



REPORT OF AN ANNOUNCED INSPECTION OF  
HAKEA PRISON

81

NOVEMBER 2012  
REPORT

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OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

## **Report of an Announced Inspection of Hakea Prison**

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# The Inspector's Overview

HAKEA: A CHALLENGING PRISON WHICH MUST FRONT THE CHALLENGES OF CHANGE

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## INTRODUCTION

Hakea Prison ('Hakea') is a complex facility. This complexity comes not only from its multiple functions but also from its culture, history, personalities and relationships.

This inspection, conducted during late May and early June 2012, identified many examples where staff, in their own work areas, were getting on with the job in a pragmatic and resourceful way, sometimes in the face of significant infrastructure challenges. However, for far too long, the prison has suffered from a negative and divided workplace culture.<sup>i</sup> This must change. The key ingredients of such change will include careful planning (with targets and timeframes); a clear and shared sense of direction across management and staff; respectful relationships; strong local leadership; and appropriately directed support from head office.

The recommendations in this report are underpinned by two overriding goals. The first is to assist the development of a sharper sense of direction and a less divisive culture. The second is to improve Hakea's capacity to deliver secure, high quality and cost-effective services to different groups of prisoners, the courts and the state at a time of rapid technological change. Most of the recommendations have been supported in full or in part by the Department of Corrective Services ('the Department'), albeit with varying degrees of enthusiasm and commitment.<sup>ii</sup>

## MEETING DEMAND ON A DAY TO DAY BASIS

Hakea is the state's primary remand and reception prison for male prisoners. As such, it performs some varied and difficult roles. In particular, it must receive and manage men who have recently been remanded in custody or sentenced to imprisonment, many of whom are vulnerable or volatile because of factors such as substance abuse, mental health problems and general anxiety.

Hakea also has a responsibility to service the needs of the wider criminal justice system by ensuring that legal documentation relating to a person's custody or release is in order, providing legal resources and timely access to legal advice, facilitating video-links from the prison to the courts, and ensuring that prisoners who need to go to court are prepared for their transfer to court and are later received safely and securely back into the prison.<sup>iii</sup>

In addition, Hakea plays a pivotal role in assessing newly sentenced prisoners with a view to developing management plans for their time in prison, including assessing their security ratings and their needs in terms of rehabilitative programs and other interventions. To ensure system-wide consistency, this role extends not only to Hakea but also to all the other metropolitan prisons, both male and female.

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i OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 12 (March 2002); OICS, *The Diminishing Quality of Prison Life: Deaths at Hakea Prison 2001–2003*, Report No. 22 (March 2004); OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007); OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010).

ii Readers themselves should assess the recommendations and responses.

iii The vast majority of transports to and from court are carried out by a private service provider, Serco.

This inspection found that despite significant infrastructure constraints in some parts of the prison, Hakea is meeting satisfactory standards in most core areas. For example, the movement of people in and out of the prison – both prisoners and visitors – is generally safe, secure and respectful;<sup>iv</sup> the systems in place to identify and manage prisoners who are at risk of self-harm have improved markedly over the past decade (though dedicated mental health services and facilities are limited);<sup>v</sup> the assessment system is efficient and up to date;<sup>vi</sup> and security systems and processes are generally sound.<sup>vii</sup>

However, many parts of the site faced some serious environmental health issues in May 2012, including vermin infestations.<sup>viii</sup> Some areas are no longer fit for purpose. For example, the management unit (Unit One) must perform a number of conflicting roles in conditions which are inadequate for staff and prisoners alike. It needs to be replaced.<sup>ix</sup> Unit Seven, where male metropolitan prisoners usually spend their first few nights in prison, is claustrophobic and run down and, despite the efforts of many staff, does not provide an appropriately supportive ‘first night’ environment.<sup>x</sup>

The video-link area provides a particularly good example of how the prison and its staff have adapted to changing demands and have contributed to substantial savings to the state, but where the facilities are in need of major upgrade. The staff who work in a small area do a remarkable job in managing the timely appearance of prisoners and in managing some security and safety challenges. However, capital investment is merited to support this service.<sup>xi</sup>

#### KEEPING PRISONERS BUSY: BAD IN 2009, WORSE IN 2012

In reporting on the 2009 inspection of Hakea, I commented that one of my lasting images of that inspection was ‘of prisoners with nothing to do loitering under “no loitering” signs’.<sup>xii</sup> The sign is still there. So is the tedium of aimless loitering. Indeed, in the period between the two inspections, opportunities for prisoners to engage in positive activities had noticeably declined.

Hakea is primarily a remand prison, and will never be able to offer the same range of employment opportunities as prisons which house settled sentenced prisoners. However, it was unacceptable to find that two of the main industries, the vegetable garden and concrete products, were lying idle and that opportunities for structured recreation had diminished.<sup>xiii</sup> Since the inspection there have been some tentative signs of improvement but this is an area requiring continuing attention.

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iv See paras [4.1]–[4.13].

v See paras [6.2]–[6.27].

vi See paras [2.59]–[2.62].

vii See Chapter 4.

viii See paras [5.35]–[5.38] and accompanying photograph.

ix See paras [4.17]–[4.38] and [6.25]–[6.27].

x See paras [2.50]–[2.55].

xi See paras [2.15]–[2.18].

xii OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) iv.

xiii See paras [5.60] [5.66], [7.14]–[7.19] and accompanying pictures.

### BETTER TARGETING THE NEEDS OF PARTICULAR GROUPS OF PRISONERS

The Department's overarching philosophy is to 'make a positive difference'. This is a useful starting point, not least because it can encompass all areas of the Department's operations. However, a number of inspections have highlighted the fact that few prisons have a published philosophy of what it means to 'make a positive difference' at that particular site. Embarking on an exercise of this sort is likely to be valuable in at all prisons, especially at those which are facing challenges with respect to workplace culture.<sup>xiv</sup>



*Figure 1: The No Loitering sign in the Courts area adjacent to Units 1–4*

This report contains a number of recommendations relating to the needs of particular groups of prisoners at Hakea. They include people held on remand, young adults,<sup>xv</sup> people with mental health problems, foreign national prisoners, newly arrived prisoners and protection prisoners.

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xiv OICS, *Report of an Announced Inspection of Wooroloo Prison Farm*, Report No. 80 (August 2012) iii–iv.

xv See paras [1.25]–[1.30]. Around a quarter of Hakea's prisoners are under 25 and 45 per cent of them are Aboriginal. This is an important target group and their needs have been identified by the decision to establish the Wandoo 'Young Adult Facility'. However, specific policies should be developed for their management at mainstream prisons too.

Hakea has two new units. They were officially opened by the then Minister on 11 April 2011 but are not currently operational.<sup>xvi</sup> The Department expects them to be operational by the end of 2012 or early in 2013 but their response to Recommendation 7 in this report is particularly disappointing.<sup>xvii</sup> The recommendation was that the role of the new units should be articulated to better meet the needs and challenges of Hakea's diverse prisoner group. The Department has not supported this recommendation, arguing in essence that the aim of the new units is simply to increase bed capacity and that once the units are operational, the Department will 'achieve its aim and purpose'. This is an opportunity lost.

#### STAFF/MANAGEMENT RELATIONS AND WORKPLACE CULTURE

As previously stated, Hakea performs some complex roles and improving services to prisoners, the courts and the state will require some level of financial investment, including the replacement or substantial renovation of some parts of the prison. However, some other prisons, notably Bandyup Women's Prison, perform roles that are at least as complex as Hakea's and confront more significant infrastructure shortfalls.<sup>xviii</sup> At Hakea, increased resources alone will not be enough: improved staff/management relations and a more positive workplace culture are absolutely critical to the future.

Prisons are not warehouses but profoundly human environments. Every one carries a level of risk and has its own particular human dynamics. And because prisons are closed environments where people work in close proximity, relations between all groups of staff and management, as well as between staff and prisoners, are of enormous significance. Three general points emerge from this report:

- The issues are long-standing and too little has changed since previous inspections;
- The issues with respect to staff/management relations are a shared problem, and finding solutions is the responsibility of all members of staff and management;
- Addressing issues of 'workplace culture' culture must include a focus on improved staff/prisoner interactions and dynamic security.<sup>xix</sup>

We were generally received at the prison with respect and courtesy but after two weeks on site it was difficult not to feel one's energy sapped by negativity. Many officers voiced frank but intelligent comments about the prison's strengths and weaknesses. Honest comments and respectful criticisms of this sort are acceptable and appropriate. They are also a necessary ingredient to any process of improvement. At Hakea, however, there was a level of cynicism, dismissiveness and personal criticism, directed mainly at management, which I have not encountered at any other prison. We did conclude that the management team needed to

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xvi At the time of the inspection, one of the units had opened: see paras [3.31]–[3.41]. However, it was closed shortly afterwards due to security concerns. Remedial measures are being put in place but the situation remains very sensitive and it is by no means clear that the saga is over. Unfortunately, the failure of these units – and similar units at Casuarina – to become operational in a timely manner has not allowed prison overcrowding to be alleviated. And although there is currently a strong focus on barrier control and physical security, it is important for the new units to focus on positive staff/prisoner interactions and dynamic security.

xvii See Appendix 1.

xviii OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 73 (August 2011).

xix See paras [4.39]–[4.45].



become more visible and that there needed to be better communication and engagement between management and staff. However, good relations are a two way process. It must also be recorded that we did not find comments to the effect that the management team did not care for staff to be substantiated. Although communication on all sides was a very real issue, the Superintendent had a good sense of strategic direction for the prison and of its management needs.

At the time the draft of this report was being considered by the Department of Corrective Services, Hakea's Superintendent announced his resignation. He has been replaced by the Superintendent of Albany Regional Prison ('Albany') and the Department also decided to make a number of other changes to the management team. This Office will continue to take a keen interest in the results of the changes and in monitoring progress.

#### CONCLUSION

Hakea is a curious mix. For too much of the past decade it has been afflicted with an energy-sapping negativity. This inspection found that division and negativity were detracting from the fact that in most operational areas the prison does a decent job handling challenging individuals, often in less than ideal circumstances.

I can only hope that in two and a half years' time, when this Office is scheduled to conduct its next inspection, Hakea will have a sharper sense of identity and direction and that it will be a place where conflicts are set aside and where the problems can be separated from the personalities.

The new Superintendent has been welcomed by staff and has an impressive track record at Albany.<sup>xx</sup> I am confident that he will be able to help drive a positive difference at Hakea but no one person can resolve Hakea's complex dynamics. He will need time and he will also need support and a shared sense of direction from staff, local management and head office. Respect is a key ingredient: lack of respect increases operational risk.

Neil Morgan

21 November 2012

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xx See OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 78 (June 2012) iv.

# Fact Page

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## NAME OF FACILITY

Hakea Prison

## LOCATION

Located on Nicholson Road, Canning Vale, Hakea Prison is situated 19 kilometres south of Perth. The traditional owners of the land are the Noongar people.

## ROLE OF FACILITY

Hakea Prison manages prisoners remanded in custody to appear in Court and those who have just been sentenced. Newly sentenced prisoners are assessed at Hakea Prison before being placed at other prisons across the State.

## BRIEF HISTORY

Hakea Prison incorporates the former Canning Vale Prison and the CW Campbell Remand Centre which were merged in a \$26 million capital works project in November 2000.

## LAST INSPECTION

26 October – 6 November 2009

## DESIGN CAPACITY OF PRISON

745 [includes 128 cells in Units 11 & 12]<sup>xxi</sup>

## OPERATIONAL CAPACITY OF PRISON<sup>xxii</sup>

1153 [includes 256 beds in Units 11 & 12]

## NUMBER OF PRISONERS HELD AT TIME OF INSPECTION

851

## DESCRIPTION OF RESIDENTIAL UNITS

Unit 1 – Management Unit.

Units 2, 3 and 4 – General accommodation units.

Unit 5 – Self-care Unit.

Unit 6 – Protection Unit.

Unit 7 – Induction Unit.

Unit 8 – General accommodation unit which houses many of the SAMS prisoners.<sup>xxiii</sup>

Unit 9 – Methadone and general accommodation unit.

Units 10 to 12 – General accommodation units.

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xxi Design capacity is roughly equivalent to the single bed capacity of the centre.

xxii Operational capacity roughly equates to the installed beds in the centre. Please note that at the time of the inspection, Unit 12 had not been commissioned, so 64 cells with 128 beds were not actually in use.

xxiii SAMS refers to the 'Support and Monitoring System'.

# Chapter 1

## A COMPLEX PLACE: LOOKING FORWARD, LOOKING BACK

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### 2012 INSPECTION

- 1.1 Hakea Prison (Hakea) is the primary remand, receipt and assessment prison for adult males in Western Australia. This inspection examined all Hakea's core functions, with a particular focus on some specific issues. These included its ability to deliver remand-related services to prisoners and courts in an increasingly technological era; the strategic direction of the prison; staff/management relations; environmental health; and the management of specific groups of prisoners. Specific prisoner groups examined included people with mental health issues, newly received prisoners, people undergoing punishment for breach of prison rules, protection prisoners, Aboriginal people and people from a non-English speaking background.
- 1.2 The on-site phase of this inspection was conducted over two weeks commencing on Friday, 18 May 2012. As well as staff from the Inspector's office, a number of skilled professionals were engaged to assist the inspection. They added their expertise in several areas, including mental health, security, education, health, drug and alcohol supports, and environmental health.



*Figure 2: Part of the inspection team at Hakea in May 2012*

- 1.3 Pre-inspection survey work was undertaken at Hakea with both staff and prisoners. The Office of the Inspector of Custodial Services ('the Office') received 139 responses to its prisoner survey and these were found to be reasonably representative of the prisoner population profile in terms of ethnicity (including Aboriginal people and foreign nationals), age and security ratings.

- 1.4 The staff surveys were also useful but did not appear to be fully representative of different staff groups. Forty four staff surveys were returned, and these were primarily completed by experienced uniformed officers who had worked at Hakea for an average of nine years.<sup>1</sup> The inspection team therefore carefully tested survey findings against a combination of observations, interviews and meetings with staff of all groups and at all levels.
- 1.5 The main findings of this inspection unfortunately reflect those of the inspections conducted in 2006 and 2009. The inspection found an overcrowded environment with inadequate supporting infrastructure. It also found that while staff were delivering services as well as they could in the circumstances, and there were improvements in some areas, services were too often inadequate or struggling to meet demand. There was also too little progress against many of the recommendations supported by the Department in 2009.

#### LOOKING BACK: THE 2009 INSPECTION

- 1.6 The last inspection of Hakea was conducted in November 2009, with the overall finding being that ‘despite the intense pressure created by extreme overcrowding, the inspection... found a prison that was coping remarkably well’.<sup>2</sup> Overcrowding had become entrenched at the prison (and indeed through the whole system) with around half of all general-purpose<sup>3</sup> cells being retrofitted with bunk beds to accommodate the growing population. Even with the increased number of beds, some prisoners were being forced to sleep on floors.
- 1.7 At that time the prison’s focus on its primary functions as a remand, receipt and assessment prison was becoming blurred. A large proportion of its prisoners had already been sentenced and assessed but had to remain at Hakea because of a shortage of beds in other facilities. These prisoners had no access to services appropriate to their sentenced status, and minimum-security prisoners were particularly disadvantaged by the high-security environment. Many of these pressures reflected the fact that from March 2009, the Prisoners Review Board had abruptly adopted more stringent practices and these had resulted in a dramatic decline in the number of people on parole.
- 1.8 Another problem was that necessary supporting infrastructure had not been improved in line with the increase in numbers. For example, the provision of additional classrooms and workshops, improved gym and library facilities, and expanded kitchen, laundry and visits areas had either not been funded or planned.
- 1.9 In 2009, morale was low and staff were generally pessimistic about the future. Contributing factors were the amount of overtime that many were working to cope with the increased number of prisoners and the pressure of working in an overcrowded environment. In addition, the prison continued to struggle to create a unified and coherent staffing group. This was recognised by the Department at the time and a commitment was made to increase and improve head office support.

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1 Hakea has around 400 FTE staff, of whom around 340 are prison officer grade staff and round 60 are public service staff.

2 Office of the Inspector of Custodial Services (OICS), *Report of an Announced Inspection of Hakea Prison*, Media Release (15 June 2010).

3 Unit one is excluded from this calculation as its special purpose use means each cell cannot accommodate more than one prisoner at a time.

## FUNCTIONS

- 1.10 Hakea is one of the most complex prisons in Western Australia. It must accommodate all categories of prisoner (remand, sentenced and appeal) of all security classifications. It must also manage the ‘unknown’ in that many of the newly received offenders are withdrawing from drugs, suffering from mental illness or otherwise distressed.
- 1.11 Hakea’s primary role, however, is as the state’s only designated remand facility for adult male prisoners. The Department has a special obligation to provide these prisoners, and also the courts and the legal profession, with efficient and appropriate modern services.
- 1.12 Hakea is also the location of an assessment team which caters for the whole prison system. The team’s role is to conduct comprehensive interviews and assessments of all newly sentenced prisoners and devise a plan for their time in prison. This includes identifying therapeutic program needs, educational courses and employment and training opportunities, and assessing where the prisoners are best located to achieve these goals given their security ratings.

## POPULATION AND CAPACITY

- 1.13 The nature of Hakea’s functions means that its daily population fluctuates more markedly than most other prisons. This can make long and short term planning difficult as the rises and falls can be very significant. For example, at the November 2009 inspection, Hakea housed over 900 prisoners. However, from the middle of 2010 to early 2012, numbers generally stood between 750 and 800, dropping back to just 725 in May 2011. During a six month period from late 2011 to April 2012, numbers then increased quickly, reaching over 900 again by the end of that period. This was primarily due to a sharp upward move in remand numbers.
- 1.14 The language adopted by the Department and the state government to determine a prison’s capacity has shifted markedly since the last inspection. For many years, the number of prisoners that a prison should accommodate was determined by its ‘design capacity’, that is, by the number of prisoners the facility’s cells were designed and intended to hold. This was not only this state’s measuring post as recently as three years ago: it was, and still remains, the accepted national benchmark.<sup>4</sup>
- 1.15 However, from 2009 and 2010, the language began to change. First the term ‘modified design capacity’ was used. This signified the number of prisoners who could be held using trundles or bunk beds placed in cells above their intended capacity. At that time, bunk beds were officially badged as being ‘temporary’ measures but the word temporary rarely now appears in Departmental descriptions of capacity. These statements now largely ignore the concept of design capacity and focus on what is called ‘operational capacity’. This number includes all the bunk beds which were being touted as temporary around three years ago.

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<sup>4</sup> The Australian Government *Report on Government Services 2010-2011* (<http://www.pc.gov.au/gsp/reports/rogs/2011>) measures ‘prison utilisation rates’ in all jurisdictions. The formula used is the average daily population of prisons as a percentage of prison design capacity.

1.16 The extent and speed to which the basic parameters have shifted is all too evident. In 2007, the then Inspector stated ‘it is concerning... that double bunking may become an accepted norm in the Western Australian prison system. It absolutely should not’.<sup>5</sup>

1.17 A recommendation to this effect was fully accepted by the Department:

The department agrees that the double bunking of prisoners should not be accepted as the norm. The department has identified a number of strategies, including temporary double bunking arrangements, for managing a prisoner population of 4,100. The paper outlining the strategies for managing a prisoner population of 4,100 provides the reasons why it is undesirable for double bunking to be continued in the longer term.<sup>6</sup>



Figure 3: A double-bunk in self-care at Hakea

1.18 The Department’s 2010–11 Annual Report stands in stark contrast. The concept of design capacity is never mentioned. The report simply states that the ‘overall bed utilisation rate’ for Western Australian prisons stood at 91.9 per cent on 30 June 2011.<sup>7</sup> In effect, this approach embeds double bunking not only as a fact but as an acceptable norm in Departmental thinking, a position far removed from what was being said in 2008. In April 2011, at the official opening of Hakea’s new units, it was even suggested that double bunking has positive benefits.<sup>8</sup> Such views are shared by very few of the Department’s employees who actually work in prisons.

5 OICS, *Report of an Announced Inspection of Casuarina Prison* (March 2008) 31.

6 *Ibid*, 67.

7 Department of Corrective Services (DCS), *Annual Report 2010–2011* (2011) 30.

8 The new units at Hakea were officially opened in April 2011 (though they are not yet fully operational). The Corrective Services Commissioner was quoted as saying that double bunking is useful for first timers who do not want to be alone or for those near to release: ‘When people are being prepared for release they have to learn to get along with each other and not resolve differences by fisticuffs’: see Prior N, ‘Double-bunking “lowers prison suicide risk”’, *The West Australian*, 13 April 2011. In practice, prisoners who are newly received or nearing release are much *less* likely to be double bunked.

- 1.19 This Office remains implacably opposed to the routine sharing of cells which were never designed or intended for that purpose. For reasons of decency, such a practice is unacceptable in itself. If prisoners are to share cells they should be designed for that purpose. The problems are further exacerbated by the failure to build up other infrastructure and service requirements for the increased prisoner population.
- 1.20 The Department has designated Hakea an operational capacity of 1,196 prisoners, including the capacity of two new units. It should be noted, however, that the design capacity of the prison, counting the double bunks in the new units 11 and 12, is only 802.<sup>9</sup> The Superintendent has stated that, given the operational need to have some single cells and some degree of flexibility to manage his population safely, his preferred operating capacity for the prison is 1,016.

## PRISONER PROFILE

### Status

- 1.21 At the time of the 2009 inspection, Hakea faced a ‘bottleneck’ of sentenced prisoners due to a lack of beds at other prisons. At that time, 45 per cent of its population was sentenced. Previously, the figure was generally between a quarter and a third.<sup>10</sup> The sentenced prisoners were essentially stranded in a prison which was not resourced to deliver services to them.
- 1.22 By the time of the 2012 inspection, the ‘bottleneck’ had been eased by the double bunking of existing units at other prisons and by the opening of some new units. The high prisoner population in May 2012 was attributable to an increase in remand prisoners. As discussed in Chapter 2, better planning and new initiatives are needed to improve services for this population and for the courts.
- 1.23 The following table provides a summary of the status and security ratings of prisoners held at Hakea at the time of the inspection in May 2012.

Status	Number	% Population
Remand	599	70
Sentenced	232	27
Appeal	17	2
Other	3	>1
Maximum	176	21
Medium	631	74
Minimum	44	5

Table 1: Status and Security Rating of Prisoners at Hakea, May 2012

9 Although the figure of 802 includes the double bunks in the new units, these units were not really designed for bunk beds: see Chapter 3.

10 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 5.

### Security Ratings

1.24 In 2009, another detrimental consequence of accommodating sentenced prisoners at Hakea was that it held too many minimum security rated prisoners. Around 10 per cent of its prisoners had been assessed as minimum security but had not been able to move out of Hakea, let alone to access a facility actually reflecting their status. Fortunately, as a result of the improved flow of prisoners to other prisons, minimum security prisoners now constitute only around five per cent of Hakea's population.

### Demographics: Young Men

- 1.25 An age analysis of the population showed that Hakea is now accommodating a large number of prisoners aged less than 25 years. At the time of the inspection there were 204 such young men, representing almost a quarter of the total population. Significantly, 91 of them (45 per cent) were Aboriginal.
- 1.26 Given this profile it is important for Hakea, as the main remand and assessment prison, to provide targeted services and sentence planning to this group. The inspection found that the prison itself has developed many good practices in terms of identification and support for young men on reception. However, insufficient physical recreation facilities, employment positions and educational places impact heavily on this group of prisoners.
- 1.27 More generally, the management of young prisoners is an area which would benefit from a stronger strategic focus, and the time is right for this. The need to better reach this age group has been recognised in principle by government in the decision to establish the new Wandoo facility for young men ages 18 to 24 on the site of the current Rangeview Remand Centre for Juveniles. However, Wandoo will have a small population (similar to the number of young men currently in Hakea alone). It will not cater for remand prisoners and will be a minimum security facility. It is therefore important for Hakea and other prisons to focus on how men in this age group can be better prepared for placement at Wandoo so they can access different and improved re-entry services. This will include developing pathways for progression to minimum security and for completing any necessary precursor programs in a timely manner.
- 1.28 This report makes no formal recommendation with respect to young adult male prisoners but it is an issue to which future reports will return.

### Demographics: Ethnicity and Background

- 1.29 The prisoner profile analysis also revealed a large diversity of nationalities and ethnicities. As is the case across the system, Aboriginal people continue to be disproportionately represented. At the time of the inspection, Aboriginal Australians constituted 31 per cent of the total Hakea population (263 prisoners) and non-Aboriginal Australians 59 per cent (505 prisoners). The remaining 10 per cent (83 prisoners) represented 23 different nationalities. Prisoners from Indonesia made up the largest cohort of prisoners from non-English speaking countries, with 14 such prisoners accommodated at Hakea.
- 1.30 This growing diversity is also reflected at other prisons. It is imperative that the Department finalise standard policies and procedures for managing foreign national prisoners.<sup>11</sup>

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11 See Chapter 6.



