The Ngaanyatjarra Council cites the Auditor-General’s findings (in the ‘Implementing and Managing Community Based Sentences Report’, May 2001) that the supervision of offenders is a specialised activity which most

organisations do not have experience, receive insufficient training or support, places a heavy onus on communities, and there are issues regarding insurance and liability. The Council points out that its Community Advisers are expected to encourage offenders to do community work and report to the Department, maintain records of offenders' activities, monitor their compliance with conditions, provide advice, organise support and referrals to other agencies and report on the offender's whereabouts as required. The Council reports that its Community Advisers already have a huge workload with their core functions being community development rather than the supervision of offenders, and that many Community Advisers have neither the skills nor the time to monitor offenders.¹⁵³ While these reported concerns are of an administrative nature, participants at the Warbuton meeting said that there could be cultural considerations such as 'avoidance issues' and family issues (when referring to a traditional Aboriginal person undertaking the role of a corrections officer one participant said 'You can't boss your uncle around').

- 4.99 In its submission to the Commonwealth Parliament's 2004 'Indigenous Law and Justice Inquiry' the Ngaanyatjarra Pitjantjatjarra Yankunytjatjarra Women's Council expressed concerns that the (Western-style) education and capacity of their communities were limited, there were 'numerous sources of conflict', and many communities were 'totally dysfunctional'.¹⁵⁴ A senior member of the Women's Council, in response to the repeated failure to recruit an Aboriginal police officer, said: 'You say that the problem is that you can't get an Aboriginal person. What we want is to get a non-Aboriginal person because they are stronger and can give good help.'¹⁵⁵ The South Australian Coroner, Wayne Chivell – delivering his recommendations following the petrol-sniffing inquest in September 2002 – found the community constable scheme to be a worthwhile initiative, but with qualifications: 'It could be improved with further training of community constables. However the scheme has significant limitations because of cultural constraints, and the fact that the Community Constables are members of very small communities.'¹⁵⁶ While the examples quoted above relate to policing, the issues raised would also be relevant to community people involved in offender management.

153 Ngaanyatjarra Council, *Doing Business with Government* (2003), pp. 33–34.

154 Ngaanyatjarra Pitjantjatjarra Yankunytjatjarra Women's Council, 'Submission to the Indigenous Law and Justice Inquiry', (2004), pp. 22–23.

155 Ibid, p. 20.

156 Ibid, pp.20–21.

- 4.100 It is of interest, nevertheless, that some Ngaanyatjarra people have been involved in the juvenile program at Kanpa (near Warburton). The Ngaanyatjarra Council also stated that it supports the Department's employment of the Regional Programs Development Officer (RPDO) and Community Supervision Agreement Officer (CSAO) who are currently based in Kalgoorlie as part of the Government's response to the Gordon Inquiry. The RPDO is to work with communities to identify, develop and deliver programs to offenders (such as prevention of substance abuse and violence) and the broader community (such as victims and children at risk). The CSAO's role is to liaise with communities to organise and monitor community supervision agreements as well as to provide training and support to community members to effectively manage offenders. This indicates that while the Ngaanyatjarra Council has reservations regarding the level of participation, it still wants to engage with government on these issues.
- 4.101 The Spinifex people at the Coonana meeting said that they could manage people who were sentenced for less serious crimes but do not want to manage those who the community has asked to leave. Participants felt that correctional services had to be provided by 'outside people'.
- 4.102 In relation to community detention arrangements, it was emphasised by participants that the links between offenders and their families and communities should be maintained and enhanced – though the point was also frequently made that there were many offenders whom the community wished to keep out of the community for some time on account of the crimes that they had been committing (usually violence against family or sex offences) or those who were repeatedly a nuisance. Broadly speaking, it was thought to be a good idea that minimum-security prisoners towards the end of their sentence might, where appropriate, be released under contract or licence to community groups to manage them. In other words, the notion of community detention might be appropriate as the last stage before full release from prison. In that context a work camp may well be seen as an appropriate placement leading up to community detention. The broad point is that there was a strong feeling that imprisonment, even where it is well merited, should not work in such a way to sever forever a person's links with his family group and community.

Community Justice Services

- 4.103 As at 18 August 2005 the Kalgoorlie Community Justice Services (CJS) office managed 369 adult and 45 juvenile justice services orders, while the Esperance CJS sub-office administered 48 adult and six juvenile justice services orders. CJS officers arrange for the supervision of offenders, provide support to communities managing

offenders, deliver appropriate programs and through-care for offenders on community detention as well as those who have been released from prison such as parolees. Ready access to effective CJS services can reduce the number of offenders who are sent to prison.

- 4.104 There is limited access to CJS services in many remote communities in the region. For example, there are no CJS officers based in the Ngaanyatjarra Lands. Departmental services are provided from the CJS Kalgoorlie office – well over 1,000 kilometres from the more isolated Ngaanyatjarra communities. The Ngaanyatjarra Council drew attention to:

The lack of time available ... to Department of Justice staff who work with offenders in the Ngaanyatjarra Lands. In general, Department of Justice staff do not have the time to run full-scale crime prevention and education programs and only do limited intervention work (that is, brief, irregular talks to offenders about positive attitudes, motivation, actions and consequences and alternative behaviours). The lack of staff or services from the relevant agencies means that they often have to address the anti-social behaviour of petrol-sniffers and a range of mental health, welfare, legal and licensing issues and they generally do not have any training in these areas. Much of their work is done in Warburton and this leaves insufficient time for them to work in the other Ngaanyatjarra communities. Their work with juvenile offenders is generally based on rapid, short-burst interventions. The lack of resources, other services and time available to them generally means that there is a long time between when an offence occurs and when the offender commences a diversion/intervention program, a corrective program or a work order. The lag between action and consequence is far too long.¹⁵⁷

- 4.105 The Ngaanyatjarra Council suggested that the Department of Justice should permanently base at least two CJS officers in the Ngaanyatjarra Lands to improve access to CJS services in the area.¹⁵⁸ The Inspectorate raised this issue with senior CJS officers in Kalgoorlie who felt that it warranted consideration. There were, however staffing concerns (remoteness) and safety issues identified. These concerns are legitimate but not impossible to resolve – as demonstrated by the presence of the police, teaching, health and other support staff already based in Warburton. Good incentives need to be addressed for staff based in this remote location and they need to be given strong Departmental support. The recruitment, training and support of local Aboriginal people would increase the pool of potential service providers – although

157 Ngaanyatjarra Council, *Doing Business with Government* (2003), p. 34.

158 *Ibid*, p. 35.

cultural factors will need to be addressed. Partnership arrangements between the Department and the Ngaanyatjarra communities should be explored further.

Increasing the Number of Aboriginals Employed in Correctional Services

4.106 There are very few Aboriginal people working in the Eastern Goldfields Regional Prison as uniformed officers or non-uniformed personnel. Participants at community consultations said that Aboriginal people generally do not like to work in prisons. A participant said, ‘We don’t like to lock people up’. While Aboriginal people said they were not attracted to the security aspect of prison work, there was Aboriginal interest in participating in the administration, caring, rehabilitation and reparation aspects of the justice system, as well as working in more open environments such as work camps, half-way houses and the like. ‘There should be more emphasis on caring and healing in prisons. This ties in more with our culture’, said another participant. There was also concern expressed regarding the dominant culture in prisons which needs to be addressed to retain Aboriginal staff.

4.107 Participants also said that the Department should act more dynamically in targeting Aboriginal people and women to work in the justice portfolio. Suggestions included:

- Targeting specific community groups (such as Aboriginal organisations) to promote the role of justice staff, the different type of work and a worthwhile career in the justice portfolio;
- Developing a range of entry-level programs targeted specifically at Aboriginals such as cadetships, bridging and training programs;
- Increasing the number of Aboriginals progressing through middle and senior levels through targeted professional development;
- Increasing Aboriginal retention rates through fostering appropriate peer support mechanisms (for example recruiting Aboriginals in groups) and having support mechanisms (such as mentors); and
- Giving senior managers the authority to screen applicants with a criminal record. This recognises that many Aboriginal people have a criminal conviction that currently is considered a bar against their employment. If that record is not a threat to security (for example if it is for minor offences) and the applicant has established a law-abiding lifestyle for a period of time, he or she may be considered eligible for employment.

Summary Findings for the Eastern Goldfields

4.108 There is a picture emerging from the Eastern Goldfields case study of what an integrated custodial management strategy for the region should look like. Further exploration by the Department is required, in consultation with key regional stakeholders, to address local issues such as partnership arrangements and the sites for work camps, the women's support centre and juvenile facilities. Community consultation should be a key principle that should be effectively practised.

4.109 The consultations indicated that there should be one prison in the Eastern Goldfields region, located at the current prison site in Boulder. Planning for renovations and construction should commence as soon as possible following further consultation.

4.110 The prison should have:

- Secure beds to enable maximum and medium-security prisoners from the region to serve their sentences in their own country;
- Separate secure accommodation for maximum and medium-security women prisoners from the region to enable them to serve their sentences in their own country;
- Minimum-security or 'open secure' beds to enable prisoners from the region to serve their sentences in their own country in conditions that accord with modern standards of service and decency;
- Accommodation for secure prisoners and minimum-security accommodation constructed in contiguous zones, so as to enable all services to be shared thus enhancing cost-effectiveness;
- 'Full service' in terms of offender programs, education, training and work opportunities – though some specialised services would still have to be delivered in other prisons closer to the metropolitan area;
- Greatly increased numbers of Aboriginal people in all parts of the prison workforce; and
- Minimum-security prisoners involved, as appropriate, in Section 94 programs in the community.

Work Camps

- 4.111 The existing work camp at Mount Morgans should continue in operation. Consideration should be given to a new mobile work camp in the Ngaanyatjarra Lands. In addition consideration should be given to establishing a further work camp when numbers are viable in the southern areas of the Eastern Goldfields region. These camps should be operated in partnership with local Aboriginal communities.
- 4.112 The Department should give greater prominence to work camps and to work camp staff. Work camp assets should be upgraded, including purpose-built accommodation, vehicles, plant and equipment. The Department should review its work camp eligibility criteria for prisoners as well as its incentives for prisoner participation in work camps.

Women's Facilities

- 4.113 There should be the establishment of women's work camp or pre-release centre in partnership with local communities. The facility should:
- Enable female offenders and when appropriate, their children or other family members to live in;
 - Facilitate programs which address the offending, cultural, family, life skills and social needs of the women prisoners; and
 - Provide links with relevant community justice, health and welfare services in the general community.

Juvenile Facilities

- 4.114 There should be juvenile detention, bail and pre-release centres in the region. These should be operated in partnership with local communities. The facilities should:
- Offer programs which address the offending, cultural, family, life skills and social needs of the juveniles, with particular emphasis upon employability after release and
 - Have activities which are linked with relevant community justice, health and welfare services in the general community.

Integrative Links

- 4.115 There should be closer links between the prison, the CJS and communities to enhance through-care support and alternatives to imprisonment. Consideration should be given to a new CJS sub-office being established in the Ngaanyatjarra Lands to enable effective management of Justice Services Orders.

4.116 RECOMMENDATIONS

63. Prisoners from the Goldfields region should wherever possible be accommodated in the region – close to family, community and traditional lands. Where this is unavoidable, a range of initiatives should be implemented to ameliorate and offset the effects of being held out of country.
64. Based on community consultations undertaken, there should be one prison for the region – located on the current prison site in Boulder, although there should be a number of minimum-security work camps and other innovative custodial options available at other locations around the region. Consideration should be given to there being at least two work camps for adult males, one at Mount Morgans and another (possibly mobile) camp in the Ngaanyatjarra Lands. Consideration should also be given to establishing a further work camp for the southern area.
65. Work camps should be operated in partnership with local Aboriginal communities. Consideration should be given to upgrading the assets – including purpose-built accommodation, vehicles, plant and equipment.
66. The Department should give greater recognition to work camps and work camp staff. The Department should develop strategies to attract and retain appropriate work camp staff, particularly in isolated areas.
67. The eligibility criteria for a prisoner’s placement in a work camp should be reviewed for its appropriateness.
68. Consideration should be given to remand prisoners in the region being subjected to a security assessment and placed appropriately.
69. Consideration should be given to access to programs, services and facilities for remand prisoners being equitable to the access provided for sentenced prisoners.
70. A separate secure women’s area should form part of the Eastern Goldfields Regional Prison.
71. There should be a women’s pre-release facility for low risk minimum-security female prisoners in the region. The facility should accommodate women and where appropriate, their children . The facility should have strong links with other social and justice services available in the wider community. Programs that address offender behaviour, life-skills and social needs should be available.

72. There should be more uniformed and civilian female staff employed at the Eastern Goldfields Regional Prison.
73. There should be appropriate training provided to staff working with female prisoners.
74. The community perceives a need to minimise the movements of young offenders and remandees to the metropolitan facilities at Rangeview and Banksia Hill. Alternatives, including the proposed Kalgoorlie juvenile facility, should be subject to extensive consultation with regional stakeholders. The community believes there are opportunities for the operation of such facilities to be jointly managed with appropriate community organisations. Juveniles in these facilities should have access to social and justice services available to the wider community as well as programs addressing offending, trade and pastoral skills and life skills.
75. Consideration should be given to the security assessment instrument for women prisoners being reviewed, in line with recommendations.
76. As the current classification system may overrate the potential security risk of Aboriginal prisoners, the security assessment instrument for Aboriginal prisoners should also be reviewed in line with recommendations.
77. The Department should engage appropriate Aboriginal people in the development, implementation and review of its programs for Aboriginals.
78. More offender programs, education, training and work opportunities should be available at the Eastern Goldfields Regional Prison, although it is recognised that some specialised services would still have to be delivered in other prisons.
79. Consideration should be given to conducting intensive staff training in Aboriginal culture and interpersonal skills.
80. Given that for some remote communities, such as those beyond Laverton, there is no public transport available, consideration should be given to the Department ensuring the transportation of prisoners back to their home communities and not allowing them to be stranded away from their home communities.
81. Aboriginal people want to be involved in the justice system in an alliance with government. The level of their participation – particularly in work camps, pre-release centres, bail facilities, managing women and juveniles, program and service delivery – needs to be explored and negotiated further with communities.

CUSTODIAL MANAGEMENT AND PRISON REGIMES:
THE EASTERN GOLDFIELDS

This approach is consistent with the COAG strategy for whole-of-government/community involvement.

82. The Department should consider establishing a community corrections sub-office in the Ngaanyatjarra Lands, working in partnership with the Ngaanyatjarra Council. There should be incentives and Departmental support provided to the staff posted in isolated areas.
83. An action plan to advance Aboriginal employment at the Eastern Goldfields Regional Prison (and community in the region) within the corrections system should be made a management priority and special measures be taken to support Aboriginal recruitment and retention. This plan should be developed by the Department in consultation with key regional stakeholders.

Chapter 5

HIGH MAXIMUM-SECURITY PRISON

THE CONTEXT

- 5.1 The Inspectorate's terms of reference require consideration of whether a 'supermax' facility should be constructed to accommodate dangerous prisoners or those whose presence in the prison system poses special risks. This chapter therefore:
- Gives advice as to the type of prisoner who might require accommodation within a 'supermax' facility;
 - Determines the current number of such prisoners within the Western Australian judicial system and projected numbers for the life of such a facility;
 - Identifies community, staff and prisoner issues arising from the establishment of a 'supermax' facility;
 - Examines options and models for such a facility;
 - Makes a recommendation regarding such a facility; and
 - Estimates the cost of that recommended option and highlights its priority within the ten-year infrastructure requirements of the Department.
- 5.2 Many jurisdictions in Australia and internationally have established high maximum-security or 'supermax' custodial facilities to manage a small number of particularly 'dangerous' prisoners. The common thread within all such facilities is the long-term, segregated and special management of prisoners typically under highly isolated conditions who have severely limited access to programs, recreation, staff, or other prisoners.
- 5.3 While most prison systems have always had segregation and special management options, such as solitary confinement and administrative segregation, the 'supermax' confinement concept is a significant qualitative variation, due to the long-term nature of the confinement, the totality of the segregation and in some cases, the lack of any rehabilitative intent.¹⁵⁹

'Supermax' in the United States

- 5.4 While there is considerable similarity in how jurisdictions use their high maximum-security facilities, there is no common definition of a 'supermax' facility. In the United States, the Department of Justice propose a definition which emphasises protection from violent behaviour and the prescription of separation, isolation and restrictive movement.

159 C. Haney, 'Mental health issues in long-term solitary and 'supermax' confinement', *Crime and Delinquency*, 49 (2003), 124–156.

*A freestanding facility, or a distinct unit within a freestanding facility, that provides for the management and secure control of prisoners who have been officially designated as exhibiting violent or seriously disruptive behaviour while incarcerated. Such prisoners have been determined to be a threat to safety and security in traditional high-security facilities and their behaviour can be controlled only by separation, restricted movement, and limited access to staff and other prisoners.*¹⁶⁰

- 5.5 However, the Inspectorate considers that separation, isolation and restrictive movement as front-line management tools for such prisoners are not appropriate for Western Australia. While in a clinical setting there may be some benefits from targeted, short-term, controlled sensory deprivation,¹⁶¹ this is not the case for long-stay prisoners. A wide range of studies have shown that sensory deprivation and isolation have a negative impact on physical and mental health and increase problematic behaviours such as aggression, acting out, insomnia, hopelessness, de-motivation, self-harm,¹⁶² and altered perceptions of reality.¹⁶³ Hence, such a custodial strategy creates a number of problems.
- 5.6 A review of the literature by Haney¹⁶⁴ could find no study where a significant negative impact was not seen when solitary confinement was enforced for prolonged periods. Further, the more isolated and punitive the confinement, the more negative the impact was found to be. This has even been found in segregations of relatively short duration.¹⁶⁵ The risk of negative complications has been found to be greatest in the mentally ill and those with a predisposition for mental illness but has been shown to impact on all prisoners.¹⁶⁶ Severe punishment or restrictions on prisoners have also not been associated with meaningful reductions in prisoners' disruptive behaviour. The available prison studies (most of which are of questionable rigour and design) show a strong negative impact on the prisoner.¹⁶⁷

160 C. Riveland, *Supermax Prisons: Overview and general considerations* (Washington DC: US Department of Justice, January 1999).

161 See A. Gerlock and H. Solomons, 'An ethnomethodological analysis of the use of seclusion', *Journal of Advanced Nursing*, 26 (1983), 780–89; PT. Joshi et al., 'Use of a quiet room on an inpatient unit', *Journal of the American Academy of Child and Adolescent Psychiatry*, 27 (1985), 642–44; D. Shae, et al, 'The effect of sensory deprivation in the reduction of pain in patients with chronic low-back pain', *Spine*, 16 (1991), 560–61.

162 Haney, op. cit.

163 P. Slade, 'Sensory deprivation and clinical psychiatry' *British Journal of Hospital Medicine*, (1984), 256–60.

164 Haney, op. cit.

165 J. Zubeck, *Sensory Deprivation: Fifteen Years of Research* (New York: Appleton-CenturyCrofts, 1969); T. Fine and J. Turner, 'The effect of brief restricted environmental stimulation therapy in the treatment of essential hypertension', *Behavioural Research Therapy*, 20 (1982), 567–70.

166 J. Nurse, P. Woodcock and J. Ormsby, 'Influence of environmental factors on mental health within prisons: focus group study', *British Medical Journal*, 327 (2003), 480–89.

167 H. Bidna, 'Effects of increased security on prison violence', *Journal of Criminal Justice*, 3 (1975) 33–46; P. Gendreau, C. Goggin and F. Cullen, 'The effect of prison sentences on recidivism'. *Report to the Corrections Research and Development and Aboriginal Policy Branch*, (Ottawa: Public Works Government Services, 1999).

‘Supermax’ in the Western Australian Context

- 5.7 An alternative model, as developed by this Review, emphasises the risks posed by a prisoner and the capacity of the Department to safely manage that risk within mainstream custodial management. As such it does not prescribe the necessity for violence or disruptive behaviour as a prerequisite, does not prescribe a narrow management option, and does not limit itself to the reactive placement of prisoners who have overwhelmed the existing system.
- 5.8 The ‘supermax’ option is a fairly recent phenomenon, particularly in Australia. In the past, many agencies would spread their dangerous prisoners around the system or to various units within a prison. This dispersal of difficult to manage prisoners was, in part, an attempt to prevent them from uniting in their misconduct. Rotating such prisoners around a range of maximum-security prisons allowed staff a measure of relief from dealing with the same difficult prisoners over a protracted period and enabled the break up of groups of such prisoners. However, the success of the approach is dependent on there being an adequate number of maximum-security prisons available. This has always been problematic in Western Australia, with the limited number of maximum-security facilities.

THE PURPOSE OF HIGH MAXIMUM-SECURITY IMPRISONMENT

- 5.9 In Western Australia prisons are overcrowded, prisoners are under-occupied and in many cases staff have disengaged from interacting with prisoners and have become more fearful. As a result, the management of difficult to manage prisoners in mainstream prisons is becoming more problematic. As the experience in the United States has demonstrated,¹⁶⁸ a high maximum-security facility will not necessarily fix any of these problems, but will simply add another expensive layer to the management of prisoners capable of being mainstreamed.

Risk Management

- 5.10 In the Western Australian prison context, the justification for a ‘supermax’ high maximum-security unit occurs when there are too many high maximum-security prisoners for their safe dispersal in mainstream maximum-security prisons. This gives rise to the question what high risks are intended to be managed or events prevented through a high maximum-security facility. In similar jurisdictions,¹⁶⁹ four such risk categories are evident:

168 See Haney, *op. cit.*, and the Ionia Maximum Correctional Facility case study later in this chapter.

169 Such as New South Wales, Victoria and Canada.

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- Planning or perpetrating an escape from a secure facility or escort – including escape by internal or external means, usually accompanied by instrumental violence and including prisoners whose presence in the community would pose a serious risk of harm and/or cause serious community alarm;
 - Planning or perpetrating gross violence to property or person – including murder, rape in custody and terrorist acts;
 - Planning or perpetrating a defined serious offence – such as orchestrating the trafficking of powdered drugs into prison or organising major criminal activity while in prison; and
 - Organisation or direct participation in mass disturbance within a secure facility.

5.11 With each category, the intent is to manage the risk of a future event rather than punish for a past event. Each is an independent justification (with gross violence often an additional factor) for risk management but to qualify for high-risk management, all are predicated on the extent of their ‘dangerousness’.

The Concept of Extreme Dangerousness

5.12 Dangerousness is typically conceptualised as a combination of two factors: likelihood and impact.¹⁷⁰ Likelihood refers to the probability of a high-risk event occurring. In a custodial setting it involves the motivation of the prisoner, the prisoner’s opportunity to perpetrate the event, the level of resources they could bring to bear and how long it would take them to prepare for or bring about the event. Likelihood has an objective component (taking into account historical information, offender profile and intelligence information), but even the best empirical models have only shown predictability at 25 per cent higher than chance.¹⁷¹ Consequently, a large subjective component remains. Impact is even more subjective and is dependent on such things as the extent of the event, its duration, frequency and some measure of the predicted impact on the community.¹⁷²

5.13 It is essential to ensure that there is a range of factors considered in judgments of dangerousness and that prisoners are not placed in facilities or regimes of higher than maximum-security simply because they are dangerous.¹⁷³ Rather, that this decision be

170 G. Towl and D. Crighton, *The Handbook of Psychology for Forensic Practitioners* (London: Routledge, 1996) p183

171 L. Bakker, J. O’Malley and D. Riley, *Storm warning: statistical models for predicting violence* (Wellington: New Zealand Department of Corrections, 1998).

172 The United Kingdom for example, in response to recent terrorist activity and the resultant loss of life and community outrage, is proposing new legislation to articulate these elements of dangerousness, with particular reference to incitement and organisation.

173 Bakker, O’Malley and Riley (1998) op cit., p. 6.

based on the extreme level of their dangerousness such that their level of risk could not be safely managed within a well-run and well-resourced maximum-security facility. In doing so, despite its degree of subjectivity, greater weighting must be ascribed to assessments of impact than to likelihood.

THE RISK POSED BY HIGH MAXIMUM-SECURITY PRISONERS IN WESTERN AUSTRALIA

5.14 In Western Australia, a number of dangerous prisoners (and those whose presence in the prison system poses special risks) are currently identified. These prisoners represent a level of risk (based on the stringent entry criteria outlined in Appendix 3) that would warrant management at a level higher than maximum-security. Importantly, based on a preliminary view of their global risk, some of these identified dangerous or special risk prisoners may be currently under-managed or held at less than the optimal level of security currently in the system.¹⁷⁴

5.15 Western Australian extreme risk prisoner population at 30 April 2005¹⁷⁵

Escape from a secure facility or escort	8	These 20 incidents involved 14 distinct prisoners
Gross Violence	9	
Defined Serious Offence	3	
Mass Disturbance	nil	

Projected Numbers of High-Risk Prisoners

5.16 Based on an average prisoner population of 3,300 prisoners,¹⁷⁶ the current high maximum-security prisoners equate to 0.42 per cent of the prisoner population and 0.45 per cent of the male prisoner population. This is a marginally lower rate than comparable jurisdictions interstate and overseas that generally regard around 0.5 per cent of the prisoner population to be in this high-risk category. This lower rate may reflect the current under-representation of the following classes of prisoners for which prison intelligence reports indicate that there is currently a growing and changing requirement¹⁷⁷ for their custody:

174 In addition, there are currently 52 prisoners with very high MAP and MAPR scores in closed prisons and 15 prisoners on the high-security transfer list who could in the future move into these categories.

175 Based on evidence provided by the Department and using the entry and exit criteria in Appendix 3.

176 Average prisoner population at the time the last prisoner was deemed eligible.

177 Department of Justice, *Managing Very High Security Risk Prisoners*. (2005)

HIGH MAXIMUM-SECURITY PRISON

- Terrorists;
- Organised crime figures;
- Female prisoners (as the State’s only high maximum-security facility, any such facility would need to cater for both males – the predominant group – and females);
- Prisoners with severe emotional, psychological or mental damage (for which it is anticipated that the Department will develop a separate custodial management strategy in due course); and
- Prisoners posing a risk of organising or perpetrating a mass disturbance.

5.17 In view of the perceived likely increase in these types of prisoners, the 0.5 per cent rate is likely to give the best indication of future requirements.

5.18 Table 9: High Maximum-Security Projections to 2025¹⁷⁸

Year	Prisoner population ¹⁷⁹	Rate		
		0.42%	0.45%	0.5%
2010	3930	17	18	20
2015	4394	19	20	22
2020	4914	21	23	25
2025	5495	24	25	28

Current Capacity Limits

5.19 Based on these figures, by 2015 it is projected that the high maximum-security prisoner population in Western Australia will be in excess of 20 prisoners. The current facilities for managing such high maximum-security prisoners – the Special Handling Unit at Casuarina Prison – has a capacity of 16 prisoners and is therefore unable to meet this projected demand. This Report recommends therefore, the adoption of one of the alternative management options presented herein. Further, given the expected cost and effective life-cycle of such a facility, whichever option is selected should allow for the predicted high maximum-security prisoner numbers through to at least 2025.

178 In developing these projections it was considered important to project out to the effective lifecycle of the facility, which was set at 20 years.

179 Estimated prisoner populations used here were determined using the long term average population increase of 2.26 per cent per annum.

Best Practice Principles

5.20 The treatment of high maximum-security prisoners is subject to the same general policy framework as for other prisoners. This is set out in the Prisons Act and the various national and international charters and covenants pertaining to the treatment of prisoners, such as the:

- International Covenant on Civil and Political Rights (1976);
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);
- United Nations Standard Minimum Rules for the Treatment of Prisoners (1955); and
- Standard Guidelines for Corrections in Australia (2004).

5.21 In addition, the Prisons Division operates under eight guiding principles intended to direct the delivery of services within its prisons:¹⁸⁰

- That people are sent to prison as punishment, not for punishment;
- That the Department is responsible for preserving health, safety and wellbeing of prisoners, employees and visitors and for minimising the detrimental effects of imprisonment;
- That the Department is responsible for providing appropriate opportunities to prisoners for skill development and rehabilitation to increase the potential for successful reintegration into the community;
- That effective service planning, design and delivery will be based on research and evaluation;
- That the Department recognises and respects gender and cultural differences and is committed to initiating and developing services that meet the individual needs of a diverse workforce and prison population;
- That the Department acknowledges Aboriginal culture and diversity and is committed to ongoing consultation and collaboration with Aboriginal people;
- That the Department actively engage the community in consultation and collaboration as our most effective strategy for crime prevention; and
- That every member of staff is valued in their own right.

180 Prisons Division Guiding Principles as detailed in *Public Prisons Directorate Business Plan 2003–2007* (undated), p. 9.

5.22 In addition, the Department of Justice has developed a set of key deliverables it divides into the ‘Four Cornerstones of Prisoner Management’, which taken together with its guiding principles describes the best practice intent of the Department.¹⁸¹

- Custody (and containment in some documents) – predominantly maintaining prisoners in custody for the period prescribed by the court at the lowest security necessary to ensure their continuing custody, the good order and security of the prison and the safety and protection of the general public.
- Care and wellbeing – encompassing the acknowledgment of and addressing the emotional, physical, spiritual and cultural needs of prisoners.
- Reparation – encompassing positive contributions made to the community through prisoner work and other activities.
- Rehabilitation (and reintegration in some documents) – encouraging prisoners to engage in programs, education and activities that seek to reduce the risk of reoffending and increase their potential for reintegration into the community.

5.23 The basic concepts contained here indicate that there should be strong barriers to the placement of prisoners to higher security levels. Within the confines of their detention, high maximum-security prisoners should be allowed to enjoy a relatively relaxed regime by way of compensation for their necessarily severe custodial situation. Special efforts therefore should be made to mitigate the impact of the high maximum-security requirements (particularly in relation to a program of constructive activity),¹⁸² progress prisoners to release, and address their criminogenic needs.¹⁸³ Further, prisoners should not be in a high maximum-security environment any longer than required, so they should be regularly and competently reviewed, should be kept informed of process and outcomes and should have the right and ability to challenge these. Finally, there should be strong leadership and management of the facility, a focus on staff training and competent internal and external monitoring of the high maximum-security facility and all its activities. This requires the facility to be managed by its own superintendent reporting to a Director. There should also be a high maximum-security prisoner management committee to provide strong external review.

181 Department of Justice, ‘Western Australian Prison System: Role and Function Profile’ (May 2003).

182 This is in line with best practice theory of custody, as argued within the Woolf Report (Lord Justice Woolf and S. Tumim, *Prison Disturbances 1990* [London: HMSO, Cm 1456, 1991]) and the body of work by A. Liebling and others, on the need to balance the three aspects of custody, namely security, control and justice.

183 Quality (those with high therapeutic integrity) treatment programs that target criminogenic needs lead to reductions in misconduct rates within prison and reconviction rates once released: see, S. French and P. Gendreau, *Safe and humane corrections through effective treatment*, (Ottawa: Correctional Service of Canada, May 2003); P. Gendreau and D. Keyes, ‘Making Prisons Safer and More Humane Environments’ *Canadian Journal of Criminology* 43 (2001). The biggest impact (26%–40% reduction) is from those that target specific behaviour change and targeted to 3–8 needs (French and Gendreau 2003 op cit.).

Minimum Standards

- 5.24 These best practice principles describe the Department's intent for custodial management. Derived from these principles are their operationalisation through minimum standards for the management of prisons and of the prisoners who may be accommodated there (Appendix 4). These standards, compiled for the purpose of this Report, are based largely on the best practice custodial management framework developed by the Department for Acacia Prison and are broadly applicable for all prisons.
- 5.25 Consequently, as these are the minimum standards expected for any prison, they were used to assess the high maximum-security cases studies and options discussed in the following section. Further, these broad minimum standards were used as the starting point for developing meaningful performance standards for any high maximum-security prisoner management option within the Western Australian context.

Case Studies

- 5.26 Five case studies (see Appendix 5)¹⁸⁴ were selected to examine how other jurisdictions are managing the issues arising from their high maximum-security prisoner populations and to identify good and best practice from a wide range of perspectives. The findings of these case studies were also used to 'flesh out' the proposed standards for the custodial management of this population mentioned above (see Appendix 6).
- 5.27 At the completion of Appendix 5, a further three cases are presented – the Closed Supervision Centres in the United Kingdom, the Special Purpose Unit in Longbay Prison NSW and the Charlotte Wing of Port Philip Prison Victoria. These three, for various reasons do not specifically deal with the circumstances or populations of most interest to this report, but were included because they add to the understanding of the management of high maximum-security populations.
- 5.28 The following sites constituted the case studies:
- The Special Handling Unit, Casuarina Prison, Western Australia.
 - The High Risk Management Unit, Goulburn, Victoria.
 - Acacia Unit, Barwon Prison, New South Wales.
 - Special Handling Unit, Quebec, Canada.
 - Ionia Maximum Correctional Facility, Michigan, USA.

184 For reasons of security and sensitivity to the confidential nature of much of the information contained in the case studies, these have been omitted from the publicly available version of this report.

5.29 In conducting this assessment, it is acknowledged that not all sites were able to be reviewed equally. Members of the Review Team have been involved in many inspections of Western Australia's Special Handling Unit and have access to a wide range of commissioned reports on that unit. Members of the Review Team were also able to travel to New South Wales and Victoria to assess the facilities there. Assessment of the remaining sites relied heavily on the content of reports on the facilities, documents sent to the Review Team and lengthy telephone interviews with staff at the facilities and seminal managers at their respective head offices.

5.30 At this point the Review Team would like to acknowledge the assistance of and thank the Western Australian Department of Justice, prisoners from the Special Handling Unit in Western Australia, Corrections Victoria, GSL (Australia) Pty Ltd (formally Group 4 Correction Services), the NSW Department of Corrective Services, Correctional Services Canada, HM Prison Service, and the Department of Corrections Michigan and the staff of the Ionia Maximum Correctional Facility.

Common Themes

5.31 In exploring the case studies, a number of common themes were evident. Surprisingly, the differing jurisdictions went about their business in broadly similar ways, but with vastly different facilities and resources. Each facility also emphasised different aspects of custodial management. While none were directly transferable to the Western Australian context, each had their points of excellence as well as areas where their custodial management did not meet the minimum standard. The following section highlights a number of the key elements found in the case studies.

- Resource and systems
 - < Over-crowding in high maximum-security poses very great risks and facilities need to be built to meet their demand and to enable the safe separation of individuals and groups.
 - < Facilities perform best where they have their own, strong management team.
 - < Independent and external review delivers outcomes most closely aligned to the custodial intent of the agency.
- Custody and containment
 - < Ensuring sufficient security for the prisoner's continued custody and the safety of the community, of staff and of prisoners is complex and requires careful planning and consideration.

- < While having a secure perimeter is essential, dynamic security is the key to a safe environment for staff and prisoners.
- < Facilities work best where the necessary emphasis on custody and containment is adequately balanced by attention to care and wellbeing, rehabilitation and reparation initiatives.
- Care and wellbeing
 - < Having a realistic and active constructive day for all prisoners is essential for prisoner welfare and for safety.
 - < Ensuring an adequate level and mix of human contact for all prisoners is important.
- Rehabilitation
 - < Facilities with flexible programs targeting the criminogenic needs of the population have the best rehabilitative outcomes and lowest return rates.
- Reparation
 - < While some facilities viewed prisoner employment as important, none were able to provide meaningful employment for all but a small number of their prisoners.

OPTIONS FOR A HIGH MAXIMUM-SECURITY FACILITY IN WESTERN AUSTRALIA

5.32 Based on the high maximum-security literature, discussions with a range of professionals in the industry and on the preceding case studies, two options are presented. For each, a brief description is given and the respective advantages and limitations are explored. In addition, provision for the delivery of services and staffing have been taken into account in the cost-estimate given.

Option One – New Facility (Preferred)

5.33 A new, stand alone and purpose-built facility could be constructed in the metropolitan area (see Appendix 7 for concept diagrams). The preferred option is a vacant area in the southeast corner of Casuarina Prison (see Appendix 8).

5.34 Advantages of building a new facility:

- The facility could be built to meet the needs of a full complement of staff and prisoners to at least 2025, but with the ability to scale usage to the current level of need;

- A new purpose-built facility would be able to deliver to the level of security and staff and prisoner the conditions necessary to meet the proposed minimum standards;
- Building a new facility would minimise the disruption to Casuarina Prison and the existing Special Handling Unit;
- The existing Special Handling Unit would become available for some other purpose such as a therapeutic community or a specialised program area – roles better suited to its layout and position within Casuarina Prison;
- Building a stand alone facility would make establishing a separate administration less complex; and
- Building a new facility would facilitate the rollout of new staff selection criteria.

5.35 Limitations of this option:

- Building a new facility would have a higher cost than Option Two; and
- A new facility would take approximately 12 months longer to build than Option Two.

5.36 While the Department has identified a number of potential sites both within and exterior to its existing gazetted prison boundaries, should these be deemed unacceptable, securing approval to build a high maximum-security prison at a ‘greenfield site’ may take considerable time.

5.37 Advantages of Casuarina Prison as a host site for a new facility:

- The facility would not require as much perimeter security because Casuarina Prison’s current perimeter is rated maximum-security;
- Approval process could be easier than at a ‘greenfield site’;
- There is ample room (in excess of 20,000m²) for such a facility in the south-eastern section of the Casuarina site;
- The facility would be retained in the metropolitan area and would therefore be close to the Emergency Support Group and other State-based emergency services; and
- Building external to the prison would further reduce the disruption to Casuarina Prison, speed the building process and thus minimise costs; and

5.38 Limitations of Casuarina site:

- Building near a maximum-security prison exposes Casuarina Prison to increased security risk which would need to be managed.

Option Two – Upgrade of Current SHU (Not Recommended)

5.39 The existing Special Handling Unit at Casuarina Prison is not considered suitable for the long-term management of high maximum-security prisoners. However, the Department does have the option to upgrade this unit. Extensive change would be required to enable the facility to address as many of the minimum standard deficiencies identified in its case study as possible. This would need to include:

- Extensive improvement to the physical security of the unit and its reconfiguration to reduce entry and exit points. To this end, a reception and screening room could be built where the current visits entrance is located;
- Upgrading the southern-most visits area’s security and facilities for contact and non-contact visits;
- Conversion of the northern-most visits area into a programs, education and employment space;
- Removal of unit staff from Casuarina Prison’s secondary Emergency Response Group;
- Removal of ligature points throughout all cells;
- Additional CCTV installed to better monitor prisoners; and
- Exploration of options for increased close and basic supervision within Casuarina Prison’s Unit One.

5.40 Advantages of upgrading the existing SHU:

- Low cost option – does not require the full cost of building a new facility;
- Could be completed quickly;
- The Department is already in possession of considerable advice about the security upgrade needs of the SHU;
- The facility would not require as much perimeter security as would a greenfield site because Casuarina Prison’s perimeter is rated at maximum-security; and
- The facility would be retained in the metropolitan area and therefore close to the Emergency Support Group and other State-based emergency services.

5.41 Limitations of this option:

- Regardless of modifications to the physical structure of the site, the unit capacity would be unable to be changed from its current capacity of 16 prisoners. This would restrict the SHU's likely use beyond 2010 and would fail to meet the high maximum-security prisoner population capacity requirements of the State beyond that date;
- Previous reports on the SHU, and the Inspectorate's own assessment, reveal that regardless of the upgrades made to the physical structure of the SHU, there are fundamental flaws in security and safety that would be very difficult to correct;
- The facility is unlikely to be able to support the required increased services to prisoners or meet the education and employment requisites. This deficit is intrinsic to the physical size and layout of the facility and could not be addressed through increased staff;
- Once upgraded, given the limitations to service delivery, the facility would still be inappropriate for long-stay prisoners and would open the Department to the types of litigation seen overseas and elsewhere in Australia;
- Given that the SHU sits between other units within Casuarina Prison, providing the SHU with the necessary perimeter integrity (distance from other buildings and functions) would not be possible without seriously disrupting Casuarina Prison's ability to fulfil its requirements as a maximum-security prison;
- Given the nature of the site immediately around the SHU (low propensity for infill development) additional building onto the SHU is limited. This would fail to address:
 - < the lack of office space for non-custodial staff;
 - < the provision of an orientation and assessment capacity; and
 - < the limited self-sufficiency capacity of the facility.
- Building within the maximum-security prison exposes that prison to increased security risk that would need to be managed, adds complexity and cost to the building process;
- The physical structures within the unit practically limit the segmentation options to its current layout and expose staff and prisoners to safety risks;
- Even with the conversion of the northern-most visits area, there will still be a lack of rooms for service delivery, such that rooms will have to double up in functioning (employment and programs and education). This increases the security risk and limits regime options;

- The need to convert a number of existing cells to safe cells could further reduce the capacity of the unit;
- Retaining the unit would make reforming staff practice potentially difficult and could undermine the staff selection requirements as staff would require extensive training and existing staff may be resistant to change; and
- Casuarina Prison would require additional staff to cover its emergency response capabilities.

5.42 RECOMMENDATIONS

84. While not an immediate priority it is recommended that a new high maximum-security facility be built. Constructing a new purpose-built facility would meet the needs of the State for the foreseeable future. Merely upgrading the existing Special Handling Unit would not fulfil this requirement.
85. However, it is recommended that in the interim, while a new facility is being built, that funds be made available to improve the regime and services to the SHU, but that additional security upgrades to the SHU's physical structure be minimised. On commissioning the new facility the existing SHU could then be used for another purpose such as a programs area or for a therapeutic community.
86. Planning for the building of a new facility should commence as soon as practicable.

Chapter 6

PRISON INFRASTRUCTURE

Planning to Plan

- 6.1 The effective management of new and existing capital infrastructure is a key enabler underpinning the delivery of effective prison services. In practice, this means:
- Ensuring sufficient capacity to support increased demand;
 - Using technology to support innovative service delivery; and
 - Modernising the asset base to reflect changing requirements.¹⁸⁵
- 6.2 Before a prison is built it must be designed and before it can be designed the purposes that it is to facilitate or enable must be clearly identified. This means clearly articulating the custodial and other services that will be required. This can only be completed after projecting the number of prisoners that will need to be accommodated, determining the different types of prisoner cohort to be managed, understanding the needs of the different cohorts and all of the myriad complexities that must be analysed and factored into prison planning. However, one of the most critical aspects of prison planning is a thorough and comprehensive consultation process with the community in order to ascertain the priorities that they believe to be important in a custodial service.
- 6.3 The following infrastructure proposals are contingent upon ongoing community consultation having an important place in informing each stage of each proposal. The importance of this aspect of prison planning should not be underestimated and as part of developing these proposals the Inspectorate has undertaken significant consultation processes by way of inviting written submissions and through a community consultation process in the Kimberley and the Eastern Goldfields.

State Planning

- 6.4 Prisons and community corrections provide government with its ‘last resort’ options in respect of protecting the community and reducing reoffending. However, protecting the community and reducing crime goes beyond punishing and treating those who have already committed crime. While individuals should be responsible for their actions, government and the community have an obligation to address those conditions that hinder healthy development and give rise to criminality. High crime areas are generally associated with communities that have low incomes or high unemployment, poverty, welfare dependency, poor educational outcomes and sub-

185 Home Office (UK), ‘Departmental Investment Strategy 2005/06–2007/08’ (undated).

standard housing.¹⁸⁶ A wide range of risk and protective factors have also been associated with developmental pathways to criminality among children, including genetic and biological characteristics, family and parenting characteristics, stressful life events and community or cultural factors.¹⁸⁷ These are beyond the responsibility of prisons or community corrections and a broad state-community partnership is necessary to address these factors and target a more civil, inclusive and more law abiding society.

