

The Inspector's Overview

SOME SOUND FOUNDATIONS FOR THE FUTURE,
BUT IMPROVEMENTS REQUIRED IN THE INTERIM

INTRODUCTION

Eastern Goldfields Regional Prison is unfit for purpose. It is badly designed and its physical infrastructure is very poor. It is also too small for the number of prisoners who come from the region, with the result that too many, predominantly Aboriginal, people are being imprisoned in the metropolitan area, 'out of country' and with little family contact.ⁱ Furthermore, partly because of its small size and partly because of neglect, services provided to both staff and prisoners have been limited.

The formal announcement in May 2009 that a new replacement prison will be built adjacent to the existing facility was therefore very welcome.ⁱⁱ In February 2011, when this inspection was undertaken, there was still some uncertainty around whether the new prison would be publicly or privately operated, and this was causing staff concern. In April 2011, it was confirmed that the new prison will be the subject of a Public Private Partnership ('PPP') arrangement, but that it will be operated by the Department of Corrective Services. The private sector will be contracted to design, construct, and finance the new facility, and then to maintain it on completion.ⁱⁱⁱ

The new prison is scheduled for completion in 2015. This report concludes that the existing prison has made progress despite its ailing infrastructure, but the biggest risk over the next four years is that the resources required for the new prison will come at the expense of the existing facility. Continued investment and support at the existing site is essential not only to meet the state's duty of care to prisoners but also to provide support and affirmation to staff, and to ensure that the best possible foundations are in place for the new prison.

PROGRESS AND A POSITIVE STAFF CULTURE DESPITE THE AILING INFRASTRUCTURE

The infrastructure deficits spread across the whole prison. The male maximum security area is cage-like and restrictive. The women's unit is small and claustrophobic. The male minimum security section is also small and is dominated by gloomy cells, razor wire on the roof, and little opportunity for physical activity. Maintenance has been an ongoing issue, not helped by regular earth tremors and an earthquake in April 2010 which rattled the area and caused some damage to the prison. And inadequate climate control in the minimum security and women's sections poses potential risks to prisoners' health.

Yet, despite these structural limitations, the prison has made considerable progress over the past decade. This is proof that in areas of human service (which include hospitals and schools as well as prisons) good staff and good leadership can, at least to some extent, 'lift' a facility above impoverished infrastructure. At Eastern Goldfields we found that relationships between all groups of staff (custodial, non-custodial and management) were marked by uniformity of purpose and a strong sense of collegiality and trust. These dynamics were

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- i Acacia Prison, in particular, consistently accommodates large numbers of men from the region; see OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 71 (May 2011) [4.4].
- ii *Government delivers new Eastern Goldfields prison*: Media Statement, Hon C Porter MLA, Attorney General and (then) Minister for Corrective Services, 5 May 2009.
- iii *Expressions of interest called for new Eastern Goldfields Regional Prison*: Media Statement, Hon C Porter MLA, Treasurer and Hon T Redman MLA, Minister for Corrective Services, 29 April 2011.

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more positive than we have found at any of the other publicly operated prisons over the past two years and, provided there is adequate investment in staff over the next few years,^{iv} this provides a sound basis for the new prison.

At the time of the inspection, the new Superintendent had been in position for around five months. With the collaboration of staff, he had been able to build on the work undertaken by various Acting Superintendents prior to his appointment and was promoting greater clarity of local processes and policies. We were also impressed with prison management's thoughtful reflections on their current strengths, weaknesses and challenges, and their ability to articulate a developing regional vision for the prison. Quite rightly, that vision recognizes that the prison serves a particular region, and that it should focus on basic, practical skill development which is relevant to prisoners' home communities. It must also take account of the fact that, until the new prison is opened, most prisoners will only spend a short time at Eastern Goldfields. This is because most are serving short sentences because security ratings mean that they must serve most of their sentence in a metropolitan prison.

Some of the more positive features of the prison regime included improved opportunities to undertake education and programs; the number of prisoners (both male and female) undertaking positive out-of-prison activities pursuant to section 95 of the Prisons Act; and (subject to improving the situation for the higher security women prisoners) appropriate mixing of men and women during recreation.

However, there are obvious limitations on the extent to which staff and management can manage around or compensate for poor infrastructure and lack of investment. We also found that in a number of key areas, services were seriously lacking or in need of improvement.

MAJOR SERVICE SHORTFALLS

In terms of services for prisoners, the main areas of shortfall relate to health services, the Aboriginal Visitor Scheme and the position of women prisoners.