## LOOKING FORWARD

- 1.31 The Inspector's exit debrief at the conclusion of the inspection highlighted that while Hakea had a number of matters that needed to be addressed, and was being weighed down by negative dynamics, it was vital to recognise the good things the prison does and to use this to assist the prison to look ahead more positively. This report examines the challenges but its recommendations are designed to help on that path.
- 1.32 One key area concerns remand prisoners. They have a different status and different rights from sentenced prisoners. Chapter 2 examines the extent to which Hakea manages these rights and the extent to which it meets the legitimate expectations of prisoners, the courts and the legal profession with respect to services. It identifies some areas of progress but also areas for improvement.
- 1.33 Importantly, Chapter 2 also highlights two more general themes which flow through the report: the pragmatic and intelligent ingenuity of many staff and the need for a comprehensive re-evaluation of the benefits and risks posed by modern technology.
- 1.34 The most important resource of a prison is probably its staff. A significant portion of Chapter 3 is dedicated to examining what is currently a frustrated staffing group in need of support and clear communication from its leadership. Hopefully, staff frustration has now 'peaked' and the Department, local management and staff can work together to create a new vision for Hakea. To that end it is also hoped that the timing and opportunities for reflection created by an independent inspection will prove helpful.
- 1.35 Chapter 4 examines security. By and large, physical and procedural security are good. However, dynamic security (based on positive and proactive staff/prisoner interactions) needs to be improved and the report also highlights some anomalies and issues with respect to the management unit (Unit One).
- 1.36 Chapter 5 examines a range of service delivery areas at Hakea that focus on the general wellbeing of prisoners. At the 2009 inspection, health services presented one of the most troubling areas for the Inspector, and some positive improvements were found to have occurred in the past three years. There is still work to be done, but the changes already made are a good starting point for further service improvements. The report also identifies several areas for improvement with respect to environmental and public health.
- 1.37 Hakea accommodates a number of specific groups that require targeted service delivery. Foreign national prisoners, Aboriginal prisoners, protection prisoners and prisoners suffering from mental health issues are significant cohorts within the population. Chapter 6 revisits issues raised in 2009 about how well Hakea is meeting the needs of these vulnerable groups. Unfortunately, the overall findings are that too little progress has been made in this area.
- 1.38 Finally, Chapter 7 looks at the extent to which Hakea meets the welfare and intervention needs of its population. Given that most prisoners are only held at Hakea for a short period it is a challenging area for the staffing group, but one that is generally well met.

# Chapter 2

## CORE FUNCTIONS: REMAND, RECEIVAL AND ASSESSMENT

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### REMAND

#### Hakea's Central Role in a Key Area

- 2.1 Hakea holds by far the largest number of remand prisoners of any prison in Western Australia. At the time of writing in early August 2012, there were approximately 900 prisoners at Hakea, 660 of whom were on remand. Hakea houses around two-thirds of the state's total adult remand population (which comprises around 990 male and female prisoners), and close to three quarters of the male remand population. Bandyup Women's Prison is the next largest remand facility, with around 80 women (27.5 per cent of its population) currently on remand.<sup>12</sup>
- 2.2 Given Hakea's role as the state's primary male remand facility, this inspection included a strong focus on services for this group and investigation of options for further improvement.<sup>13</sup> It is important to recognise that those who are held on remand have a particular legal status. Remandees are unconvicted and innocent until proved guilty.<sup>14</sup> They need adequate access to lawyers and legal materials in order to prepare their defences and under the terms of international conventions and local laws are entitled to more entitlements than sentenced prisoners.
- 2.3 Because of its increasing number of remand prisoners, Hakea is an extremely busy prison. There are high numbers of movements in and out of the prison and it must organise and facilitate large numbers of video-link court appearances and official visits and provide prisoners with access to legal resources. The broad conclusion of this inspection is that the prison goes about its business in these areas in a professional manner, and the pragmatism of Hakea staff in coping with increasing demand pressures is to be admired. However, a number of specific issues need to be addressed; in particular, there is a need for further investment in facilities, especially for video-link visits to courts and to improve access to lawyers and legal resources. It is also time for a sharper strategic focus on remand prisoners' entitlements across the whole system.

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12 The next highest remand numbers were at Casuarina Prison (66 prisoners or 10 per cent of its population); Roebourne Regional Prison (55 prisoners or 34 per cent of its population); Greenough Regional Prison (37 prisoners or 14 per cent of its population); Eastern Goldfields Regional Prison (24 prisoners or 24 per cent of its population); and Broome Regional Prison (20 prisoners or 15 per cent of its population): DCS, Weekly Offender Statistics (9 August 2012); see [http://www.correctiveservices.wa.gov.au/\\_files/about-us/statistics-publications/statistics/2012/cnt120809.pdf](http://www.correctiveservices.wa.gov.au/_files/about-us/statistics-publications/statistics/2012/cnt120809.pdf)

13 In addition to the work undertaken by the Inspector and his team, discussions were held with the Chief Justice, the Chief Magistrate, the Director of Public Prosecutions and a number of practising lawyers. The advice and insights of experienced barrister Hylton Quail are particularly acknowledged.

14 This point is so fundamental that it should not need to be stated. However, it is of concern that some very high-level Department documents seen by the Office use terms such as 'the number of offenders on remand'. People on remand are 'prisoners' but they are not 'offenders' unless they are proved to be such in a court of law.

#### Rapidly Increasing Remand Numbers

- 2.4 Western Australia's total prison population has increased markedly over the past four years. The most obvious and most commonly discussed reason was the sharp change in the practices of the Prisoners Review Board from March 2009 onwards. Prior to April 2009 there were fewer than 4,000 prisoners in the system, but in the second quarter of 2012 the figure had risen to close to 5,000. Over the same period, the number of people on parole declined by a similar number, dropping from over 1,400 to around 400.



*Figure 4: Transports awaiting pickups for morning court runs*

- 2.5 Given the apparent correlation between the decline in parole numbers and the increase in the Western Australian prison population, it would be tempting to conclude that the parole changes are the cause. However, while these changes certainly account for a substantial proportion of this increase, another important and less recognised change has also occurred with the increasing numbers of remand prisoners.

- 2.6 At the end of June 2009, there were around 725 remand prisoners across the state. They constituted approximately 16.5 per cent of the state's total prison population. While remand populations always fluctuate, for most of 2010 the numbers and percentages remained broadly similar. During 2011 and 2012, however, the number of people on remand climbed consistently, with a sharp rise at the beginning of 2012. Between February and August 2012, remand prisoner numbers rarely fell below 950 and peaked at 1,013 (20.4 per cent of the state's prison population) in mid-April.

	All remandees		Females	
	No.	% all prisoners	No.	% of female prisoners
6 August 2009	692	15.2	70	19.0
5 August 2010	765	16.2	71	17.4
4 August 2011	831	18.0	55	16.0
9 August 2012	976	19.8	92	21.6

Table 2: Remand Numbers in Western Australia 2009–2012

- 2.7 Remand prisoners therefore constitute a growing proportion of a growing prison population. Close to one in five prisoners is now on remand and remand numbers have grown by more than a third since 2009. Although female prisoners fall outside the scope of this report, it should be noted that the proportion of females on remand remains significantly higher than the proportion of males.
- 2.8 Without undertaking more-detailed research, it is not easy to fully understand what exactly is causing the rise. As noted above, fluctuations in remand populations are not unusual, but the consistent upward trend over the past three years and the sharp increase from early 2012 are of serious concern. During the past six to eight months, the Inspector has consulted with a number of judges, magistrates and practising lawyers on this subject. None were aware of the rapidity of the rise and none could identify specific reasons. Internal documents produced by the Department also struggle to pin down the reasons for the rapid increase in Western Australia's remand population. This is clearly an area where more-comprehensive analysis is required.

#### *Recommendation 1*

*The Department of Corrective Services and the Department of the Attorney General commission comprehensive research into the factors driving the recent upward trend in remand numbers and identify whether any changes in law, policy or practice are desirable.*

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### Legal Authority to Hold Prisoners: System Coordination

- 2.9 Prisons gain lawful authority to hold prisoners as a result of warrants issued by a court. In the case of sentenced prisoners, the *Sentencing Act 1995* requires the court to issue a ‘warrant of commitment’.<sup>15</sup> In the case of people who are remanded in custody, the *Criminal Procedure Act 2004* requires the court to issue a ‘remand warrant’.<sup>16</sup> In the absence of such warrants, the Department is at risk of a claim of unlawful imprisonment. Obviously, it is also important that all details on the warrants are accurate.
- 2.10 During this inspection it emerged that, on occasions, Hakea has not received the necessary warrants in a timely manner. The most common area of concern related to video-link court appearances facilitated by the prison. Video-link appearances are increasingly common and a significant number involve applications for bail. In cases where the court concludes that the person is to remain in custody, it should issue a new remand warrant and send it promptly to the prison to authorise his continued detention. It appears that this does not always happen. The reverse situation, where the court grants bail by video-link, can also be an issue. When people are granted bail as a result of appearing in court in person, they are entitled to walk out of the court as soon as they have signed the relevant papers and met any conditions. However, the prison requires the necessary papers from the court in order to progress a release and, again, examples were given where such papers had not been promptly provided by the court. Similar issues can arise if a person is sentenced by video-link to a non-custodial penalty, such as a fine or a community-based order. Hakea staff indicated that there are fewer problems in this area than in the case of remand warrants but they felt there was still room for improvement.
- 2.11 Issues of timely and accurate communication between courts and prisons are not limited to video-link appearances. There also appear to have been cases where in-person court appearances by prisoners have not been followed up with timely paperwork or where paperwork has been incomplete or unclear. In one case, in late 2009, a prisoner was held at Hakea for around 11 days following a court appearance because it was believed that he still faced some outstanding matters on which he had been previously remanded in custody. It transpired that all the outstanding matters had in fact been dealt with during that appearance and the prisoner should have been directly released from court rather than returned to Hakea.
- 2.12 Fortunately, cases of this magnitude are uncommon but it is of concern that Hakea staff still report so many concerns with respect to court appearance, both via video or in person. Significantly, too, these concerns related primarily to some of the regional courts and some satellite metropolitan courts and the same courts were consistently named by different staff.<sup>17</sup> Few issues were reported with respect to the Perth Magistrates Court.

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15 *Sentencing Act 1995* (WA) s 36.

16 *Criminal Procedure Act 2004* (WA) s 75(6) and (8).

17 The inspection team sighted correspondence in which staff had formally raised their various concerns.

- 2.13 It seems clear not only that there is scope for improvement in a number of areas of prison–court liaison, but also that this needs strategic direction and initiatives not just local effort. With a view to prompting consideration, the Inspector canvassed these issues during his exit debrief at Hakea on 6 June 2012 and also at a Magistrates Conference on 25 May 2012. Given that the issues are not encountered at all courts, they should be capable of resolution through improved processes and agreed protocols. There is also undoubtedly an opportunity to examine the scope for modernising communications through improved use of email and scanned documents in preference to the facsimile machine. The current level of facsimile use in prisons seems unnecessarily inefficient and outmoded. It also seems to offer no greater level of security than a good email system.
- 2.14 In late 2010, a draft ‘Best Practice Protocol’ between Hakea and the Perth Magistrates Court was developed by Hakea staff (Department of Corrective Services) and court staff (Department of the Attorney General). The protocol had two primary aims: the provision of practical guidance to court and prison staff, and the development of improved processes for identifying and resolving any other issues that may arise. Given the fewer issues reported with respect to the Perth Magistrates Court the Draft Protocol appears to have had a positive impact, however it is unclear why this protocol was never formalised. It provides a sound working base and, subject to any fine-tuning thought necessary, provides a template for all courts and all prisons.

#### *Recommendation 2*

*The Department of Corrective Services work with the courts and the Department of the Attorney General to develop agreed protocols and procedures to ensure accurate legal documentation, timely communication (including the use of more efficient modern communication tools) and improved liaison channels.*

#### Managing Court Appearances

- 2.15 Video-links form an increasingly important component of the state’s justice system. They represent financial savings through reduced transport and court custody costs. The majority of prisoners prefer for routine court proceedings to be facilitated by video to avoid the inconvenience and search processes that are involved in being transported to court. Whilst it is still unusual for complex matters to be heard by video, there may be exceptional cases where this is either desirable or necessary if justice is to be done. It is quite possible that this will in fact happen in one pending case.<sup>18</sup> If this does occur, one of Hakea’s video-links may be tied up with a single matter for some days or even weeks, creating additional pressures on already stretched resources. Taking all these factors into account, it is in the interests of all parties that the state makes sufficient investment in the infrastructure necessary to support and expand video-link services.

18 In *State of Western Australia v Mack* [2011] WASC 127, McKechnie J concluded that the accused was fit to stand trial; that the trial should be by judge alone; and that the trial should be conducted by video. The latter decision was made because the accused’s mental condition made it possible for him to communicate ‘remotely’ whereas he appeared unable to communicate in a courtroom setting. To date, no trial has occurred in this case. Some Hakea staff expressed concern that the Supreme Court’s decision would set a precedent for video-link trials to become more common, but it must be understood that the case involved some very specific considerations.

- 2.16 The success of Hakea’s court video-link is testament to the ability of committed and pragmatic staff to manage around infrastructure deficiencies and stretched human resources. However, there are limits to the extent to which they can reasonably be expected to do this. The video-link facility produces significant cost savings to the state but there are risks to staff and the conditions for prisoners awaiting a hearing would not be tolerated in a real court setting.
- 2.17 Unless they need to be separated for safety or security reasons, prisoners awaiting a video-link hearing at Hakea are held in two adjoining caged areas, one of which may be used for smoking. The two cages frequently hold many more prisoners than their appropriate safe capacity. On two days each week, there are up to 50 prisoners held in the two cages and, on average, there are 33 each day. Compounding the potential risks of holding so many prisoners in small confined areas, staff have limited capacity to supervise and monitor them. There are no cameras, just a mirror in the non-smoking cage, and staff are constantly attending to multiple other tasks, all of which are essential to the safe and efficient operation of video links. Both staff and prisoners are at risk of passive smoking as smoke from the second cage drifts around the immediate area. There is also limited capacity to separate prisoners due to a shortage of space and alternative waiting areas.



*Figure 5: Outdoor caged holding area for smokers at the video-link facility*

2.18 Improvements to facilities are urgently needed to cope with current and projected demand.

*Recommendation 3*

*The Department of Corrective Services, with input and support from the Department of the Attorney General, judicial officers and the legal profession, develop improved facilities at Hakea Prison for video links to courts, including more video link facilities, adequate waiting areas, more options for the separation of prisoners, and improved safety, security and supervision.*

2.19 Hakea staff raised a number of concerns with respect to the demands for court transports and aspects of the services provided by successive private contractors under the Court Security and Custodial Services contracts. Serco took on new contractual arrangements when the previous providers, G4S, ceased to provide the service at the end of July 2011. At the time of this inspection in May 2012, the new contract had therefore been operational for around nine months. Staff concerns related primarily to the alleged number of late arrivals at the courts and late returns to Hakea, but there were also comments that communication between Serco and Hakea was poor and claims that the problems had become worse. It was beyond the scope of this inspection to evaluate the extent of these problems including whether services are being delivered in accordance with the contract, or whether there has in fact been any decline in service provision. These and other issues relating to the transport of persons in custody will be the subject of separate analysis and reporting undertaken by this Office.

**Access to Lawyers, Legal Documentation and Legal Resources**

2.20 Experienced lawyers consulted before and during the inspection commented favourably on the way they are treated on arrival at Hakea for official visits. They reported that staff working at the front gate are more professional, more efficient and more customer-focused than they were a number of years ago. They also commented favourably on the physical facilities available for consultations and on the professionalism and efficiency of the staff who manage the official visits area. At the same time, many commented on the sharp contrast between Hakea and the poor conditions and facilities at Bandyup.<sup>19</sup>

2.21 However, many prisoners and lawyers expressed concern with respect to the confidentiality of both telephone calls and the more recently introduced option of consultations by Skype. Some of the confusion may arise from the fact that prisoners use the same phones for personal calls as for official calls, and the phone system includes an automated message to the effect that calls may be recorded. Privacy, confidentiality and the ability to communicate effectively by phone are also compromised in many units because the phones are centrally located in busy passageways. However, official calls to designated numbers such as lawyers and the Ombudsman are not recorded. The inspection team was also assured that the audio feed of Skype contacts is not monitored or recorded (although the visual feed can be monitored).

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<sup>19</sup> See OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 73 (August 2011).



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- 2.22 Electronically based information and resources are no longer just an ‘opportunity’ for efficiencies in modern legal practice and in the courts. They are a necessity if justice is to be done and if prisoners are to be able to prepare their cases and to comply with the obligations with respect to disclosure. It is obvious that laptop computers, USB drives and the like generate significant potential security risks. However, it is also obvious that prisons cannot sit apart from modern technology. If they are to service the needs of prisoners and key stakeholders in the years ahead prisons must examine ways to manage these risks.
- 2.23 The same point was elegantly made by Justice McKechnie in the Supreme Court in a recent case where a Hakea prisoner accused of murder applied for bail. In murder cases, bail can only be granted where there are exceptional reasons. One of the grounds of the prisoner’s application related to computer access. The prison was obviously making every effort within its limited resources to meet the prisoner’s requests to have a laptop computer to view 104 compact discs of material, but seemed to have problems sourcing a computer which was adequate and fully functional. Justice McKechnie commented:

*The accused is entitled to look at this material and give instructions on it. His lawyers are entitled to refer it to him for specific instruction or comment...The accused is an unconvicted person detained in custody. He is not a sentenced prisoner. It is the State’s obligation to afford him a fair trial. This is an obligation that falls on all departments of the State, including the police, the DPP and custodial services...As in this case, disclosure under the Criminal Procedure Act is by provision of CDs, DVDs or other forms of electronic data. It is a right not a privilege for an unconvicted person in custody to have access to a computer with CD/DVD facility in order to prepare their defence. They simply cannot properly prepare a defence if all they can do is stare forlornly at a CD in its case. Policy Directive 2 appears to recognise the right of an unconvicted person to general access to a computer for legal purposes, subject only to security issues in which case access may need to be managed although not withdrawn (emphasis added).<sup>20</sup>*

- 2.24 What was interesting about this case, of course, was that the prison was making very special, individualised provision for this particular prisoner. Despite Justice McKechnie’s comments about the rights of unconvicted prisoners, this is far from common practice. Interestingly, in another complex high profile case of alleged murder, the court did grant bail, one of the exceptional reasons being that the accused would simply not otherwise be able to prepare his case adequately.<sup>21</sup>

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20 *Mansell v State of Western Australia* [2011] WASC 170, [21]–[25]. The court declined to grant bail because it took the view that provided adequate access to a computer was arranged, there were no sufficient exceptional reasons, and also because there was a risk that the accused would flee the state.

21 In *Rayney v State of Western Australia* [2011] WASC 3, Anderson AUJ stated, ‘because of the nature, size and complexity of the prosecution case, the applicant will need to work more extensively than usual with his lawyers in order to properly and effectively instruct them in the preparation of his defence. I consider that, if he is kept in custody pending his trial, the degree of difficulty likely to be encountered by the applicant and his lawyers in dealing with the mountain of evidence that is said to have been collected in this case, and in generally getting ready for this particular trial, will be beyond mere inconvenience and could seriously hamper the full and timely preparation of the defence’.

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- 2.25 Members of the legal profession voiced a number of frustrations at the current situation with respect to the restrictions on technology, and also identified other opportunities for change. These included the routine (as opposed to exceptional) provision of electronic briefs and other key material to prisoners and allowing lawyers to take laptop computers into the official visits section prison to aid in discussions with their clients, including examining documents, search warrants, recorded interviews and the like. The lawyers consulted for this inspection also commented that confusion arises from different prisons having different practices in some areas.
- 2.26 Successive reports by this Office have also pointed to the poverty of legal resources available at Hakea, despite it being the state's primary remand prison.<sup>22</sup> The legal resources more generally available to prisoners have improved since 2009 but progress has been hesitant and there is considerable scope for further improvement. The relatively recent recruitment on a contract basis of a librarian with legal librarianship qualifications presents an excellent opportunity for improvement and innovation, but she must be provided with the time and resources necessary to achieve substantive change.<sup>23</sup>
- 2.27 The selection of paper-based legal resources in the Hakea library (such as legislation, law reports and guides to particular areas of law) is very poor: incomplete, out of date, lacking logic and not reflective of need. There appears scope for irrelevant and out of date material to be culled. The librarian has made copies of a number of key documents, such as major legislation, and makes these available for prisoners upon request. Given the current limitations of electronic access some additional hard copy materials should be provided.
- 2.28 Clearly, electronic materials are far easier and cheaper to obtain, maintain, update, store and access than paper copies and given that so many materials are now available electronically, the primary focus should be on improving paperless access. Good electronic resources should be available at every prison to allow access to primary sources such as legislation and case law; important legal forms and procedures; and accurate up to date guides to key areas of law, including criminal law and family law.
- 2.29 In terms of electronic access to primary sources of law, Hakea now has the TimeBase system<sup>24</sup> which is also being progressively rolled out to other sites. TimeBase allows access to Australian legislation and to short summaries of cases which are identified as relating to the subject at hand. It also has a search function. TimeBase is a valuable tool, and some initial problems relating to access appear now to have been resolved,<sup>25</sup> but it does not provide access to the full text of cases. Currently the processes for prisoners to access copies of cases are unnecessarily cumbersome and costly. If a prisoner believes that a precedent may be

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22 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 12 (March 2002); OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007); OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010).

23 At the time of the inspection, the Office was informed by staff at Hakea that the Department has been undertaking a review of legal resources. However, the Department provided no information to the Office about this review and staff at the prison knew very little about its scope, content and timeframe.

24 [www.timebase.com.au](http://www.timebase.com.au)

25 During 2010 and 2011, the Inspector raised his concerns on a number of occasions and with a number of parties with respect to the slow pace of improvement and departmental complacency in response to questions raised through the Office.

relevant to his own case, he first makes a request for a copy of the case to his unit manager. If the unit manager approves, the librarian will action the request as best she can. In practice, this means that she will undertake the necessary web-based research herself and then print a copy of the case and provide it to the prisoner. This is inefficient, costly in terms of printing, and causes the librarian to spend time on mundane unproductive tasks when there are many more useful and productive ways for her to use her expertise.

- 2.30 There is also poor access to resources such as user-friendly guides to key areas of the law. Many prisoners experience issues relating to family law and civil law generally, as well as to criminal law. There is undoubtedly scope at all prisons for guides, such as those produced by Legal Aid Western Australia, to be prominently available, both in paper form and as primary folders on the library computers. Unfortunately, a search of the library for accessible material on issues such as parole laws, restraining orders and powers of attorney proved unhelpful. Like the paper resources, the most immediately accessible folders on the computer desktops were generally out of date, of limited practical use, and sometimes irrelevant. For example, the materials on parole were poorly organised and contained generalised references to international human rights conventions, an eclectic mix of cases from other jurisdictions and little of direct value for Western Australian prisoners.
- 2.31 Overall, there is a good deal of scope for the Department to engage more effectively and proactively with the courts and with lawyers to assess the current rules and restrictions and to explore opportunities for change. Smarter use of technology is not only the best option for the future, it is the only realistic option. Properly used, the security risks should be capable of being managed and there are potential efficiencies and cost savings for the system as a whole. The aim should be to promote community standards as far as this is feasible in a prison setting, especially as people being held on remand are innocent until proved guilty. In the community, people now have very ready electronic and internet access to legal resources and materials. Systems and processes in the state's prisons fall well short and need to be improved.
- 2.32 The issues raised in this section of the report relating to access to lawyers, legal documents and legal resources, are absolutely fundamental. Although no specific recommendation is made at this point of the report, these findings and comments should form integral elements of the strategic and systemic review recommended below. They are also related to the comments made later in the report with respect to the use of and access to technology more generally.<sup>26</sup>

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26 See [3.48]–[3.56].