- 6.5 The Directed Review is aware of previous mechanisms that have been established to coordinate crime prevention, policing, and criminal justice strategies, including corrections, under the auspices of the Ministerial Justice Coordinating Council and the Human Services Director General's Group. The Department of Premier and Cabinet, Office of Crime Prevention has advised that it is currently developing a State Justice Plan for the coordination of strategies directed to achieving 'a safer and more secure Western Australia for all people'.¹⁸⁸ The principle of government taking a coordinated approach to these issues is strongly supported.

Criminal Justice Planning

- 6.6 While the level of crime inevitably affects the demand for justice services, the reality is that much crime goes unreported. Policing practices, in terms of bringing charges to court, consequently set the overall parameters of subsequent criminal justice activities. Between July 2002 and March 2005, the absolute number of charges laid by police in Western Australia increased by approximately one per cent per month,¹⁸⁹ placing increasing pressure on court and correctional resources.
- 6.7 Changes in police charges, while mediated through court processes, have a profound flow-on effect to the demand for prison places and community corrections resources. All correctional services and particularly prison infrastructure should consequently, be master-planned in a State Correctional Strategy that combines and incorporates police and court strategies at the State and regional level. These regional and State strategies should also be developed alongside juvenile justice strategies and victims strategies.

186 R. Agnew, 'A general strain theory of community differences in crime rates'. *Journal of Research in Crime and Delinquency* 36:2 (1999) 123–55, cited in *Mapping crime, offenders and socio-demographic factors* (Perth: Crime Research Centre, University of Western Australia, December 1999).

187 Attorney-General's Department (Cth), *Pathways to Prevention – Developmental and early intervention approaches to crime in Australia*, <http://www.ag.gov.au/ncp/Publications/80917_pathways_report/selected_developmental.htm#t33> table 33.

188 Department of Premier and Cabinet, Office of Crime Prevention, 'Draft State Justice Plan' (undated).

189 Supplementary information provided by the Western Australian Police Crime Statistics Unit in response to Parliamentary Question LC1066 and provided to the Directed Review on 12 July 2005.

Regional Correctional Strategies

- 6.8 A Regional Correctional Strategy should be developed for each region of the State comprised of a:
- Regional Custodial Services Plan;
 - Regional Custodial Infrastructure Plan;
 - Regional Community Corrections Plan; and
 - Regional Correctional Programs Plan.
- 6.9 Each Regional Correctional Strategy should be developed in consultation with regional stakeholders and relevant regional forums and initiatives, such as the Regional Aboriginal Justice Reference Groups and Regional Human Services Managers' Forums. Regional Strategies should be master-planned and integrated into a State Correctional Strategy to ensure that regional strategies are also able to contribute to State requirements and are consistent with statewide planning initiatives such as the Strategic Plan for Aboriginal Services 2002–2005 and any women's plans. Regional Correctional Strategies should integrate a range of custodial management and non-custodial management services that are:
- Protective of the community;
 - Regionally and culturally appropriate;
 - Aim to promote rehabilitation and law-abiding lifestyles;
 - Adopt an integrated through-care approach to the management of offenders through each stage of the criminal justice system; and
 - Include a range of transitional support and bail support services for offenders.

Regional Community Correction Plans

- 6.10 Regional Community Correction Plans should ensure that the range of programs, services and supports for offenders is equitable and comparable to that provided in the metropolitan area, wherever possible. The range of conditions, programs, services and supports applicable to offenders on community orders should be based on recognition of the cultural diversity that exists among the Aboriginal population as well as the general population. Where offenders reside in remote areas, consideration should be given to innovative means to improve the viability of providing programs and unpaid work opportunities, including:

- Using local community groups in the supervision of offenders;
- Exploring the use of mobile work camps as successfully implemented in South Australia for fine default; and
- Exploring the opportunities for sharing program resources through the development of Regional Correctional Program Plans.

Regional Correctional Program Plans

6.11 In regions where it is difficult or not viable to provide a full range of programs, consideration should be given to developing regionally-relevant program sharing arrangements, including:

- providing supported accommodation close to prisons or work camps to facilitate offenders under community orders to participate in prison-based programs; and
- expanding the using of Section 94 to facilitate prisoners attending programs in the community, including programs that benefit from joint partner participation such as domestic violence and alcohol abuse programs.

6.12 Where there are insufficient numbers in a region to make some services or programs viable, the regions should combine to offer to meet the service and program requirements.

Regional Custodial Services Plans

6.13 Unless there are compelling reasons to the contrary, custodial services should aim to keep all prisoners in their home region, as far as practicable. The provision of custodial services for prisoners from adjacent regions or for prisoners requiring dispersal should be minimised and provided on the basis of negotiation.

6.14 Each Regional Custodial Services Plan should provide regionally and culturally relevant custody services to meet the needs of:

- male and female prisoners;
- sentenced and remand prisoners;
- predators and vulnerable prisoners; and
- older prisoners.

- 6.15 A comprehensive range of custodial services should be provided across each region sufficient to meet the cornerstone objectives of custody, care and wellbeing, rehabilitation and reparation.
- 6.16 Each regional Custodial Services Plan – and indeed the totality of the infrastructure blueprint set out below – will have significant implications for recurrent expenditure. For example, it can be expected that the better engagement of prisoners in reducing re-offending will require the development of improved and culturally appropriate programs. Similarly, the consequences of greater autonomy for superintendents as proposed in the following chapter will need to be supported by an expanded level of training which will also have implications for recurrent expenditure. These implications have not been estimated as this is rightly a matter for the Department to estimate and argue. However, it is important that the fact be understood from the outset that a significant increase in recurrent expenditure will flow from the proposals contained in this Review Report.

Regional Custodial Infrastructure Plans

- 6.17 Regional Custodial Infrastructure Plans should be based upon the Regional Custodial Services Plans and identify the full range of (regionally and culturally relevant) custodial infrastructure appropriate to meet the cornerstone objectives of custody, care and wellbeing, rehabilitation and reparation for the regions' prisoner cohort groups.
- 6.18 Infrastructure Plans should be master-planned for at least ten years' growth in the regional prisoner population and should provide for:
- The quality of custodial facilities to be equitable and fit for purpose;
 - Access to programs, services and facilities for women prisoners to be equitable and fit for purpose;
 - Access to programs, services and facilities for remand prisoners to be equitable and fit for purpose;
 - The design of custodial facilities to be based upon an analysis of the activities and services to be provided but should aim to facilitate a balance between the use of technology and pro-social interaction between staff and prisoners;
 - A range of custodial facilities that can variously provide closed and secure prison regimes through to minimum-security open camps, outstations, community detention, pre-release centres and other innovative programs;

- the design of custodial facilities to be based on recognition of the cultural diversity that exists among the Aboriginal prisoner population as well as the general prisoner population; and
- planned maintenance and minor works programs to ensure that facilities are consistent with contemporary evolving operational requirements.

6.19 Where significant numbers of Aboriginal prisoners are held, accommodation arrangements should cater for flexible placement in social groups (skin groups, language and age groups) as well as single accommodation.¹⁹⁰

INFRASTRUCTURE BLUEPRINT TO 2015

6.20 Prison infrastructure in Western Australia has been run-down, and the magnitude of the capital works program to bring it back to a position where it is fit for purpose and of sufficient capacity should not be underestimated. It is generally accepted that the desirable rate of prison utilisation falls between 85 per cent and 95 per cent because of the need for spare capacity to cater for the transfer of prisoners and short-term fluctuations in prisoner numbers. A high utilisation rate can adversely impact on custody effectiveness and increase assaults and other prison incidents. In 2003–2004, Western Australia had the highest open-security prison utilisation rate (as reported by the Steering Committee on Government Service Provision) at 119 per cent and the lowest secure-custody rate at 83.1 per cent.

6.21 Currently there are insufficient beds to meet immediate or projected demand and consequently double-bunking and over-crowding will once again be endemic in Western Australian prisons. There is a critical lack of minimum-security male beds in the metropolitan region and a lack of closed prison accommodation outside the metropolitan region and the northern and south-eastern regional prisons are decrepit and unfit for modern penal purposes. The conditions for women held in these prisons are simply unacceptable. In addition, the Special Handling Unit at Casuarina Prison is not suitable for the long-term management of high-risk prisoners and there is a significant under-utilisation of work camps and other innovative and low-cost minimum-security accommodation.

190 With acknowledgement to: P. Memmott, K. Eckermann and G. Brawn, 'Indigenous Cultures and the Design of Custodial Environments: Proceedings of a National Workshop held in Alice Springs, Northern Territory, 9–11 November 1998' (Brisbane: Aboriginal Environments Research Centre, University of Queensland, 1999).

6.22 The difficulties involved with predicting the future size of the prisoner population are significant. As noted earlier, upstream events can have a direct flow-on effect to the size of the prison population. Such events include changes to policing practices, court processes, legislative changes to penalties and the utilisation of more diversion or restorative justice processes. Also important is likely to be the developing support and coordination for crime prevention, changes to educational retention policies and broader youth policies. In addition, demographic changes, changes to employment opportunities or Commonwealth Government initiated changes to low-income supports are but part of a range of factors that can affect the numbers in prison, albeit indirectly. The Department's long-term prisoner projections,¹⁹¹ based upon the rate of imprisonment, anticipate an increase in the prison population across Western Australia of 25 per cent by 2015. These gross prisoner projections are shown in Tables 10 and 11 along with a buffer for fluctuations and the current bed availability. As can be seen from these tables, by 2015 there will be a shortfall across Western Australia of 1,227 male beds and 103 female beds.

6.23 Table 10: Total Male Prisoner Population Projections and Beds

Males at 30 April 2005	Males by 2015 (+25%)	Add 5% buffer	Current Beds	Shortfall of male beds by 2015
3,270	4,088	4,292	3,085	1,227

6.24 Table 11: Total Female Prisoner Population Projections and Beds

Women at 30 April 2005	Women by 2015 (+25%)	Add 10% Buffer	Current Beds	Shortfall of female beds by 2015
275	344	378	275	103

6.25 However, these figures only tell part of the story, giving only the gross number of male and female beds that will need to be built to meet the demand. They do not tell us where they should be built or what type of security beds should be built. The blueprint proposals contained in this report have been developed on the basis that the existing prison system will be reformed with regard to the risk management and regime proposals and recommendations made in earlier chapters and consequently it has been necessary to plan the recalibration the prisons estate with regard to there being a move to 50 per cent minimum-security.

191 These provide projections divided into metropolitan and all other regions.

- 6.26 The blueprint also starts from the premise that except for prisoners that require specialist services, the majority of prisoners will be accommodated in their home region to minimise dislocation from family supports. This is particularly important for many Aboriginal prisoners given the great significance that they attach to their relationship with their land. Thus, it has been necessary to estimate the prison population by region. (The term region or regional is also applied to the metropolitan area.)
- 6.27 The proposed infrastructure changes are therefore intended to achieve the following broad objectives:
- A recalibration of the prison system to meet projected demands to 2015;
 - Enable the development of new regimes and a range of specialist prison services;
 - Enable around 95 per cent of prisoners to be held in their home region;
 - Facilitate a progressive change to 50 per cent minimum-security prisoners; and
 - Facilitate an expansion of work camps and other innovative pre-release strategies.

Projected Male and Female Prison Populations by Region

- 6.28 By 2015, there will be a shortfall of male beds in every region and a shortfall of female beds in each region except the Central region, as can be seen from Tables 12 and 13. Note that there are minor numeric differences between these tables and Tables 10 and 11 above due to rounding at the regional level. In effect, Tables 12 and 13 below project the results of not building any additional beds in each region.
- 6.29 The ‘no build scenario’ is, of course, not a viable option as it would require extensive double-bunking (with consequential risks to health and safety), the continued use of regional prisons that are unfit for purpose as well as acting as a break on the development of new regimes directed to better reducing reoffending and keeping prisoners in their home regions. However, these tables provide the regional data from which to develop an appropriate infrastructure plan to achieve a recalibration of the prison system to meet projected demands to 2015 as noted in the first broad objective set out above.

6.30 Table 12: Male Prisoners and Beds by Region

Home region	Males at 30 April 2015	Males by 2015 (+25%)	Add 5% buffer	Current Beds	Shortfall in male beds by 2015
Kimberley	227	284	298	123	- 175
South-east	201	251	264	105	- 159
Metropolitan*	2,124	2,655	2,788	2,154	- 654
South-west	207	259	272	189	- 83
Great Southern**	175	219	229	218	-11
Pilbara 174	218	229	114	-115	
Central 162	203	213	182	- 3	

6.31 Table 13: Female Prisoners and Beds by Region

Home region	Women at 30 April 2015 (+25%)	Women by 2015	Add 110% buffer	Current Beds	Shortfall in female beds by
Kimberley	18	23	25	9	- 16
South-east	14	18	20	15	- 5
Metropolitan*	194	243	268	217	- 81
South-west	15	19	21	0	0
Great Southern					
Pilbara 14	18	20	10	- 10	
Central 15	19	21	24	+ 3	

New Regimes and Specialist Prison Services

6.32 In terms of the second objective to enable the development of new regimes and a range of specialist prison services, the metropolitan region is the most viable place for establishing the specialist services to serve the State prisoner population. These specialist services include, a high maximum-security unit preferably located at Casuarina Prison, a mental health unit possibly located at Hakea Prison and the re-development of the Special Handling Unit at Casuarina Prison as a therapeutic community. The specialist services will draw upon prisoners from all regions and this has been factored into the timing infrastructure building schedule.

* Includes 50% of Interstate prisoners and prisoners from the Midland region.

** Includes all Interstate prisoners and prisoners from the Midland region.

Holding Most Prisoners in their Home Region

6.33 The return of closed-security prisoners to their home region as replacement infrastructure is brought online is consistent with the third objective: to enable around 95 per cent of prisoners to be held in their home region. The net additional prison beds following the closure of old infrastructure has been calculated to ensure no double-counting (see Appendix 9). The timing of additional prison infrastructure has also been calculated to optimise, as far as possible, the projected increases in demand on a year-by-year basis. The infrastructure blueprint provides a means to getting prisoners back into their home regions by 2015 (and even earlier for some regions).

A Progressive Change to 50 per cent Minimum-Security

6.34 In order to achieve the fourth objective which is to facilitate a progressive change to 50 per cent minimum-security prisoners, the only closed-security infrastructure that will be necessary to build will be the specialist services infrastructure in the metropolitan region and the new regional prisons in the Kimberley, Eastern Goldfields and Pilbara. Otherwise the majority of the new prisons infrastructure will be minimum-security. Some of the current closed-security prison beds may eventually be able to be converted to minimum-security. Any changes in the expected growth rate or ratio of closed to open security prisoners can also be adjusted as these developments come on-stream.

An Expansion of Work Camps and Other Innovative Pre-Release Strategies

6.35 In line with the fifth objective to facilitate an expansion of work camps and other innovative pre-release strategies, a number of work camps have been factored into the infrastructure schedule. The ultimate number of these camps in each region will be dependent upon local consultation and circumstances. However in the Goldfields, where prisoners are derived from many small Aboriginal communities over vast distances, a mobile work camp is likely to be the best means of maintaining a capacity to service the greatest number of local communities. However, some spare capacity should be maintained particularly at regional prisons, so that prisoners at work camps can be brought back in to the prison should the need arise from emergency events such as fires, or staffing shift arrangements, or simply to facilitate family visits. This is not to suggest a duplication of beds, but rather that a 5–10 per cent margin should be aimed for.

6.36 The first priority for the infrastructure plan will be to provide urgent accommodation to ease the immediate overcrowding. In some cases this urgent accommodation will be provided through temporary re-locatable buildings such as ‘dongas’ or similar. In other cases prisons have already commenced a program of double-bunking (Acacia

Prison). Both of these options are regrettable, but nonetheless unavoidable given the immediate pressure of prison beds. However, as building construction gets underway and particularly as the regional prisons' infrastructure is commissioned and closed-security prisoners from the non-metropolitan regions are able to be kept in their home regions, there will be opportunities to close down much of the urgent and temporary accommodation arrangements.

6.37 Tables 14 to 19 below provide detailed schedules of infrastructure development by each region. The following information specific to each region should be read in conjunction with the table for each region.

Indicative Timing

6.38 The Inspectorate cannot with confidence predict the timing of proposed infrastructure developments. Such matters are often beyond Departmental control (and even State Government control) and may be affected by re-zoning applications, environmental scans and clearances, other local government requirements and so on. The development of Acacia Prison was 'fast-tracked' and occurred on land that already belonged to the Department and was zoned for prison use. Even so, the time from commitment to the project to commissioning of the prison was four years.

6.39 The completion dates in the tables assume, in relation to the major developments, an ultra fast-track model, with prompt allocation of funds in the relevant forward estimates, straightforward planning and design, cooperative and effective community consultation, availability of labour and building supplies when required, normal climatic disruption particularly in the tropics, and so on. Doubtless, some of these assumptions will not be met, so the time-lines for some of the projects will have to be pushed out. Nevertheless, the Inspectorate believes that the matrix should reflect the urgency of the actual needs, serving as clear targets. Of course, the smaller developments such as new work camps and minor extensions to existing prisons should go to plan and in accordance with the suggested time-lines.

REGIONAL BLUEPRINTS

6.40 The essential element of the blueprint is that each region be developed holistically to meet its own needs, supported by specialist prison services located in the metropolitan region. The sum total of the regional blueprints is a coherent statewide system that is intended to meet the decentralised demand for prison beds to 2015. Consequently, the dates indicate the priorities but importantly, imply action on a broad front. Given the poor condition of some prison infrastructure compounded by increasing population growth, it is proposed that urgent temporary accommodation solutions should be

quickly implemented at the same time as longer-term planning, design and construction activities are commenced.

- 6.41 The priority is for new closed-security and innovative work camp regional infrastructure in the Kimberley followed by the Eastern Goldfields. However, the lead times for these infrastructure projects may mean that they are not the first to come online and could be reordered depending on more detailed supply and demand planning.

Kimberley Region

- 6.42 The Kimberley region is the highest priority on the infrastructure plan outside temporary accommodation to meet the immediate needs around the State. At 20 April 2005 there were 245 prisoners from the Kimberley region in the State's prisons. This is expected to increase to 323 by 2015. The current facility has capacity for only 66 prisoners with a further 56 work camp places. A summary of the proposed building priorities for the Kimberley region can be seen in Table 14. This would result in an increased East Kimberley capacity of 150 beds and an increased West Kimberley capacity of 41 male and 11 female beds due to the loss of 109 male beds and 9 female beds on the closure of Broome Regional Prison.

- 6.43 Thirty-two temporary beds are proposed to ease the overcrowding at Broome, and these would be constructed as re-locatable buildings that would be moved into existing areas within the perimeter fence and be available for re-location when the need no longer exists. The current substandard state of Broome Regional Prison is such that it is proposed it be eventually decommissioned and consequently significant investment expenditures on the current prison should be avoided. However, the situation for female prisoners is such that it is recommended that there be a refurbishment of the women's facilities to bring them up to a reasonable standard. The detailed arguments for new infrastructure and services have already been made in Chapter 3. Without repeating those arguments here, it may simply be noted that the vast land mass area of the Kimberley, the fact that half of all prisoners come from the West Kimberley and half from the East Kimberley, and the overwhelming views of the various Kimberley communities as represented by the Kimberley Aboriginal Reference Group mean that a full range of custodial services has to be developed based around two regional prisons – one in the East Kimberley and one in the West Kimberley. These regional prisons will act as central hubs around which a range of custodial and non-custodial services will operate.

- 6.44 Given the absence of any secure prison beds in the East Kimberley, construction of the East Kimberley Regional Prison should have the highest priority. Ideally, work on a replacement prison for the West Kimberley, at Derby, should be commenced virtually

PRISON INFRASTRUCTURE

at the same time, but if that is not feasible the East Kimberley development should be the first priority. The current Broome Regional Prison should be closed once a replacement West Kimberley prison is built preferably in Derby.

6.45 The infrastructure plan also proposes the refurbishment of the existing work camps that are not fit for purpose and the development of new work camps in other areas to provide reparation to Aboriginal communities. In addition, it proposes the development of culturally suitable pre-release centres for female prisoners as a pre-release preparation program in which programs in parenting, budgeting and other life skills would be available.

6.46 **Table 14: Kimberley Regional Infrastructure Building Schedule (based on target 50% closed-security, 25% minimum-security and 25% work camps)**

Year of Completion	Building Program	Net Additional Beds	Total Beds
2005	Add temporary beds to Broome Regional Prison	32 Male	135 Male 9 Female
2006	Refurbish existing work camp beds at Wyndham & Bungarun	Nil	135 Male 9 Female
2006	Refurbish women's facilities at Broome Regional Prison	Nil	135 Male 9 Female
2009	East Kimberley Prison	130 Male 20 Female	265 Male
2009/10	West Kimberley Prison. Close existing Broome Regional Prison	41 Male 11 Female	306 Male 40 Female
2007	East Kimberley Work Camp Halls Creek pre-release centre for females	20 Male 5 Female	326 Male 45 Female
2008	West Kimberley Work Camp Fitzroy Crossing pre-release centre for females	20 Male 5 Female	346 Male 50 Female
2015			346 Male 50 Female

South-Eastern Region (Eastern Goldfields)

- 6.47 In Chapter 4 attention is drawn to the need for an understanding of the different Aboriginal groups that comprise the Eastern Goldfields Regional Prison population. These different groups include the Spinifex and Ngaanyatjarra people who have strong traditional links and affinities with other Aboriginal people in South Australia and the Northern Territory. Other Aboriginal people from the region who, if imprisoned, are likely to be sent to the prison include the Martu who have links with other Martu further north in the Pilbara region.
- 6.48 There is a need to understand the sensitivities of accommodating such diverse groups together, and to develop programs and work camps strategies appropriate to each group. While some local government preferences had earlier been expressed for the prison to move to Coolgardie, the Aboriginal consultations overwhelmingly indicate that the current site of the Eastern Goldfields Regional Prison is broadly acceptable and preferred by all Aboriginal groups, providing that a network of work camps is established that is able to service the Aboriginal communities. In this regard, given the vast areas and small communities, a mobile work camp is proposed that can be moved around when necessary.
- 6.49 The building of a new regional prison is a high priority as the current prison is, like Broome Regional Prison, completely unfit for its purpose. At 30 April 2005, there were 215 prisoners from the south-eastern region and this is expected to increase to 283 by 2015. The current facility has capacity for only 96 prisoners with a further 24 work camp places. It is proposed to replace the existing facility with a 300-bed multi-purpose regional prison for male and female, remand and sentenced prisoners. Importantly, there should be an appropriate range of treatment programs developed that meets the needs of the cohort prisoner groups as well as education and employment training.
- 6.50 It should be noted that the Department has made interim plans for the possible construction of 56 new secure beds in relocatable buildings at the existing prison. Related service areas, such as the sally port, would also be upgraded.

6.51 Table 15: South-east (Goldfields) Regional Infrastructure Building Schedule
(based on target 50% closed-security, 25% minimum-security and 25% work camps)

Year of Completion	Building Program	Net Additional Beds	Total Beds
2006	Temporary Beds (EGRP)	16 Male	107 Male 15 Female
2007	Mobile work camp using re-locatable buildings	10 Male	107 Male
	Pre-release centre for females	4 Female	19 Female
2010	New regional prison constructed adjacent to current prison	183 Male 5 Female	314 Male 24 Female
	Close existing EGRP		
2015			314 Male 24 Female

6.52 As with Broome Regional Prison, real questions arise about the cost-effectiveness of making substantial investments for what should be ephemeral purposes. While these interim plans envisage that the new cell area would be able to be incorporated usefully into whatever design and footprint is adopted for the new prison, there is a danger that the presence of these cells would tend to distort the development of a new design that is culturally appropriate and custodially efficient. In other words, there would be a temptation to design the new prison around the expensive refurbishments.

Preferably, the Eastern Goldfields development should, therefore, commence promptly, in order to head off the need for ‘make-do’ solutions of the sort proposed.

Metropolitan Region

6.53 The largest and most diverse prisoner population of all of the regions, the metropolitan region is going to require the expansion of most of its current prison infrastructure to meet the demands of the decade and beyond. At 30 April 2005, there were 2,315 prisoners from the metropolitan and surrounding areas. This is expected to grow to over 3,000 by 2015. In addition, the metropolitan prisons offer a range of state wide services which will swell the projected 2015 demand to around 3,135. With a current capacity for 2,371 prisoners, even with expansion of the capacity of existing infrastructure, there will be a need for additional capacity for around 500 new minimum-security male beds. There are two options: either 2 x 250 beds or 1 x 500 beds. In the first instance, 250 beds should be opened in 2008 and the balance progressively opened over the following two to three years. Neither option is going to

be easy, given the community resistance that usually accompanies proposals to develop prisons in the metropolitan region; and this Report emphasises that proper community consultation should not be by-passed.

- 6.54 The primary need is in the northern metropolitan suburbs. The requirement for a northern suburbs male prison has been evident for some years given the significant population of prisoners who are currently drawn from that area. The second priority for a prison is somewhere accessible to the southern suburbs, which similarly provide a growing proportion of the prison population. The site or sites should be quickly secured and should be close to other infrastructure services such as public transport, hospital, education and training. The prison will need to focus upon release preparation with a range of treatment and educational services available. While employment and skill development will also have to be provided, this should not detract from the main focus of release preparation.
- 6.55 In prison management terms, two sites would provide more flexibility and would be of more manageable size – the largest current minimum-security prison is Wooroloo Prison Farm which is proposed for expansion to 250 beds (this site is not suitable for further minimum-security expansion because of the agreement with the community precluding sex offenders from being placed there). A way around this dilemma maybe to place both 250 bed prisons on the same site, but manage them as separate entities. This option, which is likely to draw the least community resistance, has been factored into the infrastructure plan. A further southern suburbs site would need to be acquired should it be necessary to replace the existing Karnet Prison Farm. This highlights the need for longer-term site acquisitions, particularly around the metropolitan area, so that the demand for prison beds beyond 2015 can also be met.
- 6.56 To date, the only work camp available for metropolitan-based prisoners is the camp at Kellerberrin, which has a capacity for 12 male prisoners but is seldom fully occupied. A Metropolitan Region Work Camp Strategy should be developed to increase the use of work camps for male prisoners and pre-release centres for female prisoners. The infrastructure plan includes proposals for an additional two work camps and a female centre in the near or outer metropolitan region. However, this number is considered minimal, and consideration should be given to increasing the number of camps over time. Locations have not been considered at this stage, but the number and location of camps and women’s centres should be the subject of community consultation and further developed as part of the recommended Metropolitan Region Work Camp Strategy.

- 6.57 The development of new regional prisons elsewhere across the State will provide opportunities for closed-security prisoners from those regions to be returned to their home region, and will thereby free-up significant beds in the metropolitan region. However, the development of specialist prison services in the metropolitan region for prisoners requiring high maximum-security management or mental health services will draw prisoners from the other regions into the metropolitan region. The net difference however, is expected to be a significant reduction in out of region prisoners (see Appendix 9).
- 6.58 The additional male beds in the metropolitan region include 50 beds at Acacia Prison (these are currently under construction and are already funded), and a 40-bed expansion to Bandyup Women's Prison (also funded and close to commencement). An extra 48 beds at Karnet Prison Farm for male minimum-security prisoners will be necessary to meet part of the immediate shortfall of beds. The Directed Review heard concerns expressed about the long-term viability of Karnet because of surrounding mining activities and previous shortages with water during dry years. However, our own consultations suggest that these concerns are probably misplaced. Karnet Prison Farm is currently under-utilised and the addition of 48 beds should not be beyond the capacity of the existing infrastructure to support. Should the long-term viability of Karnet become an issue, it will be necessary to secure a new southern suburban site, as noted above.
- 6.59 The addition of 40 male beds at Wooroloo should similarly be supported without needing to invest in major improvements to the existing infrastructure. However, the agreement with the local Wooroloo community not to place sex-offenders at the prison is a major restriction that will need to be avoided with the development of new minimum-security prisons.
- 6.60 The proposed expansion of Pardelup Work Camp by 20 beds (see Table 18) is proposed to provide some short-term relief for metropolitan over-crowding. The camp was originally a well-functioning prison farm that played a significant part in the supply of primary produce for the prison system and seemed to be reasonably successful from a re-entry point of view. However, it is acknowledged that its location near Mt Barker in the Great Southern meant that it frequently struggled to keep its number of prisoners up. There was and currently is only a low demand for places from prisoners from the surrounding region, and it was always difficult to attract minimum-security prisoners from the metropolitan region, because the long distance from Perth meant many such prisoners were denied visits from their family or friends. However,

PRISON INFRASTRUCTURE

it provides an immediate opportunity at low cost to accommodate prisoners, given that some form of incentive may need to be introduced for metropolitan prisoners. In the longer-term over the next ten years, it will experience a strengthening of demand from the surrounding region and from prisoners from the south-west region, and consequently the infrastructure plan proposes further expansion by 50 beds by 2009.

6.61 Table 16: Metropolitan Regional Infrastructure Building Schedule (based on target 50% closed-security, 25% minimum-security and 25% work camps)

Year of Completion	Building Program	Net Additional Beds	Total Beds
2005	Acacia temporary accommodation	50 Male	2,204 Male 217 Female
2006	Karnet temporary accommodation	48 Male	2,252 Male 217 Female
	Woorloo expansion	40 Male	2,292 Male 217 Female
2007	Bandyup expansion	40 Female	257 Female
	2 male work camps	40 Male	2,332 Male
	1 pre-release centre for women	4 Female	261 Female
2008	New northern minimum security prison	500 Male	2,832 Male ¹⁹² 261 Female
	Justice Academy	Nil	
	Hakea Mental Health Unit	90 Male 10 Female	2,922 Male 271 Female
2009	Casuarina High Security Unit	30 Male	2,952 Male 271 Female
2010	Refurbish existing SHU	Nil	2,952 Male 271 Female
2012	Boronia Stage 2	60 Female	2,952 Male 331 Female
2015			2,952 Male 331 Female

192 An additional 250 beds will be added progressively over the following two to three years to reach the master-planned total of 500 beds.

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- 6.62 The mental health unit (secure forensic facility) envisaged in the Attorney General's report of his visit overseas is strongly supported as a means of providing long-needed specialist mental health services for behaviourally disturbed prisoners with personality disorders. Such services should be located in the metropolitan region reasonably close to a hospital that can provide appropriate expert consultancy services. The most appropriate location would appear to be on the Hakea Prison site. This would link its activities naturally with reception and assessment procedures and with the Crisis Care Unit functions of that prison.
- 6.63 The new 30-bed male high maximum-security prison unit recommended to replace the Special Handling Unit should preferably be located at Casuarina Prison on land adjacent to the existing prison fence. As the State's major maximum-security prison, it makes logical sense to co-locate the new high maximum-security prison. However, there is a strong argument for the Emergency Support Group (ESG) to be located in close proximity to such a high maximum-security unit. In line with the discussions concerning the location and security needs of the proposed new high maximum-security unit, it is recommended that the ESG be moved to Casuarina Prison to be located in the current training academy (which is proposed to be re-located: see below). Once the high maximum-security unit is commissioned, the opportunity exists for the Special Handling Unit in Casuarina Prison to be refurbished and used for a therapeutic community for sex offender treatment and other behaviour modification programs.
- 6.64 There are opportunities for a further ten female beds to be made available in the existing Boronia Pre-Release Centre and, by re-developing the balance of the Nyandi site Boronia stage two could be constructed to provide a further 50 female beds. These could be at a security level just above the existing Boronia arrangements, thereby providing a transitional prison for moving female prisoners out of the maximum-security confines of Bandyup Women's Prison, before placing them at Boronia. The construction of a Correctional Academy is an essential part of renewing and refocussing the prisons' workforce. The location of the Academy needs to be close to public transport in the metropolitan area. Sites other than adjacent to a prison should be considered to ensure it becomes a truly correctional academy and is not unduly dominated by prisons.

South-West Region

- 6.65 The south-west region is currently served by Bunbury Regional Prison. At 30 April 2005 there were 222 prisoners from the south-west region dispersed mostly to

Bunbury Regional Prison and metropolitan prisons. This number is expected to rise to 292 by 2015. The current facility has space for only 189 prisoners with no work camp provision. In addition to serving the needs of the region, Bunbury Regional Prison also caters to a significant number of sex offenders from various regions. The prison does not operate as a full service regional prison as it lacks capacity to manage its long-term sentenced maximum-security prisoners or females. This is not an issue of there being no armed patrols or the perimeter fence not being adequate but rather the inadequacy of the internal maximum-security facilities. Despite a recent upgrade these are still not fit for purpose or able to manage the numbers. It is estimated that by 2015 the prison will need to hold around 30 maximum-security prisoners, and the capacity to do so is simply not there. Consequently, the infrastructure plan proposes a significant upgrade to capacity and improvements to enable sentenced maximum-security prisoners to access education and employment. The current maximum-security precinct in the prison has around 19 cells that are variously used for punishment, remands and other purposes. Consequently, for the purposes of planning it is assumed that there are 12 existing beds.

- 6.66 At the present time, planning work is proceeding on a new 70-bed pre-release minimum-security centre for males located just outside the secure perimeter. Tenders are soon to be sought and funds have been allocated. When that is commissioned (in 2007 at latest but preferably earlier), it will add 35 additional beds to the available accommodation. The Department proposes that the present minimum-security accommodation, re-opened after refurbishment in 2004 to accommodate 35 male prisoners, will then be closed.
- 6.67 Around 15 female prisoners from the south-west are currently held in the metropolitan region and this number is expected to grow to 21 by 2015. There is a need, therefore, to provide female prison beds in the region, and the infrastructure plan proposes a short and longer-term solution. In the short-term, it is proposed that when the males vacate the existing minimum-security area, it should be further refurbished (but not expensively) and made available for up to 20 female prisoners.
- 6.68 This is by no means an ideal solution and certainly the Inspector does not wish to be thought to be endorsing a proposition that he has always deplored when implicitly adopted by the Department in the regions, namely that second-best is good enough for female prisoners. The immediate step thereafter should be to commence the planning of a minimum-security female pre-release unit, equivalent in standard to the male area. When that is available, the temporary women's minimum-security area can be closed and returned to the prison for management, administrative and training purposes.

- 6.69 In this way, minimum-security female prisoners will be able to be held in the region from 2007 onwards. At this stage, the difficulties and anomalies of either creating a secure women’s area within the perimeter or building the new women’s area in such a way that it can also manage secure prisoners are such that, the numbers being small and the metropolitan area being relatively accessible, probably the practice of imprisoning such women at Bandyup will have to continue.
- 6.70 There is also a need for the development of work camps in the region as the only option currently is to be transferred out of region to Pardelup or even further away. Consequently, it is proposed to develop a 20-bed male work camp in the south-west by 2010, in consultation with local communities. However, it is expected that some of the south-west prisoners will continue to be transferred to Pardelup, particularly those that come from areas closer to Pardelup (see under Great Southern region below).
- 6.71 The creation of a female facility and more maximum-security male beds should enable the needs of the local region to be met and will also provide an additional dispersal option for great southern and metropolitan female prisoners as well as continuing to accommodate male sex offenders.
- 6.72 **Table 17: South-West Regional Infrastructure Building Schedule (based on target 50% closed-security, 25% minimum-security and 25% work camps)**

Year of Completion	Building Program	Net Additional Beds	Total Beds
2007	Male minimum-security expansion Temporarily reassign male minimum-security beds to female minimum-security beds	35 Male 30 Female	242 Male 30 Female
2010	Work camp	20 Male	262 Male 30 Female
2010	New female facility	Nil	292 Male 30 Female
	Male minimum-security expansion stage two		30 Male
2012	Expand male maximum-security capacity	18 Male	310 Male 30 Female
2015			310 Male 30 Female

Great Southern Region

- 6.73 At 30 April 2005, there were 118 prisoners from the great southern region. This is expected to grow to 155 by 2015. With a capacity for 218 prisoners the Great Southern region currently has male capacity beyond regional demand. However, this spare capacity has traditionally been used for male prisoners from overseas, interstate, or others for whom location is not important for visits. In addition, Albany Regional Prison has provided a useful dispersal role for maximum-security prisoners from other regions. In this way its capacity has been fully utilised.
- 6.74 The prison does not provide any female accommodation, with females from the region being held in Perth. Currently, the numbers of female prisoners from the region are around five at any one time and are expected to grow to nine by 2015. These numbers are insufficient for a female section to the prison. However, the situation should be reviewed and consideration should be given to developing a female pre-release centre in the region once the female facilities in the south-west have been commissioned.
- 6.75 The infrastructure plan proposes that 50 per cent of the overseas and interstate prisoners will continue to be held at Albany, and the growth in this prisoner cohort and the growth in prisoners from the region by 2015 will mean that the prison's current capacity will continue to be sufficient to needs, although no spare capacity will exist for future years. However, by this time it is expected that some spare maximum-security capacity will become available in the metropolitan region, and consequently no expansion to male capacity is proposed for Albany Regional Prison.
- 6.76 Although largely mothballed, Pardelup offers an excellent opportunity for expansion as the male metropolitan demand for prison beds grows. The further development of Pardelup is proposed through an immediate expansion by 20 beds in 2006 in order to provide some overcrowding options for metropolitan male prisoners, followed by the further expansion by 50 beds in 2009 to meet the needs of the region and some of the south-west.

6.77 Table 18: Great Southern Regional Infrastructure Building Schedule (based on target 50% closed-security, 25% minimum-security and 25% work camps; also includes capacity for 50% overseas, interstate etc. males)

Year of Completion	Building Program	Net Additional Beds	Total Beds
2006	Pardelup refurbishment	20 Male	238 Male
2009	Pardelup expansion	50 Male	288 Male
2015			288 Male

Pilbara Region

6.78 While not as urgent as the Kimberley and the Eastern Goldfields, the Roebourne Regional Prison is similarly unfit for purpose and should preferably be replaced by 2015 (see Table 19). This should not occur without extensive community consultation similar to that undertaken in the Kimberley and commenced in the Goldfields. Indeed, questions arise as to whether Roebourne is an appropriate location. The vast land area that comprises the Pilbara region may require a two prison solution similar to the Kimberley. However, without planning and community consultation, this is unknowable at this stage. Consequently, the suggested infrastructure plan for the region is based upon a single 300-bed regional prison model but with a range of outstation minimum-security facilities based upon local consultation and need.

6.79 At 30 April 2005 there were 188 prisoners from the Pilbara. This is expected to grow to 249 prisoners by 2015 with a current capacity for 124 prisoners the existing prison resources are well below the current and projected demand. Given the lead time required to undertake the necessary community consultation, this situation is unlikely to be able to be significantly altered in the short-term.

6.80 The current provision for female prisoners is appalling and it is recommended that urgent and immediate action be taken to develop a minimum-security female pre-release centre to ease this situation and as a venue for the transfer of appropriate life skills. The infrastructure plan schedules this for coming on-line in 2006, along with a 20-bed work camp for male prisoners that would also provide relief to the current overcrowding. An alternative to the latter proposal is to upgrade the highly successful Millstream Work Camp by eight or ten beds and to open an additional ten or 12-bed work camp.¹⁹³

193 Reference to the issues at Millstream and inadequate Departmental support for its operations is found in the discussion of the Kimberley Custodial Strategy in Chapter 3, above.

The tightness of these timeframes is acknowledged as placing pressure on both community consultation and site acquisition and construction activities. However, given the long lead-time for the new regional prison, additional infrastructure is required to relieve the overcrowding and allow space for the development of better regimes.

6.81 **Table 19: Pilbara Regional Infrastructure Building Schedule (based on target 50% closed-security, 25% minimum-security and 25% work camps)**

Year of Completion	Building Program	Net Additional Beds	Total Beds
2006	Pilbara work camp	10 Male	124 Male
	Half-way house for females	4 Female	14 Female
2015	New regional prison	164 Male	288 Male
	Close existing Roebourne Regional Prison	20 Female	
2015			288 Male 34 Female

6.82 Once more, there are interim Departmental plans to expand the accommodation at Roebourne. These plans should be put on hold until their validity can be measured against the long-term infrastructure plans proposed in this Report. The likelihood is that they should not go ahead. Expensive temporary solutions should as far as possible be avoided when comprehensive infrastructure plans are being developed and implemented.

The Full Picture: 2015

6.83 With the completion of this Infrastructure Plan, the available prison accommodation in Western Australia will be calibrated to the following key factors:

- Overall prisoner numbers;
- Avoidance of overcrowding;
- Regional distribution of prisoners;
- Appropriate spread of facilities in terms of security ratings;
- Culturally appropriate custodial alternatives; and
- The needs of women prisoners.

6.84 This is brought out in the composite table, below, that brings together the data from the various regional tables.

- 6.85 The blueprint will deliver nearly 1,800 additional beds and all the necessary service capacity and infrastructure. In total by 2015 the blueprint will provide 4,624 male beds and 479 female beds. This should enable the system to cope to around the year 2017 for males and to the year 2023 for females.
- 6.86 Western Australia has in the past had a ‘fits-and-starts’, ad hoc approach to capital expenditure and forward planning in the area of prisons and other custodial services. This has not served the State well. By contrast, Victoria embarked upon a major capital expenditure program, now just coming to completion, about five years ago, and its system is adapted well to its correctional and population needs. New Zealand commenced a ten-year infrastructure strategy in 1995. Its objectives – in respect of regionalisation, minimum-security accommodation, the need for a high security unit, culturally innovative approaches – were strikingly similar to our own. Continuance and completion of that strategy will provide beds and service facilities for about 1,300 prisoners. The blueprint for Western Australia proposes a building program necessary to ensure the prisons estate is fit for purpose for the next decade and is in line with similar development of prisons in other jurisdictions. Taking into account relative cost structures, it can be seen that the proposed Western Australia strategies and costs are in the same ballpark.

6.87 Table 20: Additional beds and total cost by region

Region	Current Beds	% min/ open	Additional Beds	Projected Population	Total Beds	% min/ open
Metro– politan	2154 Male 217 Female	M: 18% F: 32%	758 Male 100 Female	2,864 Male 304 Female	2,952 Male 331 Female	M: 35% F: 40%
Kimberley	103 Male 9 Female	M: 88% F: 67%	293 Male 41 Female	298 Male 25 Female	346 Male 50 Female	M: 57% F: 60%
South-east	81 Male 15 Female	M: 87% F: 0%	209 Male 9 Female	264 Male 20 Female	290 Male 24 Female	M: 60% F: 58%
Pilbara	114 Male 10 Female	M: 50% F: 0%	174 Male 24 Female	229 Male 20 Female	288 Male 34 Female	M: 49% F: 56%
South-west	189 Male 0 Female	M: 20%	55 Male 30 Female	272 Male 21 Female	244 Male 30 Female	M: 23% F: 100%
Great Southern	218 Male 0 Female	M: 15%	70 Male 0 Female	229 Male 9 Female	288 Male 0 Female	M: 15%
Central	182 Male 24 Female	M: 25% F: 0%	0 Male 0 Female	213 Male 21 Female	182 Male 24 Female	M: 25% F: 0%
TOTAL						M: 41% F: 38%

6.88 By 2015 the new infrastructure will mean that 41 per cent of male accommodation is in minimum-security and 38 per cent of female accommodation is minimum-security. Finally, it will be necessary to revise the existing planned maintenance program to ensure the current and new infrastructure continues to be fit for purpose.

6.89 RECOMMENDATIONS

87. All correctional services and particularly prison infrastructure should be master-planned in a State Correctional Strategy that combines and takes into consideration police and court strategies at the State and regional level. These regional and State strategies should also be developed alongside juvenile justice strategies and victims' strategies.
88. A Regional Correctional Strategy should be developed for each region of the State. It should comprise a:
 - > Regional Custodial Services Plan;
 - > Regional Custodial Infrastructure Plan;
 - > Regional Community Corrections Plan; and a
 - > Regional Correctional Programs Plan.
89. Regional Correctional Strategies should integrate a range of custodial management and non-custodial management services that are:
 - > Protective of the community;
 - > Regionally and culturally appropriate;
 - > Aim to promote rehabilitation and law-abiding lifestyles;
 - > Adopt an integrated 'through-care' approach to the management of offenders through each stage of the criminal justice system; and
 - > Include a range of transitional support and bail support services for offenders.
90. The infrastructure blueprint for each region should be considered as a guideline to developing full correctional services in each region. The capital and recurrent implications should be fully costed.
91. The Department should revise its planned maintenance program in the light of the infrastructure blueprint and cost the maintenance on the existing and new infrastructure over the ten-year period.