Health Services

The inspection found considerable room for improvement with respect to the screening of prisoners on admission, the quality and consistency of health services generally, and in terms of continuity and security in the provision of medication.^v Many of the problems related to the fact that the Health Centre had been chronically under-staffed. However, our audits also showed that health staff were not accessing some of the available resources (such as 'e-consults') to the extent that they could and should have been doing.

iv One of the areas of concern on the part of staff relates to their limited access to training and professional development opportunities offered through the Corrective Services Academy. This is the subject of Recommendations 4, 14 and 15 (see Appendix 1). However, the Department's responses to Recommendations 14 and 15 do not appear to recognize there are any shortfalls in these areas and therefore the experience of staff in this regard.

v See Chapter 5.

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In the weeks following the inspection, the Inspector discussed these issues with senior head office management, and as a result, initiatives have been undertaken to address some of our concerns. However, some of the ‘bigger picture’ issues such as the adequacy of screening for physical and mental conditions remain a matter of concern, not only at Eastern Goldfields but also across the whole of the prison system.^{vi}

Aboriginal Visitor Scheme

This inspection also highlighted two serious problems with respect to the Aboriginal Visitor Scheme (AVS). The first is that the AVS had not been functioning at Eastern Goldfields for some considerable time. Eastern Goldfields is one of four ‘Aboriginal Prisons’ in the State – in other words, prisons where 75 per cent or more of prisoners are Aboriginal. The other three are Broome, Greenough and Roebourne Regional Prisons. But although the Department of Corrective Services invariably trumpets the AVS when describing its services to Aboriginal prisoners, none of these four prisons has actually had a properly and consistently functioning AVS in recent years.^{vii} The chronic gap between paper promises and service delivery is wholly unacceptable.

This report also surfaces some important issues with respect to the role of the AVS. It was established against the backdrop of the *Royal Commission into Aboriginal Deaths in Custody*, and one of its key roles has always therefore been suicide prevention. However, in its own literature, which this report sought to reflect, the Department has consistently indicated that the AVS has a broader role. For example, it has been said that the AVS aims to ensure that ‘the Aboriginal community is satisfied that detainees and prisoners are treated in a fair and humane manner whilst incarcerated;’^{viii} and ‘to improve the conditions of those in custody through consultation, advice and information to decision makers; and [to] provide the community with information about the needs of Aboriginal detainees and prisoners.’^{ix} Thus, the AVS is officially badged as having a role not only in suicide prevention, but also as a conduit for community views into the prison, and for information from the prison back to the community. It was therefore very surprising and disappointing that in commenting on our draft report, the Department stated in stark, unqualified terms, that we had missed the point: ‘the AVS role is for suicide prevention’.

Two points emerge from this. First, the Department must clarify the roles of the AVS. The inconsistencies between the Department’s public statements and their responses to our draft report are confusing at best and disingenuous at worst. Secondly, given that the AVS has failed over a sustained period to provide a consistent service to the State’s Aboriginal prisons, its resources and methods of service delivery (including the appropriateness of continuing with a centrally administered scheme) should be re-examined.

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- vi See OICS, *Report of an Announced Inspection of Roebourne Prison*, Report No. 70 (April 2011), chapter 6.
- vii OICS, *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 70 (April 2011) [4.2] – [4.4]; OICS, *Report of an Announced Inspection of Greenough Regional Prison*, Report No. 66 (June 2010) [8.39] – [8.40]; OICS, *Report of the Short Follow-Up Inspection of Broome Regional Prison*, Report No. 56 (November 2008) [3.4] – [3.6]; OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 46 (October 2007) [2.48] – [2.52].
- viii Prosser P, ‘Aboriginal Visitors Scheme’, paper presented to the Australian Institute of Criminology Best Practice Interventions in Corrections for Indigenous People Conference, Adelaide (13–15 October 1999).
- ix DCS, AVS Manager, Press Release, ‘AVS’, *DCS News*, (18 March 2011).

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Similarly, it is not clear why the Department perfunctorily rejected our recommendation for the introduction of an Elders' Program given that it claims that one of the goals of the new prison will be to reach out more into the community and given its establishment of 'Aboriginal Services Committees' which are intended to reduce Aboriginal disadvantage.^x

Women Prisoners

Women prisoners in regional prisons face numerous disadvantages. Essentially, they reflect the fact that they are few in number and are in an essentially male domain. As such, their living conditions are generally cramped and claustrophobic and, because there is no 'critical mass', they tend to have limited access to programs and other positive activities. Eastern Goldfields is not the worst prison in these respects – partly because it has generally managed its risks with respect to allowing appropriate mixing between men and women during recreation and on section 95 activities. However, we do highlight some specific issues, especially relating to health services and programs.