## Management and Planning for the Remand Population

### Key Principles

- 2.33 National and international standards, as well as local rules and policies, set down some generally accepted principles relating to remand prisoners. All of these point to the conclusion that the treatment of remand prisoners should be qualitatively different from the treatment of sentenced prisoners.
- 2.34 The Standard Guidelines for Corrections in Australia to which all states and territories are signatories, incorporate the following instructions:<sup>27</sup>
- The treatment of remanded persons should not be any less favourable than that of sentenced prisoners.
  - Those remand prisoners with legal matters pending must be able to communicate with their legal representatives and have access to legal library resources.
- 2.35 Similarly, the Inspectorate's Code of Inspection Standards states that remand prisoners are entitled to:
- the presumption of innocence and to a regime that reflects this;
  - assistance with court preparation; and
  - assistance with meeting any bail conditions that may have been set.
- 2.36 The *Prisons Act 1981* simply states that remand prisoners are to be treated in the same manner as sentenced prisoners except in so far as regulations provide otherwise. Part VI of the *Prisons Regulations 1982* provides that remand prisoners:
- are not required to work but may request to do so (regulation 43);
  - are entitled to daily visits (regulation 56);
  - should be separated, as far as practicable and where the interests of security permit, from sentenced prisoners (regulation 57); and
  - should have the opportunity to wear their own clothing, subject to the interests of prison security (regulation 60).
- 2.37 Despite these principles, the Department's philosophies with respect to remand prisoners are neither well-articulated nor well-developed.<sup>28</sup>

### Hakea 2009

- 2.38 The 2009 inspection of Hakea found that the core principles embodied in national and local laws and standards were not being met. In particular, the conditions at Hakea, exacerbated by overcrowding, meant that remand prisoners were experiencing less-favourable treatment than sentenced prisoners at many other prisons. There was no separation of sentenced from remand prisoners, and the entitlement to daily visits could not be met.<sup>29</sup>

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27 *Standard Guidelines for Corrections in Australia* (Revised 2004).

28 Searches for 'remand', 'unsentenced', 'unconvicted' and their variants on the Department's website ([www.correctiveservices.wa.gov.au](http://www.correctiveservices.wa.gov.au)) produced very few hits and none of them contained anything other than passing references or brief factual information relating to specific prisons.

29 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) Chapter 2.

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2.39 At the time of the 2009 inspection, almost half of Hakea’s prisoners were already sentenced. Most had been assessed for placement at another prison but were unable to move out of Hakea because of blockages created by changes to parole practices.<sup>30</sup> This fact, coupled with a focus on the special legal status of remand prisoners, led the Inspector to comment at the time: ‘it is no longer clear that the remand and the sentenced prisoner populations can be adequately managed together’.<sup>31</sup> The Inspector also noted that there was scope to expand the existing Hakea site onto adjoining unused prison-owned land. He suggested that this option, which did not then form part of departmental planning, should be explored. He also urged that if Hakea was to be expanded, attention should be given to meeting the needs of specific groups of prisoners, including remand prisoners and prisoners with mental health issues, not just to the provision of more generic beds.<sup>32</sup> Recommendation 1 of the report of the 2009 inspection reflected this: ‘a separate remand facility should be constructed in the metropolitan area to better meet the specific needs of the remand population in Western Australia. A range of options should be considered, including expansion at the Hakea site’.

#### Planning for the Remand Population: 2009 to 2012 and Beyond

- 2.40 During the course of the 2009 inspection in November 2009, it was announced that new accommodation units would be put into Casuarina, Albany and Greenough prisons to try and meet supply and demand pressures across the prison system.<sup>33</sup> By February 2010, plans had changed to the extent that it had been decided that the land identified at Hakea would replace the Greenough option.<sup>34</sup> In its March 2009 response to the draft report, the Department supported Recommendation 1 in principle. It appeared from the terms of that response and from other comments at the time that the new units were likely to be dedicated to better meeting the needs of remand prisoners or, possibly, of people with mental health needs
- 2.41 Even though there was pressure to provide ‘beds’, there was, at that time, a real opportunity to design and plan the units accordingly, with a focus on providing the technological infrastructure and other resources that would have met many of the concerns identified in the 2009 report and again in this 2012 report. Unfortunately, this did not happen. Instead, the Department flirted with a number of options and the role of the new units is now far from clear.<sup>35</sup> This is an opportunity lost.

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30 See Chapter 1.

31 Professor Neil Morgan, Inspector, *Exit Debrief – Hakea Prison* (6 November 2009).

32 Ibid.

33 Hon C Porter MLA, Attorney General and Minister for Corrective Services, *Further 640 beds announced for prison system*, media statement (1 November 2009).

34 Hon C Porter MLA, Attorney General and Minister for Corrective Services, *Metropolitan and regional prisons get new accommodation units*, media statement (5 February 2010).

35 See Chapter 3, ‘The New Accommodation Units’ for further discussion of this issue.

- 2.42 Given that Hakea’s population is now three-quarters remand and only one-quarter sentenced, and given that sentenced prisoners are moving onto their intended destination prisons more quickly than in 2009, the issues of segregation of sentenced and remand prisoners are now less acute. It can be also argued that, provided sentenced prisoners continue to move to their intended destinations within a relatively short time, it is better not to have a rigid separation policy. Prisoners may become settled in a particular unit and may be better staying there for a period after sentence rather than being moved.



*Figure 6: Cells in new units are endowed with a shower and toilet, but are double-bunked in a single cell space*

- 2.43 However, none of this detracts from the need for better strategic planning to meet the needs of a growing remand population in an increasingly technological age. As highlighted at the beginning of this chapter, unconvicted prisoners are not sentenced and the state has some very particular and very fundamental obligations towards them. The discussion above has shown that whilst Hakea and other prisons do what they can within stretched resources, there are significant shortfalls and there has been insufficient strategic planning and central support and direction.

*Recommendation 4*

*The Department of Corrective Services, in consultation with the Department of the Attorney General, judicial officers and other stakeholders:*

- (i) Develop policies which clearly articulate the legal entitlements and needs of remand prisoners;*
- (ii) Implement strategies and practices to give effect to those policies at all of the state’s prisons and detention centres; and*
- (iii) Ensure that the policies, strategies and practices which are adopted meet the obligations and legitimate expectations of modern legal practice and maximise the opportunities presented by modern technology.*

## RECEPTION

- 2.44 Hakea's reception centre is the busiest in the state with over 300 movements every month. This high level of movements is exacerbated by the emotional state of many of the prisoners who arrive at the prison directly from court or from a police lockup having been denied bail, some of whom may never have experienced incarceration before. This means not only that the prison must have processes in place to properly manage the high volume of receivals, it must also ensure those processes can appropriately identify and provide immediate support for vulnerable prisoners.
- 2.45 The 2009 inspection of Hakea found that the reception system was comprehensive and efficient, as well as generally respectful and alert to vulnerable prisoners.<sup>36</sup> The current inspection found that overall this continued to be the case.
- 2.46 All movements out of the prison each day are clearly displayed for officers in the 'control room' area of the reception centre and upon arrival in reception prisoners are allocated a holding cell according to their destination and status (eg, protection status). Efficient processes are also in place to ensure any property needs associated with prisoners' movement are met, such as clothes for court, medication for transfers and documentation.
- 2.47 Prisoners arriving at Hakea are also subject to an efficient system of processing, which includes screening for at-risk behaviours, although the inspection did identify some issues with the screening process itself.<sup>37</sup> Previous inspection reports had noted some concerns over the identification and monitoring of at-risk prisoners during the reception processes.<sup>38</sup> This inspection found these processes to be much improved with a number of different stages at which at-risk behaviours could be detected, either by prison officers or medical staff.
- 2.48 Risk assessments with respect to cell sharing are also conducted at reception. This involves checking for any previous or active alerts that may mean the prisoner needs to be in a single cell or not be doubled up with particular prisoners.<sup>39</sup> In February 2011 the Department also added processes for assessing the suitability of prisoners to be allocated upper bunks within the cells.
- 2.49 Staffing levels in the reception area appeared to be sufficient. The core reception staffing group is augmented during the week each day from 2.00 pm to 10.00 pm by the induction team. The core purpose of the induction team is to assist with processing newly remanded prisoners and to provide an after-hours service for those new receivals who arrive after the close of business. The primary consideration for this team is to ensure the immediate welfare needs of the new arrival are met. This is a good practice. A referral process was also in place so this team can pass on identified needs to other relevant service providers or staff in the prison.

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36 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 17.

37 See discussion in Chapter 6, 'Access'.

38 See: OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 17 and OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007).

39 DCS, *Policy Directive 77: Multiple Cell Occupancy – Risk Assessment*.

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### First Night Arrangements: Unit Seven

- 2.50 Newly arrived prisoners at Hakea who are not considered at risk or in need of segregation from mainstream prisoners<sup>40</sup> are placed in Unit Seven, referred to locally as the orientation unit. Prisoners remain in the unit until their orientation process is complete and all their immediate welfare needs have been addressed. There are peer support prisoners permanently accommodated in the unit to assist with the orientation of new prisoners.
- 2.51 This inspection found that the general living conditions in Unit Seven had improved since the 2009 inspection. At that time, the unanticipated levels of overcrowding had forced many newly arrived prisoners to sleep on the floor in doubled-up cells in the unit. The report of that inspection commented that Unit Seven was ‘one of the older units in the prison and does not provide a welcoming atmosphere’.<sup>41</sup> It also questioned whether the unit’s conditions provided a satisfactory environment for remandees who had not yet been convicted.<sup>42</sup>
- 2.52 The improved conditions in Unit Seven are mainly attributable to the installation of bunk beds. Although this Office opposes the double bunking of cells which were designed and intended for one person,<sup>43</sup> bunk beds are far preferable to finding newly arrived prisoners sleeping on mattresses on the floor with their heads next to a toilet. Indeed, as far as possible, prisoners spend their first few days in Unit Seven in single cells. This allows officers time for a more thorough assessment of the prisoner, and also allows prisoners to adjust to their confinement before being doubled up. This is good practice.
- 2.53 Unit Seven is located next to the orientation centre which accommodates the orientation officers and the Prisoner Support Officer (PSO) responsible for this and some other units. The use of Unit Seven as a ‘first night’ facility is therefore appropriate given its location. The unit, itself, however, is unappealing and unwelcoming. It opens onto a concrete courtyard which can be used for outdoor sporting activities such as tennis and basketball. Mostly, however, Unit Seven inmates were observed to be sitting in groups in this area, biding time until they were assigned to another unit, or otherwise left the unit, such as being released on bail.
- 2.54 There are a range of sources that specify good practice first night arrangements for people entering a prison system.<sup>44</sup> These sources have the following six ‘first night’ principles in common:
- A cell sharing risk assessment to be completed prior to allocating new arrivals to a cell;
  - Newly arrived prisoners are supported by well-trained staff;
  - The process of receiving new arrivals triggers the gathering and sharing of relevant information as appropriate;
  - New arrivals should be treated with decency and respect;

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40 These prisoners are placed either in the CCU or the protection unit, Unit Six.

41 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 19.

42 Ibid.

43 See Chapter 1.

44 OICS, *Code of Inspection Standards for Adult Custodial Services* (April 2007); Her Majesty’s Inspectorate of Prisons, *Expectations: Criteria for Assessing the Conditions in Prisons and the Treatment of Prisoners* (2004); UK Ministry of Justice, National Offender Management Service, *Early days in custody – Reception in, first night in custody and induction to custody* (December 2011).



- Health assessments should be conducted on arrival; and
- First night accommodation facilities should be clean, comfortable and provide a range of activities to keep people occupied.

2.55 Whilst the inspection found that practices with respect to first night prisoners at Hakea Prison broadly meet the first five of these principles, the last of these points is not being met. More satisfactory first night arrangements, driven by a researched best practice first night vision, are required.

#### Orientation

2.56 The orientation process for newly received prisoners at Hakea continues to be a positive aspect of prison operations. As noted in the 2009 inspection report, orientation is a discrete process at Hakea managed by dedicated orientation officers working out of a designated orientation unit.<sup>45</sup> Lists of new arrivals are created each day and the orientation process follows a thorough standard set of modules.

2.57 Modules incorporated into the process included a formal orientation interview, a guided tour of the facility, and referral to support services within the prison including Prisoner Support Officers, peer support prisoners and the prison counselling service. New prisoners are provided with a copy of the orientation booklet, which has recently been updated, and any other forms they may need (eg, the request form for telephone numbers to be entered onto the prison telephone system).

2.58 Hakea has a distinct process for picking up new young offenders – in other words, people between 18 and 21 years who have not spent more than 90 days in the adult prison system. The practices are Hakea-specific and are not directed by any formal departmental policy relating to new young offenders. Staff contact the juvenile facilities to obtain any relevant records, especially relating to behaviour and self-harm precedents. The orientation officer interviews all of these new young offenders. A second interview is conducted 21 days later to follow-up on how the young person has settled into prison life. The interview record forms are quality checked by a senior manager in the prison's administration team who follows up with the orientation officers and the Prisoner Support Officers if anything indicates that the young person is not settling into prison life or is experiencing challenges beyond what would be expected. This is a good risk management strategy.

#### ASSESSMENTS AND CASE MANAGEMENT

2.59 The assessments centre at Hakea is responsible for the initial assessment of all newly sentenced prisoners who are being held in the metropolitan area (including prisons other than Hakea) and those returning to custody on a parole breach. This includes prisoners who have already transferred to other prisons, but have received a further sentence. This amounts to 180–200 prisoners requiring an initial assessment every month. The centre also performs a range of other assessments (such as Management and Placement checklists on selected remandees) and reviews as required.

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45 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 18.

- 2.60 Departmental rules expect the assessment process to be completed within four weeks of sentencing.<sup>46</sup> The process requires decisions to be made about: the need for therapeutic programs, participation in education, and the future accommodation placement of the prisoner for the duration of their sentence. The majority of sentenced prisoners should only stay at Hakea long enough for this process to be completed before being transferred to another prison where more appropriate services can be provided.
- 2.61 The 2009 inspection found that the assessment system was under pressure with extra staff having to be engaged to keep up with the high number of newly sentenced and parole breaching prisoners. This was exacerbated by the lack of beds elsewhere in the system for sentenced prisoners, causing a bottleneck at Hakea.<sup>47</sup> The situation had changed markedly by the time of the current inspection. As discussed in Chapter 1, new units and increased double bunking at other facilities meant that sentenced prisoners were being quickly transferred from Hakea after the month-long assessment process was complete. Indeed, the assessments centre reported that there was pressure to hasten the process even more due to departmental contractual obligations to maintain an agreed population at Acacia Prison.
- 2.62 The assessments centre is also responsible for the case management of the small number of longer-term sentenced prisoners held at Hakea. As this does not constitute a significant number of prisoners, the number of contact reports required each month is relatively small. The centre maintains a number of uniformed unit staff trained to complete the required contact reports and there are good processes in place for tracking their completion.

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46 DCS, Adult Custodial Rule 18, *Assessment and Sentence Management of Prisoners* (April 2012).

47 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 5–6.

# Chapter 3

## INVESTMENT IN RESOURCES – PLANNING, STAFF AND THE BUILT ENVIRONMENT

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### HUMAN RESOURCES: STAFF, COMMUNICATION AND MANAGEMENT

3.1 The Office has found that the following features tend to characterise staff/management dynamics at the best-performing prisons:<sup>48</sup>

- clear sense of direction;
- strong, stable (and ideally substantive) management teams;
- consistent, proactive and appropriately supportive management;
- good communication and consultation (down and up); and
- change for improvement, not for change's sake.

In addition, whilst local management must be accountable and transparent to head office, they must also be empowered to manage without being hampered by excessive 'micro-management'.

3.2 This inspection, as with the previous three inspections, found Hakea to be struggling in a number of these key areas. Although they are certainly not unique to Hakea,<sup>49</sup> they have a particular depth, resonance and history there.

#### Values and Vision: Management and Leadership

##### Values

3.3 The inception of Hakea from the merging of two separate facilities (Canning Vale Maximum Security Prison and the C.W. Campbell Remand Centre) occurred more than 13 years ago, but the development of a unified culture and vision for the prison has proved difficult.

3.4 During briefings to the Inspector, the Superintendent spoke of the high importance of values in developing the right organisational culture. Other senior managers also focussed on vision, values and purpose as strong themes that could mobilise the workforce. However, Hakea management is aware that many staff either do not know or do not support or appreciate the values and vision that management has for the prison.

3.5 This Office fully endorses a strong focus on shared visions, values and purposes at Hakea, an approach we have promoted at other prisons. Although it is easier said than done, there needs to be more of a 'meeting of the minds' at Hakea. Management, with support from head office, certainly needs to lead in further articulating its vision and ensuring that staff reflect organisational values in their day-to-day duties. However, it is also essential that staff themselves reflect on practices and are integrally involved in the development of the vision and in developing and implementing the underpinning processes and practices. They should also be appropriately acknowledged and rewarded for doing so.

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48 For further discussion of these and other features of the best performing prisons, see OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 78 (June 2012) (iv)–(v).

49 See for example: OICS, *Report of an Announced Inspection of Wooroloo Prison Farm*, Report No. 80 (August 2012); *Report of an Announced Inspection of Broome Regional Prison*, Report No. 77 (March 2012); OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2012).

### Management

- 3.6 The inspection found mixed support among staff for Hakea senior management, ranging from solid support through to deeply personal criticism. Sometimes the criticism of management was individualised and sometimes it related to the whole management team (commonly and unpleasantly referred to as ‘the corridor’ after its location). A consistent theme, even among those who generally supported the management team, was the managers’ lack visibility. Some staff went much further and claimed that management lacked concern for their staff. When pressed, they based such claims on a lack of visibility of management and on a number of incidents where they perceived management to have given insufficient support.
- 3.7 Lack of confidence in management was also reflected in the pre-inspection staff survey. Compared with other prisons surveyed in the current inspection cycle, Hakea staff were considerably more negative about management. Thirty-six per cent of respondents stated that ‘clarity of direction’ from line managers was ‘poor’. This was significantly higher than the state average of 12 per cent. In respect of local management, 64 per cent of staff rated clarity of direction to be poor (state average 20 per cent), while 86 per cent rated clarity of direction from head office as poor (state average 36 per cent). Even taking account of the low response rate to the staff survey, these findings are of real concern, especially as the same sentiments were commonly expressed by staff during the on-site inspection period. For example, many staff expressed frustration that, in their view, promises made to improve head office communication at the end of the 2009 inspection had not eventuated.
- 3.8 The inspection team concluded that management at the prison is not sufficiently visible in the prison itself. However, lack of visibility is not the same as lack of care, and the values espoused to the Inspector by the Superintendent were not the views of someone who does not care. Unfortunately, however, in all workplaces – and prisons in particular – perception often counts as much as reality. At Hakea, there has been a general decline in communication and trust. This, in turn, has undermined morale and motivation.
- 3.9 From a local management perspective, the required focus on administrative corporate priorities leaves them with limited time to engage operationally with staff in the prison. However, in hierarchical organisations, such as prisons, there is an expectation of leadership by visible example and it is this type of engagement that builds and embeds the desired culture and vision. Recognising these issues the Superintendent has recently moved to restructure the management team with the intention of providing greater clarity regarding functional responsibilities, and facilitating closer engagement between managers and operational staff. The Office believes that in the long term, and with the right people selected, the revised structure should improve both clarity and accountability. Information received after the inspection period suggests some improvements may already be occurring but significant and awkward challenges remain.

### Communication

- 3.10 In a prison that is struggling to clearly define and embed its values and vision, and where relationships between staff and management have been eroded, there is a strong need for clear, regular and respectful means of communication. The processes for communication must encompass all categories of staff and must incorporate appropriate interaction and discussion.
- 3.11 The Hakea Prison Communication Plan 2012 sets out comprehensive requirements for meetings and other means of communication at the prison. However, the plan does not set out expectations for individual communications and is not linked to strategic considerations (such as integrating the required values of the workforce) in day-to-day interactions with each other and with prisoners.
- 3.12 Throughout the inspection, many examples of poor and/or inappropriate communication were relayed to members of the inspection team. It was suggested that poor communication was at the root of many conflicts between Hakea staff, as well as between staff and management. Clear expectations and guidelines can assist to avoid these conflicts and these should be included in the communication plan. Coaching the workforce in expected means of communication would also help to embed the values of the organisation and would have a practical benefit in reducing trigger points for conflict.
- 3.13 A number of information sharing meetings were observed during the inspection. While they covered routine matters it was observed that little interaction was expected or generated, and that they tended to be ‘one-way’ conversations with little depth or detail. Such brief meetings with strict agendas do not provide an opportunity to raise matters that may require greater consideration by management or other relevant staff, and there was a sense of disengagement by some staff.
- 3.14 While it is acknowledged that the recent restructure of the management team needs time to bed-in, the immediate urgency of improving the visibility of senior management and communications with staff cannot be overstated.

#### *Recommendation 5*

- (i) Improve senior management visibility in the prison; and*  
*(ii) Improve communication and engagement between head office and the prison and between all groups of local management and staff.*

### Conclusion: Developing a ‘Charter’ for Hakea

- 3.15 There was clear evidence that the Superintendent had been trying to develop a cultural change program under the banner of making staff ‘proud to be Hakea’. What was observed to be lacking, however, was the visibility of senior management around the prison; good communication; and sufficient support from some in the management team, the wider staff group and head office.

- 3.16 It is regrettable that the negativity surrounding these issues was obscuring many positive achievements and good work. It was encouraging, therefore, to receive reports since the inspection about efforts being made by management to increase visibility and staff engagement. These efforts must be sustained if they are to lead to substantive changes in the culture, values and performance of Hakea.
- 3.17 Part of sustaining this change should be the development of a charter for Hakea, drawing on the Department's strategic plan,<sup>50</sup> which should address:
- **Vision and Role** – articulating what it means, in line with the Department's primary vision, to 'make a positive difference' for those in custody at Hakea (with a particular focus on remandees, new arrivals, mental health, assessments etc), and setting measurable targets and expected outcomes.
  - **Culture and Values** – involving a reflection on personal as well as institutional practices and values, including the Department's vision of 'working together'.

The charter should also embed the new functional responsibilities model for the management team and ensure effective communication of this model across the whole prison. Given the need to draw on the practical experience of Hakea staff and to reduce the management/staff divide, the development of the charter should be a shared responsibility across all staff groups.

#### *Recommendation 6*

*Drawing on the Department's strategic plan and the expertise of Hakea management and staff:*

- (i) Develop a specific charter for the prison addressing its vision, roles, culture and values; and*
- (ii) Develop business plans and local procedures to embed the charter and provide appropriate change management programs and supports.*

### Staffing Issues

#### Overtime

- 3.18 Figures provided for the inspection indicated that in December 2011, Hakea had an approved staffing level of 377 full-time equivalent staff (FTE) based on an average prisoner population of 781.<sup>51</sup> In reality at that time there were 402 FTE, which was further supplemented by overtime to support an actual prisoner population level of only 805.<sup>52</sup>
- 3.19 Because of its diverse and fluctuating population, Hakea's staff requirements are complex and the exact number and mix of staff required at any one time is hard to predict. The existing staffing model provides little flexibility in this regard with approved staffing levels for the year being set on average prisoner numbers for the previous financial year. Regardless of fluctuations in the prisoner population, a minimum number of staff are required to operate the prison, and each of its services, each day. At the time of the inspection Hakea had identified 181 core custodial positions that were required to allow the prison to operate.

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50 DCS, *DCS Strategic Plan* (March 2012).

51 DCS, *Staffing Model* (22 December 2011). The FTE of 377 incorporates uniformed officers, vocational support officers and public service staff.

52 [http://www.correctiveservices.wa.gov.au/\\_files/about-us/statistics-publications/statistics/2011/cnt111201.pdf](http://www.correctiveservices.wa.gov.au/_files/about-us/statistics-publications/statistics/2011/cnt111201.pdf)

## INVESTMENT IN RESOURCES – PLANNING, STAFF AND THE BUILT ENVIRONMENT

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- 3.20 Despite the number of staff on its books Hakea generally did not have enough available staff (when leave, illness and other absences were taken into account) to fill the 181 core custodial position required, and so would call on officers not rostered-on to fill these positions. Records showed that overtime shifts were usually needed to staff 25 to 30 of these 181 positions each day.<sup>53</sup> In other words, the prison relies on contingency funding and the cooperation of the workforce for between 14 and 17 per cent of all shifts on a daily basis.
- 3.21 Reliance on overtime has become an embedded part of the staffing model at Hakea. In addition to the cost of the overtime staff, the resources required to organise the overtime shifts is significant. In effect it requires one clerk dedicated to arranging the staff and processing the associated paperwork. When organising the shifts, the clerk must take into account the amount of overtime individuals have already undertaken in that roster cycle. This is good practice in ensuring that the wellbeing of staff is not compromised by working excessive hours and reduces potential arrangements of workers using leave entitlements to allow others access to overtime shifts.



*Figure 7: The Inspector with custodial staff in an accommodation wing*

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53 For example, on 21 May 2012, 30 overtime shifts were worked: *Human Resources Overtime Sheet* (21 May 2012).