Chapter 7

PRISON WORKFORCE PLANNING AND MANAGEMENT

THE CONTEXT

- 7.1 Custodial service is more about people than about fences and to invest in the future of successful prison management requires investment in people. The connection between good practice management of staff and good practice management of prisoners is well and truly proven. In prison systems, high quality staff training, effective management at all levels, staff development and effective prisoner interaction are purportedly recognised as being the basic prerequisites for the creation of a ‘healthy’ prison environment.
- 7.2 To effectively address the myriad problems found inside prisons and introduce some form of ‘normalisation’ to the prison experience, the prison staff have to be the keystone to implementing cultural, social and institutional change inside any prison. A healthy prison environment needs to develop a balanced relationship between security, control and justice, where both staff and prisoners remain healthy. Some of the tests for a healthy prison environment for prisoners and staff are interchangeable. All prisoners and staff should be treated and respected as individuals.¹⁹⁴
- 7.3 Recent incidents within the Department, that have been publicly reported and have served as catalysts for this Review, are symptomatic of dysfunction within the system. Many of the causes of dysfunction relate to the current workforce management practices. These practices have been reviewed and analysed as part of this Review. Action is required on several fronts and many issues can be considered critical. However given the extent of the reforms proposed, a phased approach will be necessary, with full implementation occurring over the next five to ten years. Funding levels have dipped below what is necessary in some instances to restore core functions and it will be necessary to restore base funding and add resources on occasion to support improvements. Furthermore to introduce this level of reform, there may need to be an infusion of additional temporary resources to support the change management effort.

Perceptions of Poor Leadership

- 7.4 In a range of surveys of prisons staff there has been consistent comment on perceived lack of leadership and poor management practice. Complaints about management have been a consistent theme in the majority of inspection reports undertaken by the Office of the Inspector of Custodial Services since 2001.

194 Report No. 15, *Vulnerable and Predatory Prisoners in Western Australia: A Review in Policy and Practice* (Perth: Office of the Inspector of Custodial Services, 2003).

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- 7.5 At Bandyup the Inspection Team stated that the management team had not been developed, supported or resourced and that poor management practice had affected every other group down the line, including prisoners.¹⁹⁵ A rift between management and a significant proportion of officers was also identified at Broome Regional Prison with nine out of ten surveyed officers citing management as the major problem for them at the prison. This observation was made at inspections both in 2001 and 2004. In fact the efforts made to improve the situation as identified after the first inspection seemed to have exacerbated the problem because staff felt that senior officers and management did not consider that the communication problems lay with them. Similar statistics of staff dissatisfaction with management were also recorded at Hakea Prison at the inspection in 2002.
- 7.6 The problems with management also extend to the privately run prison. At an inspection of Acacia Prison, 80 per cent of staff surveyed criticised a lack of leadership and clarity of direction. There was also an identified chasm between management and prisoners. Perceived accessibility of the senior management can provide a valuable safety valve in providing an avenue for complaints to be addressed and for prisoners to sense that management is accessible and listening. A direct correlation was drawn between this gap and the high level of grievances in the prison.¹⁹⁶
- 7.7 A submission by the Community and Public Sector Union/Civil Service Association (CPSU/CSA) also raised the issue of leadership stating that leadership based on bullying behaviour seems to have been endorsed as a common practice. It states that many staff members consider they work in an environment where workplace bullying is a common managerial style and that this style of management appears to emanate from the most senior leadership in the Department, not just within prisons.
- 7.8 While the Department has recently revised its anti-bullying policy (apparently without consultation) and issued more substantive guidelines in June 2005, it seems more ‘lip-service’ than effective implementation which would require role modelling through all levels of the organisation and a real change in the current management styles and practices.
- 7.9 Another factor contributing to the difficulties of leadership is that higher management positions within the Department have been very unstable both within head office and in the field, with fewer and fewer people doing their substantive jobs, instead acting in someone else’s position.

195 Report No. 13, *Report of an Announced Inspection of Bandyup Women’s Prison – June 2002* (Perth: Office of Inspector of Custodial Services, 2002).

196 Report No. 19, *Report of an Announced Inspection of Acacia Prison – March 2003* (Perth: Office of Inspector of Custodial Services, 2003).

Difficulties Filling Most Senior Positions

- 7.10 The two most senior management positions within Prison Division in head office, the Executive Director and the General Manager Public Prisons have had a chequered history with turnover and long periods of the positions being vacant with acting occupants. This has had a negative impact on the effectiveness of the leadership provided to custodial management within the Department.
- 7.11 During 2003–2005 the Department made several submissions to the Department of Premier and Cabinet to have senior positions considered for reclassification to increase remuneration. The submissions were prepared by external consultants and the requests were substantiated in terms of job value and comparisons with other positions of similar responsibilities and scope. However, these submissions have not been successful to date. As a consequence, the Department has not been able to fill two of the most senior positions within Prisons Division on a permanent basis causing significant instability in leadership and restricting the Department’s ability to meet its strategic objectives in relation to custodial services.
- 7.12 A report undertaken by Davis and Kent¹⁹⁷ in 2005 outlined the outcomes of an executive search and Australia-wide advertising process undertaken by a prominent recruitment company, but it was unsuccessful in attracting suitable applicants. The main reason cited for this was remuneration, with the company stating that a remuneration package of around \$200,000 would be necessary to attract a suitable candidate to the Executive Director position. The report recommended either reclassifying the position to a Class 4 or designating it as Special Division, which would bring it under the jurisdiction of the Salaries and Allowances Tribunal and enable a more appropriate remuneration package to be approved. It also recommended reclassifying the General Manager Public Prisons position to a Class 2. The Report also pointed out that the Police Service in Western Australia, which serves as a useful comparison to the Department of Justice, has access to the Salaries and Allowances Tribunal and as a consequence receives, at minimum, 20 per cent greater remuneration than comparable Department of Justice positions.
- 7.13 The reforms recommended within this Report will not be successfully implemented without strong and stable leadership at the most senior levels of the Department.

197 R. Davis and P. Kent, ‘Issues Concerning the Retention, Attraction and Career Progression of Senior Management Staff in the Department of Justice’ (2005).

Outlined below is an analysis of the Prisons Division head office structure with some recommendations that may impact on these roles. However regardless of changes made to the structure, the senior positions need to be reviewed and another submission made in the context of the reforms that need to be undertaken, with the view to permanently filling leadership positions as quickly as possible. Newly appointed managers should be able to lead and define a new culture which supports the implementation of these reforms and accords with the Standard Guidelines for Corrections in Australia.

ROLE OF SUPERINTENDENT

- 7.14 The superintendent position is the key to effective implementation of reforms within individual prisons. The superintendent currently has direct line responsibility for the uniformed prison staff and the public servants who work there. The position has little formal responsibility for other staff such as the health and education professionals who report to branches in head office. As reported in an inspection of Karnet in 2004, with the different reporting relationships of people within the prison (not all with direct reporting connections to the superintendent), the superintendent is left without the ability to properly coordinate services, prioritise activities and therefore to ensure the achievement of appropriate custodial outcomes.¹⁹⁸
- 7.15 In a report by Dr Ole Ingstrup in 2001, the observation was made that while superintendents were among the most important people in securing successful management of custodial services, they were not being treated in a way that reflected the importance of their work. Their classification level was comparatively low and their standard of office accommodation was inappropriate.¹⁹⁹
- 7.16 Currently superintendents' classification levels range from Level 7 to Level 9, with most being remunerated at Level 8 (base annual salary \$85,963–\$93,076). This does not include on-call allowances. The base rate for Level 7 is \$75,659 and the highest rate for Level 9 (which applies only to Hakea and Casuarina) is \$105,561. On face value, when comparing base rates, Victoria seems slightly higher (\$95,000–\$105,000) and New South Wales lower (\$73,213–\$89,783), although their allowances seem more generous. Queensland rates are higher ranging from \$88,288 to \$107,995.38. While a more in-depth analysis is required to compare the size and complexity of prisons and management responsibilities, the role of the superintendent seems under-

198 Report No. 26, *Report of an Announced Inspection of Karnet Prison Farm – February 2004* (Perth: Office of Inspector of Custodial Services, 2004).

199 O. Ingstrup, 'Report to the Ministry of Justice of Western Australia' (March 2001).

rewarded when compared with other positions in the public sector of Western Australia.

- 7.17 It is evident that the superintendent role needs to be reviewed both generally and for each prison. The responsibilities and accountabilities of the role need to be well defined and documented. The methods for holding the superintendent accountable should also be defined and understood and include aspects such as individual performance pay, rewards, incentives and benefits for facilities meeting their objectives and security of contract based on performance standards.
- 7.18 The superintendent should have direct and explicit responsibility for prisoner wellbeing. While this may seem logical, it currently is not the case. Superintendents currently seem powerful and influential as a group (who lobby actively as a group and who set a strong cultural tone); however, as individuals they have relatively little direct control of many aspects of the prison. Many members of staff within the prison do not report to them and they have relatively little control over critical areas such as selection of staff, FTE (full-time equivalent staff numbers) and budget management.

What Needs to Change

- 7.19 Superintendents should be given considerably more autonomy than they have currently. Individual prisons should be operated independently with a ring-fenced budget (set at a figure that reflects the true contribution of the outputs to the Departmental expenditure) and a service level agreement. This service level agreement would be drawn up to specify the services the superintendent is required to deliver, the service standards to be maintained, funding for service provision and penalties for failing to meet the specified service standards, as well as incentives for meeting and exceeding objectives.
- 7.20 Program staff should report to the superintendents and the superintendents should therefore be held accountable for program delivery and its impact in their prison. If the superintendent is to be held accountable for the outcomes of care and wellbeing and rehabilitation, it is imperative that health, education and treatment program services are devolved to the business unit level and a direct reporting relationship is established between the staff responsible for providing these services and the superintendent. This would apply even in the case of health services being transferred to the Health Department. A highly effective compliance and auditing function within the Department would need to be established to monitor the implementation of such agreements.

- 7.21 A sample role statement indicating the proposed responsibilities and accountabilities for superintendents is tabled as Appendix 10. Before a new role for superintendents can be implemented the standards and operating guidelines for prisons need to be established centrally as well as mechanisms for measuring, monitoring and reporting on performance. Each prison should have a range of key performance indicators that it would have to monitor and report on at least quarterly. This should be set out in formal Service Delivery Agreements between superintendents and the relevant executive operational officer. The Office of Corrections in Victoria has implemented a model that is appropriate for consideration. A sample of performance indicators for workforce management is shown as Appendix 11. Consequences for exceeding, meeting and failing to meet outcomes need to be established and published.
- 7.22 Adopting this revised role of superintendents constitutes a significant change to the current management practices and culture. A transition plan would need to be established as it is accepted that the current superintendents in many instances would not have sufficient training, skills, resources or capacity to take on the new role immediately. Part of this transition process may involve the provision of individual coaching to each of the superintendents. Each superintendent should have a personal professional development plan which could include the training needed, developmental assignments and projects and the use of an executive coach.
- 7.23 It is critical that each superintendent has the full set of skills required by a senior leader and manager (within a public sector context) as well as the skills required to be an effective custodial services manager. There will need to be a clear definition of the kind of person needed, including skills, background and core personal attributes. A superintendent is likely to have some relevant background (most will come from a leadership role within the justice-related area) and have an exceptional track record in management and leadership. The remuneration of the position will need to be determined by job value, the job market and benchmarked nationally, as well as across the Western Australian public sector. Remuneration could be packed flexibly to include a variety of alternative benefits to make the role more attractive to external candidates.

STAFFING PROFILES WITHIN PRISONS

- 7.24 The current mix of staff allocated to service delivery and supervision of prisoners is largely based on historical decisions made at many points of time, commencing with the commissioning of the prison and subsequent changes to the prison. The Prisons Act, occupational health and safety legislation and Departmental policy have also influenced the structure and staff profile of each prison.

- 7.25 Prisons have experienced a wide fluctuation of demands upon the workforce with limited flexibility to accommodate the shifting priorities of the organisation and matching those to current expectations. In part this is due to rapidly changing prisoner populations. The officer/prisoner ratios were often used as a tool to argue for staffing levels. This was not always appropriate particularly from a safety perspective as each site is different in role and physical structure. Funding models constructed within the Department have focused on the number of prisoners and/or the number of offenders under supervision within the community without linkage to the actual tasks required of staff to appropriately deliver services.
- 7.26 Furthermore, funding has been based on historical costs, equating what it cost to deliver last year to what it will cost to deliver this year minus efficiency dividends. This has resulted in perpetuating inadequate resourcing. Funding models should be oriented around prison outputs in relation to the Standard Guidelines for Corrections in Australia. Because funding and subsequent resourcing has been concentrated in the areas of custody and containment, provision of services to support the other aspects such as rehabilitation have been depleted over time. For instance, budgeted funds for the provision of education services have reduced by nearly five per cent since 2001–2002. As a result, education employees have attempted to absorb substantially increased workloads without additional resources.
- 7.27 In response to this problem, the Education and Vocational Training Unit has formulated a model for calculating the unit's budget which identifies a number of variables which influence the cost of the provision of the service such as IMP assessment tasks, complexity of prison layout, number of traineeships, TAFE resource agreements as well as prisoner numbers. This model has not been endorsed by the Prisons Division at this point, but may be a useful pilot for other funding models.²⁰⁰
- 7.28 The Offender Programs Branch was restructured to place all programs staff at specific prison facilities under the line management of prison superintendents in 2003. This was a desirable devolution of responsibility for key service provision. In a project report undertaken in November 2003, a workload analysis was undertaken based on the existing programs schedules and the known hours required for the delivery of programs and it concluded that the FTE available (30) was grossly inadequate and recommended 55.75 FTE. However additional funding was not pursued and program schedules were reviewed and modified substantially in 2004, which resulted in a significant number of programs being removed and the quality of existing programs

200 Community and Public Sector Union/Civil Service Association, 'Submission to the Mahoney Inquiry and Office of the Inspector of Custodial Services Directed Review' (July 2005).

was also compromised, thereby increasing the risk of offenders reoffending. Prison counselling services is another area that has been identified as being significantly under-resourced. The toll of these decisions on both prisoners and staff is relatively easy to quantify (see below for the impacts in relation to stress related leave among prisons services staff) and is not sustainable or fiscally responsible.

Prison Staff Profiling Project

7.29 Just recently the Department has undertaken a significant prison staff profiling project, which entails a review of the functions and operations of each prison and the establishment of a compatible and viable resourcing model to suit each prison. This project is not quite complete, although some resource models have been endorsed by senior management, the reviewed prison and the relevant unions. The work undertaken to date serves as a valuable foundation for further analysis. The initial profile results indicate the need for approximately 205 new and additional resources across the 11 prisons profiled and does not include education and program staff. Furthermore, the analysis was based on what is (rather than what could be) and did not factor in issues like the resources required to provide basic level of training to all staff members in the prison, a requirement which is currently not being met. A summary of these profiles and the resources implications is shown as Appendix 12.

Where to from Here?

- 7.30 Using the work that has already been done on the prison staffing profiles, further customisation needs to occur to cater for each facility and type (such as, low/medium and maximum-security, male versus female, juvenile versus adult, rural versus metropolitan, work camps etc). The profiles should take into consideration the future requirements of the prison, based not just on estimated future prisoner numbers but also anticipated changes of operational direction and approach to prisoner programs, etc. They will naturally vary for each facility. Bandyup for instance will be expected to have a much higher female to male prison officer ratio than other prisons. The profiles should also incorporate programs and education staff to provide a more accurate and complete picture.
- 7.31 Staff to prisoner ratios should be established for each type. These ratios should be well-researched and tailored to each individual prison's needs. Staffing needs should be based on the assessment of risk, need and intervention at each individual prison. The Department should reassess the method for appointing staff to enable a more appropriate blend and selection of uniformed, industrial and non-uniformed staff to

better meet the functions and objectives of each prison. Identification of basic staffing levels, both uniformed and civilian, has been based on formulae rather than being needs driven. Staffing numbers on the whole have to increase. The Prisons Profiling Project highlights this but does not present the whole picture of what may be required. In determining the right numbers, the purpose, role and prisoner throughputs of the prison should be identified to assess the right staffing requirements to meet the demands.

- 7.32 The prison profiles, once developed further, should serve as general frameworks and guidelines for superintendents and should not be designed to prescribe in detail how the superintendent should resource their prison to achieve outcomes. The Department put an industrial agreement in place in 2002 that capped the total number of uniformed staff based upon the population of prisoners in the system. That figure was first agreed as 1,147 to cater for 2,100 prisoners and was then adjusted to 1,165. The Department's capacity to respond to rapid prisoner population movements is at best sluggish. As at 15 June 2005, the total prison population was 3,537.

Workforce Planning

- 7.33 The Department does not have a current workforce plan for its prisons services. In 2002, a Human Resources Plan was developed but one of the fundamental planning assumptions guiding this process was a predicted decrease in prison populations (on which the Industrial Agreement was predicated), which, as shown from the above figures, was flawed.
- 7.34 Even at the most basic level of workforce planning, the selection schools for prison officers have not been tied to any real forecasting. Currently, on average, between five and six prison officers leave each month. This will undoubtedly accelerate in coming years as a consequence of the current age profile of prison officers many of whom are over 50 years of age. Therefore three schools, each with 24 students are needed each year just to maintain existing staffing levels.
- 7.35 Over the next ten years the prison population is expected to increase by approximately 1,000 prisoners from the June 2004 population of 3,164 prisoners which represents growth of 32 per cent in the prisoner population and presents additional significant workforce challenges.²⁰¹ It should be noted that the most rigorously researched and analysed prisoner population forecasts can still be wrong, largely because of the range of mitigating factors of which the Department has no control (for example, individual

201 Department of Justice, Business Management Directorate, 'Prisons Division Capital Investment Plan, 2005/06–2014/15' (May 2005).

magistrate decisions, police policy and practice, government policy, societal changes, etc). There should therefore be regular and rigorous workforce planning with a range of contingency plans should forecast prisoner numbers (with consequent impact on staffing numbers) prove incorrect.

- 7.36 The outcomes of workforce planning forecasts should be directly linked to the plans of the central selection team and most importantly the Training College. This can facilitate longer-term needs assessment about recruitment programs, initial training of entry-level prison officers and succession planning.
- 7.37 While workforce planning and forecasting would largely be undertaken as a central function, staffing levels should be set site-by-site and the superintendent should be the principal decision maker, in consultation with the prisons staff and with the benefit of information and planning tools from head office to support the process. If superintendents have negotiated for an appropriate budget to effectively operate the prison, it should be largely their decisions (in compliance with standards set by the Department) as to how the prison should be resourced to achieve the predetermined outcomes and remain within budget. This includes numbers and types of staff, shift arrangements and work arrangements.

THE MANAGEMENT STRUCTURES OF PRISONS

- 7.38 Currently there is a range of different management structures within the prisons, with no clear rationale for the inconsistencies. This means that positions with the same title may have different responsibilities depending on the prison in which they are located. Functions are also grouped differently, again apparently more because of historical factors than good organisation design and practice principles. Despite the variance of structures and functions within prisons, it is apparent that the current management structures within most of the prisons currently do not seem well aligned with the national standards of custodial management (currently enshrined as the Department's four cornerstones). The structures reflect a bias toward custody and containment.
- 7.39 The structures also as a whole do not provide for a business management focus. The grouping of business management activities with operational activities such as the management of the industrial officers detracts from both activities achieving their objectives. They have very different aims, with one aiming to provide prisoners with constructive activity, useful work skills and an opportunity to reduce prison costs, the other is about running the business and ensuring internal systems are working to achieve the best outcomes.

7.40 It is generally felt within prisons that there is inadequate clerical and administrative support. While new technology may in the longer-term provide a useful vehicle for overcoming some problems, in the short-term the introduction of new technology (such as TOMS) has in fact increased the administrative burden of staff whose main role should be working with prisoners. Tasks such as data entry and staff rostering do seem to be taking staff members' valuable time away from 'core business'.

7.41 In the recent review of Hakea Prison, the four zone managers (at assistant superintendent level) were abolished. A new position of Senior Manager Prison Operations was created to undertake the day to day operational management of the prison and thereby enabling the superintendent to operate at a more strategic level and to maintain more of an external leadership focus. An Assistant Superintendent Regimes, Assistant Superintendent Accommodation, Senior Officer Training and Facilities Manager (previously titled Industries Manager) report to this position. The senior management team of the prison retained the positions of Manager Security, Manager Assessments and Movements, Manager Offender Services and Business Manager. The Review emphasises the unique characteristics of Hakea Prison as an assessment and remand centre and therefore states that the recommendations are unlikely to be applicable to other prisons. However, this Review Team believes there are some underpinning principles that are useful in reviewing the management structures of the other prisons.

7.42 While there must be recognition of the need to tailor organisation structures to fit the specific characteristics of each prison, there should be a general management framework and set of principles common to all. There should also be consistency of job titles and roles.

7.43 The principles underpinning the structures should be as follows:

- The functional structure should be more closely aligned with the four key elements of custodial management, namely custody, care and wellbeing, reparation and rehabilitation;
- The manager of each functional area would need to manage daily operational requirements as well as provide the superintendent with support in the strategic management aspects of the prison. Other jurisdictions (such as Victoria) have called these managers, 'Operations Managers' or have given them functionally specific titles such as 'Vocational Services Manager' or 'Business Services Manager' (as in Queensland). This approach seems more relevant than the current title of Assistant Superintendent and may contribute to the integration of

traditional custody and containment roles with the other roles in custody management;

- Business management functions should be separated from prisoner employment related functions and should be strengthened both in terms of resources and responsibilities to provide the superintendent with the necessary support to undertake his/her new accountabilities for achieving the outcomes. Business management responsibilities should include business planning, business performance improvement, reporting and monitoring, human resource management and planning, training and contract management;
- There should be at least one senior training officer within each prison. The position would report to the business manager in relation to day-to-day responsibilities and workload issues. However they would be functionally responsible to the Training and Development Manager at the Training College to ensure quality of work, set training standards, and professional development and supervision. The training officer would be responsible for coordinating the training of all staff within the prison, not just prison officers;
- Separate prisoner employment from business management and allow for an expansion of its focus and role and facilitate close alignment with other aspects of prisoner education, treatment and rehabilitation;
- There should be an increased focus on prisoner education, treatment and recreation. The various program and professional staff working in the prison (for example, health, treatment, counselling and education staff) would now report through to the superintendent and operate as part of a multi-disciplinary and integrated team to align with the Standard Guidelines for Corrections in Australia; and
- For the larger prisons (such as Hakea and Casuarina) there may be merit in creating the role of deputy superintendent to free up the superintendent from large and complex operational requirements to enable strategic management both within the prison and across the Division.

7.44 Outlined below is a generic management model that could be incorporated in all prisons with only minor adjustments to meet the individual needs of particular prisons.

7.45 Table 21: Management Model

<div style="border: 1px solid black; padding: 2px; display: inline-block;">Superintendent</div>			
Rehabilitation and Reparation Offender Services Management	Care and Wellbeing Accommodation – Residential Management	Custody Security	Resources and Systems – Support Business
Includes: <ul style="list-style-type: none"> • Education • Counselling • Treatment • Employment/ industries • Community development • Individual Management Plans (IMPs) • Visits • Health • Work Camps • Assessments • Aboriginal Services • Special Needs 	Includes: <ul style="list-style-type: none"> • Accommodation • Routine management • Maintenance of order • Coordination of prisoner activity • Monitoring and reporting • Prisoner grievances and complaints • Discipline management 	Includes: <ul style="list-style-type: none"> • Intelligence • Investigation • Rapid response • Perimeter security • Emergency management 	Includes: <ul style="list-style-type: none"> • Business planning • Human resource management • Training • Finance • Procurement • Asset management • Standards and compliance

A more detailed description of these functions is shown as Appendix 13.

THE ROLE OF THE PRISON OFFICER

7.46 The role of the prison officer has changed markedly over the past two decades. Originally a prison was designed principally to hold and to punish, and the prison officers’ purpose was strictly custodial with their role being principally that of ‘turn key’. In recent times the rehabilitative philosophy has become very important, offering a humanistic approach and corrective action to lead offenders to a law-abiding lifestyle. Also prisoners’ rights have become increasingly significant – rights such as to send and receive mail, to practice their religion and to receive medical care. Along with this increasing breadth and diversity of expected standards and outcomes for prisoner management, the prisoner population has also become more complex with the rise of gangs and powerful cliques, increasing drug use and mental illness.

These trends, along with newer technologies, more sophisticated reporting procedures and increased legal demands have led to a demand for increasing ‘professionalisation’ of the prison workforce. In addition to maintaining the safety and security of the prison, the modern prison officer should be able to communicate with prisoners, supervisor and the administration in order to avoid minor issues from escalating into major disturbances or riots. Moreover the prison officers should be able to interact with a variety of ancillary professionals employed within the prison, which include psychologists, counsellors, educators and social workers.

7.47 The current role of the prison officer can be broken roughly into two categories:

- ‘Traditional roles’ based around security functions such as barrier management, the use of batons, restraints, searches, observing and monitoring rules and regulations. The essential functions remain security, information and management.
- ‘New roles’ such as the use of information technology in relation to prisoners. Specifically, the use of the Total Offender Management System (TOMS), emails and data management. Interaction with programs such as the Violent Offenders Treatment Program, the Sex Offenders Treatment Program, education, cognitive skills, counselling, psychological assessment and interventions, and psychiatric/medical liaison.²⁰²

7.48 In addition to the more sophisticated unit management style, more complex issues and needs will have to be addressed. Examples include Aboriginal affairs, women’s needs in prison, prisoner peer support, community liaison, and offender programs and employment. Yet, as we can also see from the often over-stated media response to escapes or drug seizures in prisons, the wider community now also expects much higher security standards for even the lowest risk prisoners. Indeed it could be argued that with the help of the media a ‘zero tolerance’ of problems associated with incarceration has developed in the wider community, again increasing pressures upon the prison officer.²⁰³

7.49 The role of the prison officer should be focused on interaction as the key to a dynamic approach to security. The system should provide the training and staffing resources to allow for officers to constantly interact with prisoners. The role of the officer is often about the simple management of human relationships, which provide the information to create a secure environment. At its simplest, interacting allows the officer to become ‘aware’ of threats to prison security or threats to other prisoners as well as issues relating to the welfare of prisoners.²⁰⁴ Staff–prisoner relationships are fundamental and a stable prison life depends to a large extent on the success of these relationships.

7.50 Within the Department, there is a current generic job description for prison officers with a wide variety of job requirements ranging from physical fitness to good communication and interpersonal skills, to appropriate awareness and attitudes to social and cultural diversity. However, evidence from different prisons indicates that

202 Western Australian Prison Officers’ Union, ‘Submission to the Directed Review of Offenders in Custody’ (September 2005), pp. 1–10.

203 Ibid.

204 Ibid.

the current job description is not necessarily a realistic indication of the role and is not practically used by prisons. Some of the smaller prisons expect prison officers to be rotated through all aspects of the prison operation while others deploy officers in more narrow modes of operation. The issue of creating more specialised prison officers has been discussed and debated and AIMS, (contracted to run Acacia Prison) is progressing down this path with designated case officers and security officers. Discussions have been had about creating specialised niches in areas such as cell extractions, specialised negotiation skills, operating breathing apparatus and planning prisoner programs.

A Redefinition of the Role

7.51 There is a need for a review and redefinition of the role of the prison officer and how prisons deploy prison officers and the types of skills required in specific situations and in different prisons. There is a strong case for a generic role description which identifies the key and base level responsibilities and competencies required of all prison officers, but attached to this there could be more specific role statements applicable to each prison, reflecting the different requirements and specific skill sets of a particular prison. For instance, Bandyup would have a role statement reflecting the unique characteristics of a women's prison and would identify skill sets and qualities that would be essential in working effectively with women prisoners. It may be even possible to link these skill requirements with modules of training provided to equip prison officers to work effectively in these prisons.

7.52 While the generic role description would be developed and updated centrally (with prison management input), the development of the prison-specific component of the role statement would be undertaken by the management team of each prison to ensure relevance and ownership of the product. The generic role description would be developed to reflect the national competency and occupational standards that have been developed for custodial services. In this way, there can be close links between the selection and subsequent training of prison officers.

Later in the Review Report, a new role entitled 'Operations Support Officer' is also discussed.

AN INTEGRATED WORKFORCE

7.53 In an inspection of Hakea Prison, professional and ancillary groups, which included education, forensic case management and programs staff, felt they received lukewarm support within the prison and were not well included in mainstream activities. Many

of them felt that prison officers on the whole do not understand the work they do and have no interest in finding out.²⁰⁵ Dr Ole Ingstrup, in a Report in 2001, observed that there was a lack of integration of treatment staff, especially social workers, psychologists and even the existing medical staff, which led to an emphasis primarily on containment and confinement.²⁰⁶

- 7.54 There is clearly a ‘them and us’ culture thriving in all prisons where the staff involved in education, programs, counselling and even health services are not well integrated in the daily operations of prisoner management undertaken principally by uniformed staff. Even the relationships between prison officers and vocational support officers could be stronger in terms of an integrated approach to prisoner management.
- 7.55 Having the program, educational and counselling staff report directly to the superintendent, as outlined earlier in the Review Report, will go some way to achieving a more unified approach to prisoner management. The ideal situation would be to have multi-disciplinary teams to case manage individuals on site, to provide a holistic approach to offender management, to take a proactive approach and importantly to provide collegiate support to one another as a workforce. Security, programs, case management health care, work, industries and community reparation should all be integrated with shared outcomes.
- 7.56 There also is a strong argument for an increase in professional support within prisons. Re-introducing social/welfare workers to prisons to provide a professional support role to prisoners and prison staff would provide a variety of benefits and would be a good preventative strategy for a range of potential risks to both prisoners and prison staff. Furthermore, the psychologists in prisons should take on a more active role in therapy work.

WORK CAMP STAFFING

- 7.57 Work camps were established by the Department in the late 1990s. The objective was to provide prisoners with an opportunity to enhance their skills, as well as develop a strong work ethic, a sense of self-esteem and an understanding of responsibility. Through working on the development and maintenance of community infrastructure – particularly of a recreational and environmental nature – work camps can contribute to a reduction in recidivism and further prisoner employment prospects after release.

205 Report No.12, *Report of an Announced Inspection of Hakea Prison – March 2002* (Perth: Office of Inspector of Custodial Services, 2002).

206 O. Ingstrup, ‘Report to the Ministry of Justice of Western Australia’ (March 2001).

- 7.58 The work camps at Walpole, Millstream, Kellerberrin and Pardelup have had relatively stable workforces, consisting primarily of prison officers and vocational support officers. The work camps in the Goldfields and the north-west regions have had more difficulties recruiting and retaining their workforces. Work camp officers are classified separately to prison officers and have their own salary rates in the award. Some people recruited to these more remote work camps have come from outside the prison service and have participated in some of the entry level training. This has been challenging to achieve, particularly the completion of the required portfolios, largely because of the logistic challenges of distance and remote support. Because each work camp has only four FTEs, freeing up resources to attend training and development activities has proved very difficult. The employees of work camps do not get together because of the logistical challenges. However efforts are being made to connect them informally through email, newsletters and to encourage sharing of information and ideas.
- 7.59 Work camp employees report to the operations manager in the ‘host’ local prison, and the interest and the support they have received has varied in each prison. At least one superintendent has been actively hostile to this activity – an attitude that runs counter to the development of staff confidence and motivation. In order to achieve better training for employees of work camps, there needs to be additional relief. Relieving work camp staff is a continual challenge, which is exacerbated by the fact that many prison officers come to the camp with massive leave liabilities. If work camps experience an increase in prisoner population the argument for additional relief work camp staff is even more compelling.
- 7.60 The incentives for staff working in the more remote work camps need to be looked at further. In a recent recruitment exercise for Mount Morgans Work Camp, housing was offered in Laverton. No-one was interested and of the three people appointed, one is Perth-based and two travel from Kalgoorlie. If additional remotely located work camps become part of the prison system, attracting people to these locations will need to be explored more deeply. Currently two work camp officers are Aboriginal. In the regional consultations that took place regarding work camps and other related issues, it was highlighted that work camps are a significantly more attractive employment option for Aboriginal people than traditional prisons. There is therefore an opportunity to use the work camps as an opportunity to target potentially suitable Aboriginal recruits. Running work camps in alliance with Aboriginal communities or by contract arrangements could also be seen as an incentive for Aboriginal people to be employed in work camps.
- 7.61 Superintendents are currently somewhat reluctant to encourage their prison officers to

go on secondment to work camps because of the challenges of backfilling their positions in the prison. If work camps were seen as more integral to the operations of prisons than they are currently, then superintendents may be more likely to see staffing of work camps as not only imperative from an operational point of view but also as providing an outstanding development opportunity for staff. Work camps would benefit from a diverse workforce, with some permanent staff recruited from both within prisons and externally, seconded staff to provide temporary relief and also a fresh new perspective and approach. Similarly work camps could play an important role in providing staff within prisons (both regional and metropolitan) with an opportunity to broaden their skills and approach and to work in different ways with prisoners.

- 7.62 In Chapter 3, dealing with the Kimberley Custodial Management Strategy, it is recommended that a position responsible for the management and development of Work Camps and Leave of Absence Programs should be established. This position would have overall functional responsibility across the whole State for the development of policy and the overall management of work camps. It is envisaged that a fully developed commitment to this model of custody would mean that the number of prisoners involved in such activities would be equal to the population of a small regional prison. The implementation of this proposal would mean that workforce recruitment and the championing within the Department of appropriate incentives and conditions would rest with that position, rather than with local prison superintendents.

ABORIGINAL EMPLOYMENT

- 7.63 As at 16 June 2005, there were 28 female and 33 male Aboriginal staff members out of a total workforce of 2,155 in prison services, which is a representation of 2.8 per cent of the total workforce population. This is a staggeringly low representation, when the prison population has Aboriginal representation of approximately 40 per cent. Aboriginal prisoners and the question of their needs, vulnerabilities and management are core business, but organisational structures within the Department fail to reflect this.
- 7.64 There are numerous reasons for the present difficulties in recruiting and retaining Aboriginal staff. Some of the problems are experienced by other government departments, but a number are unique to the Department of Justice because of the very nature of the work being done and those affected. There are often strong cultural and family constraints for Aboriginal people in participating in the imprisonment of other Aboriginals, constraints that are sharpened by the overall historical experience of Aboriginals in their contacts with a western legal system.

- 7.65 The Department is aware of the issues and has grappled with them for a number of years. It has introduced a range of initiatives and strategies including the creation of an Aboriginal Visitors' Service staffed exclusively by Aboriginal people; the development of positions at all prisons described as Prisoner Support Officer, which are invariably filled by Aboriginals; and the running of an Aboriginal prison officer recruitment initiative a number of years ago. While the latter move was considered initially successful with a number of new Aboriginal recruits, the retention statistics indicate that the project did not achieve significant outcomes.
- 7.66 The new order contemplated by this Directed Review – with greater local and regional autonomy, the development of new facilities in regional areas, the growth of new approaches to Aboriginal custodial management, the active partnering with Aboriginal communities – cannot be achieved without a quantum leap in Aboriginal employment in all aspects of Department activities, including prison officer work.

Comparisons Elsewhere

- 7.67 Some organisations in other jurisdictions are doing better. In 1999, the New South Wales Department of Juvenile Justice had 11 per cent Aboriginal representation in the workforce, in both mainstream and Aboriginal-specific positions. The increase in Aboriginal staff was achieved through specific methods including targeting some positions to be filled by Aboriginal people and well thought through customised advertising. Aboriginal communities have also taken an active role in establishing Departmental programs.
- 7.68 The New Zealand Department of Corrections' Maori representation was 21.5 per cent in March 2003 and they had set a goal for 2010 for 24.8 per cent representation (25.5 per cent frontline staff and 13 per cent of managers). In research undertaken within the New Zealand public service, the need for a 'critical mass' of Maori public servants at all levels and in various roles and a safe and responsive culture for Maori men and women, where Maori skills are recognised and valued, were seen as critical to retention of Maori staff.²⁰⁷
- 7.69 These retention factors are likely to be relevant to Aboriginal staff within the Department and given the low numbers of Aboriginals working in the organisation and the overall employee poor perceptions of feeling safe and valued, it is apparent that retaining Aboriginal staff would not be easy for the Department.

207 State Services Commission (NZ), *EEO Progress in the Public Service 2003 Report (with special focus on Maori)* (undated).

7.70 Having Aboriginal employees in custodial services is critical, particularly with such a high Aboriginal representation within the prisons. Improving the rates of Aboriginal employment needs to be a key focus area for the senior management team. Aboriginal employment is also a concern for government as a whole and it is important that the Department take advantage of government-wide initiatives and forms partnerships with organisations such as the Department of Premier and Cabinet, the Office of Equal Employment Opportunity and the Department of Indigenous Affairs.

Strategies for Improvement

7.71 Strategies to improve Aboriginal employment should cover three key areas, namely:

- The attraction and recruitment of Aboriginal people to the Department;
- Retention strategies for Aboriginal staff including improving strategic placement and career development; and
- Development of the capabilities of non-Aboriginal staff to work sensitively and more effectively with Aboriginal colleagues (as well as prisoners and communities).

7.72 As part of the overall Prisons Strategic Workforce Plan, there should be a specific strategy plan to improve recruitment and retention of Aboriginal staff. Some specific strategies that could be considered as part of an overall employment plan include:

- Given that many Aboriginal people have a criminal conviction and that is currently considered a bar against hiring, the General Manager should have the authority to screen in applicants with a criminal record, if that record is not a threat to security – for example if the criminal record is for minor offences and pro-social law abiding behaviour has been established for a period of time. This has already started to occur in the Department in recent prison officer selection programs and needs to be developed further;
- Targeted recruitment exercises to maximise the opportunities for groups of Aboriginal employees to come into the organisation so that support can be given to each other and by the Department to help them adjust to the culture and style of the organisation. Pacific Power in New South Wales launches major recruitment drives, consisting of information days and employment testing in Aboriginal communities across the State. The Employment Coordinator makes direct contact with community leaders when planning these days and maintains contact afterwards. Aboriginal people could also be made available to applicants to assist them through the entire selection process;

- The Department has been using media in more targeted ways such as Aboriginal newspapers and radio programs to reach a wider market. These efforts should be maintained and consolidated including the use of Aboriginal people in writing the job advertisements, distributing handouts among Aboriginal communities and organisations providing services used by Aboriginal people;
- Seek out applicants and offer ‘bridging’ programs and training/apprenticeships to develop them to the levels necessary to compete for the jobs and complete the entry level training;
- Create more roles in prisons that involve less prisoner interaction;
- Develop and conduct culturally appropriate exit surveys to find out reasons for leaving the organisation. Collate this data regularly and in analysing the information, modify and strengthen the Aboriginal Employment Strategic Plan; and
- Cross-cultural awareness training should not just be exclusive to non-Aboriginal people. Aboriginal staff also would benefit from access to this sort of training, designed specifically for them. This will help Aboriginal people succeed in what is essentially still a non-Aboriginal organisation. Covering things like ‘Aboriginal and non-Aboriginal assertiveness styles, building consensus with non-Aboriginal people’ would be very useful and equip Aboriginal staff with some skills and information to manage themselves within the Department.

7.73 Establishing more partnerships with Aboriginal groups and communities will not only potentially improve the quality of programs and initiatives for Aboriginal prisoners but also provide an excellent avenue to improve Aboriginal employment. Partnerships can be a very successful key to Aboriginal employment because they provide a framework for a whole-of-community response to employment outcomes at a local level and they increase ownership and commitment from everyone involved. The work camps provide an excellent opportunity to do this. By either contracting Aboriginal communities to run these camps or by working closely with the Aboriginal communities in their management and administration, employment of Aboriginal people within the work camps can be promoted. It also maximises the possibilities of longer term, more sustainable employment for Aboriginal people.

7.74 While this review does not specifically endorse the establishment of fixed targets and quotas, it is recommended that superintendents report on statistics relating to Aboriginal employment including improvement percentages and strategies developed and implemented. Furthermore superintendents who achieve recognisable improvement in Aboriginal employment should be recognised and rewarded as part of their overall prison and individual performance management processes.

EMPLOYMENT OF WOMEN

- 7.75 As at 16 June 2005, there were 756 female staff members in Prisons Division, which represents 35 per cent of the workforce. However, this relatively healthy figure reflects the high concentration of women in roles such as health services, education, offender programs, prison counselling services and clerical work, while concealing an appalling participation rate in custodial roles.
- 7.76 Female uniformed staff comprise only about 13 per cent of the total uniformed staff (178 out of 1,396 as at 20 September 2005). As the ranks go higher, the participation rate decreases – thus 14 per cent as prison officers, 11 per cent as first class prison officers and six per cent as senior officers. There is anecdotal evidence to suggest that women are in fact not applying for promotion to the more senior positions. They are also not staying as long as men with significantly higher leaving rates.
- 7.77 Male officers even dominate each rank at the two dedicated prisons for women – Bandyup and Boronia. In an inspection of Bandyup Women’s Prison in 2002 it was stated that there were a number of factors making it difficult to attract suitable female candidates such as staffing, transfer and promotional policies and practices that are not best suited to women’s needs.²⁰⁸ While an optimal female to male staff ratio in women’s prisons is not identified currently, it is clear that the gender ratio is not adequate on the grounds of work allocation. There are many tasks in a women’s prison that men cannot or should not perform.²⁰⁹ At regional prisons these problems can be particularly acute, particularly in relation to activities such as strip-searches and observation of women prisoners for self-harm where privacy issues are paramount.
- 7.78 The culture does not seem supportive of women working within prisons, and there have been ad hoc reports of intimidation and bullying.²¹⁰ As most women are reluctant to formalise their complaints, hard evidence is not easily obtainable. In some prisons there is an insufficient critical mass of women prison officers to provide each other support.
- 7.79 To its credit, the Department established in 2002 the position of Director of Women’s Custodial Services with the authority to take and implement system-wide policy initiatives relating to conditions, services and programs for women prisoners. There is no doubt whatsoever that this move marked the start of tangible improvements for women prisoners. Yet they number less than eight per cent of the total prisoner

208 Report No.13, *Report of an Announced Inspection of Bandyup Women’s Prison – June 2002* (Perth: Office of Inspector of Custodial Services, 2003).

209 Ibid.

210 See, for example, the discussion in Report No. 16, *Report of an Announced Inspection of Bunbury Regional Prison – December 2002* (Perth: Office of the Inspector of Custodial Services, 2003), [6.12]–[6.16].

population. As a marginalised minority, they needed and were entitled to this special organisational attention; yet no comparable move has been taken in relation to women employees, and this role apparently does not fall within the remit of the Director of Women's Custodial Services.