RAZOR WIRE: DANGEROUS AND INEFFECTIVE

The razor wire on the low roof of the minimum security section is intended to deter male minimum security prisoners from accessing the women's unit or escaping from the prison itself. However, it also poses a risk to prisoner and staff safety. If people get caught in razor wire – whether they are prisoners attempting to escape or staff attempting a rescue – the consequences can be lethal. The risks are particularly obvious and acute at Eastern Goldfields where the wire is so close and readily accessible.^{xi}

Razor wire is also not foolproof. Indeed, as this report was being written, a prisoner managed to escape from the minimum security section by somehow making his way *through* the razor wire. It is extremely fortunate that he did not become entangled as staff are not trained in razor wire extraction and do not have the necessary equipment.

The Department appears to take the view that regional prisons should develop a memorandum of understanding (MOU) with the local Fire and Emergency Services Authority (FESA) to cater for razor wire extractions. In response to our recommendations in this report, it therefore states that in June 2011 it will meet with FESA to 'confirm the nature of assistance' which FESA can offer.^{xii} However, we have been informed that FESA lack adequate capacity. Either way, it is unacceptable that some five years after the Department's own security audit found razor wire extractions to pose a risk, there is no clarity about the responsibilities and combined capacities of the Department and FESA.

MOUNT MORGAN'S AND WARBURTON WORK CAMPS

The Mount Morgan's work camp can cater for up to twenty prisoners but generally houses only nine to twelve. This report concludes that, even taking account of the small numbers, Mount Morgan's has not been performing to a satisfactory level. In particular, there is too little by way of positive community work and assisting prisoners to acquire relevant practical skills.

x See the Department's response to Recommendation 7 in Appendix 1.

xi At many prisons, razor wire is only found on the perimeter fence. Other internal fences and electronic warning devices reduce the risks of a person being caught in such wire.

xii See the Department's response to Recommendation 16 in Appendix 1.

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One of the reasons for the low number of prisoners at Mount Morgan's is that there has been a limited supply of qualified prisoners. To be placed a work camp, prisoners must not only be rated minimum security, but must also be approved for section 95 activities and for work camp placement. The Warburton Work Camp, which will cater for 24 minimum security prisoners, is due to open later in 2011. In order to match prisoner numbers to work camp capacity, the system should therefore be looking for around 40 work camp prisoners from the region. In addition, the prison itself needs sufficient minimum security prisoners to undertake work within the prison and the Kalgoorlie-Boulder community.

It is most unlikely that, under the current assessment and classification system, there will be sufficient minimum security prisoners from the region to fill capacity. One of the most important recommendations in this report is therefore that the Department examines ways to increase the number of prisoners who are rated minimum security without compromising public safety.

In March 2011, we visited Warburton to inspect progress on the new work camp and to discuss with community members their knowledge of and aspirations for the Work Camp. The facility itself looks promising, though it was disappointing that no local people had been involved in the construction and it will be necessary to monitor the potential need for air-conditioning. We were concerned, however, that at the time there appeared to have been inadequate consultation regarding matters such as the opening date and the roles the camp could play in Warburton and other Ngaanyatjarra communities. Subsequently, improved consultation processes do seem to have commenced.

The planned staffing levels for the Warburton work camp appear adequate (at full capacity, three senior officers, six officers, and two relief officers). The Department has been examining a number of options, including staffing the camp on a fly in fly out basis. However, there are very strong arguments for a permanent presence, especially in terms of ensuring successful and sustained community engagement.

CONCLUSION

My predecessor's headline to the first report by this Office on the Eastern Goldfields Regional Prison in 2001 was extremely negative: 'Frustration, Apathy, Sadness and Anger in the Goldfields'.¹³ In the ensuing decade, the prison has made substantial progress and the foundations are currently in place for a far more positive future for correctional services in the region. The new prison (due to open in 2015) and the new Warburton Work Camp (due to open later this year) represent long overdue and welcome investment. However, the biggest challenge over the next four years or more will be to keep the momentum going and to ensure that performance at the existing prison does not stagnate or decline as eyes focus on the new facility.

Neil Morgan
21 June 2011

xiii OICS, *Report of an Announced Inspection of Eastern Goldfields Regional Prison*, Report No. 4 (November 2001), 4.