- 3.22 From an occupational health and safety perspective, it is known that prolonged individual exposure to overtime can lead to fatigue or burnout, as well as an over-reliance on the extra income.<sup>54</sup> Base grade prison officers at Hakea were earning between \$4,000 and \$14,500 more than the advertised pay rates for prison officers on shift work.<sup>55</sup> Anecdotally the Inspector was told some officers were earning around \$30,000 per year in overtime income. These represent organisational and welfare risks to the Department that need to be managed.

#### Managing Leave

- 3.23 As is standard in the public sector, uniformed officers are entitled to a number of personal leave days each year, a proportion of which require no medical evidence although granting of leave is contingent on being not well enough to work.<sup>56</sup> A sample of uniformed staff absences was examined during the inspection and in a few instances there were some concerning patterns of leave. In a small number there was a prima facie correlation between overtime shifts worked and personal leave taken. For example, in one case over an 18-week period, an officer worked 16 overtime shifts and took seven personal leave days, the majority of which immediately preceded or followed an overtime shift. It is reasonable to conclude that this officer was either feeling totally exhausted by the overtime (a significant health and welfare matter) or was inappropriately using personal leave.
- 3.24 The Superintendent had introduced an attendance review procedure with regular management meetings to inquire into unusual patterns of personal leave, which could lead to a limitation on access to overtime shifts for the staff member involved. Management reported it had improved work attendance for some staff, but was also viewed by some as a punishment. The Department is responsible for the health and safety of its staff and has a duty to uphold probity and integrity of its leave systems. For these reasons it is appropriate for an employer to inquire into the reasons behind patterns of absence. It is especially so if the reasons are due to exposure to excessive overtime. This must, however, be done in a supportive, sensitive way that offers staff health and welfare support. To do this properly centralised human resources management must be part of the design and management of such schemes. Hakea management demonstrated commitment to managing the issues raised by these patterns of leave.

#### Recruitment

- 3.25 Recruitment was at the heart of several interrelated challenges facing Hakea. While complex, many of these issues could have been resolved with appropriate human resources expertise.
- 3.26 The first issue relates to the significant number of staff who had been acting in positions over extended periods of time, particularly at a management level. Most of these arrangements were on a three-month appointment basis to cover short absences of the

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54 Van der Hulst M, *Long Work Hours and Health*, Scand J Work Environ Health 2003; 29(3):171–188  
A E Dembe, J B Erickson, R G Delbos, S M Banks, *The impact of overtime and long work hours on occupational injuries and illnesses: new evidence from the United States*, Occup Environ Med 2005; 62:588–597

55 DCS *Supplementary Information on Hakea Prison for OICS – June 2012 and DCS, Careers – Prison Officer* [accessed 17 August 2012] <http://www.correctiveservices.wa.gov.au/careers/opportunities/prison-officer.aspx>

56 On average, uniformed prison officers took four hours' personal leave per fortnight – DCS, *Supplementary Information on Hakea Prison for OICS – June 2012*.



substantive position holder. But many of these short acting appointments had been extended multiple times when the absence continued. This in turn affected the acting appointee's substantive position, which was also often required to be filled on an acting basis.

- 3.27 Since 2011, public sector agencies have been able to fill acting vacancies on a basis of more certainty, for example '12 months with the possibility of extension or permanency'.<sup>57</sup> This approach would attract good candidates, provide recognition to capable workers and eliminate the risk associated with having long-term acting appointments sourced from within the existing prison workforce.
- 3.28 Many staff voiced strong opinions about the process of appointment to some of the acting management roles. The Superintendent had used his management prerogative to fill short-term positions on the basis they would eventually be advertised for substantive appointment. While authority to do this exists, the reaction from staff was negative and could place the individuals appointed in this way in a difficult position. A more transparent process for the appointment of short-term acting positions, such as an internal expression of interest, could help to reduce such staff discord.
- 3.29 At the time of the inspection Hakea had a number of long-term vacancies it had not been able to fill. In particular, 10 vocational support officer positions and the occupational safety and health manager had proved hard to recruit and, as a result, productive prisoner employment industries in the prison (eg, concrete products<sup>58</sup>) had been forced to close. Management had become pessimistic about finding suitable candidates because of the lack of competitiveness in the terms and conditions of employment. The tightness of the Western Australian labour market certainly presents a challenge, but by introducing flexibility into the advertised positions and offering training and development it should be possible to attract applicants from outside the field of those normally expected to apply. To do so, however, requires enthusiastic and knowledgeable assistance from head office human resources.

### Conclusion

- 3.30 The common theme throughout these staffing challenges has been the absence of appropriate expertise within the prison, and a lack of support from head office human resources. It may be unrealistic to expect to build the capacity of the local human resources team to meet all situations but it would appear reasonable to expect head office human resources to engage with business units as a partner in order to provide solutions to workforce challenges. In respect of the issues discussed above, that expertise should have been engaged at an earlier stage. Arguably, this would have avoided criticism of the efforts to manage concerns about overtime abuse or to address recruitment problems. Furthermore, it would have helped Hakea to meet its critical business needs and developed local leadership capability.

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57 Commissioner's Instruction for Filling a Public Sector Vacancy – Public Sector Commission (WA) <http://www.publicsector.wa.gov.au/document/commissioners-instruction-filling-public-sector-vacancy> [accessed 15 June 2012].

58 A discussion of the concrete products can be found in Chapter 7.

### REACTIONARY PLANNING

- 3.31 As discussed in Chapters 1 and 2 and in other reports, there has been a massive recent investment in new beds but very limited system-wide planning to take account of the needs of specific groups of prisoners, including women, remandees, and people with a mental illness. The Department's view centrally has been, in essence, that they had little opportunity to plan more by reference to need given the crisis of prisoner numbers and a limited budget.<sup>59</sup> However, this inspection confirmed that there have been missed opportunities for more strategic planning, both centrally and at Hakea, an example being the new accommodation units.<sup>60</sup>
- 3.32 The inspection found that Hakea's key planning documents were mostly outdated and consequently missed opportunities to focus on contemporary strategic issues. In May 2012, Hakea was still operating according to a 2010–2011 annual business plan which relied upon data from the 2009–2010 financial year.<sup>61</sup> This meant that planning was proceeding on assumptions that were outdated and possibly irrelevant. For example, the 2010–2011 annual business plan envisaged a total prisoner population of around 750, not a fluctuating population that frequently exceeds 900 (even without the new units being operational) and rarely drops to 750.
- 3.33 Hakea's business plan also made minimal reference to the needs of specific prisoner groups, including Aboriginal people, young men, non-English speaking prisoners, remandees and people with a mental illness. Each group accounts for a significant proportion of the prisoner population and has particular needs that need to be met.
- 3.34 However, while the business plan was outdated, interviews with senior management revealed the plan was adapted as required, primarily to cope with rising prisoner numbers through overtime and staffing adjustments. This was not ideal and sacrificed a strategic view for a focus on day-to-day transactional management. It certainly does not help the efforts of senior management in developing a vision and values for the prison or for the Department as a whole.
- 3.35 There were also examples of missed opportunities due to a lack of knowledge regarding finance and procurement rules. The inspection team found machines in industries and the kitchens were wearing out and needed replacement with larger capacity equipment to accommodate the rising population.<sup>62</sup> Planning for such purchases requires financial and procurement expertise at an early stage, along with coordination between prison management and head office business units.
- 3.36 There is obviously a long way to go in terms of engaging the workforce, marshalling expertise and influencing key stakeholders, but implementation of the recommendation for a new charter for Hakea, linked to the Department's recently published strategic plan, would provide a firmer basis for more proactive and focused management at Hakea in the coming years.

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59 This view was expressed by the Commissioner for Corrective Services at the exit debrief to this inspection on 6 June 2012.

60 See [3.37]–[3.41].

61 DCS, *Hakea Prison Annual Business Plan 2010–2011* (August 2010) 7.

62 Interview with kitchens supervisor (28 May 2012).

### NEW ACCOMMODATION UNITS: LOST OPPORTUNITIES

3.37 When the last inspection of Hakea was conducted in October 2009, the construction of new accommodation at the prison was not on the Department’s agenda. At that time the state government had announced that new adult prison accommodation would be created at Albany Regional Prison, Casuarina Prison and Greenough Regional Prison. As noted earlier, at the exit debrief for the 2009 inspection the Inspector urged that the available land adjacent to the prison made Hakea a good candidate for expansion, particularly to provide special-use beds targeting the specific prisoner cohorts of remandees and those with mental health issues.



*Figure 8: The design of the new units afforded good amenity and excellent sight lines*

3.38 In the months following the inspection, it appeared that this would happen. Greenough was removed from the building program, and Hakea replaced it as a site for additional accommodation. However, despite hints that the new units would be targeted at remandees or mental health needs, the building program became nothing more than a generic accommodation unit. There was no clear planning for the best use of the additional beds or for any specific design needs or additional infrastructure for the target population. In the two-and-a-half years from initiation to completion of the new units the intended use of the new accommodation changed regularly. At one point, accommodating women at Hakea was even floated as a potential option.

- 3.39 In terms of design, the new units at Hakea, Albany and Casuarina prisons represented one of the first opportunities for the Department to build units with purpose-built doubled-up cells that would meet international guidelines for shared prisoner accommodation and respect the dignity and rights of prisoners. This has been another opportunity lost. While it might be claimed that the cells are designed for double occupancy, all that has really occurred is that two beds have been placed in the cell from the outset. There are significant issues with safe access to upper bunks and in respect of privacy for the toilet and shower.
- 3.40 At the time of the inspection, one of the two new units had been accommodating prisoners for a number of weeks, but the second unit remained closed due to a number of staff concerns about safety and the readiness of the new units. The unit which was in operation was, in essence, simply providing additional beds and appeared rather directionless. To the extent that it offered anything different, it simply provided a somewhat ‘enhanced’ living environment with a ‘no tolerance’ policy. This is another lost opportunity. To repay public investment, the longer-term goal should be a more sharply focused and positive regime which better targets specific needs.
- 3.41 At the time of writing in late August 2012, even the unit which had opened had been closed as a result of security and safety concerns.

*Recommendation 7*

*Open Units 11 and 12 as soon as possible. Articulate the role of these units in better meeting the needs and challenges posed by Hakea’s diverse prisoner group, and develop the regimes for each unit accordingly.*

#### SUPPORTING INFRASTRUCTURE

- 3.42 While Hakea Prison only came into being in 2001, it was created by the amalgamation of two existing facilities, (Canning Vale Maximum Security Prison and the C.W. Campbell Remand Centre), much of whose infrastructure dated back to the early 1980s when these two facilities were commissioned.
- 3.43 Since Hakea’s creation the demand on its facilities has increased and even though double bunking has been introduced across much of the site to accommodate the rising population, the ancillary support systems have largely been ignored. This is particularly the case for those areas which cater for prisoners’ involvement in constructive activity. For example, while the prison’s original workshops and gymnasium were designed to service 300 prisoners they must now service up to 900 with little or no expansion.

3.44 In 2009 the Department prepared a business case to government seeking just under \$47 million for required upgrades including:

- a new purpose built 60-bed management unit,
- an extension to the existing visits centre,
- a multi-function prisoner recreation and cultural facility,
- a kitchen upgrade, and
- an extension to the prison's existing administration centre.

The business case was not progressed as the Department was asked to develop a more cohesive plan in regards to the overall strategic direction of its infrastructure. During the development of this Strategic Asset Plan (which, it is understood, is nearing completion) the Department has not been able to attract significant new funding. Consequently, for the 2013–2014 financial year only \$2.513 million has been provided for *all* adult prisons for building, infrastructure and maintenance. A further \$4.185 million is also available for additional prisoner accommodation, infrastructure, and systems upgrade and replacement programs.<sup>63</sup> The Department also has \$3 million in discretionary funding of which Hakea has been allocated \$2 million for the 2012–2013 financial year for the construction and fit-out of a new legal services area, (including improved court video facilities) as well as a new library.

#### MAINTENANCE

3.45 The Department's Strategic Assets Branch operates Hakea's maintenance budget (including major upgrades and capital projects and also the local prison maintenance budget). The local maintenance budget was reactive in nature rather than based on a scheduled maintenance program.

3.46 Much of the minor enhancement to Hakea's physical infrastructure has been undertaken by the Vocational Support Officers whose core function is to oversee and teach prisoners in various work locations throughout the prison. Despite the age of the prison and the limited budget available, they have been able to undertake a number of very significant minor works to improve conditions. These have included:

- building kennels for a dog rehabilitation program;
- erecting 14 smoking shelters;
- building a shelter for the prison ambulance;
- fixing the floors in half of Unit Eight;
- constructing a new access way to the oval; and
- expanding the waiting room and smokers' cell for the video link facility.<sup>64</sup>

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63 Government of Western Australia, *WA State Budget Paper 2012–2013*, 786.

64 The inspection team was told that the prison was quoted \$28,000 for this job but the officers completed it for only \$4,000. As discussed in Chapter 2, the video links area remains unsatisfactory despite these efforts.

- 3.47 The current Western Australian employment prospects for people with construction and building maintenance skills are strong and it is a wasted opportunity not to institute a structured training program, even in a remand prison. A discussion of current traineeship opportunities can be found in Chapter 7.



Figure 9: The new access way to the oval from Units 1–5

#### USE AND ACCESS TO TECHNOLOGY

- 3.48 Within prisons in Western Australia there has been a general lack of investment in technology in an increasingly technological world. The extremely limited access to various forms of technology hinders the Department's ability to deliver contemporary services and negatively impacts on prisoners, staff and management. It places Western Australia significantly behind best practice internationally<sup>65</sup> as well as a number of Australian jurisdictions<sup>66</sup> that have risen to the challenge of balancing security imperatives with the necessity of access to technology.

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65 See: Ings C & Joslin J, 'Correctional Service of Canada Prison Libraries from 1980 to 2010' (2011) 59(3) *Library Trends*, 386–408; Jewkes Y & Johnston H, 'Cavemen in an Era of Speed-of-Light Technology': Historical and Contemporary Perspectives on Communication within Prisons' (2009) 48(2) *The Howard Journal*, 132–143; Bowe C, 'Recent Trends in UK Prison Libraries' (2011) 59(3) *Library Trends*, 427, 445; Prange L, *Computers Behind Bars: Information Technology in Canadian Prison Libraries* (Independent Study, Faculty of Information and Media Studies, The University of Western Ontario, 2001); Dahle B & Breivik P, 'Internet for Prisoners in Norway' (2010) 1 *Inside Time the National Newspaper for Prisoners*; and *Justice Action Report: Computers in Cells: Maintaining Community Ties and Reducing Recidivism*, <http://justiceaction.org.au/cms/images/stories/CmpgnPDFs/computersincells.pdf>

66 See: Corrections Victoria Website 'Personal Computers in Prisons' [www.justice.vic.gov.au/home/prisons/prisoners/property/justice+personal+computer](http://www.justice.vic.gov.au/home/prisons/prisoners/property/justice+personal+computer) [accessed 1 June 2012]

- 3.49 The inspection found that an under-investment in technology meant that uniformed staff at Hakea did not have access to adequate numbers of computer terminals to complete required paperwork, and that existing systems were often slow to respond to staff.
- 3.50 Following a number of incidents involving prisoners accessing unauthorised material and programs on their personal computers, the Department decided in June 2010 to remove all personal computers from prisoners.<sup>67</sup> This had a number of adverse flow-on effects for prisoners in education, those endeavouring to manage their defence or other legal matters and also for communication and recreation. A number of these issues are discussed in more detail in Chapter 2 and Chapter 7 of this report.
- 3.51 While the removal policy has primarily affected the prisoners, staff (both uniformed and civilian) who manage and deliver services to prisoners have also suffered negative impacts on their capacity to do their work. Prisoners' inability to access computers means that teachers must spend hours finding and printing materials for students. This is not only time-consuming for teachers, but also expensive for the prison.<sup>68</sup>
- 3.52 When the Inspector has previously challenged the removal of computers from prisoners and asked about the introduction of better access to technology, the constant response has been that it represents a security risk. Other jurisdictions appear to effectively manage this risk and Western Australian prisons may need to seek the expertise to enable them to do the same.
- 3.53 Internationally, personal computer use in prisons has received significant attention in the last ten years. While there is still debate in many international jurisdictions regarding the specific limits connected to personal computer and/or internet use; the general consensus highlights a significant increase in access to personal computers in prisons.<sup>69</sup>
- 3.54 The literature makes clear that most jurisdictions consider personal computer/internet use necessary based on a number of key factors. These include; computer use for prisoners' reintegration, legal and educational needs and the efficiency of email communication. The literature also highlights that in jurisdictions that allow personal computer/internet use hacking issues have been successfully navigated and prison security successfully achieved. In some jurisdictions access to internet sites and email directly correlate with security rating.
- 3.55 On a national level, Victorian prisons allow personal computers as does the Alexander Maconochie Centre in the ACT. The Victorian policy is formulated on the same rationale highlighted in the international literature; prisoners' legal, education and reintegration needs. In Victorian prisons the prisoner pays for the computer themselves and restrictions are placed on the type of computers, the hardware, software and games that can be purchased.

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67 DCS (2010), *Policy Directive 2: Use of Computers by Prisoners* (25 June 2010).

68 The impact of restricted prisoner access to technology in respect of preparation for legal defence and court appearances is discussed in detail in Chapter 2.

69 See footnote 68 above.

INVESTMENT IN RESOURCES – PLANNING, STAFF AND THE  
BUILT ENVIRONMENT

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- 3.56 The issue of computer access is of system-wide importance but has a particular resonance at Hakea with its preponderance of remand prisoners and the need to investigate more flexible but secure options with respect to electronic communications and resources.

*Recommendation 8*

*Remove the blanket ban on personal computers and develop a policy that, taking into account security concerns and best practice, provides access in accordance with prisoners' reintegration, legal and educational needs.*



# Chapter 4

## SECURITY AND SAFETY<sup>70</sup>

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### SECURITY

#### Prison Perimeter and Entry

- 4.1 Hakea's physical security consists of the standard technological and physical barriers found at maximum-security prisons throughout Western Australia. This inspection found that the prison wall was sound and a range of alarms complemented the integrity of the perimeter, both inside and outside the wall. The sterile ('no-go') areas were generally well maintained and subject to twice-daily patrols to test the integrity of the alarm systems. During testing, the prison's control room monitors the patrol to identify any potential alarm failures.
- 4.2 Most of the property fence line had appropriate signs identifying the site as a restricted area; however, the area adjacent to the new accommodation units (11 and 12) had yet to be signposted. The inspection also found two signs on the fence line bordering the adjacent housing estate that had become partially detached. There was also no signage advising of the conditions of entry posted at the main prison entrance (off Nicholson Road). A suitable sign, explaining the conditions of entry, should be visible and would contribute to the prison's contraband deterrent strategy.

#### External Perimeter Patrolling

- 4.3 The Department's Emergency Support Group (ESG), a specialised team of officers who provide support in emergency situations at all prisons and juvenile detention centres across the state, is located at Hakea Prison. One of the ESG's current tasks is to provide armed vehicle patrols around Hakea's perimeter on a 24-hour basis. The inspection team accompanied the ESG on a night patrol and assessed the service as fulfilling its role well.
- 4.4 The ESG identified two main concerns relating to its perimeter patrol functions. For security reasons, these matters are not detailed in this report, but have been provided to the Department in a confidential briefing. It should be noted, however, that at present neither issue presents a high risk to the prison.

#### Gatehouse

- 4.5 As a remand facility, Hakea Prison facilitates a large number of daily movements through its gatehouse. In addition to the regular movements experienced by a maximum-security prison, a remand prison must facilitate remandees' daily visits entitlements and regular meetings with legal representatives as well as the high number of prisoners required to move to and from court appearances. The gatehouse at Hakea is the sole point of access in and out of the prison and must therefore facilitate all of these movements. As such, it is the most likely route of trafficking contraband.

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70 The Inspector would like to acknowledge the contribution of Andrew Bogle, Senior Investigations and Review Officer, Office of Correctional Service Review, Department of Justice, Victoria as an expert inspector with (security) during this inspection.



*Figure 10: Hakea gatehouse from the inside*

- 4.6 Hakea’s gatehouse consists of two pedestrian access points – one being primarily for staff and contractor entry and the other for prisoners’ visitors – and a vehicle sally port. Both pedestrian access points utilise ‘walk-through’ metal detectors.
- 4.7 In addition to the metal detector, the access point for staff and contractors contains an x-ray machine to assist with the inspection of bags. All staff and contractors are required to pass themselves and their belongings through the monitoring devices. In observing this entry process, the inspection team identified some concerns about the level of rigor of the searches. Many instances were observed where an alarm was triggered by people passing through this metal detector, but none were challenged as to what item, or items, may have been the cause.
- 4.8 It was also noted that the capacity of staff to properly oversight the x-ray screen was often hampered by the volume of people entering within a short timeframe. This was particularly observed during the entry of uniformed staff at the beginning of the early shifts. The x-ray screen was unmanned on several occasions and although there was a second screen situated in the key room, the officer responsible for this area was often busy with his own duties and not monitoring the screen.
- 4.9 These practices present a risk to the prison. The introduction of unauthorised items, or contraband, cannot solely be attributed to social visitors and the prison should ensure appropriate processes are applied to the entry of staff and contractors. Frequent unannounced bag and identity pass checks should also be a routine occurrence and could further enhance security.

*Recommendation 9*

*Review gate house procedures, practices and resources to reduce the risks of contraband or unauthorised items entering or leaving the prison.*

- 4.10 The second pedestrian access point is used for the admission of social visitors. The processes observed in admitting the visitors were thorough and respectful, and included proof of identity procedures, as well as iris scan technology to ensure only registered visitors entered the prison.<sup>71</sup> Visitors are also subject to a ‘walk-through’ metal detector and are required to open their mouths for inspection by prison staff. It may be noted that while mouth inspections are accepted routine practice in Western Australia, they are not considered acceptable in some other jurisdictions.<sup>72</sup>
- 4.11 The inspection team observed the use of drug detection dogs to screen visitors, a process used at all prisons in the state. These searches are inherently intimidating to some visitors, especially children, but they were conducted professionally. Visitors who were ‘indicated’ by the dogs were interviewed and had their contact visit withdrawn and a non-contact visit offered in its place.
- 4.12 Vehicle entry and exit through the secure sally port was generally well managed. Under-vehicle inspection was routine and there was appropriate camera coverage for observation throughout the sally port. Some specific matters of risk were identified by the inspection team and these have been raised separately with the Department.
- 4.13 The staff rostered to the gatehouse were dedicated to that post and especially trained for that role. As a result they were well versed in the processes and procedures required and were generally courteous in conducting their duties. However, given some of the deficiencies identified above, it may be useful to review their current functions. A noted example was the practice of having a staff member dedicated to manually open the entry door. This staff member could also be performing other functions. The Department is currently undertaking a project to return the specially trained gate reception staff to a revolving prison roster. The Office expresses some concern about these plans, as the improvement in service delivery since the introduction of dedicated staff has been marked. The Department must ensure there is no loss in the higher standard of service should these plans be implemented.<sup>73</sup>

71 A more thorough discussion of the interaction between staff, prisoners and visitors can be found below: see, ‘Perceptions of Safety: Dynamic Security’.

72 For example, in Queensland such a search may only be conducted under the direction of a police officer and the details recorded in a register. See Department of Community Safety (Qld) *Search – Visitors* (August 2006) [http://www.correctiveservices.qld.gov.au/Resources/Procedures/Safety\\_and\\_Security/Documents/sasprosearchvisitor.shtml](http://www.correctiveservices.qld.gov.au/Resources/Procedures/Safety_and_Security/Documents/sasprosearchvisitor.shtml)

73 See also Chapter 2.

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### Other Security Issues

- 4.14 Documentary evidence showed targeted drug testing was being well used by the Hakea security team and that intelligence gathering about illicit drug use in the prison was effective. However, the resources available for targeted drug testing were limited and constituted a source of frustration for the security team.
- 4.15 It was difficult to determine the adequacy of the frequency of cell and common area searches. On average, each cell was searched approximately every six weeks. Due to the high turnover of prisoners at Hakea the searching of cells, both random and on a targeted basis, is a complex operation. A prisoner only held for a short period of time may never have their cell searched before release unless they are specifically targeted. The inspection team discussed the possibility of introducing a matrix system to track cell searching. While this may not completely address the issue created by the high turnover of prisoners, the application of a matrix system is an initiative for the prison to consider.
- 4.16 As in the 2009 inspection, the disciplinary and prosecution system at Hakea was found to be operating at a good standard.<sup>74</sup> The prison prosecutor was very experienced and the inspection team's observation of the processes and discussions with prisoners, as well as analysis of pre-inspection prisoner surveys supported this finding.