- 7.80 As with Aboriginal employment, there needs to a specific initiative to target women in the recruitment and selection of entry-level prison officers. There also needs to be a concerted effort to encourage women to take on more senior roles. When asked why they have not applied for promotion, many comment that, as they have not had acting opportunities in more senior roles, they do not feel they will be competitive. The promotion process is being addressed elsewhere in this document with a focus on performance in the job, which may well benefit female applicants. Additional to this, there needs to be a proactive approach to providing women with acting and other developmental opportunities. Holding superintendents accountable, with specific improvement targets for acting appointments of women, may go some way to redressing the current imbalances.
- 7.81 In the Western Australian Police Service they have an established mentoring and leadership program for women, and it has achieved some solid success and could be considered and customised for women working in prisons (not just prison officers). In this way, women could be encouraged to establish formal and informal networks and receive support from other prison officers as well as other women working in prisons. Female prison officers working more closely and collaboratively with female professional staff within prisons aligns well with the aims of a more integrated workforce.
- 7.82 As with the objectives for Aboriginal employment, specific diversity goals for the workforce of each prison could be established and reported on. This would encourage superintendents to look positively at recruiting women (and other target groups) from the entry-level prison officer programs as well as to other positions within their prison.
- 7.83 Finally, the 12-hour shift runs contrary to family friendly practice. Day care arrangements are particularly problematic. The 12-hour shift is covered elsewhere, and moving to more flexible shift arrangements will be a positive step in attracting female candidates. There should also be increased effort to look at part-time and other flexible arrangements.

ATTRACTION AND RECRUITMENT OF STAFF

- 7.84 The methods for attracting applicants to prison officer positions and the associated application package has been analysed and reviewed a number of times over the past few years by the Department. However, from the changes that have taken place, it seems the focus has been on process improvement rather than on increasing the attractiveness of the role or the Department to prospective candidates.
- 7.85 In reviewing the current advertised vacancy application package, it is interesting to note that the expectations of an applicant are relatively onerous in the first instance. Not only do applicants have to review and complete all forms and address the selection criteria, they also have to contact referees and advise them of their application. They have to obtain written references and these have to be provided before applications close. In a tight employment market, this level of time commitment from potential candidates may be a significant deterrent to potentially interested people.
- 7.86 The statement of claims against the selection criteria is also potentially demanding, with seven criteria requiring one or more examples of evidence in writing. While the application package gives specific assistance on how this should be done, this process could be a deterrent, particularly for those applicants who are currently employed (and very busy), or for potential applicants from non-English speaking or Aboriginal backgrounds. Furthermore, the language in the package is bureaucratic and somewhat unwelcoming with emphasis on how they might be excluded (by not complying).
- 7.87 An interesting point is that one of the findings of the Employee Survey undertaken in 2002 showed that there was a clear low preparedness among staff to promote the Department to the wider community.²¹¹ This is an important element in generating a positive image of the organisation as a good employer and therefore a useful attraction and recruitment strategy, which is missing in the organisation currently.

What Needs to Occur and Why

- 7.88 Major recruitment programs need to remain centrally coordinated. There is the potential for some components to be outsourced, though the coordination and strategic planning aspects should be retained internally. However an integral part of the management of recruitment is to consider ways of increasing the attractiveness of the positions on offer.

211 Centre for Organisational Research, *Employee Opinion Survey 2002* (Perth: University of Western Australia, May 2003).

7.89 Perhaps the Department has not seen this as a key priority up till now, as the numbers of applicants have remained fairly static in the last two prison officer recruitment rounds (shown later in this report). However, there has been little analysis on the quality of candidates and the numbers of Aboriginal and female applicants seem to be dropping. Furthermore the economic trends indicate increasing challenges ahead for the Department in attracting significant numbers of quality candidates. As outlined elsewhere, the current hire rates are not adequate for current demand, let alone a predicted increase in numbers of staff required. In Australia, Access Economics has projected that labour supply growth will fall from 170,000 per annum in 2001 to 125,000 for the whole decade 2020. Labour supply pressure is already apparent in a number of occupational groups and pressure on the supply will extend over time to most sectors and occupations.²¹²

Becoming an ‘Employer of Choice’

7.90 Strategies need to be put in place to win the war for talent, including innovative and intelligent marketing. Custodial services needs to have a branding program – an initiative to transform the organisation into an ‘Employer of Choice’. An employer brand is the aggregate of what people think about the organisation as a place to work. It is a complex interaction of workforce management policies, management style, organisation culture, employee satisfaction and the way the organisation presents itself. When strong, an employer brand can act as a magnet, making it easier to retain valued employees and attract new staff. A strong employer brand can significantly reduce costs relating to staff recruitment, training and loss of corporate knowledge. Having an effective employer brand is the first step to becoming an ‘Employer of Choice’.

7.91 While many of the recommendations in this report will significantly contribute to the organisation being seen as a better place to work by the people who are already working in it, more needs to be done to promote it externally and to make the selection process a positive experience for all applicants involved, whether they are subsequently appointed or not. Also it should be noted that most energy and attention is currently focused on entry level prison officer recruitment; however developing the employer brand and improving recruitment practices should be extended to all occupations within custodial services.

7.92 It is important that the Department has key messages, a ‘Unique Selling Proposition’, which is common to all external communications for example:

- Real career prospects;

212 Drake International, *The Age Chasm – Successfully Managing Age in Your Organisation* (undated).

- Playing a key role in keeping Western Australia safe;
- An opportunity to make a positive difference;
- Challenging and interesting work; or
- Secure employment, with real career development possibilities.

7.93 There needs to be innovative programs developed to specifically attract Aboriginal and female applicants as well as people from culturally and linguistically diverse backgrounds.

7.94 With the implementation of the recommendations in this Report, it is anticipated that there will be an increased sense of pride in current custodial services staff. One of the real benefits of this is that they become good advocates for the Department and begin to market the organisation to people they know. They could also become a useful source for candidates, being rewarded with finder's rewards if people they recommend are employed. This practice is becoming increasingly common in private sector organisations that are experiencing skills shortages.

7.95 While pay rates probably do not need to change significantly (the prison officer salary rates compare well with other jurisdictions) the terms and conditions should be explored further, in particular, the benefits, working conditions, hours, flexibility and so on. It is critical that the current staff are asked what motivated them to apply in the first place and what keeps them in the job. Part of any employer branding initiative will do this. Employer branding should also ensure that market research is undertaken to find out what the potential candidates out there think, want and need.

7.96 Finally, the recruitment process for entry level prison officers should be revised to make it more user-friendly for candidates. The initial application should be less onerous on candidates and the package contents should be rewritten and reframed in more positive and inclusive language. Options such as removal of the requirement to address some or all of the selection criteria in writing and removing the need to provide written references should all be considered in light of this. This is discussed further in Selection of Prison Officers, below.

ATTRACTING STAFF TO REGIONAL PRISONS

7.97 In regional areas the recruitment practices in particular have produced some disappointing results and some blame the rigid and inflexible selection practices and tools.²¹³ In recent years the Department has made efforts to target the regional media in

213 The Futures Group, 'Review of Prison Officer Recruitment: Stage 1' (July 2004).

an effort to recruit to regional prisons. However the lengthy, multi-staged selection process has worked against the successful recruitment of staff to the regions. Often those who are perceived locally to be very good candidates do not fit the criteria determined by the Department as being appropriate for a prison officer. Also some candidates are no longer available by the time the recruitment process is finalised. The end result is too often that the prison cannot attract recruits who want to be there, and those who do go to the prisons in places such as Roebourne and Kalgoorlie-Boulder do so under sufferance, and request to transfer out very soon after arriving. Efforts to introduce regional incentives have been piecemeal and largely governed by broader government policy and practice.²¹⁴

7.98 In 2002 a review was undertaken of regional incentives which identified the main deterrents to working within the regions as being:

- Poor prison management;
- Inability to transfer to more desirable prisons and a perception of being ‘trapped’ within minimal chances of being transferred out;
- Lack of career path – with less opportunity to take on project work;
- Cultural differences – with local residents and prisoners in remote regions consisting largely of Aborigines;
- Housing issues – quality and availability;
- Lack of service acknowledgement – staff feeling isolated and unacknowledged for work due to the remoteness of location;
- High costs of living – generally higher than metropolitan areas; and
- Lack of leisure facilities – particularly in Kalgoorlie-Boulder and Roebourne.²¹⁵

7.99 Roebourne Regional Prison, in particular, has had significant difficulties attracting or retaining quality staff, and the Prisons Division has been promising for many years to comprehensively address this issue. The Department’s Remote Area Incentive Strategy was a response to this need, but according to an inspection report of Roebourne Regional Prison it did little to address the problem. 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

214 Report No 27, *Report on an Announced Inspection of Broome Regional Prison – May 2004*, (Perth: Office of Inspector of Custodial Services, 2005).

215 MECC Consultancy, ‘Report on Incentives for Regional Prison Officers’ (October 2002).

and concerns of prison officers or their families. In surveys done 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.²¹⁶

- 7.100 While 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%) doing so for lifestyle. Many people who move to the Pilbara leave within five years. Roebourne Regional Prison's management itself confirmed this in a poll of its prison officers. This showed that while 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.²¹⁷
- 7.101 The situation in more recent times has worsened for places like Roebourne Regional Prison, largely because of the significant increase in employment growth and improved employment conditions being offered in the Pilbara region driven by the current resources boom. Although pay rates for prison officers are comparable to those in other States, they are substantially less than those of most other occupations in the Pilbara. The cost of living is correspondingly higher. Prison officers inevitably feel a sense of relative deprivation that they would not feel in Bunbury or Albany or even the metropolitan area.
- 7.102 The Department has once again recently attempted to address some of these issues in the 2005 Enterprise Bargaining Agreement with the establishment of the term 'Regional Incentive Prison' – attributed to Broome, Roebourne and Kalgoorlie-Boulder. As part of this scheme, prison officers working in these prisons are given an extra incentive payment. They are also provided with the option of returning to a metropolitan prison after two years and are guaranteed a transfer within six months. While these two initiatives will be welcomed by the prisons affected, they do not go far enough to resolve the issues outlined above. Notably, these are only available to prison officers and the recruitment and selection problems extend to all staff working within prisons (particularly professional and administrative staff). Other regional prisons (such as Greenough Regional Prison) have objected to being excluded

216 Report No 24, *Report of an Announced Inspection of Roebourne Regional Prison – November 2003*, (Perth: Office of Inspector of Custodial Services, 2004).

217 Report No 24, *Report of an Announced Inspection of Roebourne Regional Prison – November 2003* (Office of Inspector of Custodial Services, Perth, 2004).

completely from this scheme, and state that they too have difficulties recruiting and retaining good quality staff.

What Should Happen Now

7.103 It is unlikely that the current regional incentives offered in the latest Enterprise Agreement are going to adequately address the problems. Other alternatives need to be explored and offered. It is accepted that the Department is required to comply with central guidelines for attraction and retention benefits for the public sector and will probably need to work with the Department of Consumer and Employment Protection in developing new ideas. However, there are groups such as police officers and teachers who have been compensated more realistically, and there will be an increasingly urgent imperative for the public sector as a whole to act laterally and innovatively in what is becoming an ever increasingly tightened employment market.

7.104 Some of the options worth investigating and considering further are:

- Provide an allowance for accommodation as an alternative to Government Employees' Housing Authority (GEHA) housing, particularly as GEHA in some areas is struggling to actually find adequate housing;
- Provide a hardship allowance that is calculated on a set of criteria around the hardship conditions. While this has occurred to some extent with the Regional Incentive Payment for Broome, Roebourne and Kalgoorlie-Boulder prisons, additional payments should be considered for work camps. The Department of Education offers special conditions (including extra payment) for those teachers who are working in the most remote locations;
- Similarly these teachers are also provided with more flexible leave conditions and are offered an additional ten weeks paid leave should they remain in a remote location for three years and those who remain for four years receive an additional 22 weeks paid leave. This is designed to encourage staff stability with the regions. (Interestingly the most recent Prisons Enterprise Agreement with its promise of a return back to Perth after a couple of years actually actively discourages such loyalty);
- Appointment of a liaison officer to administer and plan employee leisure activity and to administer a point award system;
- Introduction of a points award system as a way of rewarding staff for service across the regions. Points could be awarded for a range of things, but bonus points would be awarded to staff who stay in remote regions. A range of rewards could be compiled to appeal to the diverse staff base;

- Alternative work schedules could be considered such as two weeks on, two weeks off, to allow more flexible lifestyle decisions. Due to recruitment difficulties, a work camp officer at Mount Morgans (near Laverton) is based in Perth and travels to the work camp for eight days on and returns home for 13 days off. Another two officers in the same camp operate in the same way from Kalgoorlie;
- Explore better subsidies for housing, phone, etc;
- Offer increased training incentives, for both the staff member and family members, including increased access to Department-held accredited training, heavily subsidised external studies, etc;
- More comprehensive induction and orientation for the whole family, including comprehensive cultural awareness training, specific to that area.;
- Set up of peer/mentor arrangements;
- Provide subsidised health care and/or provide access to health facilities located elsewhere on an as needs basis;
- Provide ‘wellness programs’; and
- Resource for better-structured relief arrangements.

These options should be considered not just for prison officers but for all employees of prisons and work camps.

SELECTION OF PRISON OFFICERS

7.105 Since 2003 there have been a number of prison officer recruitment rounds and training colleges. They have been characterised by a lack of strategic planning, coordination, documentation of processes and procedures and confusion of boundaries and roles between Corporate Human Resources and the Prisons Division.²¹⁸ The selection tools used have been largely unchanged for a number of years and there is little evidence in relation to their reliability or validity in making the ‘right’ selection decisions for the organisation in terms of its current or future needs.

7.106 Outlined below are statistics relating to the progress of applicants through the various phases of the selection processes of the most recent recruitment exercises. A recruitment exercise for former prison officers, which was also conducted during this period, has not been included.

218 The Futures Group, ‘Review of Prison Officer Recruitment: Stage 1’ (July 2004).

7.107 Some noteworthy observations regarding the data are outlined below:

- Verbal referee checking is not part of the selection process;
- On average 42 per cent of the total applicant numbers are eliminated in the psychometric testing (written and interview). This is a very large percentage when this kind of testing does not have the highest validity and reliability rates of all assessment methods available. It should be noted that in the last two recruitment exercises, the percentages of knockouts during these phases is significantly lower than the previous exercises, although the reasons for that are not known;
- There has been a fairly significant number of no-shows and withdrawals from this process and there seems to have been very little analysis undertaken to determine why this has occurred. In the last two recruitment exercises, withdrawal and no-show statistics were not gathered;
- The number of people being eliminated by the fitness test is growing and in the latest exercise a total of 21 people were eliminated (original applicant pool was 232). This is a large number and the relevance and appropriateness of the fitness testing does need to be examined, especially as it is presumed that fitness is generally something that can be developed and improved; and
- The number of applicants seems to have stabilised in the last two rounds. The percentage of female and Aboriginal applicants is not improving and in fact is considerably less than the initial recruitment program in August 2003.

7.108 Table 22: Selection Process

RECRUITMENT					
	Aug 2003	Dec 2003	Apr 2004	Nov 2004*	Apr 2005*
APPLICANTS					
• Total	407	179	917	233	232
• Males	210	105	557	161	167
• Females	197	74	327	62	65
• Aboriginal	40	15	37	8	17
• NESB	0	8	82	5	7
Eligibility	N/A	N/A	33 n/s ²¹⁹	41 n/s	61 n/s
Shortlisting applications	N/A	N/A	120 n/s	56 n/s	16 n/s
Psychometric testing – written	182 n/s	91 n/s	225 n/s	33 n/s	43 n/s
	68 no shows	21 no shows	48 no shows		
Numeracy/Literacy	N/A	N/A	343 n/s	N/A	N/A
Psychometric testing – interview	35 n/s 15 no shows	15 n/s 1 no show	104 n/s	24 n/s	11 n/s
Departmental interview	31 n/s 1 no show	11 n/s	21 n/s	16 n/s	4 n/s
Medical	0 n/s 1 no show	0 n/s	3 n/s	3 n/s	0 n/s
Fitness	N/A 2 no shows	8 n/s 1 no show	5 n/s	12 n/s	21 n/s
Employment screening (criminal and integrity)	3 n/s	0 n/s	2 n/s	25 n/s	17 n/s
Total withdrawals (including no shows)	91	40	139	4	30
Recommended					
• Total	64	14	166	56	72 (2 still in process)
• No. ATSI	Unknown	Unknown	4	1	1
• No. Female	Unknown	Unknown	34	19	18

7.109 In reviewing these processes, a number of issues arose including poor communication and overlapping of roles and responsibilities between corporate human resources (HR) and the prison staff, lack of ownership of the outcomes by the superintendents and other key ‘prisons’ staff, lack of training of selectors (in the first process at least, there were no HR staff on the Departmental selection panels). There were also mistakes made with people ‘slipping through hoops’.²²⁰

* The information used in these statistics has been gathered from the databases used by Recruitment to manage scheduling and results. Candidates were given the opportunity to disclose ATSI or non-English backgrounds but were not required to do so and the information was not pursued thereafter. Every effort has been made to keep this information accurate and up to date, but during some of the recruitment exercises a number of stages overlapped to compress the time taken which means there may be some inconsistency in the statistics.

219 n/s is used to indicate participants that were not suitable

220 The Futures Group, ‘Review of Prison Officer Recruitment: Stage 1’ (July 2004).

7.110 When superintendents were interviewed as part of the evaluation process, they criticised the selection process for a number of reasons, including:

- The lack of coordination and the time it takes to get results (many months in fact). It should be noted the most recent selection exercises have improved in the time taken by the administration team compressing processes and running some simultaneously though this led to other problems of coordination and some unsuitable candidates ‘slipping through the net’;
- The system and testing is out of date and not relevant to the core characteristics required in prison officers. Regional prisons in particular were negatively impacted with most recruits coming from Perth, with few ‘local’ people making it through. Applicants, particularly Aboriginal women with valuable life skills were not passing and the process seemed to set many targeted groups up to fail. There was inadequate involvement/consultation with regional and operational staff;²²¹ and
- An additional point made was that the shift to the four cornerstones philosophy and the national standards and guidelines potentially has a big impact on prison officer recruitment because of the changing demands on prison officers, but that had not been adequately reflected in selection practices.²²²

The Assessment Methods Used

7.111 The psychological testing component of the selection process has been contracted out to external providers, which has led to concerns about consistency and quality of approach. A common view is that the psychometric testing is unreliable because many people who work on a daily basis with prisoners either on contract as prison officers or as industrial officers fail the test. In all cases, the reasons for failing the tests were because of the identification by the psychologists of major attitudinal issues that would be undesirable in prisons. The fact that there is a dichotomy of views of individuals between the prisons and the psychologists is concerning and requires more in-depth analysis. The tender with the external provider is due to expire and a new tendering process should be underway shortly. The fact that the tender applies to the whole Department and not just Prisons Division may impact on the effectiveness and appropriateness of the contract for the specific needs of prisons. The cost of psychological services in selection is currently approximately \$85,000 per year. In-house resources could be provided for a similar cost.

221 Ibid.

222 K. Neill, ‘Prison Officer Recruitment Consultancy Project Scoping Exercise’ (May 2004).

- 7.112 As outlined above, one of the issues surrounding the psychological testing is the numbers of applicants who are eliminated from the process altogether on the basis of these tests. While psychometric testing is a useful tool, its predictive validity has been estimated in various studies to be in the range of 0.25 to 0.45 – the higher validity tends to be for ability and cognitive tests with personality tests rating at the lower end.²²³ Structured interviews are generally considered a more reliable indicator with predictive validity of approximately 0.44.²²⁴ While there has been much discussion about the systemic disadvantages some minority groups experience in the interview process, there has been much more debate about the validity of psychometric testing on minority groups and the research is still, at best, inconclusive.
- 7.113 There is currently no connection between the information gathered during the psychometric testing and the Departmental interviews and therefore no opportunity to explore any information further or to test issues raised. Yet all the research concludes that using a combination of assessment tools works best and therefore combining the outcomes of the psychometric testing with additional assessment methods would improve the validity and reliability of the whole process.
- 7.114 Another interesting point is that the medical examination, which is a compulsory part of the assessment process, costs the candidate \$100. It seems nonsensical for the Department to subject individuals to this cost burden when the total amount that the Department would have to bear is an insignificant amount when compared with the total cost of the selection process. Also the people administering the selection process have reported inconsistency in the quality of the medical reports. As the applicant is paying for the medical report, the client relationship established means that the doctor is providing a service to the individual and not to the Department. Changing the client relationship to the Department may improve the outcomes.
- 7.115 The fitness-testing component of the current selection processes is also in need of reform. Currently applicants are required to reach different fitness levels according to age, as opposed to the generic requirement of all prison officers. The Inspectorate observes that many current prison officers would probably not meet the stringent fitness standards required of applicants, which brings to question the need for the specified fitness level at initial selection. A number of people have stated that the fitness test is not sufficiently job-specific and does not take into account the realities of the job. It therefore acts to eliminate candidates who might otherwise be suitable for prison officer positions.

223 P. Taylor, 'Seven Staff Selection Myths', *Management*, May (1998), 61–65.

224 Ibid.

- 7.116 Another matter, outlined above, is that there is no checking of candidates' referees. Candidates are asked to provide written references with their application (which in itself is an onerous demand); however, the reliability of written references is well known to be questionable at best. Research into assessment methods conclusively assesses verbal referee checking as superior to written references. There also appeared to be little quality control or documentation about record keeping, reporting and treatment of previous applicants.
- 7.117 Currently, successful candidates are placed directly into training and after a period of approximately eight weeks they are allocated to a prison. These placement decisions are often viewed by superintendents and candidates as ad hoc and ill-planned. As a consequence, a significant percentage of new prison officers apply for transfers on compassionate grounds. An example of this was the recent allocation of a new prison officer to Roebourne. As a single mother of five children, this prison allocation was doomed to fail and she added to the statistics of compassionate transfer requests.

A Good Beginning

- 7.118 As outlined earlier, before a selection process commences, the core competencies needed to be a good prison officer need to be defined and understood – this includes the skills, experience, personal attributes and expected behaviours. The profile of a prison officer needs to reflect the Standard Guidelines for Corrections in Australia as well as the National Competency Standards. It is important that as much work is done to identify the values, attributes and behaviours required as the skills and experience. In fact because values, attributes and behaviours are a lot more difficult to change and develop than skills and experience, it is vital that these are correctly identified and that the selection processes are designed to adequately test and select people based on these. Along with the core set of competencies, common to all prison officers, there needs to be special skill sets identified for special needs, for example, women's prisons, maximum-security, work camps and regional/remote prisons. While applicants should be selected to meet the core generic requirements, there needs to be an additional process to select trainee prison officers to particular prisons.

Improvements to Assessment Methods

- 7.119 The selection tools used need to be analysed and tested to ensure that they can adequately assist in selection decisions based on these defined core competencies. The selection processes should do the job well; that is, select the 'right' people, maintain standards and ensure that key target candidates are encouraged and supported, not disadvantaged.

- 7.120 Consideration should be given to employing a psychologist in-house as opposed to contracting that service. This way, off-the-shelf psychometric tests can be customised to the specific needs of prisons. This option needs to be fully explored in terms of costs and benefits. While using psychometric tests should be retained as an effective assessment tool, how they are used needs to change to reduce their current capacity to eliminate large numbers with little other assessment taking place.
- 7.121 The fitness testing for new recruits needs further analysis and comparison with the realistic requirements on the job. Consideration should also be given to making regular fitness tests a requirement for all prison officers working in prisons with remedial fitness training and planning when fitness tests are not passed. It is therefore imperative that the fitness test is a true reflection of what is necessary to do the job effectively.

The Selection Decisions and Process Management

- 7.122 While the selection of entry-level prison officers should still be a central function, it needs much more ‘hands on’ involvement from key stakeholders. Superintendents, for example, should be integral in the decision-making for selections to their individual prisons. This needs to be considered further in terms of implementation. With job requirements defined for each prison in a separate role statement, there is an opportunity for superintendents or delegated senior staff to become involved in the selection process (after the generic requirements have been assessed) to select candidates on the basis of merit for the individual needs of their prison.
- 7.123 The value of managing the selection processes centrally has not been fully realised to date. There is an opportunity to continue to analyse and evaluate assessment processes and outcomes and to introduce improvements and innovations based on research of best practice. At the end of each major recruitment exercise, a thorough review should be undertaken including surveying successful and unsuccessful candidates and other more subtle indicators such as surveying those that withdrew during the process or even those that asked for initial application kits but did not go forward and apply.
- 7.124 Selection processes should be quicker than they currently are. While the central Prisons Division recruitment team has worked exceptionally hard to reduce the timelines by compressing processes, they have also sacrificed quality and accuracy of processes. The team seems under-resourced and suffers from high turnover and therefore lack of relevant historical knowledge and experience. The selection processes within the Department as a whole are notoriously slow with many processes taking six months or longer. Not only is this inefficient and ineffective, it is costly to

the Department in terms of withdrawal of candidates and loss of reputation. Normal selection processes should take no longer than six to eight weeks; because of the psychometric, fitness and medical testing involved in prison officer recruitment this process will take longer, but should not stretch beyond 12 weeks. The recruitment team needs to be adequately resourced with experienced and energetic staff to deliver on these timelines. Processes also have to be continually reviewed to find quicker ways of doing things.

- 7.125 The relationships between the prisons, the Prisons Division recruitment team, the Training College and Corporate Human Resources do not seem to be effective. There is little sense of people working collaboratively to achieve a common goal. Instead, there was a consistent message about teams obstructing each other. The implementation of recommendations relating to corporate support may assist, but there is an overarching need for the culture of corporate support functions to change. There needs to be a stronger sense of the ‘customer’ and of providing outstanding service to the prisons as well as assisting them to comply with standards and legislative requirements. At present it seems that compliance is the dominating motivator among many people within corporate support functions.
- 7.126 It is critical that the allocation of trainees to a prison be done prior to commencement of their initial employment training. Therefore, acceptance of a prison officer position is with full knowledge of the prison to which the person is to be allocated. This initial decision regarding allocation will be made ultimately by the relevant superintendent, in consultation with the central coordinators of the selection process and the individual candidate. This way all aspects can be considered such as the candidate’s suitability for a particular prison, the candidate’s preferences and the superintendent’s assessment of the prison’s specific needs at that time (for example, the need for more female prison officers, etc). There may be an interim step of a Prisons Officer Transfer and Allocation Committee making recommendations to a superintendent to ease the administrative burden of the superintendent without removing their decision-making authority. This could be the same committee that coordinates the transfer and promotions processes (discussed elsewhere).

7.127 Those applicants being offered positions at the regional and remote prisons (such as, Broome, Roebourne and Eastern Goldfields) should undergo an interview with the applicant and their spouse or partner (where applicable) and a representative of the prison. This should occur prior to the acceptance of the offer of the appointment. This would not be a screening process but would provide an opportunity to inform potential employees of the unique aspects of working and living in these remote locations and to give them an opportunity to ask a range of questions relevant to their circumstances. This interview would assist in ensuring that potential employees are making informed decisions and thereby negate the current trend for applications for compassionate transfers based on false expectations about working in these locations.

CAREER DEVELOPMENT AND STAFF MOBILITY

7.128 In the Employee Opinion Survey of 2002, prisons staff expressed relatively low perceptions (in comparison with the rest of the organisation and other organisations in Australia) of their career development opportunities.²²⁵ Ongoing training is central to career development and is discussed as a separate heading because of its importance in the overall reforms. Training is another area where the Department has been under-performing and under-delivering with negative outcomes. Yet, in a selection forecast undertaken by Development Dimensions International in 2005, a global study into the hiring practices of almost 1,600 Human Resource Managers in 348 organisations show that 25 per cent of employees leave an organisation because of a lack of growth and development opportunities.²²⁶ This suggests that senior management needs to make work more meaningful and fulfilling for their employees to help alleviate the financial impact of staff turnover through effective retention strategies. When asked about what employees are looking for aside from salary benefits, hiring managers cited job advancement opportunities (73%) and work/life balance and job stability (52%).

Succession Planning

7.129 Succession planning is an important aspect of career development but has not occurred in the organisation. In a 2001 report to the Department by Dr Ole Ingstrup, succession planning was identified as an urgent priority, with an estimation of 50 per cent of superintendents likely to be leaving their jobs in the next five to six years and no strategy in place to secure qualified people capable of assuming these vital roles.²²⁷

225 Centre for Organisational Research, *Employee Opinion Survey 2002* (Nedlands: University of Western Australia, May 2003).

226 P.R. Bernthal and R.S. Wellins *Retaining Talent: A Benchmarking Study* (DDI, 2005) <<http://www.ddiworld.com/pdf/CPGN60.pdf>>

227 O. Ingstrup, 'Report to the Ministry of Justice of Western Australia' (March 2001).

It does not seem that any specific action was taken as a result of these observations and the situation among the superintendent and assistant superintendent groups remains critical. In a snapshot of the superintendents on 6 September 2005, provided by the Corporate Workforce Analysis Section, the average age of superintendents was calculated at 52. Of the 13 superintendents, three are eligible to retire now and another eight are eligible to retire within the next five years. A small sample of officers at the next level showed a similar picture – of the sample of 13, the average age was 53. Three are currently eligible for retirement with another seven eligible within the next five years. As this sample comprises a logical potential recruitment pool for the superintendent positions, the criticality of the situation cannot be over-emphasised.

7.130 Succession planning establishes a process that identifies employees, develops their skills and abilities and prepares them for advancing, all while retaining them to ensure a return on the organisation’s development investment. Succession planning involves:

- Understanding the organisation’s long term goals and objectives;
- Identifying the workforce’s developmental needs; and
- Determining workforce trends and predictions.

7.131 In the past, succession planning typically targeted only key leadership positions. In today’s organisations, it is important to include key positions in a variety of categories. With good succession planning employees are ready for new leadership roles as the need arises, so that when someone leaves a current employee is ready to step into the role. In addition, succession planning can help develop a diverse workforce, by enabling decision-makers to look at the future make-up of the organisation as a whole. The succession plan should highlight key critical jobs and have strategies in place to ensure that they are not vulnerable to absence and turnover. Similarly key staff members should be identified, those who are assessed as adding outstanding value and/or deemed as having significant potential for the future. Formal career development plans can then be initiated and implemented centrally for these staff members. While succession planning should be a centrally managed initiative, it will not work effectively without significant involvement from the management teams in the prisons.

7.132 An immediate priority of the succession plan should be to identify potential future superintendents. As outlined, a significant percentage of the current crop of superintendents will leave the organisation in the next five to ten years, and yet there is a dearth of suitably trained and skilled internal candidates available to replace them. If the changes to the role of the superintendent (outlined above) are implemented,

turnover in these roles could be accelerated, potentially exacerbating the problem. The succession plan for this occupational group should be closely integrated with the plans of the Training College.

Individual Development Planning

7.133 To foster the career development of all individuals within custodial services, each staff member should have an Individual Development Plan, targeting current needs and charting career development strategies. Strategies should be developed to encourage self-help as well as to initiate corporately sponsored activities. Development should be a mix of on the job, off the job, formal and informal activities and programs. Use of secondments, acting arrangements and mentoring programs can form an important part of the development strategies available. Currently this does not occur in the Prisons Division. This is largely because performance management has not been successfully implemented despite a number of attempts to do so.

Acting Arrangements

7.134 Acting arrangements have been the source of a variety of negative comments during the Directed Review. The long-term acting arrangements for senior positions within Prison Division have caused instability and inadequate leadership. The sheer volume of acting appointments has also been identified as an issue of concern. There is substantive evidence to verify these concerns. Statistics provided by the Department of Premier and Cabinet's Workforce Analysis and Communications Branch state that as at 30 June 2004, approximately 23 per cent of the full-time permanent public sector employees received a higher duties allowance within the public sector as a whole, but in the Department of Justice for the same period, 34 per cent of its full-time permanent workforce received higher duties allowances, clearly well above the public sector average.²²⁸

7.135 It seems acting appointments are often made predominantly for operational expedience and little consideration seems to be made of the developmental benefits for the individuals involved. Also there seems to be fewer occurrences of women acting in senior positions, particularly in uniformed roles, though this has not been researched.

7.136 Acting appointments should be understood as meaningful development opportunities for staff with action plans in place, a mentor possibly identified and an opportunity of evaluation and reflection at end of the placement (preferably documented and placed on personal files). To ensure this occurs, superintendents can be required to report on

228 Department of Premier and Cabinet, Workforce Analysis and Communications Branch, *Overview of the Western Australian Public Sector Workforce* (June 2004) <www.dpc.wa.gov.au/psmd/pubs/wac/prof04>.

acting appointments made and the support and feedback provided to employees appointed to acting positions.

PRISON RANK STRUCTURE

7.137 The current rank structure has been in place for a number of years and seems to have developed in an evolutionary way based on historical factors rather than on best practice design principles. The structure is as follows:

- Probationary Prison Officer.
- Prison Officer.
- First Class Prison Officer.
- Senior Prison Officer.
- Assistant Superintendent.
- Superintendent.

First Class Prison Officer

7.138 There is some dissatisfaction in the current rank structure, particularly among the superintendents. The rank of First Class Prison Officer, for instance seems to be largely anomalous. The rank is simply a pay point, with no apparent additional responsibility and certainly no enhanced training or skill. If the concept is to be retained, it should be under very different circumstances. It should not be a rank, but a pay point, awarded to prison officers who undertake additional training, achieve accreditation and most importantly use that training in the prison. If this were seriously applied, then other prison officers who did not acquire additional skills would not be able to reach this pay point. On balance it is proposed in Table 23 that this rank be abolished.

Senior Prison Officer

7.139 The role of Senior Prison Officer seems to work in different ways in different prisons. Prisons have been operating with a unit management system since 1988. Senior prison officers acting as unit managers are expected to negotiate outcomes daily, making multiple decisions that affect all aspects of the running of the unit. Those unit managers must therefore be provided with the relevant management skills through training to be able to manage their respective units with the delegated authority of the superintendent. This does not seem to have occurred. Indeed few of the senior officers

promoted since introduction of unit management have received training. It is certainly the case that in neither of the last two rounds of promotion were senior officers trained prior to taking up their roles. A refresher course for senior officers did take place in 2002–2003 but there does not seem to have been any systematic training of senior officers in the last ten years. This means that a large proportion of senior officers have not been provided with necessary training.

A Review at Hakea Prison

7.140 Hakea Prison recently undertook a review of its structure, including an analysis of the current rank structure within the operations of the prison. The report identified a significant gap between the zone managers (assistant superintendent level) and the senior prison officers. Because the senior officers, like prison officers, are on 12-hour shifts, they too work ten days out of 21, which means there are large proportions of time when they are not actually at work. The net result has been that work that would ordinarily be delegated by the zone managers often is not delegated, and they take on the work themselves. The result of this is that the zone managers are heavily involved in day-to-day operations of units and are not in a position to act more strategically, as their management role indicates they should.²²⁹

7.141 Hakea's solution to this problem was to create a new role, which they called Senior Supervisor (a public service position) at Level 6. Some of the benefits identified in doing this were the creation of better career paths for prison officers to take on management roles and the 'freeing up' of assistant superintendents from day to day unit management operations, thereby enabling them to take on broader management responsibilities, which in turn gives the superintendent more support in his efforts to operate more strategically. Comparisons were drawn with Queensland and Victoria, which both have an additional rank at the senior prison officer/supervisor level, along similar lines to the new role introduced by Hakea. However it should be noted that in both Queensland and Victoria these positions are part of the uniformed rank as opposed to public service award positions.

229 J. Mitchell et al, 'Review of Hakea Prison Operational Structure' (November 2004).

7.142 Other Jurisdictions

In Victoria, the roles are:

- Prison Officer – manages a group of prisoners and/or completes a range of prison duties;
- Senior Prison Officer – supervises a group of prison officers;
- Prison Supervisor – manages a team of senior prison officers, supervises staff, allocates prisoner case loads and coordinates prisoner programs;
- Prison Operations Manager – manages day-to-day prison operations including people, finances and prison programs; and
- Prison General Manager – responsible for the overall management of a prison.

7.143 In New Zealand they have a Corrections Officer 1 (base corrections officer), Corrections Officer 2 (achieved after attaining appropriate qualification), Senior Corrections Officer (a senior custodial role) and Principal Corrections Officer (a supervisory role, but still working ‘on the floor’). Above this structure are Unit Managers and then Site Managers (involving superintendent and governance responsibilities).

An Operations Support Role

7.144 As well as exploring options for a new position above senior prison officer, there is also merit in the creation of a position with less complexity than that of a prison officer. In the HM Prison Service in the United Kingdom they have a position entitled Operations Support. This position undertakes some of the tasks of a prison officer, but not the full range and does not require the full range of skills and training of prison officers. Introducing this role in the rank structure in the Western Australian prisons would provide many benefits. Some of the duties that could be undertaken by this role include:

- general gate duties;
- checking in visitors;
- operating the communications room;
- perimeter and ground patrols;
- escorting contractors and vehicles;

- searching buildings, excluding prisoner accommodation;
- stores duties;
- canteen duties;
- driving and navigating;
- switchboard operations;
- routine administrative work;
- fire officer duties; and
- night patrol duties.

7.145 It is therefore anticipated that this role would have little involvement in the direct management of prisoners but would mainly be responsible for auxiliary or support tasks. Operational support officers would not be expected to take on tasks which require higher levels of security training, the planned use of force and the higher levels of interpersonal skills for which prison officers are specifically trained.

7.146 These roles could be an excellent starting point for prison officer trainees who have just completed their formal training. However, on a more permanent basis the position could be an attractive option for people who do not want to become involved in daily prisoner management. This position could also have quite flexible hours including part-time, again widening the pool of potentially interested candidates. It is anticipated that the position would be a uniformed one that would be required to undertake some (but not all) of the training modules of the prison officer entry level training, including work-based training and assessment.

7.147 Proposed Rank Structure

Overall the revised rank structure is described in Table 23:

Table 23: Revised Rank Structure and Characteristics

Rank/Position	Characteristics
Operations Support Officer	Undergoes some but not all training required by entry level prison officers. Performs a variety of duties currently performed by prison officers except those involving direct management of prisoners, high level security or use of force. Could be a trainee position or permanent career option for interested applicants.
Probationary Prison Officer	After completion of initial entry level training, a probationary prison officer receives on the job assessable training and then is on probation until the completion of a Certificate III. This would take no less than 12 months and generally up to two years.
Prison Officer	After acquiring the Certificate III the employee becomes a prison officer.
Prison Officer – Special (Optional)	Prison officers who have undertaken additional training and been accredited and are deemed to be using these skills at the prison may be awarded a special allowance. This is not permanent and will be removed if these skills are no longer applied in the prison.
Senior Prison Officer	This is a promotional position and requires accredited training to be eligible (this is discussed in Promotion of Prison Officers below). This position involves supervision of prison officers.
Senior Prison Supervisor	This is also a promotional position that would require accredited training to be eligible. This position is a senior supervisory role and would be part of the uniformed staff. The role should work eight hour shifts to be effective.
Operations/Functional Manager	This position is a management position and is a salaried position in the public sector. To be a genuine career development opportunity for senior prison supervisors and to reflect the strategic elements of this role, it will need to be defined and valued appropriately.
Deputy Superintendent (Optional)	This position would only exist in the very largest of prisons (such as Hakea and Casuarina). This is a senior public service position responsible for much of the day-to-day operations of the prison.
Superintendent	This role has been outlined previously and a sample role statement is provided as Appendix 10.

THE PRISON OFFICER PROMOTIONAL SYSTEM

7.148 The Prison Officer Promotional System (POPS) commenced in 2000. It is a process that is conducted annually and results in a merit-ordered list of successful applicants to be promoted as requested prison vacancies arise. The current process requires a prison officer to submit an application and to participate in a selection interview for promotion to the positions for first class or senior prison officers. The process for selection also includes a workplace assessment.

7.149 While the central coordination of the promotional process allows for consistency in approach and the opportunity to streamline and improve practices, there seems to be a number of significant disadvantages to the current promotional system such as:

- The system does not seem to recognise that different prisons require different strengths and skills from others;
- There seems to have been little recognition that a certain level of training needs to take place to develop the competencies necessary to progress into more senior prison officer positions;
- The current system seems quite onerous on the applicants in terms of submitting lengthy applications addressing the criteria and participating in interviews, when time perhaps could be better spent on assessing past performance through an operational performance management process and assessment of future capability through training;
- There have been some concerns raised about what the current process effectively tests, with perceptions that the people who do best at writing applications and participating in interviews does not necessarily correlate with the best performers at the prisons. This was a point consistently raised by all parties interviewed in a review of POPS in 2002. Those interviewed included successful and unsuccessful applicants, those who did not apply, management and the union,²³⁰
- There are doubts that this process works well for some of the EEO target groups, particularly Aboriginal and staff with a non-English speaking background;
- There seems to be little opportunity for the superintendent to have input into the kind of prison officer they would like in senior positions at their prison;
- Issues such as training and courses undertaken in the past, variety and number of prisons worked at and country prisons experience do not seem to be taken into account in the selection process; and

230 A. Goh, *Review of the Prison Officers Promotion System* (Perth: Department of Justice, 2002).

- There is considerable weight given to the length of ‘acting’ an applicant has experienced in senior roles as part of the selection prerequisites. The fact that acting appointments are often made on an ad hoc basis (with some accusations of favouritism) leaving people acting in positions for long periods of time, may advantage some while disadvantaging others. Anecdotal evidence suggests that female prison officers are not applying for promotion because they have had insufficient acting opportunities and therefore do not consider they will be competitive in this promotional system.

Improvements That Could be Made

7.150 It is recommended that the promotion system still be centrally coordinated to ensure that there is consistency in approach and that the communication with applicants can be achieved efficiently, professionally and seamlessly. Promotion and training should be inextricably intertwined. This is outlined in more detail in the section on Training and Development, but there should be compulsory training for each promotional level that would serve as a base prerequisite for all individuals before being considered for promotion.

7.151 Promotion should be closely linked to performance appraisal information. With reliance on training (and assessment undertaken during training) and performance appraisal data, the actual selection process should be significantly reduced, with possibly just a simple application form. Interviews may not be necessary in the first instance. To be assessed for suitability to perform at a specified rank should not entail comparative assessment. In other words, as a result of successful completion of the accredited training, assessment of performance management information and a simple application process, a central promotions committee would select people as suitable for promotion and place them in a pool.

7.152 There would then be a second stage, where individual prisons make a selection from officers assessed as suitable for performance at a specified rank and who have participated in and passed the prerequisite training. This process may in fact involve more conventional selection processes, but the exact process would be determined by the superintendent. The selection process undertaken would be customised to meet the needs of the prison, but would be subject to Departmental selection policy and guidelines and potential external scrutiny. Once an individual is selected in this way and they are appointed to the senior position, the promotion is confirmed and finalised.

7.153 For all other positions within prisons, the normal public sector selection processes would be applied, with the superintendent again being accountable for the process and outcomes of the selection of all staff members within the prison.

SYSTEM FOR TRANSFER

- 7.154 The vast distances and regional areas of the Western Australian Prisons Service make the mobility of staff and the resourcing of individual prisons particularly challenging. There needs to be a transfer system that facilitates the provision of optimum custodial services as well as providing prison officers with the opportunity to gain new experiences, develop their career and skills and move to locations that support their individual preferences.
- 7.155 Transfer decisions need to be equitable and based on a proper assessment of the work-related requirements of each prison and identified employee interests. Decisions should be impartial, transparent and able to withstand independent scrutiny. While the transfer process should still be coordinated by a central representative committee, ultimate decision-making on acceptance of prison officers to a prison should substantially involve the superintendent of the prison. If full accountability is to be required of superintendents in the future, they should be able to influence who works for them.
- 7.156 The maintenance of a transfer list remains an effective way for staff to register their interest in moving to another prison and this list should be retained centrally. People should be removed or precluded from transfer lists if they are rated as unsatisfactory in their most recent Performance and Development Report or if they are undergoing a sub-performance management process. Officers should not be able to register an interest in transferring unless they have been at a prison for a minimum of 12 months on graduating from their initial training course, or two years if they have been transferred previously at their own request.
- 7.157 While there may be some merit in having a central committee facilitating the transfer process and making recommendations for transfers, again, the individual superintendents should make a substantial input into the final decision possibly with an ultimate power of veto. The central committee can and should make its recommendations based on workforce requirements such as gender and cultural requirements (in balance with prisoner demographics), the specific characteristics and needs of each prison, the current skills and experience levels of the workforce in that prison and the specific skills of the individual applying for the transfer. Superintendents should still be required to consult the transfer list prior to considering other actions to fill a vacancy. Their decision to appoint someone from the transfer list needs to be undertaken, documented and reported in an open way, meeting the Department's standards and policies and therefore be open to scrutiny.

