

Overview

In Western Australia newly received prisoners are assessed to determine their security rating. This rating - either Maximum, Medium, or Minimum security - is the biggest single factor in deciding where they will serve their sentence. Some prisoners are able to 'earn' a lower security rating during the course of their prison sentence by demonstrating good behaviour and by completing relevant programs and activities. However, decisions about security ratings and about progress to lower security levels will also take account of factors such as the seriousness of the person's offending history and community risk.

In 2009 the Department of Corrective Services ('the Department') introduced a modified assessment and classification system, drawing heavily on a multi-agency review led by this Office ('the 2008 Review').¹ At the time, the Inspector had concluded that too many Western Australian prisoners were being 'over-classified'. It was considered possible to reduce the number of maximum security prisoners and to increase the number of medium and minimum security prisoners without risking either prison security or community safety.

The new assessment and classification system was devised with a view to improving objectivity and transparency in assessments. There is no doubt that Departmental employees apply the model knowledgeably and with attention to its detail.

This report concludes that the model has met its projected outcomes in terms of the flow through of non-Aboriginal prisoners to minimum security. However, Aboriginal prisoners, and especially Aboriginal women, have not achieved minimum security classifications to anything like the projected extent. Indeed, despite a significant rise in the number of Aboriginal people in the prison system as a whole, there has been virtually no increase in the number at minimum security. By contrast, the number of non-Aboriginal people at minimum security has increased sharply.

There has been a large increase in the number of prisoners being held in facilities which are more secure than their security classification dictates. The vast majority of male prisoners at maximum security prisons are rated medium security and significant numbers of minimum security men remain at maximum and medium security prisons. While some of these prisoners are at higher security prisons for legitimate reasons, the extent of the increase suggests that investment in lower security facilities has not kept pace with changes to the classification system.

Male Aboriginal prisoners are few in number at the major minimum security re-entry prisons in the south west. Changes to the classification tool appear to have led to a

¹ OICS *Report into the Review of Assessment and Classification with the Department of Corrective Services*, Report No. 51 (April 2008).

decline in the proportion of Aboriginal prisoners in these prisons.² Female prisoners have been more profoundly affected than male prisoners. A large number of minimum security women are subject to the maximum security requirements of Bandyup. Low and declining numbers of Aboriginal women have been accessing Boronia pre-Release Centre.

Work camps for minimum security male prisoners have been seriously under-utilised. There had been some signs of improvement in recent months but this review has suggested that the problem only likely to be addressed if the pool of eligible prisoners can be increased. This will require addressing the issues of Aboriginal under-representation at minimum security. Consideration should also be given to removing some of the current policy restrictions on work camp placements, taking account of risk to the community. Levels of other external activities under section 95 vary between prisons but there is clearly a significant level of unmet demand. Female prisoners, especially those located at Bandyup Women's prison, are especially adversely affected.

The differential outcomes with respect to minimum security ratings for Aboriginal and non-Aboriginal people are alarming. It beggars belief that the objective qualifications of Aboriginal people to be at minimum security could have plummeted in three years at the same time as the qualifications of non-Aboriginal people to be at minimum security improved sharply. While there may be some peripheral profile changes, they simply cannot explain changes of this magnitude. It was also never anticipated that the changes would lead to such significantly different impacts.

It is more likely that there are specific factors built into the assessment and classification tool which have created the uneven impact. Issues which need further examination include: (i) whether the changes to parole which occurred in 2009 have contributed to the outcomes in unintended ways and (ii) whether too much weight is placed on the age of the prisoner.

Using the assessment tool, being less than 25 years of age has the same effect on an individual's security rating score as a history of escapes within the preceding two years. Being 25-29 years of age has the same effect as having pending prison charges or disciplinary convictions. Currently, 26 per cent of Aboriginal people in adult prisons are between the ages of 18-24, in comparison to 14 per cent of non-Aboriginals. Approximately 49 per cent of female Aboriginal prisoners are under 30 years of age, in comparison to 28 per cent of female non-Aboriginals. This difference is less marked but still significant for males, where 46 per cent of Aboriginal prisoners are under 30 years of age compared to 33 per cent of non-Aboriginals. These figures may help explain why

² At the start of the time period, Aboriginal prisoners constituted 17% of the population of south-west re-entry prisons (including Wooroloo Prison Farm, Karnet Prison Farm, Bunbury Pre-Release Unit, Pardelup Prison Farm, and Boronia Pre-Release Centre). At the end of the time period they constituted 14% of the population. Inspection reports on south west re-entry prisons have also discussed these issues over the past three years: see footnote 4.

Aboriginal men are not accessing minimum security status to the same extent and why Aboriginal women have even poorer prospects.

It should be noted that the inclusion of an age item was supported by the 2008 OICS review due to its ability to predict escape and control issues. Given the findings of this audit, the scoring of this item should be open to re-evaluation. Young Aboriginal people need to be provided with the best prospects of rehabilitation if their ever-increasing numbers in the prison system are to be counteracted.

The equivalence of youth and escape history in the calculation of an individual's security rating score suggests that the tool's discriminatory capacity could be improved. The viability of decreasing the weighting of age in comparison to escape history/control issues should be investigated. Obviously, any changes made to the tool should not come at the cost of decreased public safety.

The effect of gender could also be considered in any revision of the tool, given that there have been only 2 female escapes since the start of 2009,³ with both of these escapees over the age of 25. While more comprehensive analyses need to be conducted, this cursory examination of the data does not suggest that younger women are more at risk of escape and therefore deserving of a more restrictive security rating score.

One of the reasons this review was conducted was that issues raised during inspections of individual prisons showed no evidence of the Department having tracked the impacts of the new system on minimum security ratings, and especially on Aboriginal men and women. Responses to inspection findings and recommendations on those occasions were generally ad hoc and did not indicate any willingness to examine the issue ground up.⁴ We have recently been informed that changes to the classification tool were reviewed internally a year after implementation against the Department's own KPI's. However, ethnicity and gender were apparently not seen to be relevant KPI's.

Since work commenced on this review and some of its preliminary findings were shared, the Department has decided to commission its own review to 'identify the reasons for the disproportionately low numbers of Aboriginal prisoners at re-entry facilities in the South West - Wooroloo Prison Farm, Karnet Prison Farm, Bunbury Pre-Release Unit, Pardelup Prison Farm, and Boronia Pre-Release Centre; and develop strategies and opportunities to increase the number of Aboriginal prisoners entering these facilities.'⁵

Given that the Department has commissioned a review, this report does not make any formal recommendations. Nevertheless, a follow up audit will be conducted in 12 to 18 months' time. This will re-visit the main findings of this review and report on any changes / progress.

³ This represents 7 per cent of all escapes/absconds over the time period.

⁴ See the reports at footnotes 3 and 4 above.

⁵ *Report of an Announced Inspection of Pardelup Prison Farm* (2012, forthcoming).

In conclusion, it should be emphasised that this is not just some abstract numbers game. The goals of ongoing review by this Office and the Department should be improved outcomes in five core areas:

- Enhancing public safety by improving all prisoners' prospects of successful reintegration;
- Maximising returns on the substantial public investment in work camps;
- Promoting greater equity in security ratings between Aboriginal and non-Aboriginal prisoners (whilst not compromising public safety);
- Reducing the number of prisoners subjected to levels of security that are unnecessary given their security ratings; and
- Improving the position of women prisoners.