### UNIT ONE – FIT FOR PURPOSE?

- 4.17 During the planning phase of the inspection, the Office identified a number of potential risks and challenges to Hakea. One of these concerned the facilities and operations of Unit One, a multipurpose unit used to accommodate prisoners who require higher levels of supervision for a variety of reasons. Reflecting these concerns, the inspection team spent a significant amount of time reviewing the operation of Unit One during the two weeks on site. Staff were forthright during discussions, documentation was carefully reviewed and observations were conducted over extended periods.

### Design and Facilities

- 4.18 Unit One has four separate wings with narrow corridors that emanate from a central control room. From the control room staff have only very limited ability to observe prisoners down the length of each wing. Each separate wing – designated A, B, C and D – can be secured by a locked grille gate, and within each wing there is further capacity to segregate different sections of the wing corridor.
- 4.19 The unit construction is aged and tired, and lacks the advanced technology seen in more contemporary management units in Australian prisons, such as remote cell door controls and on-door touch-screens to facilitate real-time recording of cell movements, observations or other events such as meal delivery. Nor are there surveillance cameras in the corridors and other common areas to provide remote monitoring and secure recording to protect staff and prisoners alike from accusations of mishandling or assault. Cells in the unit lack showers so prisoners are required to use communal facilities. This presents a range of risks, especially given that many prisoners in the unit are there for behavioural management purposes and may be difficult to control.

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74 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) [3.55]–[3.58].

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## Management Regimes

### A-Wing

- 4.20 Prisoners are generally placed in A-Wing if they have problems such as conflict with other prisoners but do not need full protection status. Because these prisoners do not bring behavioural or risk concerns, they have a similar supervision regime to the rest of Hakea and are permitted to attend work locations outside the unit. At the time of the inspection, however, the majority of A-Wing prisoners were designated unit workers.
- 4.21 The cells in A-Wing accommodate only one prisoner each with no doubling up. As a result, placement in A-Wing was prized by many prisoners. Prisoners, staff and management all acknowledged that this was the case. Paradoxically, the wing was regarded in many ways as a privileged unit, despite the fact prisoners in A-Wing were subject to longer lock-up hours than the broader prison. Several of the prisoners indicated that the generally positive relationships with staff, the increased level of staff availability when needed and the single accommodation arrangements were positive features.
- 4.22 A positive operational culture was generally evident in A-Wing and there appeared to be a trusting relationship between these prisoners and Unit One staff. However, the co-existence of such a wing within the prison's behavioural management unit is puzzling to an outside observer, and the concept that A-Wing prisoners have 'free' access in and out of the unit (including mixing with the general population) is incongruous with the purpose of management regimes.

### B-Wing

- 4.23 B-Wing is used for the *dose supervision* of prisoners. It is the lowest rung in the hierarchy of accommodation with only the minimum level of entitlements. B-Wing prisoners are entitled to just one hour out of cell in the open air per day, weather permitting.<sup>75</sup> Prisoners are temporarily placed on a close supervision regime 'to remove those prisoners from the mainstream prison population because they pose a threat to other prisoners, staff or the good order and security of the prison'.<sup>76</sup> In practice, prisoners are often placed under close supervision after involvement in a serious incident. However, it is officially regarded as a management and placement option rather than a form of punishment (to which different processes apply), and placements are reviewed at least weekly.

### C-Wing

- 4.24 Prisoners held in C-Wing are accommodated on a *basic supervision* regime, meaning they have fewer privileges than prisoners in the general prison population. The reasons for regression to this regime are loss or refusal of employment (sentenced prisoners only), breach of cell hygiene or property standards, or continuous breaches of the required standard of behaviour.<sup>77</sup> In practice, it is typically imposed as a consequence of behaviour that is disruptive, abusive or bullying toward other prisoners or staff. Placement in C-Wing

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75 DCS, *Policy Directive 3: Hierarchy of Prisoner Management Regimes* (31 March 2009); DCS *Adult Custodial Rule 3: Privileges*, 5 April 2009.

76 Ibid, DCS, *Policy Directive 3*, 7.4.

77 Ibid, 8.1.

is reviewed weekly, with the aim of progressing prisoners out of Unit One and back into the general prison population, generally within 14 days. These prisoners are restricted to the unit and enjoy a minimum of three hours out-of-cell time per day.



*Figure 11: A narrow corridor in the antiquated management unit*

#### D-Wing

- 4.25 D-Wing accommodates prisoners who are either under observation due to imminent risk of self-harm,<sup>78</sup> or in confinement. The latter includes prisoners temporarily held in a multipurpose cell for the good order of the centre or while a matter is investigated and prisoners serving a punishment following actual adjudication of a prison charge.<sup>79</sup> Prisoners in confinement are restricted to their cells except for ablutions and an hour of exercise in a yard each day. They are usually not permitted association with others.
- 4.26 The observation cells lack any environmental enrichment, human connection or other amenities despite these being required by official departmental policies.<sup>80</sup> While placement in such a cell may incapacitate a person from self-harming, it is most unlikely to assist treatment of the anxiety and distress that underlies the behaviour. The multipurpose and punishment cells in D-Wing also lack direct access to individual yards, requiring staff to undertake multiple escorts of prisoners to and from a yard at the end of a narrow corridor. This places staff at risk when escorting difficult and at risk prisoners.

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78 DCS, *Policy Directive 11: Prisoners Placed in Observation and Medical Observation Cells* (undated).

79 DCS, *Policy Directive 1: Section 43 Placement* (4 June 2003); DCS, *Adult Custodial Rule 1: Management of Prisoners in Confinement* (2 May 2002).

80 DCS, *Policy Directive 11: Prisoners Placed in Observation and Medical Observation Cells* (undated) 5.0.

#### Documentation

- 4.27 Due to the diverse regimes within Unit One and the different requirements attached to each, it is essential that there is the thorough documentation of those regimes, that prisoners and staff know what those obligations are in each case, and that the regime requirements are met. An examination of the documents kept in Unit One regarding the prisoners accommodated at the time of the inspection found that record keeping was not of an appropriate standard.
- 4.28 A number of prisoners interviewed stated that they had not been provided with written notification of the regimes applicable to them and they could not produce copies of them to members of the inspection team. The prisoner files within the unit also did not contain hard copies of regimes applicable to each prisoner. Staff advised that regimes were recorded on the Department's electronic records system ('TOMS') and the inspection team was given access to these.
- 4.29 Proper process for prisoners on management and discipline regimes should include documentation authorising the regime applicable to each prisoner, which should be signed by a delegated officer. A copy should then be given to the prisoner and another copy placed on his file. The current practice of posting a copy of prisoners' regimes outside the relevant prisoner's cell is a potential breach of privacy and should be reconsidered.

#### *Recommendation 10*

*Ensure clear and comprehensive documentation is maintained with respect to:*

- (i) The reasons why prisoners are placed into Unit 1; and*
- (ii) The exact regime under which each prisoner is being held.*

#### Unit Culture

- 4.30 The inspection planning process had identified potential concerns about the facilities and operational culture of Unit One. As a result, the inspection placed considerable focus on this aspect of the unit's operation. The inspection attended the unit daily, discussing and observing routines with staff. These concerns were not borne out by the observations of the inspection team.
- 4.31 By nature of the prisoners accommodated in them and their very function, management units present significant challenges to staff with challenging behaviour by prisoners a constant possibility. Staff must maintain a high level of alertness to ensure the safety of colleagues and other prisoners. This requires good procedural knowledge and application, as well as a capacity to manage emotions and behaviours to minimise prisoner (and staff) angst.

- 4.32 Observation of Unit One staff indicated this was generally well done. Some of the staff rostered to the unit were highly experienced in management unit operations and presented as appropriate ‘role models’ for other staff. They were committed to their role and expressed significant satisfaction in performing their unit responsibilities. However, care must be taken to ensure these staff do not experience ‘burn-out’ by their static rostering to the unit. Consideration should be given to an appropriate staff rotation policy that will maintain a balance of professional experienced staff and a well-run management unit.
- 4.33 Confidential discussions with the majority of prisoners accommodated in unit during the course of the inspection supported the inspection team’s generally positive observations of staff conduct and attitude. Many prisoners described staff as fair and respectful, usually stating that if a prisoner was respectful, staff would reciprocate. However, staff must never forget the significant power they hold over a prisoner’s day-to-day existence. This is particularly the case in a unit managing prisoners who are there because of behavioural difficulties and are experiencing very restricted living conditions. Observations of staff and prisoner interaction gave the inspection comfort that this power was generally understood and appropriately applied.
- 4.34 Notwithstanding these findings, the Office encourages the unit to be more accessible to the full range of support services available to other prisoners. Lack of accessibility tends to breed negative rumour and it was most concerning to learn that peer support prisoners, prisoner support officers and Aboriginal Visitor Scheme visitors have all, on different occasions, found it difficult to access the unit. It is essential that all such groups be given regular access, both scheduled and unscheduled, in a safely controlled way.

*Recommendation 11*

*Ensure that peer support prisoners, prison support officers, members of the Aboriginal Visitors Scheme and Independent Visitors have regular and routine access to Unit 1 and that records of such access are maintained.*

The ‘Blue Bed’<sup>81</sup>

- 4.35 The management unit at Hakea has a restraint bed commonly referred to as the ‘blue bed’. This is reasonably standard in Western Australian maximum-security prisons. The Office has stated concern about situations involving the possible over-use of such beds from its earliest reports through to the most recent round of inspections.<sup>82</sup> Staff within the unit stated that the bed was used as a tool to control or minimise extreme behavioural problems such as self-harming behaviour. However, they acknowledged that they are not psychiatrists and are simply ‘dealing in the behaviour’, sometimes using the blue bed as a ‘threat’ to try and stop such behaviour.<sup>83</sup>

81 The use of ‘the blue bed’ is further discussed in the context of mental health services in Chapter 6 of this report.

82 OICS, *Report of an Unannounced Inspection of the Induction and Orientation Unit and the Special Handling Unit at Casuarina Prison*, Report No. 1 (Mach 2001); *Report of an Announced Inspection of Bandyup Women’s Prison*, Report No. 73 (August 2011) [7.33]–[7.34].

83 See [6.24]–[6.27].



- 4.36 The expert inspectors engaged to examine security and mental health during this inspection both agreed that its ‘application in a management unit environment is paradoxical’,<sup>84</sup> because ideally, a prisoner in such distress would be more appropriately placed in a crisis care unit (CCU). The use of restraints in such circumstances also elevates medical risks<sup>85</sup> including deep venous thrombosis and positional asphyxia<sup>86</sup> and requires the presence of staff with the skills to respond to medical emergencies.<sup>87</sup>
- 4.37 Despite the fact that the use of the blue bed appeared to have been limited and subject to a high level of oversight, it is considered an inappropriate tool in the context of a management unit. Another location for the bed might be the CCU but this is already under pressure and the additional impost of the ‘blue bed’ would be problematic. The following recommendation is to be read in conjunction with Recommendation 14 (regarding the replacement of Unit One) and the detailed analysis of mental health service provision in Chapter 6.

*Recommendation 12*

*Ensure that appropriate medical supervision is incorporated into standard operating procedures with respect to the use of the restraints bed in order to reduce the risks of medical emergencies.*

**Summary**

- 4.38 Unit One will never be satisfactory as a management unit given its physical design, ageing infrastructure and poor surveillance capacity. It is also hampered by the fact that it must fulfil competing objectives, the primary role of the unit being compromised by the use of the A-Wing for the standard supervision prisoner population. In addition, documentation is inadequate to show compliance with expected procedures. On a more positive note, however, we observed generally positive staff interactions.

*Recommendation 13*

*Construct a purpose-built, stand-alone Management Unit or substantially modify an existing unit to reduce risk and to meet established need.*

84 Bogle A, Senior Investigations and Review Officer, Office of Correctional Service Review, Department of Justice, Victoria, *Analytical Inspection Notes to the Inspector of Custodial Services WA: Hakea Prison* (June 2012).

85 Aiken F, Duxbury J and Dale C 2001 ‘Deaths in Custody: the role of restraint’ *Journal of Learning Disabilities and Offending Behaviour* vol. 2, no. 4, pp. 178–190.

86 Positional Asphyxia (restraint asphyxia) can be defined as obstruction of breathing as a result of restraint technique. See for example: [http://www.police.vic.gov.au/content.asp?document\\_id=119](http://www.police.vic.gov.au/content.asp?document_id=119)

87 See for example: Royal College of Nursing (UK) *Health and nursing care in the criminal justice service: RCN guidance for nursing staff* (2009) 12.

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PERCEPTIONS OF SAFETY AND DYNAMIC SECURITY

- 4.39 The importance of a positive interactive relationship between prisoners and (particularly) uniformed staff in maintaining a safe and secure custodial environment cannot be overstated. Staff who are active within their operational areas are more aware of what is occurring there, prisoners are more likely to feel comfortable talking about issues with them, and staff can offer support to those who may need it.
- 4.40 The 2009 inspection found that ‘the compromised status of dynamic security at Hakea Prison could be attributed to the vast increase in prisoner numbers and the impact of this on staff/prisoner relations’.<sup>88</sup> Increased workloads from administrative requirements, the increased prisoner numbers and consequential increased feelings of being unsafe were given by staff as the main reason for their acknowledged lack of interaction.

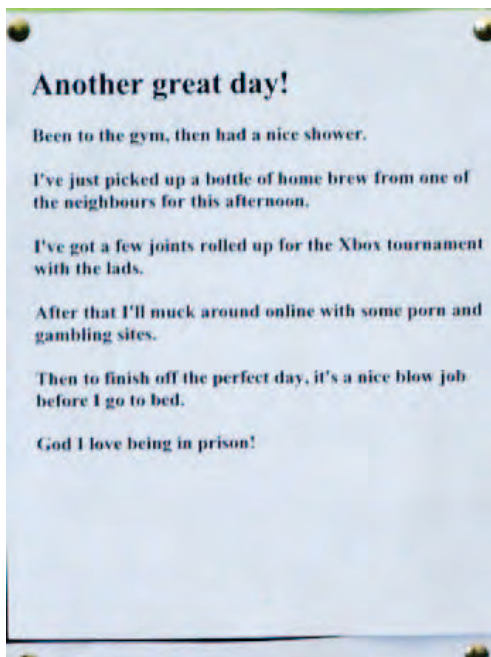


Figure 12: Offensive material tolerated on an official unit noticeboard

- 4.41 Unfortunately, the 2009 findings in respect of generally poor staff/prisoner interactions were replicated in 2012. This should continue to be a cause of concern for staff and prison management. A telling example of the attitude some staff had towards prisoners was visible in the display of an offensive poster joking about sexually predatory behaviour on an official prisoner notice board in one unit. It remained on display despite the knowledge that the inspection team had seen it. The lack of management visibility within the units (discussed in Chapter 2) has perhaps allowed such attitudes to become entrenched.
- 4.42 The pre-inspection survey results and discussions with staff during the inspection indicated that the perception by some staff that Hakea was an unsafe environment may be a contributing factor to this reluctance to interact positively with prisoners. More than a quarter of staff respondents stated they ‘mostly feel unsafe’ or ‘almost never feel safe’ at Hakea, compared with a state average of just six per cent. Compared with state averages,

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<sup>88</sup> OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 22.

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- 4.43 Hakea also had a much higher perception of threats of abuse/assaults (both prisoner on prisoner and prisoner on staff). Even taking account of the relatively low rate of survey responses,<sup>89</sup> the staff survey results are of significant concern. And it should be emphasised that the general views expressed by staff during the inspection were no different.
- 4.44 The pre-inspection prisoner survey results also revealed that prisoners perceptions of safety were somewhat below state averages, though the differences were less marked than for staff. Seventy two per cent of prisoner respondents felt ‘mostly safe’, compared with a state average of 81 per cent. Twenty eight per cent ‘hardly ever or never feel safe’ compared with a state average of 19 per cent. The results with respect to both prisoners and staff may in part reflect the transient nature of the prisoner population as well as the fact that there have been some recent serious incidents.
- 4.45 During the two-week on-site inspection period at Hakea, and also during regular liaison visits over the past three years, the Inspector and his staff have routinely observed unit staff remaining in their offices rather than interacting or observing prisoners in the unit wings. From the prisoners’ perspective, this made it difficult to communicate with officers, as they had to constantly negotiate physical barriers to do so. It also made it difficult for prisoners to access officers without being seen by other prisoners, should they wish to speak with them more confidentially. Whilst there are always exceptions, officers are generally seen as remote and inaccessible, and this does little to foster positive relationships. Furthermore, it represents a lost opportunity to gather potential intelligence that could benefit the safety and security of the prison, its staff and prisoners. It was noted that the design of the self-care unit, with a high counter around the officer’s station, encouraged engagement between prisoners and staff while maintaining an appropriate security barrier.
- 4.46 For their part, officers said that confinement to the office space was almost unavoidable because of the increased administrative requirements of their roles. Too often, when communication between staff and prisoners was observed, it was terse and abrupt. It seemed many staff did not feel this was an important aspect of their job. It is essential that Hakea work to address the lack of dynamic security within the facility by encouraging improved relationships and communication between staff and prisoners.

*Recommendation 14*

*Improve dynamic security by increasing staff patrols and promoting stronger and more positive staff-prisoner interactions.*

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89 See Chapter 1 for details of survey responses.

# Chapter 5

## PRISONER WELLBEING

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### PRIMARY HEALTH CARE SERVICES<sup>90</sup>

- 5.1 The historical shortfalls in healthcare development and delivery at Hakea are well documented.<sup>91</sup> The last inspection in 2009 resulted in three recommendations that aimed to improve healthcare services: two relating to staff management and one to prisoner access.<sup>92</sup> This followed the issuing of a risk notice by the Inspector to the Department relating to health services across the system and specifically at Hakea.
- 5.2 The Department substantially supported the 2009 recommendations and this inspection found improvement to prisoner access to most primary healthcare services and to the culture within the health centre. The most significant deficit, however, was insufficient staffing numbers in the health centre.

#### Services Provided

- 5.3 Hakea health centre provides primary health care services, referral to medical specialists, as well as hospital in-patient care where required. Clinical activities are divided into two main fields:

- acute care (includes reception screening, client requests for consults, emergency consults, medication dispensing and health promotion); and
- chronic disease identification and management (includes monitoring of diseases, individual care plans and communicable disease testing and management).

Dental care is also managed and accessed through the health centre.

- 5.4 The Department's statewide pharmacy service is centralised at Hakea, and is responsible for:
- Purchasing of medications;
  - Distribution of medicines to all clinical sites (namely all prison health centres across the state), including individualised blister-packs and urgent supply packs of medicines to be stored at the individual health centres; and
  - Production of monthly monitoring reports to the health centre.
- 5.5 The centralisation of pharmacy services at Hakea Prison has been raised as an issue of concern in previous inspection reports. Notably the most recent inspections of Bunbury Regional Prison and Bandyup Women's Prison found that the location of the pharmacy at Hakea did in some instances cause delays for prisoners in receiving essential medications, including anti-depressants, antibiotics and pain relief, particularly just following admission or

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90 The Inspector would like to acknowledge the contribution of expert inspector Caroline Fotheringham, Clinical Quality Officer, Hollywood Private Hospital.

91 Department of Corrective Services, *Assessment of Clinical Services Provision of Health Services of the Western Australian Department of Corrective Services 2010* (2010); Gatherer A, Moller L, Hayton P, 'The World Health Organization European Health in Prisons Project After 10 Years: Persistent Barriers and Achievements' (2005) 95 *American Journal of Public Health* 1696; OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 43–49.

92 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) Recommendations 11, 12 and 13.

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following a change in a doctor's prescription. This finding led to a recommendation in both inspection reports that pharmacy services and medication administration processes at both these sites be reviewed.<sup>93</sup>

- 5.6 This was not raised as an issue at the recent inspection of Hakea Prison for the obvious reason that the pharmacy is based on-site. However, the inspection did find some other issues relating to medication safety, most of which were in fact raised by health centre staff and were part of their ongoing discussions at clinical staff meetings. These concerns were:
- No evidence of monitoring for adverse medication reactions, prescribing and administration errors;
  - A reactive rather than a proactive response to the monthly pharmacy reports;
  - The prison employs unqualified medication assistants who distribute medication from individualised blister packs when qualified nursing staff are unavailable. The primary concern in this regard was that these medication assistants are unable to dispense anything other than the exact medication in the individualised blister packs. So, for example if a prisoner identifies as having a need for some basic analgesic pain relief (for example Panadol) during the medication assistant's medication round, the medication assistant is unable to provide this. This, in turn, leads to increased pressure and demand on the health centre because these prisoners then have to request an appointment with the health centre to obtain some pain relief.
  - The expansion of the prison site has affected medication issue times which can impinge on medication being administered within prescribing timelines. This means that prisoners may not receive the correct therapeutic dose at the correct time.
- 5.7 These issues would largely be remedied by an increase in the human resource profile within Hakea's health centre's staffing arrangements. The section below explores the current staffing situation in the Hakea health centre.

#### Staffing Arrangements

- 5.8 The Departmental and local managerial structures of the medical service were discussed in detail in the report of the 2009 inspection of Hakea.<sup>94</sup> That report also detailed the history of revolving and dysfunctional leadership of the Hakea health centre and the resultant impacts on service delivery.<sup>95</sup> The current inspection found that a permanent clinical nurse manager had recently been appointed to the centre, providing a clinical and administrative leader for the health centre. This move had improved the culture and working relationships amongst health centre staff markedly.

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93 See OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 73 (August 2011) 86–87, Recommendation 30; and OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011) 46, Recommendation 17.

94 Ibid, 44. The general nursing complement comprised a Clinical Nurse Manager, a senior registered nurse, nine registered nurses and one enrolled nurse.

95 Ibid, 46–47.

- 5.9 Despite this improvement, this Office still has concerns about the staffing arrangements in the Hakea health centre. Staffing numbers have not increased commensurate with the prisoner numbers leading to difficulties in the health centre's capacity to comprehensively meet the demand for its services.<sup>96</sup>
- 5.10 The health centre attempts to staff the centre with four nurses each day each working a 12-hour day shift, and one for the 12-hour night shift. There is a further 12-hour shift from noon to midnight each day with two nurses on this shift on weekdays and one on weekends. However, many of the nursing positions are not substantively filled, and, without permanent relief staffing to cover absences, there is a high use of casual staff. Reportedly up to four full-time equivalent staff per week are drawn from the casual pool. The regular and protracted use of a casual workforce potentially compromises patient and staff safety and indicates either inadequate resources or poor planning.
- 5.11 The provision of only one nurse on night shift is also a risk for the prison. There have been occasions when a medical emergency has arisen at a time when the night nurse was already engaged with another medical emergency.



*Figure 13: Buggy for medical emergencies*

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96 Interviews with the Nurse Manager and Hakea health centre staff during the on-site inspection.

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- 5.12 Prison health centres are also staffed with other medical officers to provide the range of health services required appropriate for a prisoner population. At Hakea these consisted of four medical officers on fixed term contracts, including one regular General Practitioner (GP) who provides two GP consulting sessions each weekday. Whilst the coverage by these officers appeared to be sufficient, there was some confusion on the part of health centre staff as to which of these medical officers would be attending at Hakea and when. The inspection team experienced this when an appointment with one of the medical specialists which had been arranged in advance had to be re-scheduled because the particular medical officer had changed the time he was to attend without apparently informing other health centre staff.
- 5.13 Health staff at Hakea reported that the scheduling arrangements relating to the various medical officers' attendance appeared chaotic and that this disrupted the management and continuity of day to day care. Further, they also indicated that this had, on occasion, created tension within the relationship between medical officers and nursing staff. This appeared to be a scheduling and communication issue which could be resolved by more stringent monitoring and management processes. This is not possible with the current staffing levels, in particular administrative staffing positions, in the health centre at Hakea. The recommendation below reflects the need for more staff in the health centre to better manage both the medical and the administrative aspects of the health centre in order to meet a demand which is destined to grow with increasing numbers of prisoners.

*Recommendation 15*

*Increase staff numbers in the Hakea health centre (both medical and administrative) in order to improve service delivery and promote continuous improvement.*

#### ALCOHOL AND OTHER DRUG ISSUES<sup>97</sup>

- 5.14 As a remand prison, Hakea faces significant challenges in preventing the trafficking of illicit drugs into the prison. The constant arrival of new prisoners, the high number of visits and rapid turnover of prisoners are some factors that contribute to this challenge. The 2009 inspection found that the services related to drug use prevention and supports were under pressure and, while coping, were somewhat chaotic and reactionary.
- 5.15 Overall, the prison was performing better in 2012 than in the previous inspection in the area of managing alcohol and drug related issues. The three key areas reviewed in this regard were health services, security and programs, all of which were performing satisfactorily. In each of these areas staff were competent and appeared to care about their work, whereas in 2009 there was a sense that they felt overwhelmed. Despite this improvement, health and security remain under significant resourcing pressure.