7.158 It should be noted that in the most recent Enterprise Bargaining Agreement for prison officers there is a guaranteed return from a regional prison after requesting a transfer to the metropolitan area within two and a half years. While the motives for introducing this into the agreement are clear and honourable (namely as an incentive to people to go to regional and remote regional prisons), this encourages instability in the regional prison workforces to some extent and also potentially undermines the authority of superintendents in metropolitan prisons to select the most appropriate staff members for their prisons. There may be a mix of alternative incentives, as outlined earlier in the Review Report, which would achieve better outcomes without the disadvantages.

Compassionate and Management-Initiated Transfers

7.159 Compassionate transfers should remain as a vehicle for officers experiencing unavoidable and unforeseen circumstances of a personal nature to apply for a transfer to a location that would alleviate their immediate issues and/or allow them to resolve their issues to the extent of again being able to service in accordance with their contract of employment. This would be the only occasion where the superintendent's decision may be overridden by the Department if needed. There would be no requirement for a vacancy to exist in the requested location for a transfer to occur under these grounds. Naturally the criteria for such transfers would need to be stringent with such arrangements being the exception rather than the norm. Currently the compassionate transfer system is applied somewhat haphazardly. People are granted full relocation expenses for compassionate transfer only when they have been in the region for a considerable time period – this seems 'lacking in compassion' if the reasons for requesting such transfer truly meet the criteria.

7.160 There should also be the capacity for management-initiated transfers particularly in instances where a decision has been made to remove an officer from a prison on disciplinary grounds, or as part of a performance development plan or for operational reasons. However this again would not be able to occur without the superintendent's endorsement.

AN AGE MANAGEMENT STRATEGY

7.161 The ageing workforce is a worldwide issue. Custodial management in Western Australia faces significant challenges with 78 per cent of its workforce over 40 years of age and 42 per cent over 50 years of age. When examining some of the prison breakdowns, some further alarming statistics emerge, such as 66 per cent of the workforce at Casuarina being over the age of 45.

7.162 In looking at senior management roles across the entire public sector, in salary ranges greater than \$80,000, 40 per cent or more of the workforce are 50 years and older. This means that a large percentage of the public sector's most senior managers (58 per cent in fact) will be eligible to retire in the next ten years. The senior management within prisons mirrors these statistics, and the data indicates that the next echelon of middle managers may not be sufficiently numerous to move into the vacated positions, because according to the public sector statistics one third of this group also will be eligible to retire concurrently with their higher salaried counterparts.²³¹

7.163 Interestingly, according to a Western Australian public sector retirement intentions survey undertaken in 2001, 78 per cent of all respondents indicated their interest in contract or casual employment after retirement. Furthermore, 40 per cent of the total sample registered interest in reducing their level of responsibility and working from home, and around 68 per cent responded 'Yes' to the suggestion of reduced hours.²³²

Strategies on a Number of Fronts

7.164 While people within the central human resources teams recognise that the ageing workforce is potentially a significant problem, nothing to date has been done about it, either in terms of analysis or strategy development. As outlined earlier, the Department was alerted to the ageing workforce problem and how it impacted upon superintendents in particular a few years ago, yet there seems to have been no action taken to address the problem. The Department needs to implement a number of responses to address the projected labour shortfall. Improving the organisation's reputation as an employer of choice is a crucial aspect of this strategy, and methods for achieving this have been outlined previously. Another option is to increase the participation of people who are currently under-represented in the Prisons Division workforce, such as women and Aboriginal people, and again strategies to do this are outlined elsewhere.

7.165 The other important strategy to develop is to maximise the participation of those aged 55 to 64 years. Without age-aware employee development and management practices, the Department will not be sufficiently successful in securing the labour supply necessary now and into the future. The Department needs to understand the impact of ageing on recruitment, training, retention and exit. There is a need as a matter of

231 Public Sector Management Office, *Managing Succession in the Western Australian Public Sector, Ageing Workforce Discussion Paper Series* (Perth: Government of Western Australia, February 2005).

232 Department of Premier and Cabinet, *Phased Retirement in the Western Australian Public Sector, Ageing Workforce Discussion Paper Series* (Perth: Government of Western Australia, March 2003).

priority to remove barriers that may lead to premature exit from the workforce. Some of these strategies include:

- Development of flexible work practices in scheduling physical task requirements. This may mean changing work patterns and rosters within prisons to change the physical demands for some workers;
- Development of mechanisms to ensure that older workers impart corporate knowledge. Establish a formal mentoring program, for instance, pairing more experienced and senior workers with others less experienced to ensure transfer of knowledge and skills. Also consider utilising more senior staff in formal training roles, both on-site and in the Training College (accepting this will require more flexible transfer of employment conditions than is currently the case);
- Provision of increasingly more interesting work, which may be introduced by job variation, change and progression;
- Establishment of flexible post-retirement contracts to enable ongoing utilisation of older workers. Exploring options of contracting people in for set periods of time, part-time work etc. Other options such as creating an alumni for retirees that could provide a pool of experienced people to resource peak operational periods, replace people on leave, coach or mentor people newly promoted or to work on a short-term basis on special projects;
- Proactively working with central and superannuation organisations to identify any barriers that exist to possible retention strategies;
- Introduction of succession planning (discussed above) with mentoring programs pairing up older staff members with those identified in succession planning programs;
- Implementation of wellness programs within prison to maintain and improve fitness levels, health and wellbeing of all prison staff. This is a particular concern as many people have commented that the existing workforce would not pass the current fitness testing being applied to entry level prison officers. While that indicates that the current fitness tests are not that relevant to the actual work requirements, there is evidence to suggest that the overall health and fitness levels of the prison workforce may be in need of improvement; and
- A changed attitude to the concept of ‘life-long learning’. The Department’s performance in training across all ages is inadequate, but this could be exacerbated by a broader society preference to invest training resources in younger people rather than older people. While the Department needs to make a much larger investment in training universally (discussed elsewhere), it needs to

promote that concept of ongoing learning and development, no matter where an employee is in their career/life cycle.

- 7.166 It is vital that all trainers within the Department have a sound understanding of the generational differences in learning styles and that this is part of their education process in becoming effective trainers.
- 7.167 Managing societal perceptions around an ageing workforce will need to be an integral part of any age management strategy adopted by the organisation. Analysis of ABS Education and Training Experience data (2001) shows that older workers were unlikely to obtain career progression or promotion as an outcome of participating in training courses. There are various societal perceptions about older workers and their capacity to do the work required. Despite people's beliefs, the ABS statistics indicate that there is little difference in the number of days absent by age due to illness between older and younger workers and that the annual frequency of workers' compensation claims in fact occur at a higher rate for younger, rather than older, people.
- 7.168 The development and implementation of retention strategies should be done at the same time as developing strategies to more proactively compete to attract a broader spectrum of ages, including younger workers, and to manage their pathways within the organisation. While it is accepted that to work in a prison environment a certain amount of life experience (and hence maturity) is essential, specifically targeting people in the 25–35 age bracket is strategically sensible. This is particularly because the Department has a significant over-representation of people between the ages of 45 and 65 years.
- 7.169 The Aboriginal community has a very different population spread than the non-Aboriginal community, with about 58 per cent of Aboriginal people being under 25 years of age, compared with about 34 per cent of the rest of the population. By incorporating age management strategies with an Aboriginal employment Strategy (see above), there is an excellent opportunity to increase the target market potential of the 25–35 age group.

SAFETY AND WELLBEING OF PRISONS DIVISION EMPLOYEES

- 7.170 The 2002 Employee Opinion Survey showed that Prisons Services employees indicated that they felt their working environment was very unsafe.²³³ At an inspection of Bunbury Regional Prison in December 2002, safety was also raised as an issue, with

233 Centre for Organisational Research, *Employee Opinion Survey 2002* (Nedlands: University of Western Australia, May 2003).

a number of female staff stating that they felt vulnerable when rostered to isolated areas of the prison and that they did not feel that support for the resolution of the issues had been received. Female staff reported that they had been experiencing some levels of intimidation by fellow employees and that there was a lack of appropriate systems in place to deal appropriately with the matter.²³⁴ They did not believe that their concerns were taken with sufficient seriousness by senior management.

7.171 While both these reviews were undertaken in 2002, it is clear that the health and safety situation has deteriorated further. The observations made in the inspection report of Bunbury Regional Prison about staff safety have proved to be a dire harbinger of events that have occurred in that prison more recently.

Stress

7.172 Statistics provided by RiskCover show that since 2000, there have been 32,632 days lost in Prisons Services. This represents a significant loss of resources, productivity and ultimately money to the Department. Of these, a staggering 10,829 days were due to ‘mental disorder’, representing just over 33 per cent. This trend is not just prevalent among the prison officers but many other occupational groups, such as community workers, counsellors, education officers, teachers, social workers and registered nurses. In fact with these occupational groups, mental disorder represents the single biggest cause of lost time injury. In the prison officer group, sprains and strains of joint muscles represent a larger proportion (just over 51%) whereas mental disorders represent just over 30 per cent.

7.173 In a 2003 report on stress claims undertaken by RiskCover, the highest percentage of stress claims was due to prisoner suicide and attempted suicide (nearly 40%).²³⁵ Interestingly the second highest stress factor was identified as management issues (20%). The report also examined a number of contributing factors leading to claims becoming protracted and of a long duration. The most significant of these were a delay in the worker receiving psychological counselling following a work incident and/or the lodgement of a stress claim and a delay in the worker having vocational rehabilitation intervention. Because these statistics were defined as ‘significant’, RiskCover recommended implementing compulsory use of early intervention for all workers who have been involved in a critical incident or other stress at work at the

234 Report No. 16, *Report of an Announced Inspection of Bunbury Regional Prison – December 2002* (Office of Inspector of Custodial Services, Perth, 2003).

235 Since that time the suicide rate has decreased markedly, and it would be hoped that this is reflected in the current RiskCover figures.

earliest possible time after the event and that rehabilitation services be funded on an ‘without admission of liability’ basis to identify both the cause of the stress and possible solutions for returning the officer to work.²³⁶

7.174 In November 2004, RiskCover identified that the individual prisons had a total of 112 lost time injuries for 9,810 days lost – at 87.5 days lost for each lost time injury. Thus, it seems that the trend is not improving. This is an expense that should have had more attention. As at November 2004, \$3,886,212 had been paid out in workers’ compensation claims, with a total estimate of \$6,181,012.

Sick Leave

7.175 These costs do not take into consideration sick leave. A report provided by Department of Premier and Cabinet stated that, in the 2002/2004 financial year, the average hours of sick leave per FTE (full-time equivalent) in the public sector as a whole was 50 hours. Yet in the Department of Justice, for the same period it was 65 hours. While this in itself is disturbing, analysing further shows that the sick leave situation is in fact worse in the Prisons Division. In examining the Department’s figures, the average hours per FTE sick leave taken by prison officers as a group for the year 2003/2004 was 105 hours per FTE. While the next year the figures seem to be much improved, they remained at 81 hours per FTE, still significantly higher than the public sector as a whole and the rest of the Department.

7.176 Individual, societal and organisational/workplace factors are all contributors to sick leave statistics. Increased working hours, inflexible hours and overtime also correlate to increased absenteeism. Absenteeism also is strongly linked with an intention to leave. It is a complex phenomenon, and these matters are an important measure of the overall health of an organisation.

The Occupational Health and Safety Framework

7.177 In relation to occupational health and safety (OHS) in general, a submission by the OHS consultant for public prisons stated in a formal submission to the Justice Inquiry that he believes the Department is in breach of the *Occupational Safety and Health Act 1984* (WA) and runs the risk of prosecution and/or employees being seriously injured or killed. He stated that a report on fire readiness in 2003 made a number of recommendations for implementation at each site to manage identified uncontrolled hazards with potentially lethal consequences. He observed that few of these

236 Riskcover, ‘Review of Stress Claims – Corrective Services 2001–2003’ (August 2003).

recommendations have been adopted and that some of the identified hazards have become the subject of WorkSafe Western Australia Improvement Notices. He also noted that, in response to notices issued on 3 April 1998, the Department committed to a plan of providing ongoing ‘operational skills’ training to prison officers but that this plan has not been implemented.

- 7.178 Among the causes of these and other health and safety issues is the lack of management accountability. The lack of training and the related matter of poor reporting practices regarding training are significant issues. There also appears to be an inadequate OHS consultation framework without a functioning executive level OHS Committee at either the Department level or at Prisons Divisions level. This means that there is little capacity to take a strategic or proactive approach to OHS.
- 7.179 Lack of communication between senior management and operations on safety issues is another concern. The Director-General is not always promptly and reliably advised on serious health and safety issues, nor is the response from senior management sufficiently prompt when required. Following the recent incident at Bunbury Regional Prison, the relieving business manager was expected to comply with two WorkSafe Improvement Notices to resolve the failures that led to the incident. However, neither the business manager nor the acting superintendent had access to the Internal Investigation Unit’s report at the time or to WorkSafe’s report, and they therefore were uncertain if the gaps have been closed. Also, following that incident, the OHS representatives at that site have not been involved in decisions regarding changes that should be made.
- 7.180 Resourcing is seen as inadequate. There is no separate budget allocation for OHS in prisons. There are delays in obtaining funding approval to control significant hazards and the maintenance budgets are largely inadequate, particularly in light of ageing infrastructure. Almost all prisons have considerable constraints on the capacity to house non-custodial staff. This has led to arrangements where offices, interview rooms, group-rooms, classrooms or other spaces frequented by non-custodial staff do not lend themselves to dynamic security arrangements. The Division has completed an initial audit of safety within prisons and has found critical safety issues such as visibility and access to offices and other areas where non-custodial staff are in contact with prisoners and the availability and usage of duress alarms. Lack of an appropriate (or in many instances any) induction/orientation was another identified issue. Given the recent incident in Bunbury Regional Prison involving a staff member, leaving these matters unattended would be highly inadvisable.

Creating a Safer and Healthier Environment

- 7.181 Overall it is clear that the Department is starting from a very low base in terms of its track record of creating an environment that is healthy, safe and as stress-free as possible. It is important that the issues of sick leave and stress leave be addressed in terms of identification and management of causal factors rather than working to alter the absenteeism behaviour of employees.²³⁷ Previous research shows that absenteeism can be reduced by addressing the many factors that contribute to it, such as by creating a work environment that is more worker-friendly, dealing with issues of concern to employees and providing greater job satisfaction.
- 7.182 Rather than devising separate strategies to reduce sick leave and stress leave per se, it is suggested that many of the recommendations outlined in this Report will in fact have a positive impact on the safety, health and wellbeing of the workforce. However, this needs to be evaluated, and if negative trends emerge management needs to take an urgent and proactive approach to managing the situation.
- 7.183 The Department should ensure that sick leave, stress leave, workers' compensation and lost time injuries are all reported on regularly by prisons. It is critical that superintendents are accountable for knowing and reporting the statistics and having strategies to identify causes and deal with problems, preferably before they arise. Superintendents need to be held accountable for a variety of indicators relating to employee safety and health, including lost time injuries, reported hazards and near-misses, sick leave, safety and health-related training and information sessions. These should be reported on regularly along with other management indicators discussed earlier. The individual performance agreements of superintendents should also have OHS related standards and expectations.
- 7.184 The OHS framework needs to be reviewed and rebuilt to include tighter incident reporting and management, effective occupational safety and health committees and adequate support provided to OHS representatives to conduct inspections and attend trainings and meetings. Clear communication lines need to be established between operations and support staff in prisons and senior management, particularly in relation to reporting of hazards and incidents. Joint problem-solving and openness in sharing information should characterise restorative actions after incidents have occurred (for example, between the Internal Investigations Unit²³⁸ and the superintendent, OHS

237 At one time the Department was telephoning absentees who had reported sick at home to ascertain that they actually were there. This deterrence/fraud prevention approach to absenteeism, while understandable in some circumstances, has extremely limited payback from the point of view of reducing absenteeism across the board. It contributes nothing to an understanding of the broad causal factors.

238 Or its successor body – elsewhere we indicate our view that it has failed and should be replaced.

representatives and business support within the relevant prison).

7.185 With superintendents having increased fiscal responsibilities, there needs to be a sufficient budget allocated to manage OHS related issues, including maintenance of infrastructure and training for employees. There may even be merit in devolving the workers' compensation budget to individual prisons. Should this occur, the superintendents may well be strongly motivated to ensure that employees away from work are provided with optimum support in terms of rehabilitation and to encourage their return to work as soon as possible (even if on alternative duties).²³⁹

THE SHIFT ARRANGEMENTS WITHIN PRISONS

7.186 Awards such as those covering public servants, prison-based health staff, educational staff and other professional staff all impact on service delivery in a prison. Some functions in a prison require 24-hour/seven days-a-week coverage. Others may be influenced by the agreed daily routine and required hours of service coverage (for example, health services although on-call or visiting arrangements may be necessary). In general terms, public servants and nurses have more flexible arrangements.

7.187 The Prison Officers Award limits the shift arrangements to eight, nine, ten or 12-hour continuous shifts unless otherwise agreed. The majority of prison officers work in 12-hour shifts. This limits flexibility, given that many discrete functions are less than those hours and the resulting composite of duties can at time be inefficient. For instance, visits and recreation may be in two-hour blocks, whereas some recreation functions may exceed a 12-hour period. There has been a tendency towards 12-hour shifts being the base line without fully considering alternative work hours and times. The Employee Opinion Survey results indicated that Prisons Services employees reported the lowest use of flexible working conditions in the Department.²⁴⁰

The 12-Hour Shift

7.188 At an inspection of Hakea Prison in 2001, the 12-hour shift was identified as having a major negative impact on morale. Many officers almost regarded themselves as part-time workers. The roster arrangements – which basically mean that an officer is present at the workplace no more than ten days out of every 21, and allowing for holidays and other leave entitlements, no more than 150 days in the year – led to a

239 A report by the United Kingdom Comptroller and Auditor General makes ten recommendations for improving the situation in England and Wales prisons that are focused very much on causal and structural solutions rather than those that focus on individual employees: see, *The Management of Sickness Absence in the Prison Service*, HC 533 (London: The Stationery Office, 2004).

240 Centre for Organisational Research, *Employee Opinion Survey 2002*, (Nedlands: University of Western Australia, May 2003).

situation where officers have no ownership of the job and therefore do not seek to manage it to make it more enjoyable, rewarding or productive.²⁴¹

7.189 The Prison Officers' Union strongly supports the maintenance of a 12-hour shift. They argue that it saves on salary costs. They also state that on the 12-hour shift rotation, the officers who unlock the unit are those that complete the lock-up. In practical terms, that means that for the whole period that a prisoner is unlocked the same staff are available to deal with their issues or concerns. Certainly 12-hour shifts can be very popular with staff members, because they entail an increased length and frequency of free periods. However, this is not necessarily conducive to the outcomes that need to be achieved on the job. Therefore, strong defence of the status quo may not be coming from the perspective of what is good for prisoners or prisons.

7.190 On the face of it the latest Enterprise Agreement provides for flexibility in the shift arrangements, with the option of eight, ten and 12-hour shifts:

*The Union agrees to enter negotiations upon request with the Employer to vary the length of continuous shifts between the span of eight to twelve hours, in accordance with subclause 11.2(ii) of this Agreement, where such variation will improve the effectiveness and efficiency of the normal routine operations of the prison(s) without adverse effect upon officers covered by this agreement.*²⁴²

7.191 However in practice, there has been very little flexibility, with superintendents feeling constrained in their ability to make operational decisions that work for the prison.

7.192 It seems that, at the time of introducing the 12-hour shift, little in-depth analysis was undertaken, and in going back to the historical records there was no measurable quantitative cost benefit analyses conducted. The Prison Officers' Union states in their submission to this Review that there was 'an extensive research project' undertaken, as a precursor to the introduction of the new shift arrangements. However, the Review Team was not able to discover any documentation from the Department relating to this project. Furthermore, there has been no rigorous evaluation undertaken of the effectiveness or otherwise of the shift arrangements since they have been in place. Therefore, the assertions of the union in terms of the cost savings to salary are hard to prove or disprove.

241 Report No. 12, *Report of an Announced Inspection of Hakea Prison – March 2002* (Perth: Office of Inspector of Custodial Services, 2002).

242 The Department of Justice, 'Agreement for Prison Officers' (2005).

7.193 However, as indicated above, there are increasing numbers of people opposing the arrangements, not the least being the Inspectorate and many of the superintendents. Most arguments are based on operational effectiveness, care of the prisoners and flexibility. Some of the disadvantages are outlined below.

The Costs

7.194 For staff to go on training, overtime normally has to be paid, particularly as the training is usually a half or a full day's program. Twelve hour shifts pose additional logistical problems in managing the release of staff for training. Since 2000, 57,309 hours of overtime have been paid to cover training alone (this equates to more than 4,775 12-hour shifts over the period). With further analysis, it could possibly be argued that any savings in salary costs is outweighed by significant overtime costs.

Consequences of Many Days Away

7.195 As outlined above, the shift arrangements mean that many prison officers are away from the job for considerable periods. Superintendents report that a significant number (though the number has not been measured) of prison officers in fact have second jobs and some of them consider the prison as their second job. This has a number of negative impacts on the workforce and on the work being done. While the Department has tried to address this with developing a policy on secondary employment, it has proved difficult to enforce.

7.196 On research done with nurses on 12-hour shifts, the long breaks between working periods were identified as a potential source of serious difficulties. On 12-hour rosters there was a greater reliance on written communications. Shift teams relieving one another after long breaks were seldom in contact with one another, and thus the efficient transfer of information can be impeded. Therefore, one disadvantage of the increased potential for rest and recuperation was the greater need for work reorientation.²⁴³

Relationships with Prisoners

7.197 Depending on the shift arrangements, many prison officers can have very little interaction with prisoners. As a consequence they can become de-skilled in essential aspects of the prison officer role and they can become quickly out of touch with what is happening for individual prisoners. This creates risk for the safety and security of prisoners as well as the prison and undermines the case management role of prison

243 L. Smith, S. Folkard, P. Tucker and I. Maconald, 'Workshift duration: a review comparing eight hour and 12 hour shift systems', *Occupational and Environmental Medicine*, 55:4 (1998), 219.

officers. The study undertaken on shift nurses found that there was a lower quality of care, less direct patient care, especially in the later part of the day.²⁴⁴ There is anecdotal evidence to suggest that this may also be the case in prisons.

Stress

7.198 As outlined previously, stress is a significant problem in prison services (particularly when considered in terms of the number and percentage of workers' compensation claims). Burn-out is commonly described as a psychological syndrome of emotional exhaustion, depersonalisation and reduced personal accomplishment.²⁴⁵ There is some evidence that working long hours can lead to stress or mental ill health. Although such factors as why an individual is working long hours, the way an individual thinks about their job and the amount of control they have over their job are relevant, long shifts are a contributing risk factor in the stress/health relationship.²⁴⁶

7.199 While the incidence of stress among prison officers has provoked much less research than that carried out for police officers, what research there has been has suggested that working with prisoners can also give rise to considerable stress-related problems which are exacerbated by shift systems.²⁴⁷

Fatigue

7.200 Related to overall safety, the literature suggests an association with working long hours and fatigue. Fatigue and decreased alertness towards the end of a 12-hour shift can be a real concern and should be borne in mind when such systems are implemented, particularly when there is monotony in the work (which is certainly the case in some parts of the prison officer's day).²⁴⁸ Research suggests that one of the main reasons for fatigue is insufficient rest. This can result from working at the wrong time or working too many hours. Prolonged overtime of over 12 hours per day and 55 hours a week should be avoided. Long hours become a particular problem if a working day is extended by a long commute or by moonlighting.²⁴⁹ Given that there are apparently significant numbers of prison officers with second jobs, fatigue is of even greater concern.

244 Ibid.

245 W.B. Schaufeli, and C.W. Peeters, 'Job Stress and Burnout', *International Journal of Stress Management*, 7:1 (2000), 21.

246 J. White and J. Beswick, *Working Long Hours* (Sheffield: Health and Safety Laboratory, 2003), p36 <http://www.hse.gov.uk/research/hsl_pdf/2003/hsl03-02.pdf>.

247 E. Crawley, *Doing Prison Work* (Portland, Oregon: Willan Publishing, 2004), p. 37.

248 L. Smith, S. Folkard, P. Tucker and I. Maconald, 'Workshift duration: a review comparing eight hour and 12 hour shift systems', *Occupational and Environmental Medicine*, 55:4 (1998), 217–29.

249 White and Beswick, op. cit., p. 12.

7.201 A pattern of deteriorating performance on psychological and physiological tests while working long hours was observed across study findings, particularly in very long shifts and when 12-hour shifts were combined with more than 40 hours of work a week. Four studies reported that the 9th to 12th hours of work were associated with feelings of decreased alertness and increased fatigue, cognitive function decline or increased injury. When 12-hour shifts were combined with other work-related demands, a pattern of more adverse findings is detected. Six studies examining 12-hour shifts with more than 40 hours work per week reported increases in health complaints, deterioration in performance or slower pace of work.²⁵⁰

7.202 Interestingly, in research undertaken on police officers, they found that fatigue increased the likelihood of police brutality. It found that tired officers were more likely to be irritable and fearful. As a result they were more apt to react strongly in a threatening confrontation, and to use unwarranted or excessive physical aggression than they might if they were calmer and less anxious.²⁵¹

Overall, there is a sufficiently substantial body of research to indicate that the Department – having a duty of care to its employees – should at the very least, prevent any employee working on a 12-hour shift from participating in other work or from taking on large amounts of overtime.

Safety

7.203 The majority of accidents are caused by human error. Sleepiness, fatigue and perception-ability are essential factors affecting the probability of an error. A recently compiled national occupational injury database also shows that the injury rate in Sweden over a two-year period was roughly two times higher after 12 hours from the beginning of the shift compared to the situation after eight hours from the beginning. The risk increased progressively, reaching a level about three times the normal risk after 16 hours of work.²⁵²

250 National Institute for Occupational Safety and Health, *Overtime and Extended Work Shifts: Recent Findings on Illnesses, Injuries and Health Behaviours*, NIOSH Publication No. 2004-143, p 27
<<http://www.cdc.gov/niosh/docs/2004-143/>>

251 B.Vila, *Tired Cops: The importance of managing police fatigue* (Washington DC: Police Executive Research Forum, 2000).

252 M. Harma, 'Long working hours – A step backwards?' *Tyoterveiset Journal* 02 (1997)
<<http://www.ttl.fi/Internet/English/Information/Electronic+journals/Tyoterveiset+journal/1997-02+Special+Issue/02.htm>>

Age

- 7.204 Findings suggest that 12-hour shift workers who were older had higher rates of absence, higher injury rates and higher levels of sickness and intoxication. Older people tend to have more ill health, and it is not surprising that the older group of shift workers experienced greater difficulties with their 12-hour shift roster.²⁵³
- 7.205 Reid and Dawson also found that performance for the older subjects was consistently lower than for younger subjects (under 35). There was a significant difference in performance across the shift between the older and younger subjects. There was also significant change in performance across the shifts in the older subjects such that performance considerably increased across the day shifts and decreased across the night shifts. The younger subjects were able to maintain performance across both day shifts and the second night shifts.²⁵⁴ Given the ageing workforce, this is an additional factor to be considered.

Work/Life Balance and Family-Friendly Policies

- 7.206 As can be shown, continual shift work can impact on people's mental and physical health. This can have a direct impact on families. Moreover, 12-hour shifts are seen to be potentially disadvantageous to prison officers who have primary responsibility for families. Care arrangements for dependents are difficult to arrange for 12+ hours and therefore can be a deterrent to potential applicants – or to people remaining in the service – who have primary care responsibilities.

Conclusion

- 7.207 There are enough compelling reasons to indicate that the Department should commence the process of negotiating its way out of the current inflexible 12-hour shift arrangement, even if in the short term the cash or bottom line costs increase. The real gain is value for money – and this can only be achieved in a context where officers are in frequent enough contact with their workplace and the prisoners to feel ownership of the work.
- 7.208 Given some of the current issues facing the workforce in relation to health, safety, stress and ageing, there is an imperative to act as quickly as possible. While it is

253 L. Smith, S. Folkard, P. Tucker and I. Maconald, 'Workshift duration: a review comparing eight hour and 12 hour shift systems', *Occupational and Environmental Medicine*, 55:4 (1998), 225.

254 K. Reid and D. Dawson, 'Comparing performance on a simulated 12 hour shift rotation in young and older subjects', *Occupational and Environmental Medicine*, 58:1 (2001), 58–62.

acknowledged that an Enterprise Agreement has just been signed, which further consolidated the current shift arrangements, transition plans should be set in place as soon as possible. However it should be noted that any changes to the current shift arrangements are likely to be met with resistance from the union and its members. The prison officers' submission to the Directed Review in fact warns that any changes 'will inevitably lead to a very painful and protracted industrial dispute. Indeed it would be fair to say that there are few issues which excite the level of hostility as the idea of moving from 12-hour shifts'.²⁵⁵

HEAD OFFICE STRUCTURE FOR PRISONS: CENTRALISATION VERSUS DECENTRALISATION

7.209 Previous studies have shown that as the centralisation of an organisation increases, overall fairness perceptions tend to fall. Prison Division, in the Employee Opinion Survey, reported relatively high perceptions of organisation centralisation and the lowest perceptions in the organisation of fairness.²⁵⁶ In a review of head office Prisons Divisions' functions,²⁵⁷ a number of people expressed concern that the then Executive Director was too involved in day-to-day operations. They felt that in many situations the review of details and decision making could (and should) be made by directors and managers, and the Executive Director should be focused on the more strategic challenges, critical issues and major initiatives or programs.

7.210 Many people stated that there is much rhetoric about decentralisation, but still a practice of central control. They considered that too many matters go all the way to the Executive Director or the Director-General. It appeared to them that critical projects and strategic initiatives sometimes got lost in the myriad other projects and activities that were occurring. Most management activity appeared to be reactive, responding to whatever issues were current. There appeared to be relatively little time spent on proactively managing or preparing for the future. There was also extensive feedback indicating a significant deficiency in the provision of strategic research and policy functions for the Prisons Division.

7.211 From the field perspective, it was generally felt that there is limited teamwork with head office. Prison superintendents expressed concern that with every additional

255 Submission to the Directed Review of Offenders in Custody by the Western Australian Prison Officers' Union (September 2005).

256 Centre for Organisational Research, *Employee Opinion Survey 2002* (Nedlands: University of Western Australia, May 2003).

257 G. James, *Report on the Organisational Review of the Prisons Division Head Office Functions* (Perth: Competitive Edge Services Pty Ltd, February 2004).

person in head office there seemed to be additional information demands placed on operations personnel. It was perceived that information requests are not coordinated,²⁵⁸ and there is generally a need for fairly rapid turnaround of information. An example of the inefficiency in the head office structures was provided in a submission by the Prison Officers' Union with the process for filling a vocational support officer position. This required a request for the position to be filled by the business manager of the prison which is passed to the superintendent who makes a recommendation to the General Manager of Public Prisons, who then recommends it to the Executive Director who finally passes it onto the Director-General. If the Director-General signs off on the position, it then goes back through all the levels to the business manager who then arranges for advertising.²⁵⁹

7.212 Another interesting point is that, while many in Corporate and Prisons Division complained about the numbers of people working in head office, in a recent review of head office support within Prisons Services both concluded that the number of staff in head office was about right. However, the review recommended changes in roles and in the alignment of resources to improve efficiency and effectiveness. It also suggested that some new roles would be required and some existing roles would no longer be viable.²⁶⁰

Coordination of Public and Private Prisons

7.213 Prisons Division is currently structured with clear separation of the public prisons from the private prison. The organisation does not appear to operate with a coordinated and integrated focus on the Western Australian prison system.

7.214 For instance, it is interesting to note that Acacia Prison has quite different performance reporting requirements from the other public prisons. Acacia's monthly reports contain many performance measures that the public prisons are not required to measure. This is due to the contract criteria against which they are required to report. Both types of monthly reports concentrate heavily on data relating to prisoners. There is little requirement to monitor and report on staff management issues. Acacia does have to report on Sufficient Contractor Persons – Custody and Control (A10) and

258 Ibid.

259 This observation can be confirmed by the Inspector's direct experience at Casuarina Prison where, in 2004, six VSO positions had been vacant for several months. This meant that some workshops were only partly operational and sometimes had to be closed completely, in turn leading to a situation where substantial numbers of prisoners had to spend their day hanging around their units with nothing to do. Cumulatively, this sort of situation can become a risk factor in a prison and in any case it makes a mockery of the much-vaunted philosophy of a 'structured day' for prisoners. In the event the six position papers were found to be awaiting sign-off at Director-General level.

260 G. James, *Report on the Organisational Review of the Prisons Division Head Office Functions* (Perth: Competitive Edge Services Pty Ltd, February 2004).

Relationships Between Contractor Persons and Prisons (B10). The public prisons do not have to report on measures regarding prison staff/prisoner relationships or resourcing in the same way. Furthermore, there does not seem to be any requirement to regularly measure and report on staffing information such as health and safety incidents, lost time, training activities and hours, sick leave etcetera, let alone any complex human resource related statistics which other organisations routinely measure.

7.215 Another important factor in assessing the functionality of the management structure within the Prisons Division is the minimal integration that seems to exist between senior custodial staff and other managers within the system. This is another factor that hinders the capacity of the Division to operate effectively as an entity.

Benefits of Decentralising

7.216 By devolving most of the operational decisions to prisons, there should be increased capacity for a head office group to:

- Set expectations and standards across the four cornerstones of prisoner management and in accordance with the Standard Guidelines for Corrections in Australia;
- Undertake performance monitoring, review and audit against these standards. Standards and performance measures should be set on key staff indicators as well as those pertaining to prisoners and prison operations;
- Provide corporate services as strategic and value-adding support;
- Set strategic directions, generate new ideas, define and enable best practice;
- Initiate and implement strategic organisation development strategies such as leadership programs, succession planning, workforce planning; and
- Undertake strategic research and develop strategic policy and to provide evidence-based policy settings for the benefit of prisons services and prison operations.

Best Practice Organisation Design Principles

7.217 Along with decentralising functions and devolving responsibilities to prisons, the head office structure should be reviewed in light of best practice organisation design principles. The Queensland Department of Corrective Services has recently undergone a major reform and review process and they identified the following points as incidences of best practice:

- Accountability, supporting and operating components should be separate and distinct;
- The prime focus and responsibility for each organisational unit should be its essential ‘core business’ relating to the national standards of custodial management directly or indirectly;
- There should be a diverse range of performance measurement, monitoring and accountability mechanisms for both organisational units and individuals;
- Support for front line service delivery staff should be maximised;
- Responsibilities for direct service delivery should be placed with the organisational unit best placed to deliver those services, together with the resources (both human and financial) to effect that delivery; and
- Organisational structures should be as flat as is practical.²⁶¹

7.218 These principles accord well with the recommendations of this Report. With the superintendents acquiring more responsibility and accountability, there is an argument for no longer having a separate General Manager Public Prisons. There is an opportunity to improve coordination and collaboration and to operate as a single prison system across Western Australia. This could be facilitated by all prisons, both public and private, reporting to the Executive Director Prisons. There needs to be a shorter chain of command in prisons operations to streamline decision-making. This will enable both Departmentally managed and privately run facilities to be managed, operated and monitored under a common set of performance standards and measures.

7.219 The Executive Director position could be consolidated by an intermediate Operations Director position (acting as the chief operating officer or deputy), who would have a direct reporting relationship with the superintendents. The Executive Director Prisons would therefore have a span of control that would extend to the Operations Director and the strategic units in head office (outlined later). This would enable the Executive Director to take the most strategic perspective required and act effectively as a member of the Department’s executive team, leaving much of the daily operational and tactical decisions to the Operations Director and the superintendents reporting to that role.

7.220 There may be some argument that one Operations Director managing 13 plus superintendents is still too broad a span of a control. It should be pointed out that with

261 Department of Corrective Services (Qld), ‘Business Model Review – Organisational Structure’ (June 2005).

the proposed devolved role of superintendents, they would expect and receive little management at an operational level but would receive support from other units in head office and would participate in a rigorous service level agreement and performance monitoring and reporting regime for which the Operations Director would have overall oversight. The Operations Director and the superintendents would need to be well supported to do this by a separate Audit, Compliance and Performance Monitoring Unit, which would report directly to the Executive Director.

7.221 Despite this, there may still be a case for having two Operations Directors to reduce the span of control. If this were supported, then each Operations Director should have an equal number of prisons to oversee, with a mix of regional, maximum-security and special needs prisons. When prisons have been allocated in groups, this has led to the disenfranchising of particular types of prisons, with the tendency for maximum-security prisons to gain most of the attention and resourcing. Splitting the prisons more equally will again foster a more integrated and consistent approach to the management of all types of prisons.

7.222 It is absolutely essential that Aboriginal services be dealt with at a level that embeds their absolute centrality as core business. The present Aboriginal Policy Directorate is out on a corporate limb and appears to be largely ineffectual in positively advancing the interests of Aboriginal prisoners. There should be a high-level Director of Aboriginal Custodial Services and Programs, with direct access to the head of the Prisons Division and a clear remit and authority. More generally, the situation relating to all Aboriginal offenders, whether adults serving community sentences or juveniles in detention or in the community, needs to be supported by a position of that level of authority within the Department. The occupant should preferably be Aboriginal.

7.223 A parallel point needs to be reinforced with regard to women's services and programs. There should be a high level of authority that is responsible for women in prison to ensure that the services and standards for this minority prisoner group are maintained and further developed.

7.224 The position of General Manager Public Prisons is currently not filled on a permanent basis. The head of custodial services needs to be a strong, experienced leader, accomplished in change management. The current substantive classification level of the position is likely to be inadequate to attract a candidate of the calibre necessary to undertake a role of this magnitude, particularly when compared with the pay rates of similar managers in other corrections organisations in other Australian states. Recommendations regarding this have been made earlier in the Review Report.

7.225 It should be noted that this aspect of the Review has addressed these matters because they arise out of staffing needs and structures. These high-level issues of Departmental arrangements fall more directly within the Mahoney Inquiry. The Review Team's views are reconcilable with the broad thrust and philosophy of the recommendations in that part of the Inquiry's report.

The Head Office Strategic Services and Support Structure

7.226 In order for this 'flatter' structure to be effective, the Executive Director Prisons should have a well-resourced strategic support team to set direction and standards and monitor performance. This is not the place to spell out the details, though the broad principles are apparent from other areas of discussion in this Report.

7.227 A key matter that merits reiteration, however, concerns research. This has been neglected in the Department in recent years, almost as badly as training. There should be a separate Planning and Research Unit to facilitate the development of evidence-based decisions and policies and to continually foster and encourage best practice in offender management. The unit will need to be large enough to develop a centre of excellence with regard to researching prison operations and evaluating programs. The unit should also have a statistical capacity.

7.228 There should also be a Strategic and Corporate Services Support Team. Their role would be to support the prisons strategically such as with strategic, financial and workforce planning, development and implementation of whole of prison services development initiatives and data collection and analysis. The Training College should be part of this support team.

7.229 Further, an Audit, Compliance and Performance Monitoring Team is required to work closely with the Operations Director/s and the superintendents, tracking performance and providing early warnings and support when performance is not meeting service level agreements. They would also have an independent audit function to investigate and report on all aspects of prison management.

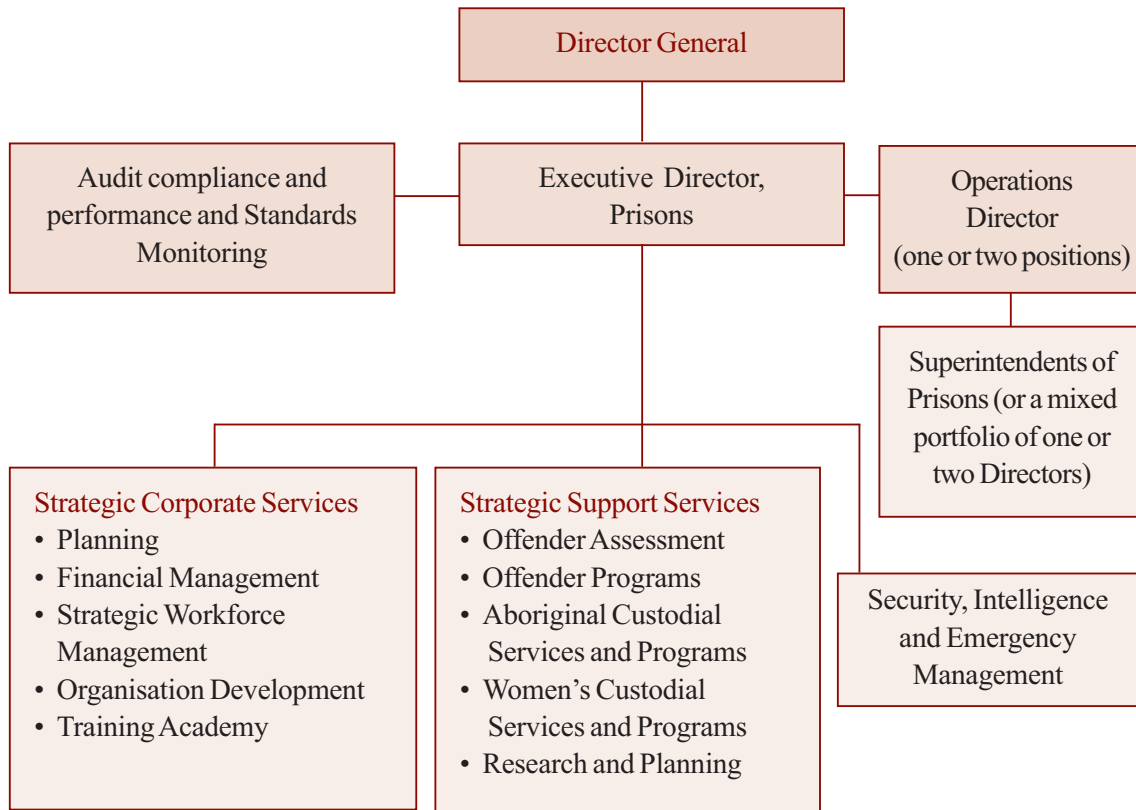
7.230 The small number of female prisoners must not become a reason for ignoring female prisoners and in order to ensure that the recent gains made in women's imprisonment in Western Australia are maintained, a strong focus on women in prison should be ensured through a women's custodial services and programs branch headed by a suitably senior manager or director. Similarly, as discussed above, an Aboriginal custodial services and programs branch should be developed and should be headed by a senior manager or director to ensure Aboriginal imprisonment in Western Australia is not neglected.

7.231 Finally, there should be a small, expert team for Security and Intelligence, Emergency Management and Investigations, providing high-level expertise to the Executive Director and all prisons in relation to security management and intelligence.

Possible Head Office Structure for Prisons Division

7.232 Again, it must be emphasised that the model suggested below is not intended to be definitive and should be read in the context of the Mahoney Inquiry recommendations. But the broad thrust and philosophy is readily reconcilable.

7.233 Table 24: Proposed Head Office Structure



Levels of Strategic Corporate Services

7.234 There appears to be three levels of corporate services support operating in the Department, namely the business management teams in individual prisons, business management for the Prisons Division residing in head office, and the corporate support teams which service the entire Department such as Corporate Human Resources. This arrangement currently appears to foster duplication of effort and lack

of ownership of programs, services and outcomes. As workforce management is the focus of this section of report, the human resources support function has been the main focus of analysis. However, many of the findings and suggestions for improvement will have relevance for the other corporate services support functions.