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97 The Inspector would like to acknowledge the contribution of expert inspector Dace Tomsons from the Drug and Alcohol Office.

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**PROGRAMS**

- 5.16 As a remand, receipt and assessment focussed prison, the delivery of programs aimed at addressing offending behaviour has never been a formal part of Hakea's role.<sup>98</sup> However, it is now recognised that all prisoners, regardless of status, can benefit from access to programs. The Office's Code of Inspection Standards states that 'each prison should provide a range of short information programs, cognitive development and offence-related and resettlement programs that matches prisoner needs'.<sup>99</sup> This inspection found that Hakea does have suitable programs in place to meet the needs of its population of short-term remand prisoners.
- 5.17 Hepatitis WA provided the Health in Prison (HIP) program at Hakea on a contracted basis. It consisted of a brief session to all new prisoners during their orientation about the health impacts of some drug use, sex practices and other activities they could be exposed to in prison, and more generally how to safeguard their health and wellbeing.<sup>100</sup>
- 5.18 Hakea also continued to offer a two-day Brief Intervention Services program addressing anger and addictions which is jointly facilitated by Mission Australia and Alcoholics Anonymous (AA). At the 2009 inspection, this program was being funded locally by Hakea after withdrawal of head office support, but since this time it has become one of a range of services funded through the Department's Contract Services branch.
- 5.19 Addictions counselling was only available to sentenced prisoners, although Outcare was assisting remandees where possible. The Prison Addiction Services Team program addressing alcohol and other drug issues was being provided directly through health services. Remandees could be included if sentenced prisoners did not fill all the available places, but the course length of 10 weeks meant many remandees who started the course would not be in prison long enough to finish it.
- 5.20 Although there was a good variety of programs on offer, demand significantly outstrips supply, and most programs have lengthy wait lists. At the time of the inspection the PAST program had 170 prisoners on the waiting list and the two-day Brief Intervention Services program (which takes only 14 prisoners per week) had more than 150.

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98 It should be noted that historically an exception to this has been the delivery of a sex offenders program to provide for the sentenced protection prisoners accommodated at Hakea to address the system's need for protection status beds.

99 OICS, *Code of Inspection Standards for Adult Custodial Services* (2007) 122.

100 The companion program, Health Out of Prison (HOP) is only provided in releasing prisons.



PRISONER WELLBEING

Issue/Program	Provider	Service	Eligibility/Access
Health in Prison (HIP)	Hepatitis WA	Information on health risks for new prisoners	All new prisoners Through orientation centre
Brief Intervention Services	Mission Australia/ AA	Two-day program addressing anger and addictions	Remand prisoners Through re-entry form
AOD self-help	Alcoholics Anonymous	Self-help group for alcoholics	All prisoners Through re-entry form
Drug & Alcohol Throughcare Service	Cyrenian House & Holyoake	Throughcare AOD counselling	Sentenced prisoners Through re-entry form
AOD counselling & support	Outcare	Relapse prevention counselling & support	Sentenced prisoners Through re-entry form
Alcohol & other drugs program	PAST (health services)	10 session program on AOD issues	Priority to sentenced prisoners By Unit Interview Form to Comorbidity Team
Aboriginal Health Re-entry Program	South Metropolitan Health Services	Post-release support to assist prisoners engage with external health providers	Sentenced prisoners Through re-entry form or health centre
Men's Healing Program	AADS	Individual counselling for traumatised Aboriginal men from the metropolitan area	Sentenced prisoners Through re-entry form

*Recommendation 16*

*Provide additional addictions group places and throughcare counselling for remandees.*

Smoking

5.21 When the smoking reduction policy was first developed in Western Australian prisons, it was a strategic, holistic program that incorporated QUIT groups and access to nicotine replacement therapies (mainly patches). All participating prisoners also had to be assessed by a doctor.



*Figure 14: Smoking shelter at Unit 11*

5.22 Under the original policy, smoking was supposed to be banned in all indoor areas and limited to dedicated outdoor smoking areas.<sup>101</sup> This inspection found enforcement of the indoor smoking ban at Hakea to be inconsistent, with reactions ranging from strict enforcement through to disregard. Observation during the inspection was that smoking in cells was quite common. Most concerning was that, because cells are technically designated as non-smoking areas, a prisoner's smoking status was not considered during cell allocation. This resulted in smokers and non-smokers being bunked together, presenting a risk to the Department as well as to prisoners.

101 Smoking bans in prison buildings were enforced progressively in 2009–2010 and from mid-2010 the sale of lighters from prison canteens was banned. However, in April 2011 prisons were ordered to allow lighters to be sold again. See: DCS, 'ACCO Notice 11/2011 – Smoking Reduction in Prisons' (16 June 2011).

- 5.23 This inspection also found that there was no support at Hakea for prisoners wishing to quit smoking unless they purchased their own nicotine patches at full cost. And there were no QUIT groups available.

*Recommendation 17*

*Provide the nicotine replacement therapies and QUIT groups required to support the implementation of the smoking reduction policy, as originally intended.*

Security

- 5.24 Despite relatively low positive drug prevalence testing results at Hakea, prisoners and staff (including security staff) claimed that high levels of illicit drugs were present in the prison. In the staff survey conducted prior to the inspection only seven per cent of the staff felt that enough was being done to prevent contraband coming into the prison.<sup>102</sup> However, since the last inspection in October 2009 Hakea has returned positive tests results of between zero and 6.3 per cent, which is well below the Department's benchmark of 13 per cent.
- 5.25 The inspection was concerned, however, that because the quarterly random testing was being conducted over a three-day period, once the first prisoners started to be called up for their tests there was adequate time for other prisoners using drugs (other than cannabis) to stop using and consequently to provide a clean urine sample.<sup>103</sup> Clearly, if this did in fact occur, it could seriously affect the validity of the test results.
- 5.26 Given these methodological questions this report does not attempt to make firm findings or recommendations. However, it is flagged here as an area of concern and as an area in which more analysis is required.

Health Services

- 5.27 All prisoners are screened by a nurse on intake regarding their alcohol and other drug use and managed for withdrawal if required. Nurses themselves identified that the screening tool is not being used as intended and that an assessment of the form is needed. The nurses estimated that on average about five of the 20 people received each day needed support for withdrawal. Overall the management of withdrawal was being handled well.
- 5.28 The methadone program was also functioning well. At the time of the inspection there were 60 prisoners on the program and four prisoners on suboxone. Those coming into the prison already on a pharmacotherapy program were identified and dosed in a timely manner.
- 5.29 The majority of prisoners on opiate replacement therapies were being dosed in their accommodation units. Hakea policy states that when drugs of dependence (Schedule 8 medicines) are being moved around the prison there should be no movement of prisoners at the same time. Nurses reported, however, that this policy was not being adhered to. Cleaning party prisoners were frequently moving unescorted at this time. Some officers appeared unaware of the policy and the need to contain prisoners at this time.

<sup>102</sup> The state average for this measure is 22%.

<sup>103</sup> Heroin use will not produce a positive test result after 24 hours of last use and amphetamines will not provide a positive test result after 48 hours.

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## ENVIRONMENTAL HEALTH<sup>104</sup>

### Introduction

- 5.30 Prisons pose particular risks and challenges in the transmission and control of infections and communicable diseases. Often the age, design and construction of the facilities themselves contribute to the difficulties, while the operational pressures of cell-sharing, staffing levels and skill mix, high turnover of prisoners, high-risk behaviours of prisoners and access to healthcare services also pose significant challenges.
- 5.31 Strict adherence to environmental health laws and standards is therefore very important to effectively prevent and control infections and disease. This is to ensure the health of prisoners and staff is not compromised and, as most prisoners will re-enter the community, that infections are not spread more widely. A number of factors contribute to the risk of infection in prisons and many of these were examined during this inspection.
- 5.32 It was found that generally the prison had baseline compliance with most environmental health standards. However there were some areas where better practices could be put in place for improved outcomes. Some of these were practical and capable of being fixed at minimal cost, but others require financial backing or strategic planning. The expert inspector compiled a comprehensive environmental health assessment report which has been provided to the Department. That report is extremely valuable and the expert inspector's feedback was appreciated by staff on-site. Although it is too detailed to be included in its entirety here, the Office will follow up on its implementation on-site.

### Food Safety

- 5.33 All food businesses (including prisons) must have in place documented food safety programs, hygiene practices, premises and appliances that comply with state legislative requirements and Australian food standards.<sup>105</sup> Hakea's kitchen is managed by vocational support officers on a rotational basis. The main kitchen produces 2,400 meals each day and is barely coping with current demands.
- 5.34 The food safety program at Hakea was found to be of a good standard, however it is only delivered to prisoners working in the main kitchen and not to prisoners who handle and reheat the pre-cooked meals in the units and clean up afterward. The same applied to workers in the staff kitchen and serving areas. This issue had been commented on in previous inspections but, despite the risk of food-borne disease outbreaks, had not been addressed. The on-site manager provided evidence that plans were being progressed to deliver the program more widely in the immediate future and this Office will monitor its progress to ensure this occurs.

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104 The Inspector would like to acknowledge the contribution of expert inspector Megan Reilly, Director, Hands-On Infection Control.

105 Australia New Zealand Food Authority, *Food Standards 3.1.1, 3.2.1, 3.2.2 & 3.2.3* (2003) Canberra, Australia; *Food Regulations 2009* (WA); *Food Act 2008* (WA); Standards Australia, *Food Safety Management* (ASO ISO 22000–2005).

### Vermin and Pest Infestation

- 5.35 Pests and vermin can be virulent carriers of disease, so pest management is a key element of effective infection prevention, control and environmental health. Pests seek out areas that are sheltered and protected and that provide breeding sites. The key component to pest management is cleanliness as it eliminates food sources and increases the success of baiting. Proper waste management is also important.
- 5.36 Hakea was suffering from pest and vermin infestation at the time of the inspection. A recent pest inspection by a licensed external service provider had been conducted but staff, prisoners and the inspection team reported evidence or sightings of large numbers of cockroaches, mice and rats. This was widespread throughout the prison, with the exception of the new accommodation units. A combination of factors observed in the prison contributed to the problem, including inadequate building maintenance, accumulation of food scraps/debris and an inadequate preventative integrated pest management program. Fortunately, the kitchen was one of the few areas in the older part of the prison that was not affected by the infestation, another clear indicator that things can and should be better managed.<sup>106</sup>



*Figure 15: Bread attacked by rodents at Hakea*

- 5.37 Inspection team members were advised of a proposal, submitted to senior management and endorsed in principle, to extend the successful food safety program in use in the kitchen to all accommodation units across the prison site. This would increase food safety practices in the units which was a deficiency identified during the inspection and mentioned in a paragraph above. This would require more vigilance on the part of officers in the units with regards to the cleaning standards, as well as require these officers to be accountable for the cleanliness in their units. Another significant change which this regime will introduce will be the closure of the day rooms in the units outside of meal times. This will allow these

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106 See [5.71].

rooms to be thoroughly cleaned after each meal time (in accordance with the Food Stars cleaning regimen) and then locked until the next meal time. As it is, these rooms are left open for prisoners to use in between meal times. Whilst this is appropriate as it allows prisoners another space to use in their overcrowded units, in the context of attempting to control a pest problem having these rooms open all the time increases the likelihood of food spills and mess which attracts cockroaches and rodents.

- 5.38 Previous attempts to resolve the vermin problem have been only semi-successful and unsustainable. This approach promises a sustainable solution that involves everybody concerned (staff and prisoners) in making conditions healthy and safe.

*Recommendation 18*

*Hakea management support and promote the initiative to extend the food safety program to the accommodation units to help control pest infestation.*

**Prisoner Health and Hygiene**

- 5.39 Prisoners engage disproportionately in a range of high-risk behaviours, both in the community and in prison, including intravenous drug use. Activities such as unofficial tattooing are also quite common in a prison setting. Consequently, they are at an increased risk of exposure to blood-borne viruses such as hepatitis B, hepatitis C and HIV. Australian research has shown that hepatitis C is up to 40 times higher in prisoners compared with the general community<sup>107</sup> and a previous inspection report by this Office found that a significant number of prisoners had acquired hepatitis C whilst incarcerated.<sup>108</sup> Proper monitoring for blood-borne pathogens and trends in risk behaviours within the prison is therefore important for planning effective prevention strategies both in prison and the community.
- 5.40 Hakea, like other prisons in Western Australia, delivers a mandatory education program called HIP HOP ('Health in Prison, Health Out of Prison') in an effort to reduce the potential impacts of alcohol and drug use, in particular the transmission of blood-borne viruses caused by intravenous drug use. The program includes information about blood-borne viruses, sexually transmissible infections and harm minimisation practices. In accordance with the Department's *Offender Drug and Alcohol Strategy 2010–2014*, the HIP sessions are required to be delivered to all new prisoners within two weeks of reception.<sup>109</sup> However, documents provided for the inspection showed that as of the end of April 2012, 30 prisoners had not participated in a HIP session. The HOP sessions are intended for sentenced prisoners only and are therefore not available at Hakea.
- 5.41 Engaging prisoners in caring for their personal health and hygiene is integral to effective infection prevention and control. Informing prisoners about infection prevention strategies and taking their experience and feedback into account are pivotal to safe and effective

107 National Drug Research Institute and National Centre in HIV Epidemiology and Clinical Research, *Prison Entrants' Blood-borne Virus and Risk Behaviour Survey Report 2004 and 2007* (Perth, National Drug Research Institute, Curtin University, 2008).

108 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (2012) [6.23]–[6.28].

109 DCS, *Offender Drug and Alcohol Strategy 2010–2014* (2010).

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custodial care. Prisoner engagement is not just about giving information, it is a process of informing, listening and interacting that gives them the skills and knowledge to be actively involved in their own health and hygiene.<sup>110</sup> This requires respectful relationships with all categories of staff that encourage communication and information sharing and readily available appropriately targeted written material about how to stop disease spreading.

- 5.42 Immunisation is also important to infection control. Many individuals miss out on immunisation as children and are therefore prone to infection and spreading disease, especially in the close conditions of prison. It is essential that significant efforts be made in the prison environment to educate and actively encourage immunisation amongst both prisoners and staff for infection control. While hepatitis B and influenza vaccination were available to prisoners considered at risk in accord with public health guidelines, immunisation status was not screened on entry to Hakea, a practice common in other jurisdictions, such as the United States and United Kingdom. Again the large turnover of prisoners in an enclosed environment, overcrowding, sharing cells, toilets, showers and food, poor personal hygiene, inadequate ventilation and deficits in decontamination of the prison environment are all risk factors for transmission of vaccine preventable diseases.

#### Communicable Disease, Infection Prevention and Control Program

- 5.43 The crowded conditions that exist at Hakea create an ideal environment for the transmission of infectious diseases. Compared with the situation in the community, prisoners who indulge in drug taking, tattooing or other high risk behaviours also have no access to needle exchange or to bleach or other potential cleaning agents. The constant movement of prisoners through the prison further complicates the diagnosis of infection, recognition of an outbreak, and eradication of disease.
- 5.44 All prisons should have an infection prevention and control program. Typical activities to prevent and control communicable diseases include education programs and training, vaccination programs, monitoring prevalence, immediacy of treatment, strict isolation policies and procedures and prompt reporting. This all requires strict governance, proper resources and a whole-of-organisation commitment.
- 5.45 The Department's Communicable Disease/Infection Control Program is led by the Infectious Disease Coordinator whose responsibilities include provision of advice, development of policies and procedures, education and training, collating audit outcomes, and pandemic preparedness and management. A documented rudimentary Communicable Disease Program (2011) is available on the internal health services portal, but it should be more comprehensive to include generic aspects of infection prevention and control work practices. It was noted that several of the policies relating to infection control were overdue for review.
- 5.46 The Hakea infection control portfolio holder had a relevant qualification and eight years' experience in the United Kingdom, and since taking up the role in 2011 has updated local relevant qualifications.<sup>111</sup> The portfolio holder demonstrated sound knowledge of infection prevention and control principles and practices and expressed a commitment to

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110 National Health & Medical Research Council & Australian Commission on Safety and Quality in Healthcare, *Australian Guidelines for the Prevention and Control of Infection in Health Care* (2010).

111 This nurse also has other general health centre responsibilities.

driving improvement. While time was allocated for her to carry out the role, it was limited by staff shortages and workload. However, this nurse is moving on from the position soon and the ‘expression of interest’ advertisement for a replacement did not mention relevant qualifications or experience for the infection control role. This is a concern.

- 5.47 Hakea and the Department comply with state legislative requirements for the reporting of communicable diseases. Data was forwarded by the Hakea health centre to the coordinator who monitors and responds as required. The coordinator oversights compliance with processes via a basic audit tool and report, but the expert inspector advised that the current tool could be improved.<sup>112</sup>
- 5.48 The inspection found that while the management of infection prevention and control was compliant in the health centre medical consultation and treatment areas, it was not the case in the dental surgery. The dental staff were aware that the dental surgery was not compliant with guidelines related to reprocessing equipment and practices.<sup>113</sup> The Office highlights that the work that has commenced to bring the dental surgery up to an appropriate standard of compliance must be expedited.
- 5.49 Infection protection for all employees should also be an important part of the infection prevention and control and occupational health and safety programs for the Department and its prisons. This should include implementation of a staff health screening policy, promotion of immunisation and processes for minimisation and management of risk exposure. While the prison has a duty of care to employees, staff members also have a responsibility to protect themselves and not put others at risk. To this end, a comprehensive staff vaccination program should be put in place that includes maintenance of vaccination records, widely available information and training, and active engagement with staff who refuse vaccinations. Deficits were identified in Hakea’s current staff health program in relation to health status screening, immunisation and records, and a review of the system is recommended.

*Recommendation 19*

*In order to minimise the spread of blood-borne viruses and the risks of infectious disease transmission, implement improvements with respect to:*

- (i) The monitoring and enforcement of hygiene and infection control practices;*
- (ii) Immunisation screening and programs;*
- (iii) Harm minimisation strategies including the provision of bleach or other cleaning agents; and*
- (iv) Education about health and hygiene.*

112 Details of this were reported in the comprehensive environmental health assessment report provided to the Department after the inspection.

113 Dental Board of Australia, *Guidelines on Infection Control* (2011); Australian Dental Association Inc, *ADA Guidelines for Infection Control (2<sup>nd</sup> edition)* (2011).



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**MAINTAINING RELATIONSHIPS**

- 5.50 The 2009 inspection found that prisoners' ability to maintain relationships with family and friends was at risk from the overcrowding being experienced at Hakea.<sup>114</sup> The limited supply of visit sessions led to many visitors booking as many sessions as possible, whether they intended to use them or not. Furthermore, the environment was found not to be conducive to visits with children, and the prison lacked the family incentive visits available at many other facilities throughout the state. The use of technology in addition to physical visits, especially for geographically isolated prisoners, was in its infancy at that time, but in responding to the 2009 recommendations, the Department made positive commitments to its continued development. These findings were revisited during the 2012 inspection. Some areas of practice were found to have improved, while others had fallen disappointingly short.
- 5.51 Remandees are legally entitled to one visit per day while sentenced prisoners are permitted visits twice a week. If all Hakea's prisoners (or even a large number) claimed their full entitlement, the current number of visit sessions would be wholly inadequate.<sup>115</sup> Of course this has never occurred, but Hakea's visits facility has been under pressure for some time. The centre continues to receive around 200 phone calls each day for bookings and some visitors continue to book daily visits (whether they intend to use them or not) to ensure availability of a visits session when they require it. This is an unfortunate practice which may result in some families missing out.
- 5.52 It was also unfortunate that despite Hakea's substantial increase in remand numbers, the number of weekly visits sessions had slightly decreased from 28 in 2009<sup>116</sup> to 27 in 2012. The physical layout of the visits area remained largely unchanged allowing for the same 38 tables in the main visits room, a separate family visits room and another private visits room available for protection that doubled as a second family visits rooms. Additionally there were five non-contact visit booths available.
- 5.53 Since the last inspection, family incentive visits had been introduced at Hakea. These are scheduled every third Saturday and are facilitated by Good Beginnings. The family incentive visits have proved an extremely positive addition and are well run, but should be offered more regularly.
- 5.54 Outcare continues to offer a valuable service in the external visits centre at Hakea. It provides welfare assistance and advice, as well as a childcare facility five days per week. Children may be supervised in a play area by a childcare worker before and after the visits, and may also be collected from the visits centre inside the prison half an hour into the visit. While any number of children can play in the centre before and after visits, the number permitted during the visit or for mid-visit pick up is limited to four, and is on a first-in first-served basis. This service is regarded as extremely valuable by those visitors who rely on it, but four places often proved inadequate to satisfy demand.

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114 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 38.

115 There are a possible 1,026 visit places available each week. If all of the population at the time of the inspection claimed their visits entitlements, the prison would be required to facilitate more than 4,700 visits.

116 Ibid.

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Long Distance Contact

- 5.55 Telephone and mail contact for prisoners was found to be available as required by departmental policy. This included a \$10 communications allowance for prisoners deemed ‘socially isolated’ under Policy Directive 36.<sup>117</sup>
- 5.56 A video link facility is used most mornings for prisoners to appear remotely in court. It is then used for inter-prison social visits in the afternoon. Bookings for this service must be made 24 hours in advance, and cost \$4 for a maximum period of 20 minutes. This fee must be paid from prisoners’ gratuities and payment from prisoners’ telephone allowances is for some reason not permitted.
- 5.57 The reality, however, is that video links are expensive old school technology compared with Skype and other modern technologies. Such technologies offer real opportunities for more convenient, cost effective, efficient and secure contact between prisoners and their relatives and friends. This Office has championed such technology for more than five years and the report of the 2009 inspection of Hakea recommended that:

The use of Skype for social visits at Hakea should be extended and made available to all those social visitors who have difficulty physically visiting their friends and family in Hakea. If the experience at Hakea proves successful, ‘internet visits’ should be rolled out across the whole of the prison system within the shortest feasible timeframe.<sup>118</sup>



*Figure 16: A Skype video unit in official visits – mainly only used for legal consultations*

- 5.58 The Department said in 2009 that it was already actively exploring such options and supported the recommendation in principle and subject to funding. It has followed through in the sense that Hakea in 2012 has six booths equipped with Skype in the official visits area. But it is simply not using these resources to anything like full effect.

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117 DCS, *Policy Directive 36 – Communications* (22 October 2010) s 2.11.2.

118 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) Recommendation 10.

Security was often cited as an excuse at Hakea but this does not hold up to scrutiny. First, there would appear to be obvious potential security advantages, not disadvantages, in internet-based visits. Secondly, both Acacia and Albany have been using Skype for some time now with great success. And in Albany's case it was achieved with far less by way of supporting infrastructure. Albany, in its typically pragmatic and thoughtful way, decided it was a good idea, found a way to establish two 'Skype booths' in its visits area, and made it happen.<sup>119</sup> Hakea, by contrast seems to lack the will or the drive to do so.

- 5.59 Overall, the findings of this inspection are that Hakea has failed to use the available technology to better provide for the needs of its prisoners. This failure has been emphasised by the success of other prisons in the state and elsewhere in integrating new methods of communication into their routine management of prisoners.

*Recommendation 20*

*Actively promote and actually utilise Skype or other similar technologies to enable social contact, both as an alternative and as an addition to personal visits.*

## RECREATION

- 5.60 Recreation is vital at Hakea, especially given the large number of young prisoners and the fact that there is so little to do by way of employment. Unfortunately, the delivery of recreational services at Hakea has declined since the last inspection. There has been an attempt to introduce a somewhat more structured program of activities but the facilities remain largely the same (just three years older) and the number of recreation staff has decreased. This has placed additional strain on equipment, staff and prisoners.
- 5.61 In 2009 the space available for recreation was found to be inadequate to meet the needs of a population of around 900 prisoners.<sup>120</sup> The main areas for recreation were the gymnasium and two ovals. At that time, Hakea management was planning to introduce a more structured recreational program for its prisoners and part of this plan included a submission for a new central facilities building, which would contain (among other things) a new gymnasium. This proposal had enormous potential.
- 5.62 The Inspector recommended in 2009 that the proposed central facilities building be fast tracked.<sup>121</sup> The Department responded that the project would not be fast tracked because it 'has been funded, is in document design phase and is expected to be completed by early 2011.' Despite this commitment, no building has commenced and the plan for a central facilities building appears to have been permanently put on hold. The precise reasons for this change are not known but the consequences are clear: the facilities remain identical to those reviewed in 2009 and the saga of the on/off central facilities building serves to reinforce staff cynicism about direction and planning.

119 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 78 (June 2012).

120 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 36.

121 *Ibid*, 37.

- 5.63 Three recreation officers were employed at Hakea at the time of the 2012 inspection, but one officer was away on leave, meaning that there were only two officers to service the entire prison. When all three are available, one is responsible for the east side of the prison, one for the west, and the third operates centrally. With one staff member on leave and the position left unfilled, the rostering arrangements for recreation officers leave only one recreation officer on weekdays for the entire site. Further, the rostering arrangements also leave Hakea short of recreation officers at least one day out of every six weeks, thus preventing the prison to run any recreation activities. For a prison with a population of more than 850 prisoners this is unacceptable.
- 5.64 During the 2009 inspection, Hakea had a population of around 900 prisoners, and because of the pressure, a fourth 'peak muster' recreation officer had been temporarily brought in. But at the 2012 inspection, when the population of Hakea was around 850, no such additional position had been filled. In effect, this left only two officers where there had previously been four.



*Figure 17: The courts area outside Units 1 to 4*

- 5.65 Since the last inspection, a third oval had been constructed at Hakea adjacent to the new accommodation units 11 and 12. Unfortunately, this oval had been unusable due to ongoing problems with its surface condition. Poor maintenance of existing facilities further reduces the recreation options available to prisoners. The original two ovals were found to be in poor condition, with some prisoners claiming injuries from the uneven surface and others stating that they did not use them because of the risk of injury.

- 5.66 With the addition of the two new units, demand for access to the gym has increased. Morning, afternoon and one-hour evening recreation sessions are held, with each session being designated for either the eastern units (7–11) or the western units (1–5). Protection prisoners (Unit Six) have access to the gym only on weekends. Access from the eastern side of the prison complex is difficult as it requires the prisoners to make their way across a considerable distance and through several secure checkpoints to reach the gym. The process reportedly takes up to 15 minutes, which results in a significant reduction in recreation time. This situation is further exacerbated for those in the eastern units who have full-time employment, and can therefore only make use of a one-hour evening recreation session.

*Recommendation 21*

*Improve recreation opportunities at Hakea by providing better facilities (especially the gymnasium and oval maintenance) and by ensuring that sufficient recreation officers are on duty.*

**FOOD**

- 5.67 Hakea’s main kitchen produces around 2,400 meals every day, catering for both prisoners and staff.<sup>122</sup> This includes a 10 to 15 per cent contingency quota to ensure there is sufficient food in the event of an unexpected spike in prisoner numbers or, for example, an accident involving a food delivery trolley.



*Figure 18: The cramped food reheating and distribution area in an older unit*

122 Since the previous inspection Hakea has introduced three further staff dining amenities located across the prison site to provide a lunchtime meal place for all staff. This takes the total number of staff dining amenities to four.

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- 5.68 Inspections often find high levels of prisoner dissatisfaction with food, and such comments were frequently made during prisoner interviews and in the pre-inspection survey undertaken for the current inspection. In terms of food quality, the survey found that only 24 per cent of prisoner respondents were ‘mostly happy’ compared to the state-wide average of 49 per cent. However, more prisoners were happy with the quantity of food on offer (53 per cent).
- 5.69 The overall inspection finding was that the kitchen was doing the best job possible in light of the prisoner population and the volume of meals it has to produce each day. Inspection team members who observed the dish-up of food across a range of accommodation units noted the large quantity of food available. It was sufficient for each prisoner to have at least two servings. We also observed whole tubs of fresh salad being disposed of following meal dish-up, indicating that fresh and relatively healthy food was abundantly available.
- 5.70 The kitchen is one of the largest industries at Hakea. It operates in two shifts, morning and afternoon, with different workers at each shift. There are 40 prisoners allocated for each shift, but generally only 10 to 12 of the allocated prisoners are unable to attend because of scheduled arrangements such as court, medical appointments and visits.
- 5.71 A great deal of work has been done at Hakea to achieve a high level of compliance with the food safety program, Food Stars, and the prison received an award for this compliance in April 2012. As a result of the kitchen staff’s commitment to this program, the kitchen is now a vermin-free zone. This is a considerable and laudable achievement considering the serious vermin infestation that has plagued the rest of the site. As previously discussed, there are plans to introduce the Food Stars safety regime to the accommodation units in a bid to address the vermin problem in the units. These plans should be implemented.<sup>123</sup>

#### CLOTHING AND BEDDING

- 5.72 At the previous inspection the functioning of the laundry and prisoners’ access to clean clothing was a central issue for prisoners, with complaints of lengthy delays in the processes.<sup>124</sup> Further, there were serious concerns about the health and hygiene implications of prisoners sleeping on mattresses on the floor that would become wet from the condensation overnight. At that time there were 22 prisoners sleeping on mattresses on the floor across Hakea.
- 5.73 In 2012, whilst the doubling up of cells continued across much of Hakea, the sleeping arrangements were more permanent in the form of properly installed bunk beds. There were no prisoners sleeping on mattresses on the floor. Further, the prison had introduced a mattress cleaning industry which cleans used mattresses in accordance with the relevant Australian standards, thus allowing for the mattresses to be recycled rather than disposed of. This was a cost-saving as well as environmentally friendly initiative.

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123 See [5.35]–[5.38].

124 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 34–35.

- 5.74 A vocational support officer (VSO) with knowledge of institutional laundering was managing the laundry, and suitable training and constant supervision was provided to prisoners working there. The VSO has developed rigorous systems for returning and replacing clothing. The inspection found that the laundry was working well given the demands of the increased prisoner population and the opening of the new accommodation unit.
- 5.75 Generally, a prisoner who hands in laundry for washing will have it returned the next working day. All clothing is identified as belonging to a particular prisoner through a system of tagging. All items with the same tag number are collected and placed in the laundry bag belonging to the prisoner with that laundry tag number. The laundry bags are placed in locked trolleys that are wheeled to the units to be distributed to the prisoners personally. This process is supposed to be supervised by officers in the unit. However, it is at the distribution point in the units where the process sometimes breaks down. We were informed of (and later witnessed) clean laundry bags being left lying in hallways if the prisoner was not in the unit when the bag was returned. In cases where the prisoner is not in the unit, the unit officer supervising the laundry return should secure the prisoner's laundry bag in his cell to ensure security of contents.

#### PRISONER SUPPORT SERVICES

- 5.76 The peer support team continues to provide an important service to prisoners at Hakea and is well integrated into the reception and orientation processes. There was an appropriate diversity of cultural representation within the group, who were accommodated in units across the whole prison site. While the team generally felt valued within the prison, they expressed concern about difficulties experienced in accessing Unit One to provide support to a group of prisoners who often require it.<sup>125</sup>
- 5.77 Three prison support officers (PSO) support the prisoner team, each one taking responsibility for specific accommodation units. However, the reporting lines for the PSOs are somewhat fractured; they are required to report to different people (both on-site and off-site) depending on the issue or the context in which it occurs. The off-site head office manager is strictly responsible for the PSOs; however, that manager is responsible for PSOs across a number of prisons and so face-to-face contact and support is limited. Development of the role, training and support for PSOs has also been limited by the delay in appointing a state-wide line manager for them. The PSOs stated that they feel a bit isolated and restricted in their roles, and wanted greater access to training and support.

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125 See [4.34] and the accompanying recommendation.

- 5.78 This Office has expressed support for prison councils as an alternative forum through which prisoners can have a voice. These groups aim to address systemic issues affecting all prisoners, as distinct from the services provided by the peer support team, which focus more on prisoners' individual issues. Prison councils exist in a number of prisons across the state, the first being the Prisoner Information and Activity Committee (PIAC) established at Acacia Prison. Another good example operates at Albany Regional Prison and the most recent inspection of Bunbury Regional Prison recommended that one be established there.<sup>126</sup>
- 5.79 Hakea established a prison council just before the 2009 inspection. It comprised prisoner representatives from each of the residential accommodation units across the prison. As such, they represented all prisoners and raised issues on their behalf. At the time of the 2009 inspection the council was working well with effective input from management. It was found prison council representatives, prisoners generally and management found value in the forum, and liaison visits in the intervening period reached the same conclusion.
- 5.80 Unfortunately, the current inspection found that the functioning of the prison council had regressed. Prisoner representatives said that meetings had been sporadic in past months and management involvement had been minimal. The senior manager previously responsible for facilitating the council meetings had recently left the position, and there were no specific arrangements in place for a permanent replacement. It is not acceptable that good practices depend on individuals and fall back when they move. The Inspector hopes to see the prison council concept fully functioning again soon.

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126 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011) Recommendation 11.



# Chapter 6

## REVISITING THE MANAGEMENT OF MENTAL HEALTH AND OTHER DIVERSE NEEDS

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- 6.1 Like other prisons, Hakea houses a complex mixture of different groups of prisoners with very different backgrounds and needs. Previous chapters have examined some of these, including the position of people being held on remand, the large number of young men (especially young Aboriginal men) and people recently received into prison. This chapter examines some other key groups, namely, people with mental health needs, Aboriginal prisoners, foreign nationals and people from non-English speaking backgrounds, and prisoners held in protection.

### MENTAL HEALTH NEEDS<sup>127</sup>

#### Resources

- 6.2 Mental health care at Hakea is provided by three main ‘streams’ of professionals:
- The comorbidity team (specialist mental health and substance abuse professionals, including nurses and psychiatrists);
  - The primary care team (general nurses and general practitioners); and
  - The prisoner counselling service (psychologists and social workers).
- 6.3 Each professional stream is line managed separately within the Department. The comorbidity team (apart from the visiting psychiatrists) and primary care team are line managed through separate parallel chains, uniting at the level of the Director Health Services in head office. However, the Prisoner Counselling Service (PCS) on the other hand is line managed through a separate non-clinical chain.<sup>128</sup> As well as these on-site staff, there are two therapists who provide group therapy programs to all the prisons in Western Australia. These services are all managed by the Department, rather than under the public sector mental health and health services. On the other hand, the visiting psychiatrists are provided by the state’s public Forensic Mental Health Service (FMHS) and they report to its state director.
- 6.4 Despite, and perhaps because of, these different streams and management arrangements, the inspection could not be provided with clearly documented criteria for determining which team is responsible for which mental health issues. Essentially, the teams manage on the basis of their own broad and common understandings. The more complex and severe mental health problems (such as psychotic disorders and major mood disorders) are seen as the remit of the comorbidity team and less complex and severe mental health problems (such as stable depression and anxiety disorders) as the remit of the primary care team.

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127 The Inspector wishes to acknowledge Dr Andrew M Aboud (MB, BCh, BA, MRCPsych., CCT Forensic Psychiatr., MS,FRANZCP), Consultant Forensic Psychiatrist and Clinical Director, Queensland Health’s Prison Mental Health Service, for his services as an expert inspector of mental health services for this inspection. The findings within this section are based on his expert knowledge and experiences of mental health services within a corrections environment as well as a decade of reports by this Office.

128 The Deputy Commissioner Offender Management and Professional Development position is functionally responsible for clinical health services (including Director Health Services) and the PCS.

- 6.5 The PCS has the primary function of assessment and management activities related to the 'at risk' process, where the main goal is suicide and self-harm prevention. This includes working closely with prisoners listed on the At Risk Management System (ARMS), the Support and Monitoring System (SAMS), New Young Offenders and Out of Country Referrals. The PCS has a secondary remit to engage in counselling vulnerable prisoners and running therapeutic programs.



*Figure 19: A number of SAMS prisoners reside in Unit 8 where they are involved in the vegetable garden, chooks and greyhounds as pets activities*

- 6.6 Provision exists within the *Prisons Act 1981* and the *Mental Health Act 1996* for prisoners to be transferred to a specialist mental health unit under specific conditions. These include the nature and severity of a prisoner's mental illness; when a prisoner refuses to take necessary prescribed medication; and more broadly when a prisoner's treatment needs cannot be met in custody. There is only one potential receiving unit for these transfers, the 30-bed Frankland Centre located at the Graylands Hospital site. The Frankland Centre is a secure mental health facility run by the state's FMHS and operates under the responsibility of the general public sector health service. At the time of the inspection there were four Hakea prisoners residing at the Frankland Centre.
- 6.7 The feedback received from prisoners and other staff throughout the course of the inspection about the individuals providing these services was positive. Members of the clinical staff were repeatedly described as skilled, professional, caring and committed. However, the great demand for mental health services at Hakea had put members of each of the different medical teams under extreme pressure and raised concerns about the risks they are managing and their ability to continue to deliver best practice services to their patients.

### Known and Unknown Demand

- 6.8 The comorbidity team's Mental Health Register generally has about 130 prisoners, with a weekly turnover of approximately 10 prisoners (due to referrals and releases). This means that at any time around 15 per cent of Hakea's population requires access to these services. These are the prisoners suffering from major mental illness and more complex and severe personality disturbances. However, there is a large proportion of Aboriginal prisoners at Hakea who may suffer from disorders caused by alcohol or drug misuse, but who do not usually self-present to obtain mental health services for cultural reasons or inherent distrust in the system.
- 6.9 To manage the more severe end of the spectrum of the mental health burden the comorbidity team consists of four mental health nurses (two of whom are attached to the Crisis Care Unit) and a specialist nurse for substance abuse. Psychiatric services are provided by 0.6 FTE visiting psychiatrists. The PCS consists of 12 FTE staff, however this whole number is rarely on site given leave obligations and the routine temporary transfer of staff members to supplement other prisons which are short of PCS staff.

### Model of Care Delivery

- 6.10 While feedback about the individuals providing the service was positive, criticisms of the delivery of mental health care services at Hakea were frequent. These criticisms were consistent and heard throughout the inspection from prisoners, management, clinical staff and non-clinical staff alike. The criticisms centred on issues related to impaired access, poor quality treatment in custody, limited capacity for diversion to a psychiatric hospital, and obstacles placed in the way of continuity of care at reception and release. All of the criticisms were underpinned by a broad consensus that the mental health provision was under resourced for such a high risk<sup>129</sup> and vulnerable group and that there were simply not enough secure hospital beds available for hospital transfer.
- 6.11 There was also a strong perception across the same groups that there was potential for a conflict of interest at a systemic level associated with a delivery model where a correctional service actually governed and was responsible for the health and mental health services. Prisoners described their fear of being deprived of healthcare due to the ramifications of a security-focused correctional service delivery model. There was also fear of being inappropriately medicated as a form of behavioural control or even as a form of punishment.
- 6.12 Such fears are important as they reflect a potentially worrying dynamic: a consumer group that does not trust the integrity of the mental health services. This could lead to a tendency for unwell prisoners to choose not to identify or disclose important relevant information about themselves, resulting in a risk for further deterioration.

### Access

- 6.13 The first point at which prisoners can access mental health services is upon reception into Hakea. Vulnerable prisoners are identified using the standard medical screening form used at prisons across the state. The inspection's medical expert found this form to be 'substandard' due to its lack of clarity in direction, use of 'nebulous' and undefined terminology, and a lack of consistent application by staff.

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129 That is risk of self-harm, harm to others, dysfunctional behaviour, further deterioration, relapse, substance use, disengagement, non-adherence, physical morbidity, social impairment and recidivist offending.

- 6.14 The entire medical assessment process (including the mental health section) forces receptions to be inflexibly processed in such a standardised manner that certain medical tests will occur automatically and often when there is no direct clinical indication of need. It also has inbuilt pathways that can lead a prisoner to be sent to the Crisis Care Unit without scope for full consideration of the appropriateness of such a decision in the context of the individual prisoner.
- 6.15 After the reception process, only staff with access to the medical information system, ECHO, can *formally* refer prisoners to the comorbidity team. This prevents uniformed staff and PCS from requesting referrals. *Informal* processes (telephone conversations, corridor conversations and email communications) are being used to compensate. This lacks any capacity for consistency, comprehensiveness or accountability in the system.
- 6.16 The system of referrals suffers from regular long delays and reveals gaps in accessibility to mental health services. Securing an initial appointment with a mental health nurse can take a few days and often takes up to two weeks. Such a lengthy delay usually happens when the prisoner is deemed to suffer from a ‘non-urgent problem’, although this bears obvious risks if the diagnosis is incorrect. To manage this risk the comorbidity team has created an informal mental health management meeting where cases are discussed to be prioritised and share the burden of this risk. There are simply not enough staff resources to meet demand in a more timely way.
- 6.17 Once seen by the nurse and an onward referral made, another delay is experienced in accessing a psychiatrist, again with waiting times ranging from a few days to many weeks. An even more stringent prioritisation system is used in the management meeting, given that there is only 0.6 FTE visiting psychiatrist time available to 130 patients on the prison’s mental health register. While this equates to six sessions per week, only four are available for face-to-face patient contact, with the rest devoted to clinical leadership and administrative tasks.

#### Quality of Treatment

- 6.18 Resource restrictions have resulted in staff prioritising acute care over the equally important and necessary subacute care. This means that more stable (although needy) mental health patients (including those with major mental illnesses such as psychotic disorders) are not routinely monitored as they should be. Consequently, such patients are more likely to become actively unwell, and only then will they become prioritised to see the comorbidity team.
- 6.19 This is a false economy as it ultimately costs more to treat the acutely unwell than to maintain the subacute but relatively stable. This also feeds a belief among prisoners, but also some staff, that a prisoner has to behave ‘very unwell in order to see the mental health service’.<sup>130</sup>

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130 Quote from a prisoner interviewed during the inspection.

- 6.20 As noted above, the team prioritises all patients via an informal mental health management meeting. It is essentially a form of triage deemed necessary by the team to manage its limited resources. While the meeting itself involves more non-patient contact time out of the day, it presents a forum where the professionals involved can share responsibility for decision-making. It was clear from attending one of the meetings that the team members carry great organisational risk in each case prioritisation decision.
- 6.21 The quality of treatment available to prisoners is also limited in that by and large only biological treatments (that is, psychotropic medication) can be delivered, as opposed to the best practice ‘biopsychosocial’ approach, which was the reason why mental health and addictions staff in the health service were integrated into a comorbidity team.<sup>131</sup> In reality, there are only two mental health nurses allocated to deliver psychological therapy (in the form of group therapy) to mentally ill people in prisons throughout the *entire state* prison system. And whilst a differently focused PCS could be another source of this service, its remit is almost exclusively devoted to managing ‘at risk’ processes, and all other activities are given lower priority. This is all to the detriment of prisoners needing ongoing therapy.
- 6.22 When prisoners become so disturbed that they can no longer reside in standard accommodation areas, the on-site Hakea option is for transfer to the 15-bed Crisis Care Unit (CCU). A problem of demand for a limited resource arises again in this context. At the time of the inspection, the CCU was operating as a high dependency unit servicing the acute needs of a diverse group of vulnerable inmates (including those at risk of self-harm, disturbed behaviour, in need of protection, physical health issues, and mental health issues). With such competition for beds, risk issues tend to dominate prioritisation. There was also evidence of a tendency to look to ‘flush out’ the CCU daily, in order to accept new referrals. This resulted in a rapid turnover and limited scope to provide more long-term support to those being held there for mental health issues.
- 6.23 Within this need for services, the expert inspector found that the PCS lacked a clear clinical identity within the prison structure. While in theory its staff is available for counselling and psychological therapies, in reality the Department has prioritised the work almost exclusively to risk assessment and risk management in relation to the ‘at risk’ process (which centres on suicide prevention). While attendance to risk of suicide is important (and it would seem largely successful) such focus and diversion of resources has come at the price of neglecting the broader psychological needs of vulnerable inmates. The PCS is also somewhat isolated as neither a branch of the comorbidity team nor a custodial stream. There is a lack of information sharing from the comorbidity team to PCS and this is underpinned by PCS’ lack of access to ECHO. In addition, it is currently being proposed that PCS staff lose their external supervision to save money. This threatens further isolation.

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131 George Engel is credited with the insight that: ‘biological, psychological (which entails thoughts, emotions, and behaviours), and social factors, all play a significant role in human functioning in the context of disease or illness’ in contrast to the biomedical model. This approach has proved foundational for ‘patient centred’, ‘provider-patient’ and ‘comorbidity’ models of medical and allied health practice: see Engel GL, ‘The need for a new medical model: A challenge for biomedicine’ (1977) 196 *Science* 129–136.

#### Access to External Services

- 6.24 When mentally ill prisoners' treatment needs cannot be met in the custodial environment transfer to a mental health facility for inpatient assessment and treatment becomes necessary. In Western Australia there is only one available facility for prisoners – the 30-bed Frankland Centre located at the Graylands Hospital site. Although the Frankland Centre tries to be responsive to demand it has extremely limited capacity. As a result, there may be premature discharge of patients to make room for new referrals and prisons (including Hakea) may delay longer than is appropriate to refer patients due to the expectation that there will be no available bed. The consequence is a pool of actively unwell people in prisons drawing on limited resources. These issues have been raised in several previous reports, most notably the 2011 report on Bandyup Women's Prison.<sup>132</sup>
- 6.25 By not being able to appropriately divert acutely mentally unwell prisoners to psychiatric hospital: the entire staff group becomes more burdened; the prison environment becomes more morbid; risk of self-harm, suicide, aggression, assault, behavioural disturbance increases; and the prison authorities carry more systemic and organisational risk.
- 6.26 Prisoners in this position are also likely to suffer behavioural symptoms that may be genuinely misinterpreted by custodial staff as wilful disobedience, or an indication that the prisoner needs placement in an observation or multipurpose cell in the management unit.<sup>133</sup> From this placement, if there is further escalation of behavioural problems, prisoners may find themselves mechanically restrained on a 'blue bed'.<sup>134</sup> As one officer stated '[B]ehaviour is behaviour, I'm no psychiatrist. If he threatens to harm himself, he goes in a safe cell; if he bangs his head, we threaten him with the blue bed; if he carries on, he goes on the blue bed. I just deal in the behaviour'.
- 6.27 In theory, a mentally ill person could be mechanically restrained to a bed in the prison because of a combination of automatic steps related to the 'at risk' process; limited mental health training for custodial staff; a backing up of more severely mentally unwell people in the prison environment due to the lack of diversion options; and inadequate screening and monitoring processes underpinned by a lack of resources. This is an unacceptable outcome for a person suffering a mental health condition and the underlying problems described above must be urgently addressed. There is a scope for more Department of Corrective Services action but the issues also require a much more sustained whole of government approach.

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132 OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 73 (August 2011).

133 See Chapter 4 for a discussion of the role and function of Unit One.

134 See Chapter 4 for more discussion about the use of the restraint bed ('blue bed').

*Recommendation 22*

*Review the provision of mental health services at Hakea prison with a view to improving service delivery. This should include:*

- (i) A placement option which provides a mid-way point between the Crisis Care Unit (CCU) and mainstream placement for those prisoners who need longer term mental health care or who need a staged transition out of the CCU;*
- (ii) Improved staffing levels; and,*
- (iii) Better integration of the Prisoner Counselling Services.*

*Recommendation 23*

*The Department of Corrective Services work in collaboration with other departments and agencies to drive comprehensive systemic reforms to mental health services for prisoners and juvenile detainees. This should focus not only on achievable outcomes within the state's correctional facilities but also on more options for acutely unwell prisoners to reside in designated forensic mental health facilities.*

## ABORIGINAL PRISONERS

- 6.28 Aboriginal prisoners constituted a significant proportion of the Hakea population at the time of the inspection at 31 per cent (or 263 individuals). As discussed in Chapter 1 the high proportion (45%) of prisoners aged under 25 years that were Aboriginal was of particular concern. These figures indicated a need for Hakea management to have developed specific strategic plans for its Aboriginal population, and in particular for young Aboriginal men. This was not found to have occurred. The 2009 inspection had concluded that 'services directed at this group were lacking and had failed to keep pace with the increased Aboriginal prisoner population'<sup>135</sup> so it was disappointing to find little or no improvement.
- 6.29 A significant number of Aboriginal prisoners come from remote and regional areas of the state. The system within the Department, and therefore Hakea, for identifying the home country of Aboriginal prisoners is linked to where they were arrested and remanded. The electronic prisoner record system ('TOMS') records information in this way, regardless of where the prisoner considers his home to be. At the beginning of the inspection the inspection team was informed that the number of geographically isolated Aboriginal prisoners was not significant. However, this turned out to be well-short of the true situation. Inspection staff identified and spoke with several prisoners from remote areas who had been misidentified as metropolitan prisoners because they had been arrested in Perth.<sup>136</sup> This must be addressed. Isolated prisoners need more support and understanding of cultural needs than most local prisoners and are entitled to assistance to maintain their contact with families.

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135 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 60.

136 At the time of the inspection, 21 Aboriginal prisoners were identified on TOMS as being out of country. During the inspection, a further five Aboriginal prisoners (erroneously identified as metropolitan prisoners) identified themselves to the inspection team as being out of country. There may well have been others.