Human Resources Support for Prison Division

7.235 It is interesting to note that, while every division in the Department has its own human resources manager, the position within Prison Division is the only one that reports to the Corporate Human Resources Director, the others reporting to their divisional managers. This places the Prisons Divisions Human Resource Manager in a difficult position of trying to be business/operations-focused but remaining accountable to a functional leader. This seems an unsatisfactory arrangement for all concerned, particularly those receiving the service.

7.236 While there is a definite case for streamlining the various tiers of human resources (HR) support, it should not be assumed that the HR support function is well-resourced. In a review undertaken of the head office functions, there was a commonly held view that the level of HR support was inadequate and that the numbers within the HR function within the Prisons Division were less than those in the other Department divisions when considering support to staff numbers ratios.²⁶²

7.237 Strategic workforce management/HR support for the Prisons Division is currently inadequate. There is a greater need than is currently being provided. There were many comments in a review undertaken of head office functions about the poor support of the HR functions.²⁶³ Limited communication and collaboration with operational areas is part of the problem. Also, limited communication of rationale and reasoning and the lack of clear HR policy and/or perceived inconsistency of application of HR policy, contribute to the current challenges.

7.238 As outlined in this Review Report there are many workforce related issues facing the Prisons Division, including low staff morale; industrial issues (within the prisons); an ageing workforce; inadequate Aboriginal recruitment and retention; and under-utilisation of female staff. These and many other issues need to be addressed in a systematic and strategic manner.

7.239 The HR Manager has a heavy workload, and is currently dealing with a lot of the

262 G. James, *Report on the Organisational Review of the Prisons Division Head Office Functions* (Perth: Competitive Edge Services Pty Ltd, February 2004).

263 Ibid.

detailed, day-to-day aspects associated with HR functions. It appears that Prisons HR branch is providing a conduit or brokerage role between the Prisons Division workforce and Corporate HR. Also that some of the services currently being provided by Prisons HR branch are not functions specific to Prisons Division, but are for functions that apply across Department (for example, managing GEHA). In relation to the support provided by Corporate HR, this has been described as woefully inadequate in a number of reviews and reports. Strategic human resources management has been very limited and remote from application to the business units including those in the Prisons Division.

7.240 The payroll branch has been understaffed since its inception, and satisfaction levels with payroll service provision have been consistently very low. Under the performance measurement model developed by the Department to measure productivity gains in the late 1990s, satisfaction levels for staff with payroll service was consistently in the 30 per cent decile.²⁶⁴

The Shared Corporate Services Reform Government Initiative

7.241 The Department views the whole-of-government shared corporate services initiative – which will aggregate the transactional processing of certain services such as payroll, finance and corporate information systems – as an opportunity to define a new service delivery model. Given the proposed increased autonomy and accountability of individual prisons, a more devolved corporate services model should be developed. This will require good practitioners within the prisons, with potentially reduced staffing levels in head office.

7.242 With the advent of the shared corporate services centres, the head office staff numbers would reduce further. Based on the figures provided to the Shared Services Project Office, the Department has a budget of \$26.6 million for delivering corporate support across the organisation. Preliminary analysis shows that around \$2 million will be required to fund the activities transferred to the shared services centre (cost of buying the services), and that around \$4 million will be harvested by the government as benefits achieved through economies of scale, totalling an expected budget reduction in the vicinity of \$6 million. Therefore, the resulting budget available for corporate support activities within the Department will be around \$20 million.²⁶⁵

264 Community and Public Sector Union/Civil Service Association, 'Submission to the Mahoney Inquiry and Office of the Inspector of Custodial Services Directed Review' (July 2005).

265 M. Red, 'Review of the Corporate Support Structure of the Department of Justice Following the Transfer of Transactional Services to the Shared Service Centre' (July 2005).

Implication for Prisons Division

7.243 Within this broader context, individual prisons would have increased responsibility for a range of administrative activities (such as developing and managing budgets, recruiting and selecting staff, training, purchasing and contract management) with far less involvement from head office other than the provision of standards and providing corporate direction and programs to support the activities of the prisons.

7.244 While strengthening business management may on the face of it run contrary to the trend for centralisation of corporate services functions to shared service centres, there are a number of corporate support activities (particularly in financial management and human resources) that need to be performed within individual prisons, primarily within the business management teams. These activities are highly operational in focus and cannot be delivered effectively centrally. Over time, when the changes to the superintendent role are firmly established, there may be an opportunity for individual prisons to acquire more services directly from the central Corporate Services Division and from the shared service centre, but this would not be feasible in the short or medium term.

7.245 As a consequence, there will still remain a need for a HR manager at head office level within the Prisons Division, but the role should be oriented to strategic workforce management and planning and should be involved little in day-to-day operational activities. This position should report to the senior management of Prisons Division with only functional responsibility to the Director Corporate Human Resources. It would be expected that this role would participate at executive meetings to ensure strategic workforce issues are at the forefront of organisational decisions.

7.246 Over time, with the full implementation of the shared corporate services centre and an improved central corporate services function, there would be a basis to further reduce the corporate support provided in the head office of the Prisons Division. Ultimately virtually all the strategic corporate support services (including financial management, human resources management, information management, infrastructure and procurement management) supplied to prisons could be provided by central corporate services, with a relationship manager acting as the broker for services from corporate services and representing the needs of the Prisons Division.

7.247 However, as a transition arrangement during this significant reform process, this would not be advisable, and the Prisons Division will require its own head office strategic corporate support function until the reforms are implemented. This means

that the anticipated benefits from the shared corporate services centre will not be fully realised for the first two to three years. However, there may be some opportunity for centralisation of corporate support activity, which is not seen as integral to these reforms. For instance, a recent report by Madison Red recommends the centralisation of the contracted services team within Prisons Division (currently 11 FTE) to a corporate infrastructure and procurement team.²⁶⁶

IMPLEMENTATION AND THE MANAGEMENT OF CHANGE

7.248 There have been a multitude of consultants' reports, reviews and new initiatives over the years within the Department, some of which have been referred to in this Review. However, the majority have not resulted in sustained change with positive and measurable outcomes within Prison Division. There seems to be many reasons for this, such as:

- An absence of visible and genuine top management support;
- Management often has sought simple answers to what are in fact complex problems;
- There are too many management layers and the absence of direct access to the top by the people necessary to affectively implement change. Decisions are slow to be made and there is little accountability at the various layers of management;
- There seems to have been little sense of priorities, leaving people feeling overwhelmed at what needs to be done. There have been so many reports on so many topics, each identifying many things requiring change and improvement;
- An overwhelming sense of apathy and cynicism pervading Prison Division. The Employee Opinion Survey of 2002 showed the depth of feeling within the Division and how poorly the Division fared on a range of indicators compared with the rest of the Department and the Department as a whole fared poorly in relation to the benchmarks that had been established by previous surveys. It seems that little action has been taken as a result of that Employee Opinion Survey and in undertaking this review the observations made is that if anything, the situation and perceptions of employees has deteriorated further since 2002;
- Entrenched beliefs among many in Prison Division, as well as within the broader community, in the merits of punishment and just desserts. There is a strong and established culture within Prisons Division which has proved hard to change over

266 Ibid.

the years. Even with new recruits and new ideas, there has been an insufficient groundswell and critical mass to effect meaningful and sustainable change to the culture;

- Territorial and personal agendas, as opposed to a common support for the broad organisational objectives. The ongoing tensions between management and the Prison Officers' Union is a powerful illustration of this and has hindered the potential for the two parties to achieve consistent constructive dialogue for the benefit of prison staff and prisoners; and
- The funding and enthusiasm for pilot projects without the necessary resources and support to convert to full implementation. When pilot projects are not fully implemented, cynicism increases further. An example of this is the Cognitive Skills Program. Initially lauded by management and achieving some impressive initial results, this initiative has not fulfilled its potential due to lack of sustained commitment and resources.

7.249 This Directed Review is recommending sweeping reforms, which if implemented will be of a scope and magnitude not yet experienced in the history of the Department. The management of change to successfully implement these recommendations is the most important area for management attention. Some of what has been identified in this Report as good practice has already been recognised by the Department in the past, yet movement to implement recommended changes has to date been slow at best and non-existent at worst. Prison managers have not traditionally been asked to be change agents and prisons are in fact seen as bastions of conservatism. The surrounding fences and walls of prisons may contribute to a narrower world-view than other organisations.

7.250 Management in the past may have felt constrained from implementing change due to budget concerns being seen as overriding policy, powerful union agendas, perceptions that public attitudes would not be supportive and a sense that Cabinet would also not approve or provide the necessary resources necessary for success. The implementation strategy should be designed to ensure simultaneous progress on as many dimensions as possible. However, the creation of an order of priority for the implementation of recommendations is essential, so that implementation can proceed in an orderly, planned and comprehensive fashion.

What Needs to Occur for Successful Implementation

7.251 There needs to be a clear and consistent message from government that it supports the recommendations of this Report and that the necessary funds and resources be allocated to enable successful implementation. There needs also to be a dedicated change management team brought into play to affect the implementation of the recommendations. Experts in change management (which may in fact be external to the organisation) are a necessary part of this team. It needs to be recognised that major management changes take 30–50 per cent the top managers' time for the first six months and a significant time thereafter. The people in those positions must be prepared to invest this kind of effort to ensure success.

7.252 By way of conclusion, therefore, the Review Team acknowledges that it does not, in any way, underestimate the magnitude of the scope of its recommendations; the significance of those proposals for the future operations of the Department and its ways of doing business; the implications of full implementation on the workforce involved with custodial services; or the difficulties likely to be encountered in the implementation of some of its proposals.

7.253 All of these factors were considered by the Review Team as it framed and finalised its recommendations, and the team concluded that they constitute the best available solutions to the problems identified during the Directed Review, and further, that they were sound, appropriate and feasible. Such conclusions are founded on the information made available to the Review Team, and on its judgments on the issues on which it was asked to deliberate.

7.254 It is the opinion of the Review Team that whatever difficulties might be encountered in the implementation of these recommendations, those difficulties would be less than those likely to be faced by the Department should it elect to continue with its present organisational culture, practices and ways of doing business. On the other hand, acceptance and implementation of most, if not all, of the recommendations would deliver strong and tangible benefits to the Department in the future.

7.255 RECOMMENDATIONS

92. All senior positions within the Prisons Division should be reviewed. Where appropriate, a revised submission should be prepared for Premier and Cabinet.
93. Once the head office structure is finalised and positions reviewed, a national (and possibly international) executive search and selection process should be arranged for filling of positions on a substantive basis.
94. It is recommended that the Department work with the Department of Premier and Cabinet to review the positions of all superintendents to give them appropriate remuneration and conditions for the increased responsibility and accountability for all aspects of prison management, including finance and budget management, selecting staff and workforce management to deliver on the agreed objectives of the prison. All staff working in the prison should report directly to the superintendent with functional relationships to others where appropriate.
95. Consideration should be given to developing an implementation plan for the appointment of superintendents, including recruitment and selection both internally and externally and to provide superintendents with professional development plans, individual coaching and support.
96. Service level agreements should be established for each prison as well as individual performance agreements for each superintendent. A compliance and monitoring system should be established to monitor progress and provide support and guidance to superintendents to help them deliver on the service agreements.
97. The individual prison staffing profiles should be developed further, broadening their focus to incorporate all functions within the prison (for example, programs, education and staff training) and to consider the future directions and objectives of the prison.
98. The staffing profiles should be regularly considered in a divisional workforce planning process. The information from the workforce plan should be included in recruitment plans for new prison officers, staff training and succession management.
99. The information from the prison staffing profiles and workforce plan should be used to consider the adequacy of prison staffing.

100. A generic management structure applicable to all prisons should be further developed and implemented, based on the Standard Guidelines for Corrections in Australia and the principles outlined in this Review Report.
101. The roles of the functional managers should be reviewed and given position titles that reflect their core responsibilities.
102. A generic job description should be developed for prison officers that reflects the Standard Guidelines for Corrections in Australia and incorporates the national competency standards.
103. Additional role statements should be developed and attached to generic role descriptions to reflect the unique characteristics and requirements of particular prisons.
104. Job descriptions and role statements should be integral to the recruitment, selection and training of prison officers as well as for performance management of entry level prison officers once appointed.
105. Consideration should be given to increasing the number of non-uniformed staff (such as social workers and education staff) within prisons for both the benefit of prisoner and prison staff.
106. There should be a multi-disciplined and integrated approach to prisoner management and sentence management.
107. The relief resources for work camps should be increased to facilitate the necessary training and development for work camp officers, including prerequisite entry level training for new work camp officers.
108. New ways of enhancing involvement in work camps should be explored for Aboriginal employees and Aboriginal community groups.
109. The workforce in work camps should be diversified, to include more secondment arrangements as development opportunities for prison staff and also contract arrangements with external service providers and individuals.
110. The responsibility for workforce planning and recruitment for work camps should rest with a single manager at superintendent level.

111. An Aboriginal Employment Strategy should be developed as part of the workforce plan. It should contain the elements outlined in this report to attract and recruit more Aboriginal employees, to improve retention and to build the capabilities of non-Aboriginal staff to work effectively with Aboriginal staff, prisoners and communities.
112. Superintendents should be required to report on and achieve significant improvements in Aboriginal and female employment.
113. A Women's Employment Strategy should be developed, incorporating elements outlined in this report, as part of the overall workforce planning process to improve recruitment and retention rates for women.
114. A mentorship and leadership program should be developed for Aboriginals and women in all occupational groups within Prisons Division to foster retention, career development and better support networks for women.
115. The Department should develop and implement an 'employer branding initiative' with a view to becoming an 'Employer of Choice' and thereby improving attraction and retention of a quality workforce.
116. The Department should review and revise the current application process for entry-level prison officers to make the process more 'user friendly' and encouraging for potential candidates. The findings could be extended to the recruitment and application processes for all occupational groups within Prison Division.
117. Within the employer branding initiative, specific programs should be developed to improve attraction and retention of applicants from Aboriginal and culturally and linguistically diverse backgrounds as well as women.
118. Incentives to attract and retain uniformed and non-uniformed staff to regional prisons and work camps need to be developed further and should include elements outlined in this report.
119. The selection process for entry level prison officers should be thoroughly reviewed, taking into consideration the factors identified in the Review Report, in particular the role and application of psychometric and fitness testing, the use of referee checks and the candidates' role in medical testing.

120. The selection process should be designed to test against a set of agreed values, attributes, desired behaviours as well as skills and experience needed to be an effective prison officer. These should reflect the changing role of the prison officer in a modern prison system and the Standard Guidelines for Corrections in Australia.
121. Acting within proper safeguards to ensure ethical practices, the superintendent should be substantially involved in the selection and appointment process for staff, with an ultimate power of veto in exceptional cases.
122. The overall selection process for entry-level prison officers should remain centrally managed. There needs to be strong and collaborative relationships between the central recruitment team, Corporate Human Resources and the prisons.
123. The central recruitment team needs to be adequately resourced with experienced staff members to regularly evaluate recruitment and draw on national and international best practice to continually improve the Department's approach. The team should be adequately resourced to deliver high quality outcomes to the prisons in a timely manner (preferably 12 weeks).
124. Applicants (and their partners) for regional prisons should be provided with adequate information about the prison and the location to enable them to make an informed decision in accepting an appointment.
125. A merit-based succession plan should be developed for the Prisons Division. The succession plan should be integrated with the overall Prison Service workforce plan.
126. Superintendent roles should be recognised as a priority for the succession plan, with key individuals who may have potential for these roles in the future identified and developed in a planned and structured way.
127. Individual development plans should be a key element of performance management so that every staff member has a structured approach to their training and development and is encouraged to plan their career.
128. Superintendents should be required to report on acting appointments, ensure that the developmental benefits are realised and that there is adequate performance support and feedback. Target groups such as women should be provided with ample opportunities to act in higher positions.

129. A new uniformed rank structure should be developed to incorporate the roles of Operations Support Officer, Probationary Prison Officer, Prison Officer, Senior Prison Officer and Senior Prison Supervisor. These roles should be well defined with explicit training requirements as part of the career progression process.
130. The First Class Prison Officer rank should be abolished and the option of including a special allowance between Prison Officer and Senior Prison Officer to encourage the acquisition and use of additional training and skills within prisons should be explored further.
131. The role of Operations/Functional Manager should replace the current Assistant Superintendent positions. The position should be appropriately valued to reflect the increased strategic management expectations of the role. The position would provide a logical and attractive career path for senior uniformed officers.
132. A new promotional system for prison officers should be introduced which is based on applicants undergoing prerequisite training and being assessed on their performance. This would remove the need for applicants to address selection criteria and participate in interviews to be considered suitable for promotion.
133. Acting within proper safeguards to ensure ethical practices, superintendents should have responsibility for selecting officers from the pool of officers deemed suitable for promotion. They should be responsible for the process and outcomes of the selection for promotional positions, which would be subject to Departmental policy, standards and scrutiny. This would enable the selection of prison officers to senior roles that meet the individual requirements of that particular prison.
134. The current transfer system should be revised to enable it to be centrally coordinated and managed but for final decisions on transfer requests to be made by the superintendent of the receiving prison. The transfer system should apply to all staff members, not just prison officers.
135. Consideration should be given for compassionate transfers for officers in exceptional circumstances and be able to be made where there is no vacancy and be authorised by senior management and not necessarily the superintendent. However the criteria for compassionate transfers should be stringent and consistently applied. Treatment of people being compassionately transferred should be consistent in terms of relocation expenses and management.

136. The Department should develop a comprehensive Age Management Strategy that targets (a) new members of the workforce in the 25–35 age bracket, (b) groups that are currently under-represented in the workforce in particular Aboriginals and women, and (c) strategies to retain and usefully employ existing members of the workforce in the 55 years and over age group.
137. As an urgent priority the Department should introduce a new and more robust occupational health and safety framework, to include tighter incident and hazard reporting, more effective OHS committee arrangements at prisons and improved communication and consultation.
138. Superintendents should be required to report on key performance indicators relating to employee health and safety, including sick leave, lost time injuries, time to return to work, hazard and incident management and on-site occupational health and safety training.
139. Health and safety indicators should be monitored across the Prison Service as a whole with a view to further refining occupational health and safety preventative strategies if necessary.
140. Urgent consideration should be given to all new prison officers being appointed primarily on eight hour shifts with the understanding that they may be required to work ten and/or 12-hour shifts as directed by the superintendent (taking into consideration their personal circumstances and the operational needs of the prison).
141. The Department should prepare to make changes to shift arrangements for current prison officers on a transitional basis, to be incorporated in the next Enterprise Bargaining Agreement.
142. On the basis of the Department's duty of care to employees, a policy should be implemented which does not permit those working on 12-hour shifts to undertake secondary employment and that guidelines be established restricting the amount of overtime undertaken by officers working 12-hour shifts.
143. A revised head office structure should be developed which supports devolution of operational management and decisions to prisons and undertakes high-level strategic direction, policy setting, research, audit and performance monitoring.

144. Consideration should be given to the position of General Manager Public Prisons being abolished and one or two Operational Director positions created to oversee the management of all prisons, private and public, maximum, minimum, regional and special needs prisons with an integrated and consistent approach.
145. The new head office structure should have new units such as Policy and Research and Audit, Compliance and Performance Monitoring to undertake roles that have been neglected in the recent past.
146. There needs to be a thorough review of activities to be undertaken by the newly strengthened business services functions within prisons, Prisons Division head office and corporate head office. The review of these activities needs to be done in conjunction with this reform process as well as the shared corporate services reform project currently occurring across government.
147. At least in the medium-term, a human resources support function should be trained within head office. The manager of this function should report to the management of the Prisons Division without line responsibility to Corporate Human Resources. The role and purpose of the Prisons Division human resources unit should change to become more strategic, with an emphasis on workforce planning and the development of best practice workforce management models.

Chapter 8

TRAINING AND DEVELOPMENT

8.1 THE CONTEXT

*Investment in training and a culture that develops and supports its employees help demonstrate a commitment to people, and all individuals to develop and contribute to a positive image of the sector. Training opportunities should provide employees of all levels with the specific skills required to perform these jobs.*²⁶⁷

- 8.2 The above statement clearly outlines the commitment towards ‘the investment in training’ and a cultural development to provide ‘lifelong learning’ and the commitment to professional staff development²⁶⁸ of ‘all levels’ in the public sector. The Australian Guidelines for Systems Management²⁶⁹ reinforces this by stating that:
- 8.3 A professional staff workforce should be supported by comprehensive and well maintain resource and support systems.²⁷⁰ The prison administration shall constantly seek to awaken and maintain in the minds of both of the personnel and of the public the conviction that this work is of great importance.²⁷¹
- 8.4 These lofty management strategies are not operating within the Department. The Department’s Employee Opinion Poll 2002 clearly shows in areas of ‘mentoring, leadership, encouragement of career development, recognition of performance and intellectual stimulation’, the prison and justice staff reported the ‘lowest scores’ in those categories. In relation to stress, prison employees were the highest scorers in the justice sector. The reality is commitment to training and professional development in the justice sector is purely symbolic and structured training and professional staff development is minimal in the Department.
- 8.5 The culture of commitment to staff training and professional development is not apparent in the Department. The key factor and goal of any organisation in training and professional development is best practice. This goal of achieving operational excellence cannot be addressed without the support of a corporate plan and properly implemented operational strategy which addresses each of the four cornerstones, collectively referred to as, custody, care and wellbeing, rehabilitation, and reparation, supported by a fifth cornerstone ‘systems management’ which contains the resource and strategic implementation aspects of training and delivery. A set of principles is clearly laid down by international standards and the Standard Guidelines for Corrections in Australia (2004) and these should be reflected in all the training and

267 *People Making a Difference: The Public Sector – Strategic Directions* (Perth: Government of Western Australia, November 2004).

268 Her Majesty’s Prison Service (UK), ‘Business Plan 2005–2006’ (undated): ‘Ensure our staff have the right leadership, organisation, support and preparation to carry out their work duties effectively.’

269 Australian Guidelines for Systems Management (2004), p. 26.

270 *Ibid*, [5.1].

271 *Ibid*, [5.7].

development of people who work within a corrections or justice environment.

8.6 The delivery of these principles has to be balanced, across all the cornerstones as each area is interactive with a causal effect on others. In other words, security and control of prisoners reflects the way both staff and prisoners humanely interact with each other and feel safe. So best practice should provide occupational standards and training reflecting the right skills, addressing each of the four cornerstones and be fit for purpose.

8.7 Current problems that have been identified include:

- The present training does not equally address the four cornerstones. The current entry-level training in corrections reflects an emphasis on security at the expense of the other cornerstones. The role of all correctional and other staff needs to be expanded outside the area of security; and
- Entry-level training and re-qualification training are really the only areas of training that are presently delivered to staff. There is presently no augmented system of staff development in custodial services provided by the Department outside entry level and re-qualification training.

International and Human Rights Standards

8.8 Standards for corrections in Western Australia are derived from a comprehensive outline of good practice linked to international and human rights standards. These standards have been agreed by the international community, usually through the United Nations, and form a template in many countries for good practice and for staff development. The majority of international legislation contains references to the treatment of people who have been deprived of their liberty. There are also international instruments that deal specifically with prisoners and their detention. These contain minimum rules, principles and guidelines and provide a valuable complement to the broad principles outlined in the legal treaties.²⁷² The main grouping of instruments and international directives that involve staff working with people who have been deprived of their liberty are also clearly outlined and provide international standards.²⁷³ These standards are further bolstered by a number of guidelines and operational standards within countries.²⁷⁴

272 Standard Minimum Rules for the Treatment of Prisoners (1957); Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (1988); Basic Principles for the Treatment of Prisoners (1990); Standard Minimum Rules for the Administration of Juvenile Justice (1985).

273 Code of Conduct for Law Enforcement Officials (1979); Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians and Detainees against torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (1982); Basic Principles on the Use of Force and Firearms (1990).

274 In Europe these are: Convention for the Protection of Human Rights and Fundamental Freedoms (1953); European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1989); and the European Prison Rules (1987).

Australian Guidelines (Revised 2004)

- 8.9 The Standard Guidelines for Corrections in Australia (revised 2004)²⁷⁵ and the accompanying principles constitute outcomes or goals to be achieved by correctional services rather than a set of absolute standards or laws to be enforced. They represent a statement of national intent around which each Australian State and Territory jurisdiction should continue to develop its own range of relevant legislative, policy and performance standards. They are expected to be individually amended from time to time to reflect best practice and community demands at the State and Territory level.
- 8.10 The current Australian Guidelines are divided into the four cornerstones²⁷⁶ and give ‘motherhood statements’ for best practice. What appears to be missing in the Australian Guidelines is a coherent adoption strategy for the training and development of people working inside the corrections industry, specifically linked to current practice and addressing the guidelines effectively. The guidelines fail to give these directions on the important area of staff training and development. The guidelines do not sufficiently reflect current practice in Western Australia but lay down a general standard throughout all prison jurisdictions and still reflect an emphasis of practice based from 1984 when they were first created.

National Operating Standards – United Kingdom

- 8.11 In the United Kingdom the issue of how to implement guidelines has been addressed on a national basis by creating National Operating Standards (NOS) and the establishment of the Custodial Care National Training Organisation, now known as Skills for Justice (SFJ).²⁷⁷ The NOS outline all the areas of good practice and these are directly related to international standards and guidelines but are further developed into work-based practice and modular delivery. SFJ are responsible for ensuring the quality assurance of prison standards. It vets all training delivery, content and learning outcomes, development and best practice. The current training and all training needs to be re-evaluated in respect of creating Western Australian operating standards and these should be translated into the teaching of work-based practice within the justice sector, for all staff and areas of employment.

275 Standard Guidelines for Corrections in Australia (revised, 2004) outline the Guiding Principles for the Management of Prisoners, pp. 13–26.

276 Ibid, 13–25.

277 See Appendix – National Operating Standards for Police, Custodial Care – Skills for Justice, <www.skillsforjustice.net>.

- 8.12 National operating standards could provide the foundation and ensure that staff are developed and trained effectively under a corporate system of ‘life long learning and development’ in Western Australia. These operating standards can provide the template for continuity, betterment, accountability and promotion within the prison system. While other countries do have these systems, it is important that Western Australia creates its own by evaluating other prison training systems and adapting them to suit its own local needs and purposes.
- 8.13 The desired outcomes are: to introduce a quality standards system with regard to the content, delivery and training of all staff; to apply operating standards to Western Australia so as to achieve operational balance between the four cornerstones; to standardise core training throughout the justice system; to link training to best operational practice; and to provide benchmarks for promotion and certification of ability.

THE CONCEPT OF PRISON WORKERS

- 8.14 It must be emphasised that the category of ‘prison workers’ extends far beyond that of uniformed or custodial officers. The category of ‘civilian staff’ includes health workers, psychologists, offender programs personnel, teachers, chaplains, administrators, clerical staff and so on, as well as a plethora of volunteers and non-government organisation personnel. To varying degrees, each of these sub-groups is, or should be, committed to and conversant with the standards and objectives of the business of imprisoning people. If the extremely difficult objective is to be achieved of maintaining safety for the public, for prison workers themselves and for prisoners, while running the prison regime equitably and in such a way as to optimise the possibility of achieving some degree of rehabilitation and reducing expected recidivism rates, then everyone must be of the same perspective.
- 8.15 Demonstrably, in the light of five years’ inspecting prisons, this is not always the case. It is not always the case within categories of prison workers; and it is certainly not always the case across categories. Part of the explanation for this probably lies in the fact that initial training is not universal. The Directed Review considers that a system should now be established whereby all prison workers entering the workforce should receive some common generic training. This may be for as short a period as a week or two weeks. This common training should be linked to the four cornerstones in Western Australia and should reflect and address the ethical dilemmas of working within a prison. It should also cover the technical²⁷⁸ safety and security logistics of prison work. Thereafter, training would diverge along the relevant professional pathways, calibrated to the requirements of the particular job and workplace.

278 Technical training is related to operational aspects of security within a prison environment. All staff working or entering this environment should undertake a basic course in this area.

- 8.16 People who work in a prison environment need to develop – by training and work-based practice – skills to empower them to deal effectively and humanely with the prisoner population. It is crucial that staff should be supported throughout their careers by in-service training and career development opportunities. For uniformed officers, security or technical training is a particularly important aspect of prison work. All operational and civilian staff should be practically trained and aware of their security responsibilities, which include security technology, keys, locks, surveillance equipment and the importance of keeping accurate records. It is essential that the training of these staff addresses these areas in a systematic and work-based arena, but good security must be supplemented by knowing who your prisoners are and how they are likely to behave. In Western Australia the emphasis on custodial staff training is directed towards physical and static security. ‘Dynamic security’, which includes the elements of unit²⁷⁹ and case²⁸⁰ management, is a major key to good practice, yet it appears not to be adequately emphasised with regard to the Entry Level Training Program and formal assessment procedures.
- 8.17 An important aspect to all training is the creation of accurate assessment tools²⁸¹ and certificated training for all levels of employee, all designed and linked to the proposed Western Australian Operating Standards. Assessment and evaluation provides a template for ongoing staff development, as well as promotion criteria, and it identifies areas of need both individually and institutionally. Training should be available for all ranks to make them aware of current practice and teach them the specific skills needed for working in specialist areas as well as developing those management and leadership skills needed by senior staff. In Western Australia it appears that professional development and training at all levels (including management level) has been neglected for some years.
- 8.18 The evidence to the Mahoney Inquiry has demonstrated the devastating impact that a training vacuum in respect of case management has had in relation to that initiative and ultimately to the operation of the prison system as a whole. The effect on the organisation can be catastrophic and ultimately contribute to low staff morale, poor staff retention rates, a disjointed application of standards within prisons, and a promotion system that does not lend itself to professional standards or professional criteria for promotion.²⁸² Very few managers at any level have received any form of

279 1 hour of Entry Level Training Program.

280 4 hours of Entry Level Training Program.

281 See Appendix 15 for an overview for an example of a good assessment instrument. The Kirkpatrick Model which has four levels: Level 1 – Reaction: most commonly measured by using ‘happy sheets’; Level 2 – Learning: tests can be given to check that participant learn something; Level 3 – Transfer of Behaviour: are the participants using what they have learned on the program?; and Level 4 – Organisational benefits: Did the training and development initiatives have any impact on the business itself?

282 See Department of Corrections (NZ), Human Resources Management, Operational Strategy – 1 July 2003–30 June 2008 (undated); Scottish Prison Service, *Annual Report 2004–2005* (2005).

promotion, leadership or management training, indicative of an uncommitted and unstructured organisation that fails to value its human resources properly.

- 8.19 International instruments are specific in relation to the development of staff. Although they are not mandatory,²⁸³ without their becoming an operational reality the system simply is unprofessional and drifts along from one crisis to another with no professional leadership or strategic skill base to address the problems effectively. The evidence to the Mahoney Inquiry amply demonstrates the validity of this generalisation.

THE CURRENT TRAINING ARRANGEMENTS

- 8.20 Currently, the Training and Development Branch of the Department is located on two sites, at Nyandi Prison and Casuarina Prison. The Casuarina training facility is scheduled shortly to move to the Nyandi site. The following discussion therefore relates to the training facilities and practices at Nyandi.
- 8.21 The Nyandi Prison site is shared with other sections and divisions of the Department of Justice – the Specialised Training Section, the Workplace Education Section, the Professional Development Section, the Community Justice Services Division and the Quality and Compliance Section. The Staff Recruitment Branch also works out of the same site.
- 8.22 The prison officer training requirements dominate the way the site functions. Personnel from other parts of the Department seem very much like visitors or even intruders. For example, the Juvenile Justice Division has no office space or dedicated facilities, and the Review's impression was that they simply had to fit in as best they could. The culture, in other words, is very much custodial-dominated, with a large block of cells being set aside for example for cell extraction exercises and the like. Modern design makes this approach to training outmoded – a single cell with viewing platforms would meet the need. This epitomised the fact that, whatever the formal arrangements are, basic training for custodial services is the primary focus of the Training College. Furthermore, the head of that side of operations is very much the head of the whole area.

283 Standard Minimum Rules for the Treatment of Prisoners, Rules 47, 49, 50–54; Code of Conduct for Law Enforcement Officials, Articles 3–7; Basic Principles in the Use of Force and Firearms by Law Enforcement Officials, Principles 4, 9, 15–16; Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Principal 1; Declaration on the Elimination of Discrimination against Women, Article 10; Rules for the Protection of Juveniles Deprived of their Liberty, Rule 82, 85; Standard Minimum Rules for the Administration of Juvenile Justice, Rule 22.

- 8.23 Although considerable resources have been devoted to improving the Nyandi site, it is barely fit for its current limited purpose and certainly unfit for an expansion of staff training and professional development. The teaching rooms are not purpose-built and have been adapted for teaching purposes. While they contain teaching aids (overhead and data projectors) they still do not provide good purpose-built professional training facilities. Within the teaching complex are a number of areas under development, being converted from prison facilities, and in places it appears more like a builder's yard than a Training College. Around 24 computers are to be installed in this building (relocated from the Casuarina site) and there is little doubt that space will be at a premium. The site has one temporary classroom (consisting of two joined up dongas), also used by all the service providers, and there is a plan to erect another temporary classroom to accommodate new entry-level courses.
- 8.24 The facilities provided for staff in this teaching complex are not of an acceptable standard – their offices are located outside this unit, and the shower and toilet facilities for male and female students are inadequate. The present location and infrastructure does not provide a good learning or teaching environment; moreover, there is no opportunity for expansion on the site, the future of which is fraught with uncertainty because of the overriding needs of Western Power (which is expected to compulsorily acquire between one-third and one-half of the site in the near future) and some zoning complexities if it were sought to construct new buildings.
- 8.25 In summary, Nyandi is at best an inadequate temporary base for a limited range of training activities. Other divisions of the Department try to carry out their limited training and/or conference activities in facilities that they hire for the occasion – usually hotels in Perth or local government authorities. Venues of this kind are seldom suitable and their use does nothing to foster a corporate culture. Accordingly, the Inspectorate recommends the construction of a new Correctional Training and Professional Development Academy as the venue for a vastly enhanced Departmental commitment to staff training. Other comparable organisations in the State – notably the Police Service – have marked and facilitated their professional commitment to training by the establishment of a single site training facility where all the practical and intellectual resources can be brought together for the benefit of trainees.

The Training and Development Branch

- 8.26 The senior management and training staff (senior officers attached for a period of two years under a Higher Duties Allowance) presently employed at the Training College,

do not possess sufficient expertise in the area of the management of prisons, operational experience²⁸⁴ or qualifications to deliver training and development to custodial officers at a level higher than basic entry training. The Training College does not presently have the expertise to develop and deliver any areas outside the Registered Training Organisation's (RTO) current remit of entry level and re-qualification training.

8.27 The senior management within the Training College appears to favour managers who possess military training backgrounds rather than an understanding of prison work. While the training process is important within any teaching establishment, the content and experiences in the 'field' is of equal importance, especially when the entry-level training has such an important practical element attached to it. Foundational and operational knowledge is imperative to teaching good work-based practice and it appears that some courses are managed by people who do not possess such operational background knowledge. While it is appropriate to have a degree of cross-fertilisation of experience of 'outside' agencies there also needs to be a firm foundation in the operational aspects of prisoner management akin to the Department.

Qualifications of Training Staff

8.28 The qualifications held by senior managers and training officers appear to be the minimum required for the teaching of Entry-level Certificate III Custodial Care - Certificate IV Custodial Care and Re-qualification training. There appears to be a lack of operational experience or certification to teach areas outside this remit. It appears the highest qualification held by the manager and coordinator, a Diploma in Training, is only a level higher than the Certificate IV in Training; moreover, six of the units are the same units at Level IV.

8.29 None of the staff have a formal teaching qualification apart from Level IV, which deals little with the delivery and teaching aspects of training. Some of the training officers have not completed Certificate III or Certificate IV in Custodial Care, although most of them have the Certificate IV in Training. It is important that the staff training new recruits have this basic qualification about the process of teaching or the knowledge base to deliver it. Clearly, the qualifications possessed by the training staff should be much higher and reflect a prison dimension of experience and the present position of employing people outside that remit should not be developed further.

284 A trainer admitted that he was asked to deliver a unit on 'warrants' and had no experience of the area. He was asked questions by students but did not know the answers.

- 8.30 Recent recruitment of senior officer trainers appears to have been difficult as the present position in training is not attractive to substantive grade senior officers. It appears that teaching and training appeals to few operationally experienced staff, and all applications appear to come from the basic grade officers who have little or no management experience.
- 8.31 These various observations are made not as an adverse criticism of the personnel involved but as being indicative of the failure of the Department over a long period of time to make a proper commitment to training. The ethos towards training and professional development within the Department needs to be improved, as the lack of interest in training is clearly related to the importance placed on training.

Training the Trainers

- 8.32 The minimum qualification required by the RTO is the Certificate IV in Workplace Training and Assessment, now replaced by Certificate IV in Training and Assessment Package (TAA 04). This is currently outside of the scope of the Department. It therefore requires that all new staff have to be certified by outside agencies. This training package has no element directly related to the teaching of prison officers. It is a generic course directed at learning in the work environment.
- 8.33 Senior officer trainers stated that they normally received a two-day course and some have finished the written element in three to four days. A two-day course for Certificate IV Training and Assessment Package (TAA 04) is inadequate for their roles in training. The manager stated that new trainers could deliver courses by simply reading the manuals or course handbooks, but this form of pedagogy is outdated and unprofessional.
- 8.34 The current training of trainers at the Training and Development Branch consists of no recognised teaching course apart from the Certificate IV in Training and Assessment. It comprises only informal coaching, mentoring and observing other trainers. While this is an important element, many of the staff stated that they were ‘thrown into the deep end’ and were not uncommonly left alone. These deficiencies in training the trainers are indicative of the Department’s lack of commitment to staff training.

Allegations of Bullying and Sexism

- 8.35 There are also some problems in the style of delivery and the attitudes of some of the trainers related to bullying and sexist attitudes. These allegations emanate from women working in the Training College and former students who undertook initial

training. Female entry-level recruits have alleged that there was a degree of verbal and sexist abuse, especially during the physical elements of the basic training, and it appeared that the training was biased towards a ‘male dominated occupational culture’ and delivered by staff who reinforced this culture. Various inspections over the last five years have unfortunately lent some credence to this perception.

8.36 This phenomenon is apparently paralleled in the United Kingdom. Crawley states that:²⁸⁵

They claim that corporate promotions of ‘excellence’, ‘caring’, ‘quality’ and ‘respect’ – terms that they had heard a great deal of during their initial interviews – were barely evident in the organisational realities that they experienced during this element of their basic training.

8.37 The old dogma of bullying and sexism and also racism within a traditional male dominated working environment has to be addressed throughout the whole organisation. The new Training Academy should be the place to start. It is essential that all staff within the organisation be trained to positively combat unacceptable workplace practices and that management are trained to pro-actively address such behaviour.²⁸⁶ All staff – whether in initial training or professional development – should be required to undertake a course prior to employment in teaching or the management of people in the organisation.

SCOPE OF PRESENT PRISON OFFICER TRAINING

8.38 The Training and Development Branch is classified as a Registered Training Organisation pursuant to the Australian Quality Training Framework. As such it is able to deliver training, assess competency and issue Australian Qualifications Framework qualifications in the programs it has had approved under this framework.

It is approved to deliver only three certificate courses:

- Certificate 3 in Correctional Practice (CSC 30201).
- Certificate 4 in Correctional Practice (CSC 40201).
- Certificate 4 in Correctional Practice (Community) (CSC 40301).

8.39 The National Standards for Registered Training Organisations applies a standardised system of accreditation and with every unit of competence endorsed by Ministers of

²⁸⁵ E. Crawley, *Doing Prison Work: The public and private lives of prison officers* (Devon: Willan Publishing, 2005).

²⁸⁶ Ethical conduct and bullying awareness sessions are now in the process of being delivered within the Department. By August 2006 all Department staff will be expected to have undergone ethical conduct training and by 2006–2007 it is anticipated that a refresher course will be mandatory and completed annually. While this appears to be a good strategy, its effective implementation appears unlikely as presently the Department cannot deliver on its mandatory training commitments.

all participating States within Australia. The learning outcomes of each of the units in the certification for correctional practice are rigidly laid down. These learning outcomes should reflect best practice within jurisdictions but it is difficult to alter the delivery to reflect local practice.

8.40 Entry-level training should reflect Western Australian procedures and practices and it is therefore recommended that the present entry-level course be redesigned and validated to include the creation of the proposed Western Australian Operating Standards addressing all four cornerstones. The present entry-level course emphasises security with the major part of the written and practical assessment (around 150 hours of the course), relating purely to security issues. The other 190 hours of the course has little or no assessment and the only criteria appeared to be attendance. Parts of the present course are overly theoretical. Many of the units are of little relevance to working in a prison and these elements should be eliminated and new practice-based elements introduced or expanded.²⁸⁷ These new elements should address the interactive nature and people management responsibilities of prison work.

8.41 The ten-week residential part of the entry-level course consists of a total of 350 hours of training and students must have completed the following units of competency after the ten-week course:

- CSCSA006A Contain incidents that jeopardise safety and security;
- CSCSA007A Respond to medical emergencies;
- CSCSA008A Control incidents using defensive equipment;
- CSCSA009A Respond to offenders influenced by drugs and alcohol; and
- PUAFIR207A Operate Breathing Apparatus (Open Circuit).

8.42 Each of the above units reflect only one part of the Australian Standard Guidelines and primarily deal with issues of security and control. There is a need to broaden this to operational work-based training to include non-security aspects of the job during the residential part of the course.

Probationer Training in the Workplace

8.43 After leaving the Nyandi Training College each student must complete the evidence portfolio, normally within nine months, which contains the remaining units for the

²⁸⁷ When broken down into hours of teaching, the Entry Level Training Program shows the following pattern: case management, four hours; locks and keys, one hour; prison discipline procedure, two hours; prisoner supervision, two hours; prisoner grievance procedure two hours; Total Offender Management System, seven hours; unit management, one hour; operational orders (basic), two hours; whereas security-based training such as use of force, cell extraction and self defence constitutes 37 hours in total.

Certificate 111 in Correctional Practice.²⁸⁸ The evidence portfolios are extensive and require the student to produce evidence for each unit completed, which are to be signed by the Prison Work Place Assessor, normally a senior officer, located where the officer is working. The portfolio relates to operational practice within the workplace.

- 8.44 The quality of this part of the training very much depends on which prison the officers are attached to and how the culture of training is viewed in the workplace. The Training College maintains that many students do not receive enough guidance or supervision during their probation, and some student assessments are at times questionable because many prisons do not have a structured training program or suitably qualified assessors conducting this part of the training.²⁸⁹ The Training College believes there is a loss of control over probationers once they leave the Training College, as there is no permanent academy representative to ensure the quality and extent of training in each prison. Although in the past senior officers were certified in training and assessment, some of these staff do not see the importance of this function and are reluctant to apply it correctly.

Hakea Prison Induction

- 8.45 The need for fundamental improvement in base-grade and follow-up workplace training in Western Australia is illustrated by the experience at Hakea Prison. The view of a new superintendent, coming into the local situation from another prison system was that additional training was needed on-site before probationers could confidently be left to do the job. Prison management have accordingly implemented and provided a further six weeks structured training for new staff. A prison-based training college (the old gatehouse) has been established with facilities outside the prison and unit four has been designated as a learning area within the prison for the induction of new staff. The training officer at Hakea Prison stated that probationers leaving the Nyandi Training College are not 'proficient enough to work within the prison'. Hakea has identified the following deficiencies:

288 Common Core Units: CSCORG001A – Contribute to achieving the goals of the organisation; CSCORG002A – Communicate effectively; CSCORG003A – Maintain safety and security; CSOHS001A – Use safe work practices. Specialist Core units: CSORG003A – Prepare Reports; CSCSAS009A – Maintain Security Systems; CSCSAS012A – Conduct searches; CSOFM007A – Supervise offenders. Five of the 24 Optional units: ; CSOFM003A – Protect the health safety and welfare of offenders; CSOFM004A – Protect the safety and welfare of vulnerable offenders; CSOFM005A – Protect the safety and welfare of Aboriginal and Torres Strait Offenders; CSOFM011A – Promote cooperative behaviour; CSOFM012A – Process offender induction.

289 'There appears to be no quality control system operating in respect of prison probationary training and some assessments are not conducted properly.' 'We have no control over what happens in the prison that's the link in the chain and its broken.'

- Inadequate practical knowledge imparted regarding prison officer role;
- Elements of rigidity towards dealing with prisoners;
- Interpersonal skills were not developed enough for working in the prison;
- Dynamic security – needed more supervised and assessed interaction with prisoners;
- Officers were not competent in TOMS procedures; and
- Case management not addressed sufficiently in initial training.

Re-Qualification Training

8.46 The present annual re-qualification of staff needs urgent attention, as over 80 per cent of the workforce has not re-qualified in some of the mandatory areas.²⁹⁰ This position is unacceptable in a training culture and all staff should be appropriately qualified in respect of their workplace responsibilities. The Training College argues that there is difficulty in getting together sufficient staff numbers when they visit prisons in the regional and metropolitan areas to conduct this training. As a result the trainers have to go out to prisons far more times than is strictly necessary to conduct re-qualification training. There appears to be little incentive for staff to keep up-to-date with their training, and some staff, including senior officers, have not been re-qualified for a number of years.

8.47 Re-qualification should be incorporated into the Performance Management Assessment of staff to ensure that records are kept of mandatory annual re-qualification training. The responsibility should rest both with the officer and the Department to ensure officers attend as requested and this should become part of the culture of training and development for all staff. It may be useful to place within the system the ability of the Department not to incrementally award pay increases unless the member of staff is fully skilled under his annual re-qualification.

8.48 If training departments were to be created in all prisons, the re-training of staff would be simpler and organised locally. These would provide data for central records to be held at the Academy to ensure that all staff remained suitably qualified for their roles. The role of the principal officer would be central to this process at a prison level. A

290 Operational Skills Review December 2004 – WA-001 Use of Force; WA-002 Self Defence; WA-003 Batons PR24; WA-004 Batons Extendable and Bianchi; WA-008 Aerosol Subject Restraint; WA-009 Instruments of restraint; WA-010 Cell Extractions; WA-005 Emergency Procedures; WA-006 Operational Orders – Basic; WA-007 Radio Voice Procedure; also CPR (plus air viva); AED; Oxygen Therapy; cell call; First Aid Refresher Course.

training budget should be in line with all mandatory training and staff development at a prison level to ensure the continuing training and professional development of staff. This would be in line with a key performance indicator directly related to the number of days for staff training per officer (at least six days per year).

Management Training

8.49 The Training College does not deliver any training to line managers, middle managers or senior managers within the Department, nor indeed would it be equipped to do so. Management training is an essential part of any organisation and links in with succession planning. Part of the problem is the emphasis on the Entry Level Training Program at the expense of all other areas of staff development. Presently no staff, including managers, are sufficiently qualified or experienced to deliver senior manager training and development courses in basic leadership or management.

THE WESTERN AUSTRALIAN CORRECTIONAL TRAINING AND PROFESSIONAL DEVELOPMENT ACADEMY

8.50 A Correctional Training and Professional Development Academy should be established as the principal venue for all training activities for a wide range of correctional personnel. That means custodial and civilian staff in adult prisons; custodial and civilian staff in juvenile detention centres; and adult and juvenile community justice services. It is important to emphasise the defining philosophy – that there is a commonality across all aspects of what might be called the ‘correctional business’, that all personnel require initial and in-service training and that a unified Academy appropriately staffed and resourced is the optimum way of developing and evolving corporate culture.

8.51 A further underpinning belief is that the Department should recognise the value of lateral career movements between its various divisions. Civilian prison staff might in future qualify as senior managers in juvenile detention centres; unformed prison officers likewise might cross over to line management positions in juvenile detention centres; adult community justice personnel, trained for example as psychologists or social workers, might transfer into the adult custodial system; and so on. One of the problems that has beset the Department over the years is a lack of renewal and the absence of cross-fertilisation; the seemingly unending acting appointments within adult prisons, documented in the Mahoney Inquiry, are a symptom of an introverted organisational culture.

8.52 The proposed Academy should thus be staffed so as to offer programs to all employment groups. Within the Prison Division there should, as previously

mentioned, be some core aspects of initial training that are common to all staff, civilian and uniformed. It may also be appropriate to identify core elements that should also be an aspect of initial training for all other correctional staff. Management courses likewise would have a strong generic aspect, linking all categories of employee.

- 8.53 Of course, prison-based training would be crucial to the initial training of uniformed staff. We have already argued that there should be a specialist trainer presence in each prison, but the standards and approaches of those trainers would be subject to the quality control and guidance of personnel based in the Academy. Those trainers also would return to the Academy for refresher and up-date training. A strong structure would be particularly important to meet the needs of regional prisons.
- 8.54 The ‘faculty’ of the new Academy should mostly be employees of the Department. However, as with all successful educational institutions, experts, guest teachers and the like would be brought in as appropriate. Links with existing TAFE activities could be considered.
- 8.55 This is not the place to attempt to spell out the details of how this proposal would work. Suffice to say that it is long overdue. The annual through-put of Departmental staff (either on-site or by way of outreach) should exceed the total number of employees – in other words, some would be trained more than once per annum, with short courses, specialist updates and so on. Some training would be for short periods, some for long. Inevitably, new prison officer recruit training would continue to be the single greatest demand; but it would fit into a corporate understanding of the necessity of investing in each and every one of the workforce from the lowest to the highest.
- 8.56 There are two crucial steps to take in the immediate future. The first is to appoint a Director of the Academy, whose task would be to commence the formulation of the programs, staff needs, resources and so on. He or she would need a small project team to assist in this process. The second task is to select a site and commence the design and then the construction of a suitable building. It is suggested that consideration should be given to clearing and redeveloping the Riverbank Prison site for this purpose or, alternatively, negotiating access either directly or through some kind of land swap to the Midland Redevelopment Authority’s sites or some other suitable sites. A key consideration is access to a TAFE educational campus, the availability of other services such as hotels and restaurants and the convenience of public transport. However, the primary factor is that this kind of wide-ranging Academy should not be associated with or located upon an operating prison precinct – its role far transcends that.

8.57 There are various models that the new Director could explore. For those working in prisons, a Foundation Degree in Prisoner Management could be considered. Similarly, the Diploma in Management could be designed and delivered either directly or in ‘partnership’ with a TAFE or university specialising in management studies. The course should be specifically designed to reflect the management of people in the corrections industry. Suggested topics are included as Appendix 14.

AN EXAMPLE OF CHANGE MANAGEMENT: TRAINING IN THE SCOTTISH PRISON SERVICE

8.58 Staff training has been addressed within many jurisdictions including New Zealand,²⁹¹ Australia²⁹² and the United Kingdom.²⁹³ The Scottish Prison Service (SPS),²⁹⁴ an agency of the Scottish Executive, employs nearly 5,000 people in 16 facilities (including the privately managed prison HMP Kilmarnock). The account that follows relates only to training for and within the adult prison system in Scotland, and of course the proposal in relation to Western Australia goes much further than this. However, it is cited here because it arose out of rather similar factors and the benefits have already become apparent – an important point in seeking to justify a new proposal.

8.59 In the early 1990s a number of situations arose which provided a catalyst for change in the SPS. Significant challenges, including prison riots, too many prisoners absconding from prison, a rising prison population and increasing levels of staff absence, provided the catalyst for more transparency and public accountability within the service. The situation is strikingly similar to the rationale behind the Mahoney Inquiry and the Directed Review by the Inspector of Custodial Services in Western Australia. The SPS became increasingly committed to finding ways of recognising the complex skills used by officers through a process of formal qualifications and the delivery of robust training.

8.60 A Staff Structure Review (similar to this Review by the Inspector of Custodial Services) was carried out to identify the structural changes needed to support and deliver the organisational strategy. An essential part of the change management process was leadership and direction, as it was simply no use conducting the review of a system without a plan to implement the resulting changes. SPS recognised that to embed standards within a system of delivery requires the implementation strategy to

291 See Department of Corrections (NZ), *Human Resources Management: Operational Strategy 1 July 2003–30 June 2008* (undated) which sets out four themes: alignment of organisational culture; responsiveness to Maori and diversity; enhancement of people capability and capacity; and an effective human resources framework.

292 Succession Planning for Prison Officers: HM Prison Barwon (Corrections Victoria, April 2005)

293 HM Prison Service (UK), ‘Corporate Plan 2003/2004 to 2005/2006’ (undated).

294 See NRG Group, *Scottish Prison Service Case Study* (2003)

incorporate a number of strategic steps. The SPS introduced:

- A new staff structure at basic grade – operational officers and residential officers;²⁹⁵
- The training of line managers as assessors;
- The design and development of a program for newly recruited Operations Officers;
- The introduction of support mechanisms, such as strong guidance and support from the Scottish Prison Service College and the appointment of establishment Scottish Vocational Qualification (SVQ) coordinators to help with the assessment planning and administration; and
- The introduction of an Appraisal System, with a dedicated PPMS (Personal Performance Management System) being introduced.

8.61 SPS saw the implementation of the strategy as imperative because they needed to recruit a significant number of new staff (1,000 over eight years), a position not dissimilar from Western Australia where there is an ageing workforce. This provided the perfect opportunity to embed changes in the organisational culture by:

- Redefining all training and professional development in line with National Operational Standards;
- Emphasising the importance of qualifications linked to practice;
- Encouraging line managers to be part of the recruitment process and to become assessors; and
- Emphasising the importance of working to standards of best practice.

8.62 The SPS accordingly embarked on a series of initiatives, which were a ‘seamless link’ to the operational strategy for improving the service. It carefully planned a recruitment campaign to attract high calibre people for the role of Operations Officer; the assessment process involved the line managers throughout. Fundamental to the above process was the fact that it was made clear to all applicants that they would be expected to achieve the designated SVQ within two years or they would have failed to demonstrate competence and their contracts terminated.

295 Re-banding of operational staff into two different grades: Operational Officers responsible for operational work including security, escorting, CCTV, visit supervision, searching and gate-duties; and Residential Officers responsible for interaction with prisoners, delivering programs, acting as personal officers, sentence management, risk assessment and carrying out rehabilitation work.

- 8.63 All newly recruited Operations Officers were allocated to different establishments before their induction courses where they spent their first week being introduced to the prison. They then attended the Training College for a five-week induction²⁹⁶ residential training program based on the competencies they would need for their work.
- 8.64 SPS argue that the longer the residential component of training, the more difficult it becomes to transfer learned knowledge and skills to the workplace. National Occupational Standards ensured that the training program was balanced and structured. In addition, linked supervised practice in the workplace assisted the transfer and development of learning.

Implementation of Standards

- 8.65 To embed standards within a system of delivery requires the implementation strategy to incorporate a number of strategic steps. The SPS introduced:
- Training line managers as assessors;
 - Designing and development program for newly recruited Operations Officers; and
 - Introducing support mechanisms such as strong guidance and support from the Scottish Prison Service College and the appointment of establishment Scottish Vocational Qualification (SVQ) co-ordinators to help with the assessment planning and administration.

Line-Managers as Assessors

- 8.66 In order for the implementation process to succeed it was essential that an operationally planned strategic system be introduced whereby line managers (both operational and residential) would be trained as assessors. This became an essential part of their staff development and introduced the responsibility of the training and development of staff as an integral part of their role. It provided a management ratio of 1:4 assessors to candidates. Incentives provided for line managers to become assessors included:
- Developing their assessment skills;
 - Gaining a transferable unit qualification; and
 - Enhancing their personal and professional development opportunities.

296 HM Prison Service (UK), 'Corporate Plan 2003/2004 to 2005/2006' (undated) proposes to reduce and devolve Prison Officer Training Entry Level so that 50 per cent is delivered locally which is roughly in line with the Scottish Prison Service, although SPS would argue that its work-based learning is an integral and lifelong strategy within the workplace.

The Scottish Prison Service College

8.67 The SPS College took, and continues to take, a central and significant role in the implementation of National Occupational Standards and Scottish Vocational Qualifications. The college had always had a strong organisational focus for its training and examined the delivery of programs within the service and found that many of the courses that had been delivered were not meeting the learning outcomes linked to best practice outcomes (qualifications that reflected operational demands or NOS). The solution for the SPS, in a context where only prison officer training was concerned, was to decide that all training should be delivered by prison staff, wherever possible.

8.68 This is not a conclusion that would be appropriate in Western Australia. However, the point is that the solution arose out of sensible analysis of the Service's own needs within the applicable context. The consequences of these changes have been carefully recorded. The SPS is confident that there have been significant improvements in the service delivery and outcomes including:

- Improvements in searches leading to more finds of illicit materials;
- Reduction in the number of escapes from escorts, home visits;
- Improvements in the way the searching process is carried out;
- Improvements in managing visits;
- Improvements in relationships both with prisoners and between staff;
- Improvements in managing arguments with prisoners;
- Fewer drugs coming into the prisons;
- Reduction in staff absence;
- Reduction in staff stress; and
- Demonstrable evidence of working to standards.²⁹⁷

8.69 These observations support the view in the particular context of prison officer training that there are enormous and tangible benefits in making a commitment to good training practices. Comparable results should follow across the whole correctional system in Western Australia if full commitment is made to the fundamental improvements that have been suggested.

²⁹⁷ NRG Group, *Scottish Prison Service Case Study* (2003), p. 15.

PERFORMANCE MANAGEMENT IN WESTERN AUSTRALIA

8.70 In a report covering training undertaken by Coredom, it was stated that there was an inconsistent take-up of performance management and its application to training outcomes. There was little evidence in the Department that the performance management system leads in any systematic way to the development of a training plan.²⁹⁸ This is arguably an understatement. Very little performance feedback is provided to employees within Prisons Division. Greenough Regional Prison has been identified as having made progress in implementing a system of performance management, but very little has been undertaken anywhere else. The Employee Opinion Survey results indicated that Prison Services staff felt that their supervisors were unwilling to provide clear performance expectations.²⁹⁹

Obstacles to Effective Implementation

- 8.71 Over the years a number of different performance management systems have been developed, but no system has been effectively implemented and maintained. As a consequence, poor performance has not been managed consistently. There seems to be little distinction made in the management of disciplinary issues and poor performance. Indeed, there is longstanding confusion in the Department about the two concepts, exemplified by the fact that the Internal Investigations Unit often conducts investigations into matters that essentially are classic HR issues.
- 8.72 Recently a Policy for Sub-Standard Performance Management for Prison Officers has been developed, but it has not yet been formally endorsed by senior management. There is a track record of poor performance not being managed at all or handled badly with negative consequences for all concerned. The Prison Service Human Resource Manager is used by Prisons Division to assist when difficulties arise – an ineffective use of a position that should be working at a more strategic level.
- 8.73 One of the identified obstacles to effective performance management has been the role of the senior prison officer and the 12-hour shift arrangements. As outlined earlier, in some prisons senior prison officers have not been fulfilling some of the responsibilities relating to management and supervision; thus performance management is a task that would easily be dropped off from their list of priorities. The fact that they, like the prison officers they supervise, are on 12-hour shifts means that there is not the continuity of relationship and opportunity to consistently observe and provide feedback on an individual's performance.

298 Cordecom Pty Ltd, 'Review of Training' (2004), undertaken on behalf of the Department of Justice.

299 Centre for Organisational Research, *Employee Opinion Survey 2002*, (Nedlands :University of Western Australia, May 2003).

- 8.74 With the proposed changes to the rank structure, as outlined above, some of these obstacles should be overcome. With creation of a new position of Senior Prison Supervisor (working eight-hour shifts), there is an opportunity for that position holder to work closely with the senior prison officers to observe behaviour and performance of prison officers and take responsibility for undertaking performance assessment conversations with prison officers (possibly with the assistance of senior prison officers) as well as the senior prison officers themselves.
- 8.75 Another obstacle to successful implementation has been that previous systems and forms have been complicated and not seen as very relevant to the prison environment. The Prisons Division central HR group has been working in partnership with a tertiary institution to develop a new performance management and development system. While the development of this system has not been finalised, at this stage there is nothing to suggest that this system and a set of pro forma protocols will be successfully implemented. The draft documentation developed to date indicates that the forms are relatively complex and potentially onerous to complete. The standard pro forma that has been developed is eight pages long and there is also a prison officer behavioural framework where ratings can be made to nine behaviour dimensions required by all prison officers. Not only are these behaviours generic and not specific to the unique requirements of prison officers, they again run to many pages and appear, on first impression, quite daunting to complete.

Essential Elements of Performance Management

- 8.76 Nonetheless, it is imperative that performance management be in place for all staff members from the top down and that it be seen as part of day-to-day business rather than an onerous extra chore. Formal processes, while simple, should be rigorously documented and filed. Formal processes should complement and never substitute informal communication about performance, done through individual and team meetings as well as day-to-day conversations. It is vital that the consequences of good and poor performance are identified, communicated and acted on. Each staff member within the prison should be assigned a specific supervisor who meets regularly with them to discuss performance, both in terms of planning and evaluation. Ideally all staff members within the prison should be part of the same performance management system and process.
- 8.77 The training and development needs should be identified and this information provided to the Training Academy. The performance planning comments should

comprise mutually agreed specific measurable objectives tied to the strategic directions and operational plans of the prison and the Department. These should be formally reassessed at least twice a year.

- 8.78 With the establishment of a range of prison objectives and key performance indicators that the superintendent is required to monitor and report, translating these at a team and individual level will be useful for both management and individuals. If integrated multi-disciplined teams are truly in operation, some kind of team performance management process can also be helpful with performance indicators set for successful prisoner management and outcomes.
- 8.79 The draft policy for Sub-Standard Performance Management should be endorsed and fully implemented as part of the overall performance management process. This allows for a process of escalation covering informal counselling, formal counselling and then intensive performance management. It is essential that the performance management process and forms should be simple – no more than a couple of pages – and with the format designed more as a guide for participants rather than a detailed prescription about how it should be done.
- 8.80 Given the lack of success of performance management to date and the lack of adequate training and development, initially it may be sensible for the process to have a stronger development emphasis. While performance assessment would still be important, a more positive focus for individuals may increase its acceptance by staff within prisons. However, it is imperative that development plans are actioned, implemented and evaluated as part of the process. Many performance management systems have failed in the second year, because individuals have seen no tangible outcomes as a result of their participation.
- 8.81 Performance management, as with many of these reforms, will need to be introduced in a phased approach. People will need to receive adequate training before being able to participate (either as the supervisor or the employee) and ideally the process should be rolled out from the top down throughout the Prisons Division. However, it should take no longer than 12 months to implement and be fully operational for all staff members. As successful implementation of an effective performance management system is required for a number of other reform proposals to work (such as, training and development, succession planning and promotion), it should be seen as a priority.

8.82 RECOMMENDATIONS

148. Prison officer training modules should fully reflect the standards set out in the Standard Guidelines for Corrections in Australia.
149. Prison officer training should give appropriate emphasis to ‘technical’ issues such as security and safety, but not so as to bring about an imbalance with other aspects of the operational philosophy.
150. Western Australian Operating Standards should be developed that reflect current and ongoing standards, protocols and priorities.
151. The recommendations in this Review Report regarding training of all staff and specialist training for some in case management should be reflected in the overall training program.
152. A Western Australian Correctional Training and Professional Development Academy should be established on a single site but not adjacent to a prison. The Academy should be a stand alone facility located in the metropolitan area and accessible by public transport with adequate hotel accommodation close by for regional staff.
153. The Academy should develop a suite of management training programs appropriate for all management levels. It should extend to recruit training, in-service training, senior officer training, promotional training and specialist training of all uniformed and non-uniformed staff including those in juvenile justice and community justice.
154. The Academy should involve both correctional trainers and partnerships with appropriate educational institutions and personnel.
155. The Department should consider appointing a Director of the Academy as soon as possible to begin the process of planning and developing programs. The Director should also participate in the decisions about the location and design of the facility as well as its required resources.
156. The Director should develop appropriate standards for the recruitment of training staff in accordance with the discussion in this Review Report.
157. The Director should report to the Director General of the Department, who shall in turn establish an Advisory Board that draws upon the experience of similar training organisations, appropriate personnel, relevant industrial bodies, community representatives and Aboriginal peak bodies.

TRAINING AND DEVELOPMENT

158. The Nyandi Training College should be closed when the Academy becomes operational.
159. A simple performance management system, relevant to the prisons environment, should be introduced as soon as feasible and preferably within 12 months, starting with senior management within Prisons Division and rolling down.
160. Individual development plans should be a key element of performance management so that every staff member has a structured approach to their training and development and is encouraged to plan for their career.
161. The performance management system should have a strong development focus, with an outcome being an individual development plan that is available to the Academy to assist in its planning in relation to course availability and access.
162. A system for poor performance management should be developed.

Appendix 1

MAHONEY INQUIRY TERMS OF REFERENCE

INQUIRY INTO THE PERFORMANCE OF THE DEPARTMENT OF JUSTICE WITH REGARD TO THE MANAGEMENT OF OFFENDERS IN CUSTODY AND IN THE COMMUNITY

I, Dr Geoffrey Ian Gallop, Premier; Minister for Public Sector Management, pursuant to section 11 of the Public Sector Management Act 1994, direct and appoint His Honour Dennis Leslie Mahoney AO QC (Inquirer) to enquire in respect of the management of offenders in custody and in the community in accordance with the terms of reference set out below,

In addition to the powers given to the Inquirer under section 11 of the *Public Sector Management Act 1994*, I have directed my Ministers to submit to and assist the Inquiry by providing all documents, reports and plans as requested and being available to appear before the Inquiry as and when required.

The terms of reference are to be addressed concurrently with any request for a report or reports made by the chief executive officer of the Department on the direction of the Minister for Justice under section 9 of the Prisons Act 1981.

Terms of Reference

1. To examine and report on all processes and procedures involved in the assessment, placement, management and rehabilitation of offenders in custody, and into such aspects of the management as, to the Inquirer in his discretion, may appear appropriate. In considering this term of reference the Inquirer is to seek and have particular regard to the opinions and findings of the Inspector of Custodial Services.
2. To examine and report on the organisational structure, role and performance of those areas of The Department responsible for the management and placement of offenders in custody and the release of those offenders, being the Prisons Division, the Community and Juvenile Justice Division and Corporate Services Division.
3. To review and report on the effectiveness of the Department's performance, policies and procedures, including any Director General's Rules, Policy Directives and Operational Instructions.
4. To develop a plan which will include implementable strategies to:
 - improve the quality of offender management, both in custody and in the community;
 - improve and enhance community and staff safety within the corrections system;

MAHONEY INQUIRY TERMS OF REFERENCE

- provide, if the Inquirer considers it appropriate, an alternative management structure for offender management either within the Department or otherwise.
5. To make any other observations and proposals for my consideration as the Inquirer in his discretion may deem appropriate.
 6. To proceed with expedition.

The Inquiry is required to report its findings and recommendations to the Minister for Public Sector Management by 1 October 2005.

DATED the 5th day of April 2005



DR GEOFFREY IAN GALLOP
PREMIER; MINISTER FOR PUBLIC SECTOR
MANAGEMENT

Appendix 2

KIMBERLEY CUSTODIAL PLAN: ABORIGINAL REFERENCE GROUP CONSULTATION PROGRAM OUTLINE

June 2005	Broome	<ul style="list-style-type: none"> • Inaugural Meeting • Kullarri Regional Council • Broome Regional Prison
	Wyndham	<ul style="list-style-type: none"> • Wyndham Work Camp • Ngnowar Aerwah Rehabilitation Centre • Balangarra PBC • Joorook Ngarni • Police • Violet Valley
	Warmun Community, Kununurra	<ul style="list-style-type: none"> • Gawooleng Yawoodweng Women's Group • Waringarri • Mirima Council • Kununurra Youth Services • DCD • Police • Shire of Wyndham East Kimberley
July 2005	Perth	<ul style="list-style-type: none"> • Bandyup Women's Prison • Boronia Pre-release Centre • Hakea Prison
	Gibb River Rd	<ul style="list-style-type: none"> • Department of Justice • Imintji, West Kimberley
	Dampier Peninsula (preliminary visit)	<ul style="list-style-type: none"> • Women's Issues • Mt Barnett Station • One Arm Point
	Fitzroy Crossing (preliminary visit)	<ul style="list-style-type: none"> • Lombadina • Djarindjin • Junjuwa • Nindilingarri Cultural Health • Women's Resource Centre
August 2005	Derby Area	<ul style="list-style-type: none"> • Bungaran Work Camp • Mowanjum • Looma • Jarlmadanga • Jayida Burru Abuse and Violence People's Forum • Shire of Derby West Kimberley • DCD • Police • Carol Martin MLA
	Bidyadanga	<ul style="list-style-type: none"> • Derby Men's Centre • Northwest Mental Health • Bidyadanga Community, Karajarri PBC
	Fitzroy Crossing	<ul style="list-style-type: none"> • Kimberley Aboriginal Law and Culture Council
	Dampier Peninsula Broome	<ul style="list-style-type: none"> • Mt Pierre Station • Peninsula Communities' Workshop • Kimberley Land Council • Police • Shire of Broome • Department of Justice • Broome Regional Prison • Broome-based Aboriginal organisations
September 2005	Halls Creek	<ul style="list-style-type: none"> • Halls Creek Action Group • Magistrate
	Tjurabalan communities NE Kimberley Aboriginal communities	<ul style="list-style-type: none"> • Balgo, Mulan, Billiluna, Ringer Soak • Warmun, Kalumburu, Oombulgurri

Appendix 3

ENTRY AND EXIT CRITERIA – HIGH MAXIMUM-SECURITY PRISON

The following section describes proposed entry, exit and exclusion criteria for potentially dangerous prisoners and those whose presence in the prison system poses special risks. These criteria are intended as a guide and starting point for discussion within the Department, with much work still required around the categories of prisoners eligible for entry, the determination of the extent of the risk posed and the process for entry.

Entry Criteria

Entry criteria identify prisoners to be considered for a high maximum-security management placement. The high maximum-security management placement is for prisoners presenting with a risk of extreme dangerousness to staff, other prisoners, the prison system or the community and whose risk cannot be safely managed within an existing well-run and resourced maximum-security facility. Entry criteria are focused on the prevention of future events. Therefore, a high maximum-security management placement should never be considered as part of the punishment for a past offence(s), but relevant past history can be used as an indicator of motivation or propensity. Further, for the purpose of assessing risk, the realistic planning for an event should be considered equivalent with the fact of conducting that event.

The following categories of risk are those intended to be managed or prevented through a high maximum-security placement:

- Planning or perpetrating an escape from a secure facility or escort – including escape by internal or external means, usually accompanied by instrumental violence and including prisoners whose presence in the community would pose a serious risk of harm and/or cause serious community alarm;
- Planning or perpetrating gross violence to property or person – including murder, rape in custody and terrorist acts;
- Planning or perpetrating a defined serious offence – such as orchestrating the trafficking of powdered drugs into prison or organising major criminal activity while in prison; and
- Organisation or direct participation in mass disturbance within a secure facility.

In addition, in rare circumstances, behaviours or actions deemed to constitute a high or extreme risk to the community, the prison system or other prisoners not otherwise described above, may constitute eligibility for high maximum-security management

should they first meet the criteria that such risk could not be safely managed within an existing well-run and well-resourced maximum-security facility.

Assessing risk

The following section gives some guidance as to the type of events considered to have a high or extreme impact according to their category of risk, and a scale against which likelihood could be assessed.

Impact scale

Escape from a secure facility or escort.

- To be rated high impact – includes escape by internal or external means and generally means escape with instrumental violence and any escape utilising weapons, munitions, high explosives, abduction or hostage-taking. Must be rated as at least a moderate likelihood.
- To be rated extreme impact – includes prisoners who, should they escape, would be likely to perpetrate gross violence or terrorist activity, such that their presence in the community would cause serious community alarm. Must be rated at least a low likelihood.

Gross violence

- To be rated high impact – events include escape with instrumental violence, abduction or hostage-taking; possession of firearms, ammunition or high explosives; gross violence to individual property or to a individual person and includes murder and rape in custody. Must be rated as at least a moderate likelihood.
- To be rated extreme impact – events include terrorist activity or gross violence to more than one person. Must be rated at least a low likelihood.

Defined serious offence

- To be rated high impact – includes coordination of significant criminal activity outside of prison. Must be rated as at least a moderate likelihood.
- To be rated extreme impact – includes coordination of significant criminal activity within a prison, such as the trafficking of powdered drugs within a prison. Must be rated at least a low likelihood.

Organisation or direct participation in mass disturbance

- To be rated high impact – includes organisation within a secure facility or significant participation in but not leadership of a mass disturbance. Must be rated as at least a moderate likelihood.
- To be rated extreme impact – includes leadership in planning or conducting a mass disturbance within a secure facility. Must be rated at least a low likelihood.

Any behaviour or action deemed to constitute a high or extreme risk to the community, the prison system or other prisoners not otherwise described above.

- Must be rated at least a high likelihood.

NOTE: Impact should be considered cumulative, such that multiple risks at less than a high impact level may constitute a high or extreme impact and multiple high impact risks may constitute an extreme impact.

In determining eligibility, these scales are intended to balance what would be considered the impact of the event being prevented and the likelihood that the prisoner would be able to perpetrate the event. In this, the safety of the community is deemed to be paramount and as a result, it is intended that the assessment of impact weigh more heavily on the eligibility decision than the assessment of likelihood. As a general guide therefore (see Assessment Table below) to warrant entry, whilst the predicted impact on the community, on the prison system or on prisoners must be high or extreme, the likelihood rating would only need to be at least moderate for high impact events and at least low for extreme impact events.

ENTRY AND EXIT CRITERIA – HIGH MAXIMUM-SECURITY PRISON

Likelihood Scale

Likelihood	Criteria
Nil	<ul style="list-style-type: none"> The prisoner does not appear to possess the motivation to perpetrate the event and this appears stable and long-standing. <p style="text-align: center;">plus</p> <ul style="list-style-type: none"> The prisoner lacks resources both internal and external to perpetrate the event
Negligible	<ul style="list-style-type: none"> While the prisoner does not appear to possess the motivation to perpetrate the event and this appears stable and long-standing, the prisoner is known to possess or have access to limited resources should their motivation change.
Low	<ul style="list-style-type: none"> To carry out the event would require a change in motivation level and the presentation of opportunity. <p style="text-align: center;">or</p> <ul style="list-style-type: none"> The prisoner has only limited internal and external resources to perpetrate the event. <p style="text-align: center;">plus</p> <ul style="list-style-type: none"> While the prisoner does not appear to possess the motivation to perpetrate the event, this does not appear to be stable or is not long-standing (of more than six months).
Moderate	<ul style="list-style-type: none"> There is indication from either the prisoner or from intelligence, that the prisoner has some level of motivation to carry out the event. <p style="text-align: center;">or</p> <ul style="list-style-type: none"> There is suspicion that planning has begun to carry out the event. <p style="text-align: center;">or</p> <ul style="list-style-type: none"> The prisoner possesses internal resources or the capacity to obtain resources but has limited external resources to perpetrate the event. <p style="text-align: center;">Excludes</p> <ul style="list-style-type: none"> Prisoner without a long, recent or relevant history in regard to the event. Prisoners for whom the motivation, or issues identified as giving rise to their risk abated at least 12 months previously.
High	<ul style="list-style-type: none"> There is indication from either the prisoner or from intelligence, that the prisoner is motivated to carry out the event. <p style="text-align: center;">or</p> <ul style="list-style-type: none"> There is suspicion that the prisoner has begun planning to carry out the event. <p style="text-align: center;">Plus one of</p> <ul style="list-style-type: none"> The prisoner possesses internal resources or the capacity to obtain resources to perpetrate the event. The prisoner has the capacity to organise external resources to perpetrate the event, The prisoner has a long, recent or relevant history in regards to the event. The motivation, or issues identified as giving rise to the risk that the prisoner would perpetrate the event, remain or have only recently abated.
Imminent	<ul style="list-style-type: none"> There is indication from either the prisoner or from intelligence, that the prisoner is motivated to carry out the event. <p style="text-align: center;">or</p> <ul style="list-style-type: none"> The prisoner is attempting to or has implemented the event. <p style="text-align: center;">Plus more than one of</p> <ul style="list-style-type: none"> The prisoner possesses internal or external resources or the capacity to obtain resources to perpetrate the event. The prisoner has a long, recent or relevant history in regard to the event. The drivers, or issues identified as giving rise to the risk that the prisoner would perpetrate the event, remain or have only recently abated.

ENTRY AND EXIT CRITERIA – HIGH MAXIMUM-SECURITY PRISON

Assessment Table

Likelihood	Impact					
	Nil	Negligible	Low	Moderate	High	Extreme
Nil						
Negligible						
Low		Does not meet entry criteria				
Moderate						
High					Meets entry criteria	
Imminent						

Exclusion criteria

The following categories of prisoners would be explicitly excluded from admission:

- Prisoners whose risk derives from a treatable mental illness or personality type disorder;³⁰⁰
- Prisoners whose risk derives predominantly from their current intoxication through alcohol or illicit drugs;
- Prisoners whose risk is likely to abate within 12 months;
- Except in exceptional circumstances, prisoners within 12 months of their earliest release date;
- Prisoners whose risk could safely be managed within a mainstream maximum-security facility;
- Prisoners under protective placement who themselves do not meet the entry criteria; and
- Prisoners presented for entry based on the nature of the crimes which resulted in that prisoner's imprisonment, but who do not otherwise meet the entry criteria.

Exit Criteria

To exit, the prisoner must demonstrate such reduction in their risk that, on assessment, they would no longer meet entry criteria. Further, this risk reduction must be considered stable which, except in exceptional circumstances, would require the risk to be stabilised for at least six months.

All prisoners on a high maximum-security placement must be advised of the conditions under which they may exit and are to be assessed every six months. Should a prisoner be approved for exit, an independent management strategy for their reintegration is to be developed and implementation begun prior to their exit.

300 Such prisoners require specialist mental health facilities not optimally provided in a high maximum-security setting.

Appendix 4

MINIMUM STANDARDS FOR CUSTODIAL SERVICES

Resource and systems

- 1.1 All staff working in the facility undergo a rigorous selection process.
- 1.2 Staff competency is regularly assessed.
- 1.3 Ongoing training is provided to ensure staff competency at all times.
- 1.4 All contractors etc working in or around the facility are security screened.
- 1.5 All actions of the facility are open for external review and sufficient documentation is collected and held for that purpose.
- 1.6 Processes are in place to ensure that intelligence information (federal, WA Police Service, prisons, public) is available and used in determining the entry of prisoners to the facility, in mitigating their respective risks and progressing them to exit.
- 1.7 Clear entry and exit processes are in place.
- 1.8 Objective criteria or classification instruments are used either directly or to support identification for high maximum-security placement.
- 1.9 As far as possible prisoners should not be released directly from the facility to the community.
- 1.10 Prisoner status be reviewed every six months with the prisoner kept informed of process and outcomes and having the right and ability to challenge these.

Custody and containment

- 2.1 Built to prevent the escape of all types of prisoners accommodated there.
- 2.2 Defendable from external attack.
- 2.3 Maintain a safe environment for prisoners, staff and visitors.
- 2.4 Ensure order is maintained through a system of prisoner controls.
- 2.5 Provide a comprehensive drug management strategy.
- 2.6 Provision of a fair disciplinary process.
- 2.7 Provision for emergency response capacity.
- 2.8 Provision of an effective grievance mechanism.
- 2.9 Mechanisms to monitor and minimise the use of force and restraints.
- 2.10 Mechanisms to monitor and minimise the use of segregation or sensory deprivation.
- 2.11 Provision for the separation of groups and individuals through segmentation of the facility.

Rehabilitation

- 3.1 Provision of programs and activities which address the individual's offending behaviour.
- 3.2 Provision for education and vocational education (four hours per week).
- 3.3 Provision for the maintenance of family and community contact (visits, telephone, mail).
- 3.4 Provision for unmonitored contact with prescribed persons.
- 3.5 Preparation of prisoners for reintegration into the mainstream prison population and/or the community.
- 3.6 Ability for prisoner progression and regression within a hierarchical management and privilege system.

Reparation

- 4.1 Sufficient work for all able-bodied prisoners for a minimum of six hours per week.
- 4.2 Provision for arrangements to assist community groups through work/activities done by prisoners or monies raised from such work/activities.

Care and wellbeing

- 5.1 Provision made for the management of specific groups including but not limited to: remand prisoners, geriatric prisoners, prisoners with mental illness, prisoners with physical disabilities, prisoners from non-English speaking backgrounds, Aboriginal and Torres Strait Islander prisoners, female prisoners.
- 5.2 Provision of adequate food, shelter and clothing.
- 5.3 Provision of health services.
- 5.4 Provision of a pro-social environment.
- 5.5 Provision for the religious/spiritual needs of prisoners.
- 5.6 Provision of psychological services and the management of stress.
- 5.7 Individual management plans developed and applied.
- 5.8 Involvement of voluntary community services.
- 5.9 Provision for earned gratuities, private cash and purchases.
- 5.10 Provision of physical education and recreational services.
- 5.11 Provision of safe cells.

Appendix 5

CASE STUDIES

Case study information has been removed from the publicly available version of this Report.

Appendix 6

PROPOSED STANDARDS WITHIN A HIGH MAXIMUM-SECURITY FACILITY

Resource and systems requirements

- All staff working in the facility undergo a rigorous selection process.
 - > Staff selected for a mix of skills with the intention to establish a multidisciplinary team approach.
 - > Staff selected for a range of life experiences (including gender and cultural background).
 - > Selection processes applies to all custodial and non-custodial staff.
 - > Staff should be eligible from all prisons but would most realistically come from the maximum-security estate and the Emergency Support Group.
- Staff competency is regularly assessed.
 - > Performance measures are developed for all roles and clearly communicated to staff.
 - > A process for performance management is developed.
 - > Specialised training is offered to staff to ensure competency in multidisciplinary areas.
 - > Staff performance is reviewed regularly (at least every 12 months).
 - > An exit strategy is developed for long-term staff to minimise their disadvantage in selection pools.
 - > Emphasis is placed on staff and prisoner interaction.
 - > Succession planning is developed for recruitment and retention of staff.
- Ongoing training is provided to ensure staff competency at all times.
 - > Training provided across all skill sets with particular emphasis on interpersonal skills, non physical management of difficult prisoners and dynamic security.
- All contractors and others working in or around the facility are security screened.
- All actions of the facility are open for external review and sufficient documentation is collected and held for that purpose.
 - > Provision for external review by the Office of the Inspector of Custodial Services.
 - > Provision for external review by a high maximum-security prisoner management committee established by the Department. This committee to consist of at least one director-level appointment, the manager of prisoner counselling services, the manager of prisoner health services, at least one superintendent of a mainstream maximum-security prison, a senior legal

representative and a representative external to the Department. This committee would have responsibility for ensuring compliance with the case management plan for prisoners and for recommendations regarding placement to and exit from the facility.

- Processes are in place to ensure that intelligence information (federal, WA police service, prisons, public) is available and used in determining the entry of prisoners to the facility, in mitigating their respective risks and progressing them to exit.
 - > The facility has its own security and intelligence officer(s)
- Clear entry and exit processes are in place.
 - > Entry and exit criteria are laid out for all prisoners held in the facility and reflect those stated in Appendix 3.
 - > Entry and exit is underpinned by a comprehensive assessment of risk and dangerousness.
 - > Stated entry exclusion criteria are in place.
 - > A three-stage placement process is implemented – initial screening by superintendent of the facility, review and assessment by the aforementioned high maximum-security prisoner management committee (explicitly does not include the Superintendent of the facility) with the overall and final decision resting with the most senior public servant with responsibility over prisons.
 - > During screening and assessment, prisoners are held separately from other prisoners in the facility in an assessment/orientation area.
 - > Should a prisoner not be deemed suitable for entry, a placement plan for that prisoner must be developed to ensure their placement to an appropriate mainstream prison.
 - > Exit criteria for each prisoner is communicated to that prisoners and to staff in the facility.
 - > A two step exit process is implemented (except for those exiting to freedom) – recommendation for exit by the high maximum-security prisoner management committee and following that recommendation, authorisation by the most senior public servant with responsibility over prisons. The most senior public servant with responsibility over prisons may refuse the exit of a prisoner but may not exit a prisoner against the recommendation of the high maximum-security prisoner management committee.
- Objective criteria or classification instruments are used either directly or to support identification for high maximum-security placement.
- All newly admitted prisoners should be held in an orientation wing until such time

as they are suitably oriented to the facility.

- Prisoner status reviewed every six months with the prisoner kept informed of process and outcomes and having the right and ability to challenge these.
 - > This review conducted by a group such as the high maximum-security prisoner management committee.
- As far as possible prisoners should not be released directly from the facility to the community but undergo a managed process of preparation and progression to release via a mainstream facility.
- Agreed performance standards for the facility for service delivery are in place and compliance auditing implemented.
- The facility is sufficiently staffed at all times.
 - > The facility has dedicated non-custodial staff, including psychologists, teachers and recreation officers.
 - > The facility has its own superintendent and administration with reporting to a director-level within the Department.
 - > The facility runs a range of 8 and 12-hour shifts.
- The facility has multiple segmentation areas or wings such that there is a wing for each currently identified prisoner grouping plus at least one vacant wing.
 - > There is provision for some large some small wings and separation spaces, including cells with attached recreation areas for the short-term individual management of prisoners.
 - > The facility has an orientation and assessment wing.
 - > There is sufficient office space, programs space and interview space for a full complement of staff, prisoners and services.

Custody and containment requirements

- Built to prevent the escape of all types of prisoners accommodated there.
 - > Facility built to last 20 years.
 - > Built for high-end population estimate – 30 prisoners plus provision for separation spaces.
 - > Built to provide for long stay prisoners (two plus years).
- Defendable from external attack.
 - > Stand-alone facility.

- > Own gatehouse, barrier control capability and limited health service.
- > High level of self sufficiency.
- > Defensible – having layers of access, security in depth, solid exterior wall, single point of entry.
- > Not technologically reliant.
- > Placed in the metropolitan area.
- > If on an existing prison site, then placed at the back of that site.
- Maintain a safe environment for prisoners, staff and visitors.
 - > Facility can accommodate a range of ages and physical abilities.
 - > Part of overall custodial plan for Casuarina Prison and the Department.
 - > Prisoner unlock by three staff.
 - > Absence of ligature points in all cells.
 - > All staff have duress alarms.
 - > Custodial and non-custodial staff do not carry any form of weapon.
 - > There are sufficient search resources and spaces with search protocols extending to all persons, objects or things entering the facility.
 - > Prisoners are able to be maintained in view at all times.
 - > There is no set limit on the number of prisoners associating, with the level determined by the level of the individuals' risks.
- Ensure order is maintained through a system of prisoner controls.
- Provide a comprehensive drug management strategy.
- Provision of a fair disciplinary process.
- Provision for emergency response capacity.
 - > Staff are trained for a range of emergency responses and the facility is suitable resourced to meet requirements for a cell fire or limited disturbance (has own rapid response capability on site).
 - > The Emergency Support Group conduct regular exercise in and around the facility.
- Provision of an effective grievance mechanism.
- Mechanisms to monitor and minimise the use of force and restraints.
- Mechanisms to monitor and minimise the use of segregation or sensory deprivation.

- Provision for the segmentation of the population through the separation of groups and individuals.
 - > Have multiple segmentation areas in order to manage the population in a range of group sizes.
 - > Design the facility to allow a range of activities to be conducted simultaneously.

Rehabilitation requirements

- Provision of programs and activities which address an individual's offending behaviour.
 - > Emphasis placed on the structured day concept.
 - > Comprehensive prisoner assessment conducted on admission to the facility.
 - > All prisoners have case managers who are actively involved with that prisoner.
 - > A range of therapeutic and offence based programs are offered.
- Provision for education and vocational education.
 - > Four hours per week per prisoner.
- Provision for the maintenance of family and community contact (includes contact and non-contact visits, telephone and mail).
- Provision for unmonitored contact with prescribed persons.
- Preparation of prisoners for reintegration into the mainstream prison population and or the community.
 - > A reintegration plan is developed for all prisoners prior to their leaving the unit.
 - > A process is in place to ensure the transition of prisoners back into the mainstream maximum-security population and for their follow-up within 12 months.
- Ability for prisoner progression and regression within a hierarchical management systems.

Reparation requirements

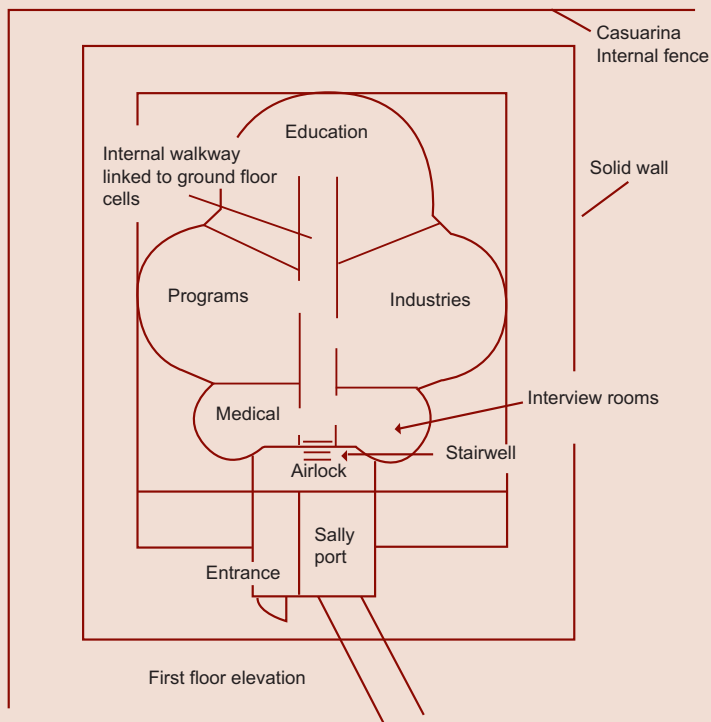
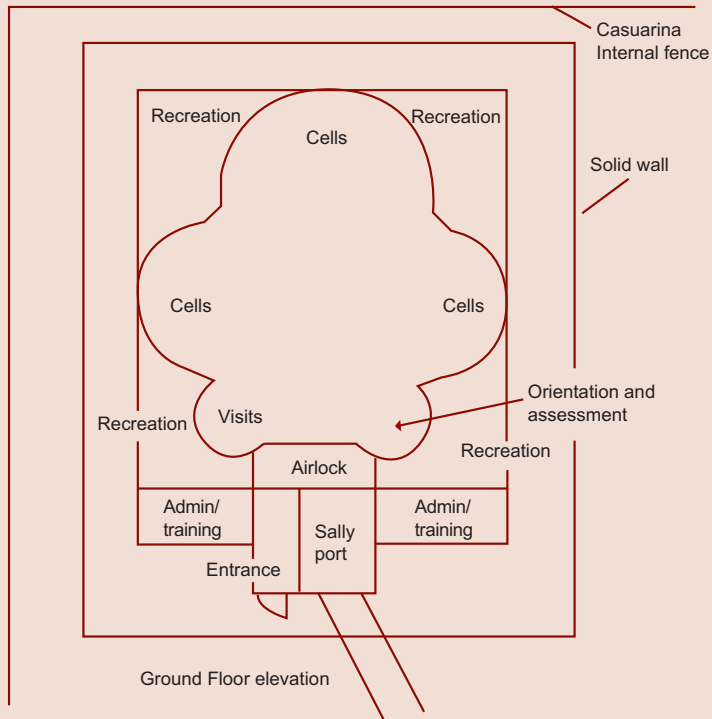
- Sufficient work for all able-bodied prisoners for a minimum of six hours per weekday.
- Provision for arrangements to assist community groups through work/activities done by prisoners or monies raised from such work/activities.

Care and wellbeing requirements

- Provision is made for the management of specific groups.
 - > All cells are designed for single occupancy.
- Provision of adequate food, shelter and clothing.
- Provision of health services.
 - > The facility has its own primary health care provision.
 - > Protocols are in place for the management of high maximum-security prisoners in the Casuarina Prison infirmary and the community.
- Provision of a pro-social environment.
 - > All prisoners not undergoing punishment or separate confinement have the ability to associate with other prisoners on a daily basis.
 - > Wing plans stress an open-plan environment.
 - > Prisoners on individual management and those where association with other prisoners is restricted must have a plan for increased pro-social association with facility staff.
- Provision for the religious/spiritual needs of prisoners.
- Provision of psychological services and the management of stress.
- Provision for earned incentives and privileges within a hierarchical system of prisoner management.
- Individual management plans developed and applied.
- Involvement of voluntary community services.
- Provision for earned gratuities, private cash and purchases.
- Provision of physical education and recreational services.
 - > Recreation must be available in all weather types, with all prisoners having access to outside recreation areas for at least one hour per day.
- Provision of safe cells.

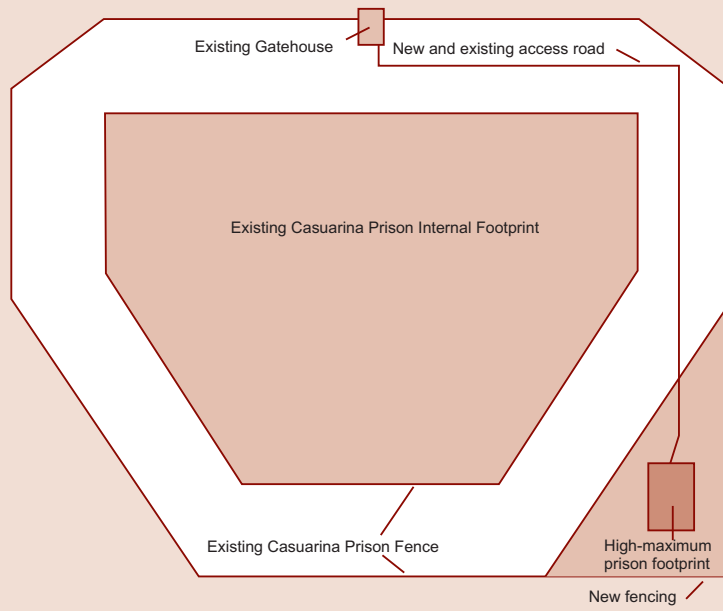
Appendix 7

CONCEPT DIAGRAM



Appendix 8

RECOMMENDED PLACEMENT ON THE CASUARINA PRISON SITE



Appendix 9

REPORT ON PRISONER POPULATION AND SUB-POPULATION TO 2015

Goals

- To estimate the number of male and female prisoners expected within each region by 2015.
- To estimate the number of prisoners from regional prisons, who because of some aspect of their custodial care needs, would require management in the metropolitan area by 2015.
- To estimate the number of prisoners within various major care needs groups in each region by 2015.
- To give some indication as to the capital works priority for the Department and the impact of that on prisoner demographics through to 2015.

Assumptions and technical notes

- Primary data sources:
 - > Cohort Analysis of the Custodial Population for the Ministry of Justice April 2000;
 - > Draft Prisons Capital Investment Plan 2005–2030; and
 - > Prisoner population statistics 30 April 2005.
- Base date for prisoner populations – 30 April 2005.
- Growth rate – annual growth rate of 2.26 per cent, taken from the long term prisoner population projections of the Department of Justice 2005.
- Assumes growth at 2.26 per cent per annum for all categories of variables.
- Assumes male international and eastern states prisoners allocated to Albany Regional Prison (40%) and the metropolitan male prisons (60%). Female international and eastern states prisoners allocated to Bandyup Prison.
- Assumes that by 2015, 50 per cent of all prisoners in all regions will be rated minimum-security, based on similar populations in NSW and Victoria.
- Very low risk is defined as scoring less than four on the prisoners' security classification review June 2005.
- Intellectual impairment as defined by the Department on page 30 of the Cohort Analysis of the Custodial Population for the Ministry of Justice April 2000.
- Prisoner health need estimate is based on 80 per cent of prisoners having a defined health need.
- Estimated programs needs is based on the number of prisoners with a sex offender or violent offender flag on TOMS at entry to the prison system, taken from the Cohort Analysis of the Custodial Population for the Ministry of Justice April 2000.
- High risk is estimated at 0.5 per cent of each region's population as defined in Chapter 5.

- High MAP is defined as scoring 20 or above on the MAP at entry, calculated from scores as at June 2005.
- Psychiatric flag is defined as the percentage of prisoners from each region having a psychiatric issue flagged on their TOMS report, taken from the Cohort Analysis of the Custodial Population for the Ministry of Justice April 2000.
- Mental health is defined as 10 per cent of prisoner numbers with a psychiatric flag.
- General health is defined as 2 per cent of prisoner number with a health issue. Assumes that if a young prisoners' wing was established in a regional prison, that such a wing would be in closed security.
- Prison capacity is defined as the operational capacity plus work camp places as identified in Table 2 of the Draft Prisons Capital Investment Plan 2005–2030.

Overall population

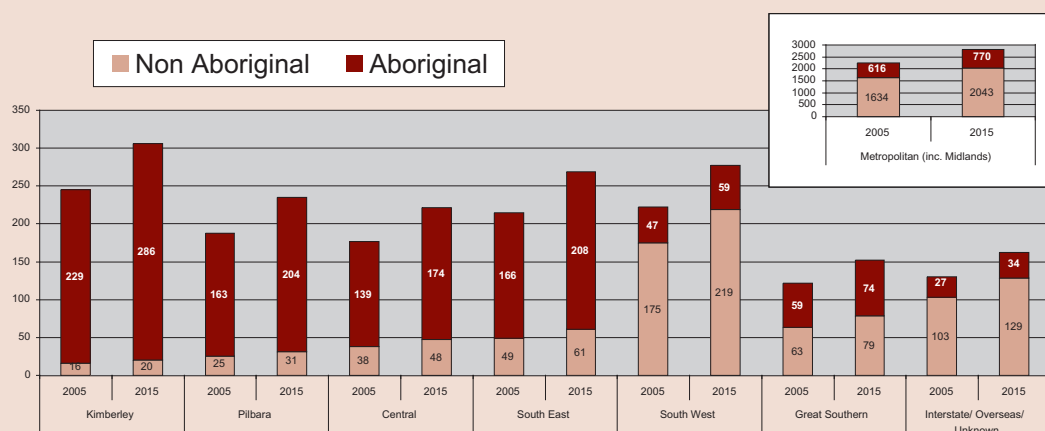
The prisoner population at 30 April 2005 was 3,545. At the same date the prison system had a capacity of 3,218 beds with an additional 112 work camp places (3340). Based on 2.26 per cent annual population growth, by 2015 the prisoner population is expected to reach 4,432 (133% of current non double-bunked capacity).

Within this 4,432 prisoners, it is expected that:

- 1,773 (40%) will be Aboriginal;
- 342 (7.7%) will be female;
- 2,216 will be at minimum-security;
- 1,411 will be at medium-security; and
- 806 will be at maximum-security.

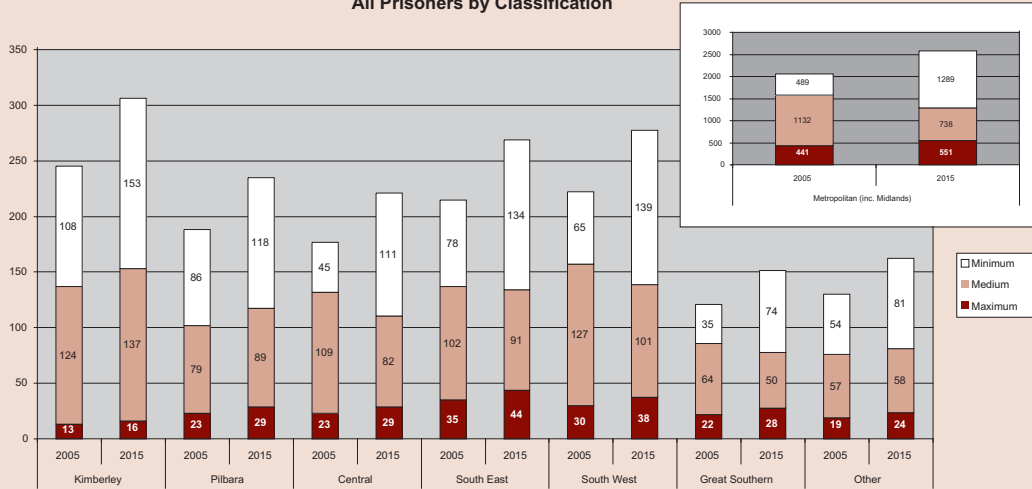
Significant regional difference are expected in the population demographics of the prisoners.

Prison Population Projections by Aboriginality and Home Region



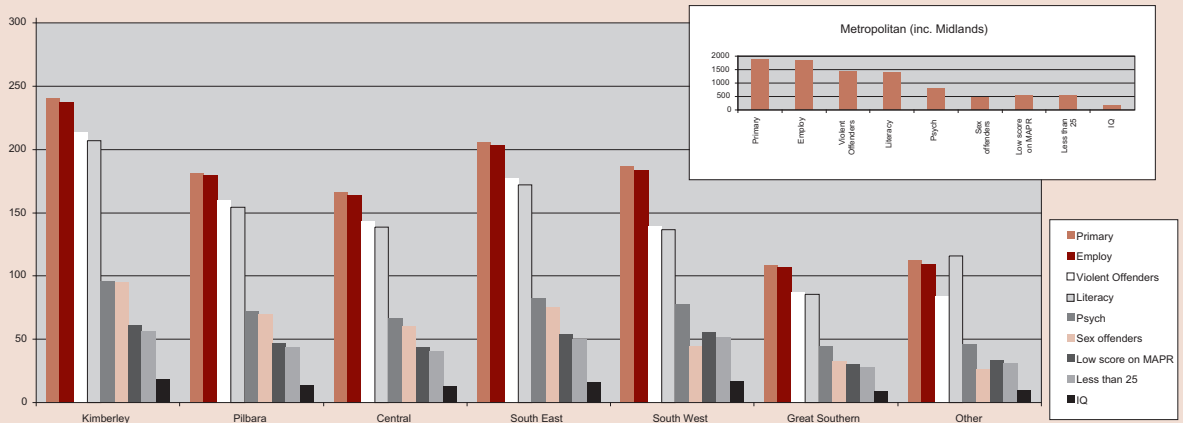
REPORT ON PRISONER POPULATION AND SUB-POPULATION TO 2015

All Prisoners by Classification

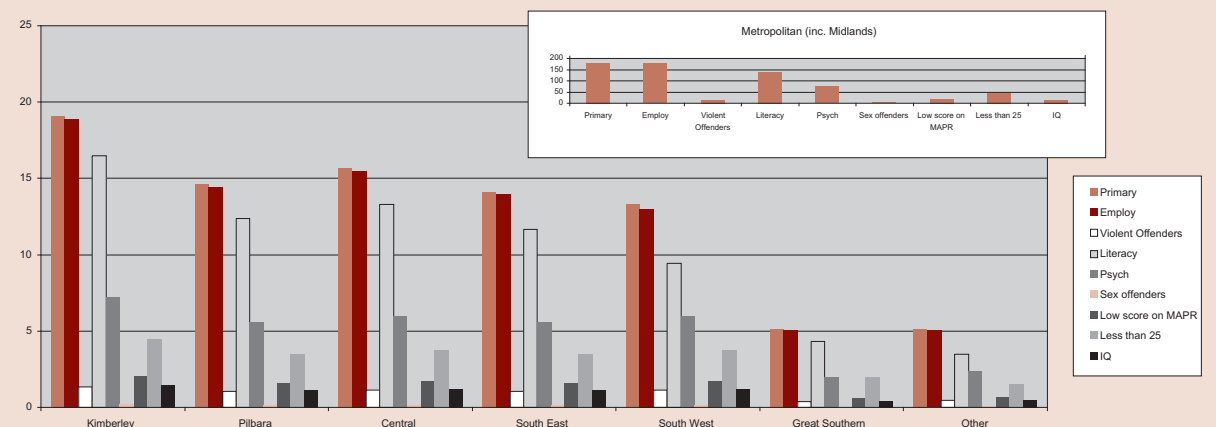


The needs profiles of the populations are also likely to differ between males and females.

Needs by Region - Male



Needs by Region - Female



REGIONAL PROFILES

Kimberley region

- SALIENT POINTS

Current design capacity of local prison (Broome)	66
Plus work camp capacity	112

- TOTAL POPULATION

Prisoner population as at April 2005	245 (219% of current capacity)
Projected 2015 prisoner population	306 (273% of current capacity)

- PROJECTED SUB-POPULATIONS BY 2015

Gender

284 males
22 females

Race

286 Aboriginal (21 females)
20 non-Aboriginal (1 female)

Classification

	Based on 2005 mix			Based on 50% minimum	
	Male	Female		Male	Female
Max	16	0	Max	16	0
Med	149	6	Med	126	11
Min	119	16	Min	142	11

- PROJECTED PRISONER NEEDS BY 2015

		Male	Female
Aged less than 25		57	5
Very low risk		61	2
Educational	No high school	240	19
	Low literacy	207	16
	Intellectual impairment	18	1
Unemployed		238	19
Health	Health Issues	301	18
	Psychiatric flag	96	7
Programs	Sex offender flag	95	0
	Violent offender flag	214	1

• PRISONERS LIKELY TO REQUIRE MANAGEMENT IN THE METROPOLITAN AREA

	Male	Female
High risk	1	0
High MAP	3	0
Mental health	9	1
General health	5	0
Total	18	1

Pilbara region

• SALIENT POINTS

Current design capacity of local prison (Roebourne)	116
Plus work camp capacity	124

• TOTAL POPULATION

Prisoner population as at April 2005	188 (152% of current capacity)
Projected 2015 prisoner population	235 (190% of current capacity)

• PROJECTED SUB-POPULATIONS BY 2015

Gender

218 males
18 females

Race

204 Aboriginal (15 females)
31 non-Aboriginal (3 female)

Classification

	Based on 2005 mix			Based on 50% minimum	
	Male	Female		Male	Female
Max	25	4	Max	16	4
Med	90	6	Med	84	5
Min	100	8	Min	109	9

REPORT ON PRISONER POPULATION AND SUB-POPULATION TO 2015

• PROJECTED PRISONER NEEDS BY 2015

		Male	Female
Aged less than 25		44	4
Very low risk		47	2
Educational	No high school	182	15
	Low literacy	155	12
	Intellectual impairment	14	1
Unemployed		180	14
Health	Health Issues	174	14
	Psychiatric flag	73	6
Programs	Sex offender flag	70	0
	Violent offender flag	160	1

• PRISONERS LIKELY TO REQUIRE MANAGEMENT IN THE METROPOLITAN AREA

	Male	Female
High risk	1	0
High MAP	2	0
Mental health	6	1
General health	4	0
Total	13	1

Central region

• SALIENT POINTS

Current design capacity of local prison (Greenough)	206
Plus work camp capacity	206

• TOTAL POPULATION

Prisoner population as at April 2005	177 (86% of current capacity)
Projected 2015 prisoner population	221 (108% of current capacity)

• PROJECTED SUBPOPULATIONS BY 2015

Gender

203 males

19 females

Race

174 Aboriginal (16 females)

48 non-Aboriginal (3 female)

REPORT ON PRISONER POPULATION AND SUB-POPULATION TO 2015

Classification

	Based on 2005 mix			Based on 50% minimum	
	Male	Female		Male	Female
Max	16	0	Max	16	0
Med	149	6	Med	126	11
Min	119	16	Min	142	11

• PROJECTED PRISONER NEEDS BY 2015

		Male	Female
Aged less than 25		41	4
Very low risk		44	2
Educational	No high school	166	16
	Low literacy	139	13
	Intellectual impairment	13	1
Unemployed		164	15
Health	Health Issues	139	38
	Psychiatric flag	67	6
Programs	Sex offender flag	61	0
	Violent offender flag	143	1

• PRISONERS LIKELY TO REQUIRE MANAGEMENT IN THE METROPOLITAN AREA

	Male	Female
High risk	1	0
High MAP	2	0
Mental health	5	1
General health	3	0
Total	11	1

South Eastern region (Goldfields)

• SALIENT POINTS

Current design capacity of local prison (EGRP)	96
Plus work camp capacity	120

• TOTAL POPULATION

Prisoner population as at April 2005	215 (179% of current capacity)
Projected 2015 prisoner population	269 (224% of current capacity)

REPORT ON PRISONER POPULATION AND SUB-POPULATION TO 2015

• PROJECTED SUB-POPULATIONS BY 2015

Gender

251 males

28 females

Race

208 Aboriginal (13 females)

61 non-Aboriginal (5 female)

Classification

	Based on 2005 mix			Based on 50% minimum	
	Male	Female		Male	Female
Max	41	3	Max	41	3
Med	125	3	Med	84	6
Min	85	13	Min	126	9

• PROJECTED PRISONER NEEDS BY 2015

		Male	Female
Aged less than 25		50	4
Very low risk		54	2
Educational	No high school	206	14
	Low literacy	172	12
	Intellectual impairment	16	1
Unemployed		203	14
Health	Health Issues	166	49
	Psychiatric flag	83	6
Programs	Sex offender flag	75	0
	Violent offender flag	178	1

• PRISONERS LIKELY TO REQUIRE MANAGEMENT IN THE METROPOLITAN AREA

	Male	Female
High risk	1	0
High MAP	3	0
Mental health	7	1
General health	4	0
Total	15	1

South West region

• SALIENT POINTS

Current design capacity of local prison (Bunbury) 189

Plus work camp capacity 189

REPORT ON PRISONER POPULATION AND SUB-POPULATION TO 2015

• TOTAL POPULATION

Prisoner population as at April 2005	222 (117% of current capacity)
Projected 2015 prisoner population	278 (147% of current capacity)

• PROJECTED SUB-POPULATIONS BY 2015

Gender

259 males
19 females

Race

59 Aboriginal (3 females)
219 non-Aboriginal (16 female)

Classification

	Based on 2005 mix			Based on 50% minimum	
	Male	Female		Male	Female
Max	35	3	Max	35	3
Med	145	14	Med	94	7
Min	79	3	Min	129	9

• PROJECTED PRISONER NEEDS BY 2015

		Male	Female
Aged less than 25		52	4
Very low risk		55	2
Educational	No high school	187	13
	Low literacy	137	9
	Intellectual impairment	17	1
Unemployed		183	13
Health	Health Issues	246	15
	Psychiatric flag	78	6
Programs	Sex offender flag	45	0
	Violent offender flag	140	1

• PRISONERS LIKELY TO REQUIRE MANAGEMENT IN THE METROPOLITAN AREA

	Male	Female
High risk	1	0
High MAP	3	0
Mental health	7	1
General health	5	0
Total	16	1

Great Southern region

- SALIENT POINTS

Current design capacity of local prison (Albany) 186
 Plus work camp capacity 218
 Takes 50 per cent of the overseas and interstate prisoners.

- TOTAL POPULATION

Prisoner population as at April 2005 186 (85% of current capacity)
 Projected 2015 prisoner population 230 (106% of current capacity)

- PROJECTED SUB-POPULATIONS BY 2015

Gender

219 males
 11 females

Race

94 Aboriginal (4 females)
 136 non-Aboriginal (7 female)

Classification

	Based on 2005 mix			Based on 50% minimum	
	Male	Female		Male	Female
Max	41	3	Max	41	3
Med	125	3	Med	84	6
Min	85	13	Min	126	9

- PROJECTED PRISONER NEEDS BY 2015

		Male	Female
Aged less than 25		44	2
Very low risk		47	1
Educational	No high school	165	8
	Low literacy	144	6
	Intellectual impairment	14	1
Unemployed		162	8
Health	Health Issues	175	9
	Psychiatric flag	68	3
Programs	Sex offender flag	46	0
	Violent offender flag	130	1

• PRISONERS LIKELY TO REQUIRE MANAGEMENT IN THE METROPOLITAN AREA

	Male	Female
High risk	1	0
High MAP	3	0
Mental health	6	1
General health	4	0
Total	14	1

Metropolitan region

• SALIENT POINTS

- > Current female multipurpose capacity (Bandyup) 147
- > Current female pre-release capacity (Boronia) 70
- > Current male minimum beds (Wooroloo & Karnet) 395
- > Current male medium/minimum beds (Acacia) 745
- > Current male maximum/medium beds (Casuarina & Hakea) 1,014
- > Total beds 2,371
- > Total male beds 2,154
- > Total female beds 217
- > 50 per cent of overseas and interstate prisoners.
- > Includes the Midlands district.

• TOTAL POPULATION

Local population as at April 2005	2,315 (98% of current capacity)
Projected 2015 local population	2,894
2015 regional prisoners in metropolitan area	93
Projected 2015 total prisoner population	2,987 (127% of current capacity)

• PROJECTED SUB-POPULATIONS BY 2015

Gender

2,742 males
245 females

Race

848 Aboriginal (104 females)
2,139 Non Aboriginal (135 female)

REPORT ON PRISONER POPULATION AND SUB-POPULATION TO 2015

Classification

	Based on 2005 mix			Based on 50% minimum	
	Male	Female		Male	Female
Max	630	45	Max	630	45
Med	1,463	123	Med	741	77
Min	650	76	Min	1,371	123

• PROJECTED PRISONER NEEDS BY 2015

		Male	Female
Aged less than 25		548	51
Very low risk		575	22
Very high risk		20	0
Educational	No high school	2,013	187
	Low literacy	1,509	145
	Intellectual impairment	180	16
Unemployed		1,975	184
Health	Health Issues	2,206	197
	Psychiatric flag	836	79
	Mental Health	124	14
	General health	69	4
Programs	Sex offender flag	500	2
	Violent offender flag	1,522	15

Appendix 10

ROLE OF THE SUPERINTENDENT

The prison is accountable for the achievement of outcomes as identified in the four cornerstones: namely care and wellbeing, rehabilitation and reintegration, reparation, and custody and containment.

The superintendent is responsible for the provision of strategic leadership within the prison and implementation of major reform in the provision of prison services. The role is responsible for the delivery of quality cost effective prison services in accordance with the service level agreement established with Prison Services.

This includes the effective management of the human, technological and physical resources within the prison and the management of contracts and service agreements with education, health, security and other services.

Examples of key responsibilities include:

General Management

- Set the direction of the prison in accordance with the strategic direction of the Department, ensuring that the direction is easily understood and delivered.
- Manage the prison budget and ensure budgetary targets are met and financial resources are used appropriately.
- Undertake the role of change agent and initiator, lead change and manage people through change and challenge the organisation culture as appropriate.
- Introduce and monitor systems: ensure high quality communication systems within and across functional areas.
- Maintain and develop relations with key stakeholders such as Prisons Division Head Office, staff and unions.
- Ensure standards are applied and maintained.
- Ensure specific objectives for the prison are met.
- Foster positive working relationships with peers and give and receive support, help and advice.
- Ensure the effective management of physical resources (for example, facilities, assets, information and technology) to support the achievement of the prison's objectives.
- Ensure a safe and healthy work environment for both prisoners and staff within the prison.

Prison Management

- Lead the prison in accordance with the Prisons Act, Departmental regulations and guidelines
- Implement policies and initiatives developed by the Department.
- Develop and implement the prison's Operation Plan and ensure the implementation of key initiatives within the plan.
- Preside and adjudicate on discipline matters for prisoners.
- Represent the prison and the Department both internally and externally and play an active role in community groups to foster community engagement and to assist in delivery of the prison's objectives.
- Represent the operational perspective to senior management within the Department.
- Undertake an Incident Command Team role when needed.

Workforce Management

- Ensure the prison workforce is managed effectively to maximise outcomes for prisoners in care and well being, rehabilitation and reintegration, reparation and custody and containment.
- Ensure that all staff are sufficiently skills and trained in their roles; oversee the identification of skills gaps across the prison, agree training and development strategies and establish career planning and development strategies.
- Undertake recruitment and selection of staff to meet the needs of the prison and compliance with Department and public sector standards.
- Set the direction in relation to performance management, including individual performance planning, review and feedback.
- Establish and implement strategies for building teams and motivating staff.

Appendix 11

SAMPLE WORKFORCE MANAGEMENT KEY PERFORMANCE INDICATORS

This is a sample of the kinds of key performance indicators that can be an integral part of an individual prison's Service Level Agreement. These – along with other indicators relating to things such as prisoner management, financial management – can be measured and monitored by prisons and reported to head office on a monthly or quarterly basis.

- The number of Aboriginal/female/culturally and linguistically diverse staff in the Prison as a proportion of the total workforce.
- Percentage improvement in numbers of Aboriginal/female/culturally and linguistically diverse staff in the prison compared with previous figures.
- Retention statistics (particularly in relation to Aboriginal and female staff members), including length of service, turnover and reasons for leaving (as outlined in exit interviews).
- Percentage reductions in the rate of staff sickness, days per person.
- Percentage of performance and individual development plans completed.
- Number of training days/hours per staff member undertaken (with targets set, for example, five training days per person).
- Type of training provided (for example, security and containment related training versus interpersonal skills, relationship management, cultural awareness and safety based training).
- Number of Lost Time Injuries and targeted reduction goals.
- Number and type of workers' compensation claims including number of days away from work.
- Statistics relating to management of workers compensation cases including time and frequency of interventions, rehabilitation program participation, alternative work provided and time taken to return to full-time substantive work.
- Number of occupational health and safety hazards reported and percentage managed or resolved.
- Number of job vacancies, including length of time vacant.
- Time taken to fill vacancies.
- Percentage of acting opportunities provided to women and Aboriginal staff members (target for improvement).

These quantitative measures should also be complemented with qualitative evaluations of various workforce initiatives such as succession planning, training and development, the implementation of change. Regular employee/organisation climate surveys (similar to the one undertaken in 2002) could be conducted (usually every 3–4 years) and benchmarked against previous results and other organisations with actions developed and implemented as a consequence.

Appendix 12

BROAD OUTCOMES OF THE PRISONS PROFILE PROJECT (ONGOING)

Prison	Estimated FTE Increase	Some of the new positions/changes identified
Hakea	38	A new Industries/ Employment Coordinator role (possibly at Level 5). New Bail Coordinator Position also at Level 5. Increased resourcing in vocational support to promote the concept of the constructive day. Increase in prison officer positions in a number of areas.
Broome	10.5	Increased focus on employment activities. A female unit prison officer to meet the needs of female prisoners. Has been operating at 80 per cent above designed bed capacity and Review estimates reflected this. Work Camps not considered in review. Formalisation of existing AIPR writer position.
Karnet	9.1	Based on a prisoner population of 174 (up from previous number of 158) reflecting current numbers. Additional unit management. Three additional VSOs to do additional Section 94 and laundry work. A cognitive skills worker which exists but is unfunded. Formalisation of existing AIPR writer position
Roebourne	12.1	Based on a prisoner population of 164. An additional person in Business Support. Increased number of prison officers to manage increased numbers of prisoners. More Section 94 staff (currently little employment occurring). Formalisation of an AIPR writer and an AIPR coordinator.
Bunbury	5	Additional Section 94 activities. Formalisation of AIPR writer position.
Albany	28	Recognition that prison has been understaffed and proposal to re-open Unit 2. Includes various prison officers in units. Cognitive Skills Officer. Additional VSOs to reinvigorate industries. AIPR writer.
Greenough	14.4	Additional Prison Officers and VSOs to manage increased prisoner load. Reception officer. AIPR writer.
Bandyup	12.9	Based on an increased population of 165. Additional duty and escort officers. Additional VSOs to enable more employment. Reception/Cashier.
Eastern Goldfields	9.3	A VSO in recognition that there is little industry currently. Additional prison officers across units. AIPR coordinator.
Wooroloo	16	Based on prison population of 225. Additional VSOs and Section 94 officer. Clerical/Administrative officer. Additional unit prison officers. AIPR writer. Case manager coordinator.
Casuarina	50	Based on an increase of prisoner population from 428 to 531–580. Mostly additional prison officers and a couple of additional VSOs.

Note: These FTE proposals do not include education or programs staff. Many of these Reviews are still under discussion and have not been finalised.

Appendix 13

BROAD FUNCTIONS WITHIN INDIVIDUAL PRISONS - GENERAL OUTLINE

Definition of Resources and Systems (Business Services) within Prisons

The area will be responsible for achievement of the following outcomes:

- Deployment of prison financial and human resources in the most effective manner to realise the four cornerstones of custody, care and wellbeing, reparation and rehabilitation.
- Provision of financial management and budgeting support to the superintendent and to the section managers.
- Provision of human resources management support to the superintendent and the section managers including recruitment and selection, training and development, performance management, occupational health and safety, staff rostering and covering for absences.
- Provision of contracting and purchasing support to the superintendent and section managers.
- Facilitation and implementation of change within the prison.
- Development, implementation and evaluation of an effective business planning process within the prison.
- Implementation and operation of a performance management framework within the prison, including performance monitoring and reporting and suggesting initiatives to achieve process and bottom line improvements.
- Ensuring compliance within the prison in relation to the various statutory and organisational policy obligations and requirements.
- Liaison with the relevant section in head office to ensure compliance with standards and consistency in applying those standards across all prisons.

Definition of the Rehabilitation and Reparation (Offender Services) within Prisons

The area will be responsible for achieving the following outcomes:

- Provision of the 'development' component for prisoners as part of a constructive day.
- A multi-disciplined approach to ensure prisoners are engaged in a comprehensive range of activities and programs with the aim of reducing reoffending and directing prisoners towards the adoption of law-abiding lifestyles.
- Ensure prisoners are engaged in programs as identified by their IMPs which directly address their offending behaviour.
- Ensure the religious/spiritual needs of prisoners are met.
- Ensure prisoners have access to a range of appropriately supervised recreational activities.

- Monitoring and reporting performance and outcomes in relation to agreed standards.
- Provision of psychological help and support to prisoners through systems of early reporting, preventative programs, professional counselling, assessment and intensive crisis-care services.
- Ensure that prisoners at risk to themselves or others are identified and appropriate action taken.
- Assessment of prisoners in accordance with standards governing risk.
- Coordination of work camps as an integral part of prisoner management.
- Development of initiatives, services and programs for special needs prisoners such as Aboriginal and women prisoners.
- Management of prison visits.
- Provision of employment opportunities for prisoners, conducive to them gaining and maintaining employment upon release into the community
- Provision of the ‘employment’ component of a constructive day.
- Provision of the means for prisoners to earn money.
- Ensure the impact of cost of imprisonment to the community is minimised through the prisoner work programs.
- Assistance to the community through work/activities performed by prisoners for monies raised from such work/activities
- Development and management of community development initiatives and programs.
- A comprehensive range of primary health care services at a standard comparable with that available in the community are provided.
- Maintenance of comprehensive prisoner medical records.
- Contribution to the development and review of operational procedures and systems within the prison including those associated with sentence documentation, prisoner property, prisoners’ accommodation and facilities to ensure a holistic approach to prisoner management.
- Liaison with the relevant sections in head office to ensure compliance with standards and consistency in applying those standards across all prisons.

Definition of Custody (Security) within Prisons

Responsible for achieving the following outcomes:

- Protection of the community through the elimination of the risk of prisoner escape.

- A prison environment that ensures the safety of staff, visitors and prisoners.
- Prevention of illicit drugs, alcohol and intoxicating substances entering the prison.
- Quick and effective responses to disasters and emergencies.
- Gathering of criminal intelligence through the monitoring of prisoner communication and networking.
- Liaison with bodies such as the Emergency Support Group and police regarding security matters.
- Monitoring and reporting against set security standards and performance measures.

Definition of Care and Wellbeing (Accommodation) within Prisons

Accountable for achieving the following outcomes:

- Provision of adequate food, shelter and clothing to prisoners.
- Provision of adequate health facilities.
- Provision of a constructive day for prisoners which simulates outside community experience.
- Establishment and maintenance of a pro-social environment within the prison.
- Maintenance of order.
- Provision of a fair disciplinary process.
- A prison environment that ensures the safety of staff, visitors and prisoners.
- Ensuring that all prisoners have IMPs.
- Ensure delivery of the programs identified on the IMPs.
- Ongoing monitoring of prisoner performance with regard to programs and refinement of IMPs.
- Management and care of specific groups of prisoners, such as Aboriginals.
- Contribution to the development and review of programs, activities and support services to prisoners provided by the rehabilitation and reparation group to ensure a holistic approach to the management of prisoners.
- A seamless approach to the management of prisoners from one prison to the next and on to release.
- Maintenance of adequate prisoner information and records.
- Monitoring and reporting against agreed operational standards.

Appendix 14

PROPOSED COURSE LIST FOR THE ACADEMY

The Academy should consider providing the following suite of courses to justice sector staff:

- Leadership and Promotion Courses.
- Corporate Leadership Development Program.
- Counselling and Negotiation Skills.
- The Management and Recognition of Stress in the Workplace.
- Stress Management (1st line managers and senior staff).
- Critical Incident and Support (1st line managers).
- Critical Incident and Support (manager awareness).
- Health and Safety for Managers.
- Health and Safety for Senior Managers.
- Anti-Bullying strategies (1st line managers).
- Anti-Bullying Practice (senior managers).
- Suicide Risk Management (strategic).
- Diploma in Management (partnership with outside agency) – requirement for all managers newly promoted.
- Controlling and Managing Conflict.
- Local Incident Management.
- Problems Solving Skills – Strategic Management (all supervisors).
- Problems Solving Skills – Strategic Management (Senior Command Course).
- Cultural Awareness and Race Relations (senior managers).
- Equal Opportunities Awareness (1st line managers and senior ranks).
- Operational Leadership Development Program.
- Strategic Leadership Development Program.
- Project Management at an Executive Level.
- Project Management at a Foundation Level.
- Project Management at a Practitioner Level.
- Prison Management – Accountability under the Prisons Act.
- Director General’s Rules (operational implementation).
- Operational Orders.
- Prison Act – Discipline of Staff (all levels).
- Managing Union negotiations.
- Training and the Development of Staff.

Appendix 15

CORPORATE LEARNING AND DEVELOPMENT EVALUATION SYSTEM

History:

Various areas of the Scottish Prison Service (SPS) evaluated training to some stage or another but there was no systematic approach or deployment of evaluation across the SPS. The information was not pulled together to look for trends or highlight corporate measures of performance.

A further added problem was not being able to compare the evaluations due to the inconsistencies in approach, therefore making it difficult to ascertain the quality and relevance of the training in an organisational sense.

The Corporate Learning and Development System was designed and implemented in 2002 to address these issues

The objectives of the Evaluation System are:

- To provide qualitative and quantitative management information that measures the effectiveness of training and development within the SPS;
- To develop a filtering process that ensures staff attend training appropriate to their current or future role;
- To effectively measure all learning outcomes attached to learning programmes with the SPS;
- To provided continuous improvement in the design and delivery of learning and development interventions across the SPS.

Kirkpatrick Model:

The Corporate Learning and Development Evaluation System took the Kirkpatrick Model as a framework for the development and implementation of the system. This model is based on four levels as follows:

- Level 1 - Reaction: Most commonly measured by using “happy” sheets.
- Level 2 - Learning: Tests can be given to check that participants learned something.
- Level 3 - Transfer of Behaviour: Are the participants using what they learned on the programme back at work.
- Level 4 - Organisational benefits: Did the training and development initiatives have any impact on the business itself.

Evaluation Forms:

We use three types of evaluation forms that capture the data required to measure Level 1 (Reaction) and Level 2 (Learning).

The Pre-Course and Post-Course Evaluation forms display the learning outcomes for the particular training session that the learner is attending. The Pre-Course form asks the Learners to score (a scale of 1 to 4) against the learning outcomes to highlight their perception of where they are in terms of knowledge and skills before the learning has commenced. The Learners again score the Post-Course form at the conclusion of the learning. A comparison between the two forms will provide us with the Learners perception of learning.

The Trainer's form, completed at the conclusion of the session or programme, provides us with his/her perception that learning has occurred.

Data Collection System:

A Data Collection System reads the evaluation forms and then transfers the data into a database to produce reports. This system includes both hardware and software.

The hardware is a stand-alone computer, CD writer and scanner.

The software consists of:

- OCR for Forms - Optical Character Recognition software that reads data from the scanned evaluation forms. The system operates by imposing "master" templates consisting of a series of defined zones onto scanned images of completed forms. The image from each zone is sent sequentially to the appropriate recognition engine. The data returned to the engine is validated and collated together with the data image, as a verification job. During verification, data that fails the validation tests, or is flagged as questionable by the recognition engine is highlighted to the system user who performs an assisted edit of the file; and
- Office Warehouse – The images that are captured when using "OCR for Forms" are stored automatically in the Office Warehouse system.

Present Position:

Level 1 (reaction) and Level 2 (learning) is measured by the Corporate Learning and Development Evaluation System. Where we have evidence that learning has occurred, we have also measured to Level 3 (transference of learning).

The system is constantly improved and developed with the latest version just recently completed. The most significant developments taken from the latest review been two particular areas:

- Learning Outcomes
- Validation

The Learning Outcomes that the SPS were using were difficult, if not impossible, to measure accurately.

All learning is now linked to National Occupational Standards. From the standards we can select the relevant Unit and subsequent Elements from that Unit. This in turn allows us to produce more accurate Learning Outcomes.

We also utilise “Blooms Taxonomy” which highlights to trainers the use of measurable outcomes that are written with actionable verbs.

With the development of the learning outcomes:

- Learners have found it easier to measure themselves against the Learning Outcomes in the Pre and Post Course evaluation
- Trainers have devised effective validation methods in order to accurately measure learning at the conclusion of the training event

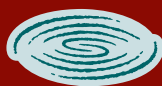
The Validation of the learning outcomes came as the next natural step. This now provides firm evidence of Level 2 (Learning) of the Kirkpatrick model. The Trainer now has in place various tools/methods to measure learning against each learning outcome. Each validation clearly indicates what it is that the Learner is either “doing” or “saying” in order to evidence that learning has occurred.

Appendix 16

BED CAPACITY BY PRISON AND SECURITY

Bed Capacity
By Prison/Security
19 May 2005

Prison / Security		Bed Capacity				Expected Double Bunking By June 2005	Expected Double Bunking By June 2006 (Prisons Limit)
		'In-Facility' Design Capacity			Available Work Camp Beds		
		Female By Security	Male By Security	Total			
Acacia	Max / Med	-	745	745	-	-	30
	Min		-				
Albany	Max / Med	-	186	186	-	5	30
	Min		-		32		
Bandyup	Max / Med	147	-	147	-	17	33
	Min		-				
Boronia	Max / Med	-	-	70	-	-	-
	Min						
Broome	Max / Med	3	12	66	-	48	54
	Min	6	45		46		
Bunbury	Max / Med	-	152	189	-	19	33
	Min		37				
Casuarina	Max / Med	-	397	397	-	163#	223
	Min		-				
Eastern Goldfields	Max / Med	15	14	96	-	24	34
	Min	-	67		24		
Greenough	Max / Med	14	136	206	-	30	30
	Min	10	46				
Hakea	Max / Med	-	617	617	-	56	56
	Min		-				
Karnet	Max / Med	-	-	170	-	-	-
	Min		170				
Roebourne	Max / Med	10	57	116	-	62	70
	Min	-	49		8		
Woorloo	Max / Med	-	-	213	-	-	-
	Min		213		12		
Total	Max / Med	189	2,316	3,218	-	261	593
	Min	86	627		122		



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