*Recommendation 24*

*Improve the processes and systems for identifying ‘out of country’ prisoners at Hakea and other prisons, and for meeting their needs.*

- 6.30 There had been little or no progress in improving the provision of or access to culturally appropriate food for the Aboriginal prisoners at Hakea. So-called ‘cultural’ barbeques were provided for the Aboriginal prisoners on the same basis found in 2009. Barbeques are held approximately five times a year, but prisoners can only access their own unit’s barbeque, so in practice each individual can attend only once per year. Access on this basis seriously fails to recognise the cultural importance of sharing meals with fellow countrymen or family who may be accommodated in different units throughout the prison. The Aboriginal prisoners also perceived acute differences with the treatment of prisoners from Asian countries, who had access to foods such as rice and noodles daily in their units and who commonly resided together. Access to culturally appropriate food was the subject of a recommendation in the 2006 inspection report, which will not be repeated here.<sup>137</sup> However, it should be clear that progress against this recommendation has been inadequate. The prison can address this deficiency, and should do so urgently.



*Figure 20: Aboriginal meeting place*

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137 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 55.



- 6.31 Meetings and discussions conducted during the inspection with out of country Aboriginal prisoners revealed they were not knowledgeable about the options available for communication with their families other than telephones. They had no awareness of the possibilities of Skype or video link visits or of the entitlement to extra visits if family came to Perth. In part this probably comes back to the issue raised earlier: if there is a better understanding of exactly which prisoners are from regional and remote areas, better advice, support and assistance can be provided.
- 6.32 The Aboriginal Visitor Service (AVS) continues to provide a very valuable service to Aboriginal prisoners at Hakea. The individual visitors came from various regions throughout the state and attend in pairs four days a week. They are proactive about accessing newly arrived prisoners and have good access to most of the prison. As previously noted, the exception to this was Unit One.<sup>138</sup>
- 6.33 Another very valuable resource is a member of the Hakea chaplaincy team who is also a recognised Aboriginal Elder. He provides great support to Aboriginal prisoners, visitors and staff.
- 6.34 The strategic direction of services for Aboriginal prisoners and the day-to-day delivery of those services have been hampered by instability around the management position responsible for this area, namely the Assistant Superintendent Offender Services. The substantive occupant had left some months prior to the inspection to take up another position in the Department and the position had been filled by two individuals on a short-term acting basis. Whilst the inspection team observed a high level of enthusiasm to improve services for the Aboriginal prisoners, the lack of a permanent position-holder was inhibiting services.
- 6.35 As a result, only immediate needs in relation to Aboriginal prisoner services appeared to be progressing. At the time of the inspection, this was essentially limited to planning for the 2012 NAIDOC celebration and a significant upgrade to the existing cultural area, to include a stage for traditional performances and barbeques. The upgrade to the cultural area had been proposed by the Prison Support Officers, who were most enthusiastic to engage prisoners in its design and construction. The PSOs reported that they were supported by local management in progressing this project and this is to be welcomed.
- 6.36 Another example of the lack of direction in Aboriginal services at Hakea concerned the Prison Aboriginal Services Committee (PASC). The Department's PASC process aims to 'ensure that Aboriginal prisoners and offenders leaving prison have access to appropriate services and programs that will facilitate healthy lifestyles, contribute to the reduction of reoffending and Aboriginal disadvantage.'<sup>139</sup> With the loss of the head office manager, who drove the development of the committee, and no substantive and experienced local manager to continue in this role, the committee had not been functional for some time.

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138 See [4.34] and the associated recommendation.

139 See DCS, *Reducing Aboriginal Disadvantage, A Guide for Aboriginal Services Committees within Western Australian Prisons* (March 2010).

- 6.37 It has taken a long time to establish the Aboriginal Health Re-entry Program in Western Australia since the Commonwealth first awarded funding for its implementation and Hakea appears to have been the last to receive this service. Recruitment of a suitable person to act as liaison with community health providers for Aboriginal prisoners approaching release has proved difficult, with the result that Hakea Prison has to share the staff member appointed to Casuarina Prison. This has left Hakea with coverage of this position only two days per week.
- 6.38 Despite repeated efforts by inspection team members during, and following, the on-site inspection phase, no contact could be established with the Aboriginal Health Re-entry Officer at Hakea. Indeed, the inspection team could not even ascertain where the officer was expected to be located in the prison on the days he did attend Hakea. In many other prisons, these positions are located in the prison's health centre. Health centre management and staff at Hakea expressed no knowledge of this position and insisted that he did not work out of the health centre, while local management were of the opinion that the position did work out of the health centre. This initiative should have long terms benefits for the Aboriginal community, so its failings are unfortunate.
- 6.39 Overall, the inspection did not find many positive aspects to the provision of services to Aboriginal prisoners at Hakea. Based on inspection findings in 2012, the Inspectorate has scored the Department's progress against the recommendation made in 2009 relating to services for Aboriginal prisoners at Hakea as less than acceptable. For this reason, the gist of a recommendation made three years ago is repeated:

*Recommendation 25*

*Reinvigorate the Prison Aboriginal Services Committee at Hakea Prison and use this committee to assist in developing improved strategies for the management of Aboriginal prisoners and better coordination of services.*

**FOREIGN NATIONALS AND THOSE FROM NON-ENGLISH SPEAKING BACKGROUNDS**

- 6.40 The 2009 inspection report provided a lengthy analysis of the profile of foreign national prisoners accommodated at Hakea, who then constituted nearly 21 per cent of the total population. A particular focus was placed on the experience and management of Indonesian prisoners, as they accounted for a significant and growing proportion of that population.<sup>140</sup> Indonesian prisoners were a particular cause of concern because of difficulties they had been experiencing with language barriers, religious practice, legal representation, allegations of children being held in adult prisons (including at Hakea) and communication with families in Indonesia.

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140 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No.63 (April 2010) [5.3]–[5.27].

- 6.41 The report resulted in a recommendation to the Department aimed at improving services to foreign national prisoners generally: ‘the Department must develop and implement clear standards with regard to the management of foreign nationals within the Western Australian prison system’.<sup>141</sup> The rationale for this recommendation was that the Department could not continue with inconsistent policies across its facilities and between prisoners depending on their place of origin. This was unfair on prison management, staff and prisoners. The Department supported this recommendation in full, accepting that ‘this cohort is likely to increase’ and it would be ‘timely to pull [existing separate policies] together to provide clarity and extend these to ensure that foreign nationals receive appropriate consideration’.<sup>142</sup>
- 6.42 Three years on from acknowledging the deficiencies, the Department has still not been able to ‘pull together’ what were said to be existing policies into a single cohesive document. And despite further commitments made several months ago in response to a report on Albany prison, there is still no outcome.<sup>143</sup>
- 6.43 In 2012 foreign nationals at Hakea had increased to 27 per cent of the total population.<sup>144</sup> The inspection team found that these prisoners continue to be treated differently depending on their country of origin, and have access to different levels of services dependant on their prison placement.<sup>145</sup> Some aspects of current practice are discriminatory and unacceptable.

#### Non-English Speaking Background Prisoners

- 6.44 This inspection found that while some areas of the prison had clear and established routines in place for accessing interpreting services, others had none. For example, the assessments centre had established a consistent and suitable way of dealing with prisoners for who did not speak English as their first language. Translating and Interpreting Services (TIS) posters were visible in the assessments waiting area with information in a variety of languages. All staff in the centre had also been issued a TIS contact card with contact details to access an interpreter and Hakea’s reference number. This represented good practice.
- 6.45 However, in the adjacent orientation building there were no such established practices in place. Staff stated that they had never engaged an interpreter to assist in communicating with a prisoner and did not know how to access one. The same situation was found throughout the rest of the prison (with some limited use of TIS in the medical centre). If staff required an interpreter, the first option was almost invariably to locate another prisoner or a prison officer who spoke the required language. There was little evident regard for privacy, confidentiality or security requirements. Proper policy, accompanied by staff training as to when and how interpreters should be engaged is essential.

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141 Ibid, Recommendation 15.

142 Ibid, 81.

143 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 78 (June 2012) 89.

144 TOMS data indicated 23 nationalities other than Australian were present at Hakea at the time of the inspection.

145 See also discussion and recommendations made in: OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 78 (June 2012); and OICS, *Report of an Announced Inspection of Boronia Pre-release Centre for Women*, Report No. 79 (July 2012).

- 6.46 The *Western Australian Language Services Policy 2008* (WALSP) sets out minimum standards for the use of interpreting and translating services by all government agencies. It also establishes requirements for the ‘minimisation and management of legal risks to the State of Western Australia, its agencies and instrumentalities’.<sup>146</sup> This policy states that individuals should be provided with professional level interpreters and translators in their preferred language where they:
- need to be informed of their legal rights and obligations;
  - need to give informed consent;
  - are required to enter into a legally binding contract or agreement with the state and are not required to engage their own interpreter or translator;
  - require essential information to fully participate in decisions or proceedings relating to their rights, health and safety; or
  - require essential information to protect their rights, health and safety.<sup>147</sup>
- 6.47 It is vital that a person in custody be made aware of their legal situation, status, and their rights and responsibilities within the prison setting. Relying on untrained staff and prisoners for the transfer of this level of information is inappropriate. Expecting a prisoner to divulge personal information to another prisoner or prison officer who they may have never met is unacceptable. However, the Department generally continues to over-use multilingual prisoners and staff as interpreters, contravening the WALSP minimum standards which permit non-professional interpreting only in ‘exceptional circumstances’.<sup>148</sup>

*Recommendation 26*

*Ensure that the policy relating to the management and treatment of foreign national and culturally and linguistically diverse prisoners is finalised and implemented within six months.*

**Indonesian Prisoners**

- 6.48 Following the previous inspection of Hakea, in 2010 the Inspector recommended that:
- Hakea Prison must ensure that the day-to-day requirements of the Indonesian prisoners (and other specific groups) are met, such as access to appropriate food...improved communication, and provision of all the necessities for religious practice.<sup>149</sup>
- 6.49 Some progress has been made at Hakea to accommodate the daily requirements of Indonesian prisoners such as an orientation DVD produced with the aid of the Indonesian Consulate to explain prison processes to new arrivals.

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146 Government of Western Australia, *Western Australian Language Services Policy* (2008) 15.

147 Ibid, Standard 2.1.

148 Ibid, Standard 2.3.

149 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 78 (June 2012) 81.

- 6.50 The Indonesian prisoners are permitted to cook their own rice on a daily basis. The prison's accommodation of the Halal requirements of this predominantly Muslim group is for their food to be either non-pork or vegetarian. A non-pork diet is not actually Halal because, like Kosher food, Halal meat needs to be slaughtered in a particular way and food needs to be prepared in a particular way. However, the prisoners appear to accept and appreciate the compromise. Friday prayers are now held regularly, led by a member of staff who is Muslim.
- 6.51 The main frustration of most Indonesian prisoners at the inspection was their inability to support their families back in Indonesia. In June 2011, the Department responded to a request from the Commonwealth Attorney General to prevent prisoners held on 'people smuggling' charges from sending any prison-earned gratuities overseas until the Department of Immigration and Citizenship (DIAC) could issue a notice to garnish their earnings.<sup>150</sup> The notice removed the right of only this group of foreign national prisoners in Western Australian prisons to send money home (mainly to support their dependents). The intention behind the federal government's request was to 'confiscate' the money to repay the cost of their detention in immigration detention centres (usually prior to their transfer to a state prison).
- 6.52 As discussed in the recent report on Albany Regional Prison,<sup>151</sup> this policy has caused extreme ongoing distress and anguish to the prisoners involved, to the point where, for the first time during an inspection, some Indonesian prisoners stated they had contemplated self-harm or suicide. Numerous stories were recounted of families becoming homeless, children having to be removed from school, and family members suffering from illness and injury who were unable to afford medical treatment.
- 6.53 It also appears that Western Australia is the only state corrections department to have responded to the federal request. This has amplified the sense of discrimination felt by the prisoners, as Indonesians in custody in other states (some of whom come from the same villages) are permitted to send money home to their families. Some Indonesian prisoners stated they were now reluctant to call their families to avoid the shame and resentment, further isolating them from essential supports.
- 6.54 Indonesian prisoners in Western Australia are suffering discrimination compared to their counterparts in other Australian jurisdictions. Australia's obligations as a ratified party to the *International Covenant on Civil and Political Rights* (ICCPR) require that all persons deprived of their liberty be treated humanely and with respect for their dignity.<sup>152</sup> Furthermore, persons deprived of their liberty must not be subjected to any hardship or constraint other than that resulting from the deprivation of liberty.<sup>153</sup> It is clear, however, that for this particular cohort of prisoners, their treatment in Western Australian prisons is significantly harsher than those experienced in other Australian jurisdictions. As such, this practice is discriminatory and unjustified.

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150 DCS, *ACCO Notice 8/2011 – Restricted Expenditure of Gratuities* (7 June 2011).

151 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 78 (June 2012) (vi)–(viii) and [4.79]–[4.84].

152 Office of the High Commissioner for Human Rights (OHCHR), *General Comment No. 21: Replaces general comment 9 concerning humane treatment of persons deprived of liberty (Art. 10)*, (April 1992) [3].

153 OHCHR, *General Comment No. 21: Replaces general comment 9 concerning humane treatment of persons deprived of liberty (Art. 10)*, (April 1992) [4].

- 6.55 Such a restriction does not apply to any other group of prisoners accused of federal offences (such as drug-related crimes) or to any other foreign national prisoner (which may include murderers and people convicted of sex offences). It is therefore, again, discriminatory. As the ‘people smugglers’ are almost exclusively Indonesian, the practice also constitutes systemic racism.<sup>154</sup>
- 6.56 The practice becomes even more nonsensical when it is noted that more than 12 months after the request, DIAC has failed to follow through on its own request and is not pursuing garnishee notices. As a result, Indonesian ‘people smugglers’ released from custody are in fact taking money back to Indonesia upon deportation.<sup>155</sup> At the time of the Hakea inspection, at least three Indonesians had done so. It would be far preferable for the prisoners to be able to support their families while they are in prison as other prisoners can.
- 6.57 In summary, the Department should immediately rescind its current policies which prevent Indonesian prisoners from sending gratuities home. The practice is discriminatory and in breach of national and international standards governing the treatment of prisoners.<sup>156</sup>

*Recommendation 27*

*Rescind the provisions of Assistant Commissioner Custodial Operations (ACCO) Notices 8/2011 and 14/2011 which prevent certain foreign national prisoners from remitting to their families monies which they have earned in prison.*

## PROTECTION PRISONERS

- 6.58 As the inspection commenced in May 2012, there were 71 prisoners placed in Unit 6, the protection unit. Two others were placed in the management Unit, and one in Crisis Care. Unit 6 has 71 cells, so almost all had single cells. A diverse range of prisoners find themselves in need of protection in prison. Some fear retribution for a crime committed (or allegedly committed) against a person beloved by another prisoner, some are members of feuding outlaw motorcycle gangs or families, others are targeted by others for drug debts or for cooperating with the authorities, some have committed (or alleged to have committed) crimes others consider heinous, especially against children, and some are mentally unwell or otherwise feeling vulnerable.

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154 Racial discrimination is defined by Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination as including ‘any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.’

155 DCS, *ACCO Notice 8/2011* states: ‘If at the end of a prisoner’s sentence, DIAC have not issued a notice, gratuities credited to a prisoner and any other moneys held on their behalf shall be made available to the prisoner upon discharge’.

156 United Nations, *International Covenant on Civil and Political Rights* (1966) art 10; United Nations, *Standard Minimum Rules for the Treatment of Prisoners* (1955) r 76(2).

- 6.59 It is necessarily the case therefore that the freedom of movement of such persons is limited. They can only leave the unit under officer escort to attend segregated work areas or to attend education, library, oval or gymnasium at special times. They may also attend scheduled appointments at visits, official visits, video link, the health centre or reception, for external medical appointments or court appearances. This means that the unit has to satisfy a greater range of recreation and living needs than most others.
- 6.60 The range of work and other opportunities in the prison are also necessarily restricted for protection prisoners. Historically the laundry has provided the main source of employment exclusively for the protection unit at Hakea. It is a large industrial laundry that in the past has catered not only for Hakea, but for Casuarina Prison, the two juvenile centres and police watch-houses.<sup>157</sup> Thirty people are needed to run the laundry and at times it has employed 45 or more. The office has previously expressed concern in the past that Unit 6 prisoners were effectively conscripted to work in the Laundry and threatened with being placed in Unit 1, the management unit if they refused.<sup>158</sup> The number of unit worker positions is much lower than in other units which means greater effort and performance is required.
- 6.61 Of the 71 in Unit 6 at the start of the inspection, 34 had jobs in the laundry, fourteen were unit workers, eight worked in three different administrative areas, five in a store adjacent to the unit, four in visits and six were not working. Nineteen of the workers were paid gratuities at Level 1 reflecting the trust and responsibility placed in a number of these positions, or the leading hand role played by others in the laundry. It is still the case that some of those working in the laundry were not at all happy and felt they had little choice. The work is hard, and many work all day, sometimes over lunch or after the normal knock off time at 3pm. In comparison to kitchen workers, another essential service, who are rewarded with access to quality food for their efforts, laundry workers have little more incentive than their gratuities, a can of drink on occasion and a monthly BBQ in the Unit.
- 6.62 Additionally, there is little access to accredited training other than in laundry operations or cleaning for Unit 6 prisoners, and no opportunity to be a full-time student. Protection prisoners had the opportunity to attend at education only on Friday afternoon.<sup>159</sup> Nevertheless, the diversity of employment available to protection prisoners is reasonable if not ideal, and there appears to be less compulsion than before. Protection prisoners are also favoured by having almost full employment and a significantly higher gratuity profile than other units at Hakea. This means a much greater proportion are employed at Levels 1, 2 and 3 than is generally the case.

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157 It no longer services Casuarina Prison.

158 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) [5.31] 81.

159 The question of access by protection prisoners to education is addressed below [7.27]–[7.28].

- 6.63 The 2009 inspection expressed concern about the transfer of Indonesian prisoners to Unit Six to provide a stable workforce for the laundry, which was short-staffed at the time. Such prisoners were effectively subject to the same restrictions on movements and opportunity as applied to protection prisoners. The report stated that the situation displayed ‘poor planning/communication at best, and a degree of exploitation at worst’.<sup>160</sup> While a handful of Indonesian prisoners were still working in the laundry at the time of the current inspection, they were no longer residing in Unit Six.



*Figure 21: Sorting clothes in the laundry*

- 6.64 Limitations in accessing external recreation in the gym, oval and library is partly compensated by development of a lawn area in the Unit where informal soccer, volleyball or other games are played, isometric gym equipment is used and the smoking shelter used for social purposes. There is a pool table in one of the wings and a small market garden tended by some of the older prisoners. Staff said they had put a number of proposals to prison management to improve activities and work opportunities for the protection prisoners in Unit Six, including moving one of the internal fences that surrounds one side of the unit to incorporate a larger market garden. Another idea was to utilise a strip of land running down one side of the unit to replicate some of the activities available to the SAMS prisoners in Unit Eight, such as caring for chickens and greyhounds.

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160 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 59.



- 6.65 In response to these ideas in the draft version of this report, the Department stated: ‘the risk associated with establishing new industries for protection prisoners is that the essential services industry (ie laundry) will not be sustainable and Hakea will risk losing the laundry workshop to mainstream’. This is concern is understandable, but gardening and animal care could enrich Unit living without a significant drain in employment from the laundry or other areas. Unit 6 prisoners, some of whom reside there for a considerable period might also benefit from more opportunities to do their own cooking, engage in rehabilitative programs, watch films, or do arts and crafts.

# Chapter 7

## WELFARE, INTERVENTIONS AND TRANSITIONAL SUPPORT

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- 7.1 The daily activities available to prisoners should address a range of needs; for example, offending behaviour, welfare needs, educational and training opportunities, and practical work readiness skills. Daily activities also serve to provide an example of a purposeful day that can be drawn upon by prisoners upon release back into the community. The Inspector's Code of Inspection Standards provides a guide as to what a prison facility should provide to its prisoners with regard to programs, employment, release planning and education.<sup>161</sup>
- 7.2 The inspection found that, overall, Hakea offers a good range of intervention services and that these services have improved since the last inspection. The interventions address a variety of needs including: welfare and practical needs; family issues; alcohol, drugs and related health issues; cognitive skills; life skills; and reintegration needs.
- 7.3 The majority of these services are targeted at Hakea's core population of remand prisoners and other new arrivals, but there are also some programs targeted at the smaller population of sentenced prisoners, including one Assessment and Case Management (ACM) program (Think First) and a Re-entry Link program. Encouragingly, a number of programs are effectively open to both categories of prisoner, meeting the needs of a larger number of prisoners.
- 7.4 It was very evident, however, that despite the improved delivery there remains a significant unmet need for voluntary group programs (such as PAST<sup>162</sup>) and counselling among remandees in relation to their addictions issues. Programs addressing family violence and relationship counselling were also identified by prisoners and specialist staff as a core unmet need.

### PRACTICAL WELFARE AND SUPPORT

- 7.5 As part of the orientation process, all newly received prisoners are provided with a *Hakea Prison Re-entry Services Checklist* from the Transitional Manager. This includes a list of issues (such as fines payment, licence renewal or Medicare cards) that prisoners may ask for help with. There is another list specifically targeted at sentenced prisoners. There is also a list of programs and information sessions that prisoners can request. Orientation officers and peer support prisoners explained the services and programs available and encouraged prisoners to apply for services or programs they needed. The checklist is also available in the units and could be resubmitted at any time.
- 7.6 A new service introduced since the last inspection is the Outcare remand service. This service is available to remandees in their first two to three weeks at Hakea. Two contracted Outcare workers help prisoners with practical needs, such as organising storage for belongings outside the prison, moving a pet, tracking down a relative, preparing applications for legal aid or organising accommodation services. They can also refer issues to other agencies, for example, to Good Beginnings for matters concerning children.<sup>163</sup> This is a highly practical service that alleviates many of the stresses facing individuals newly remanded to custody.

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161 OICS, *Code of Inspection Standards for Adult Custodial Services* (2007) Standards 122 and 131–133.

162 Prison Addiction Services Team.

163 See also [7.9].

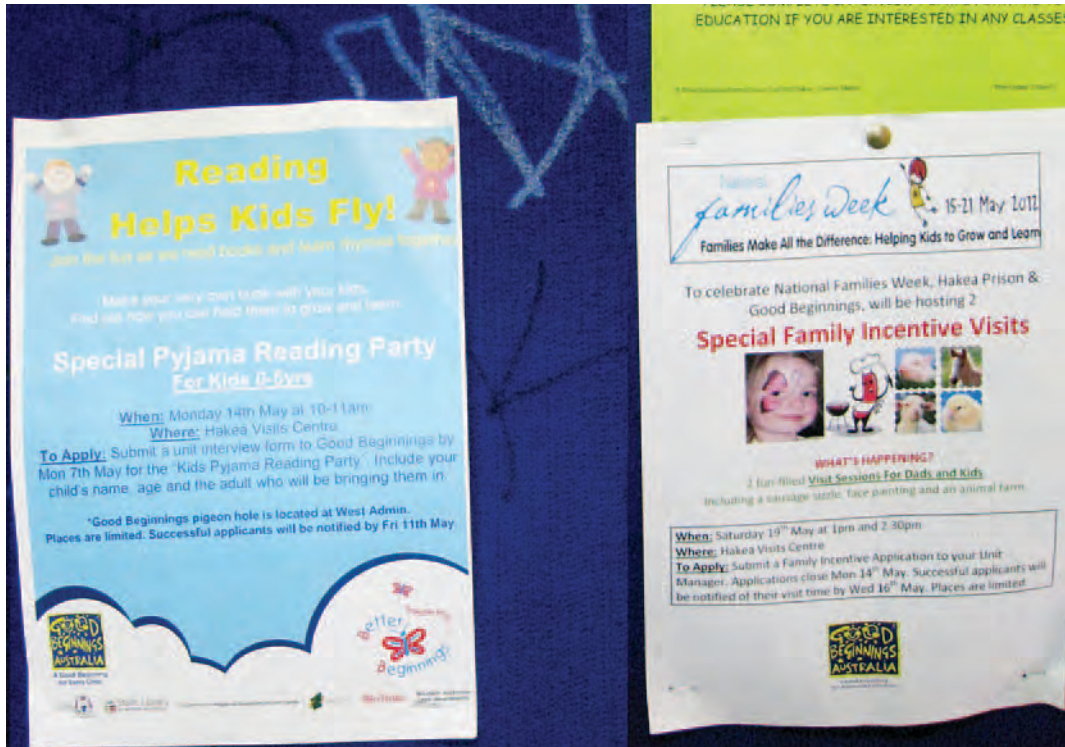


Figure 22: Good Beginnings provide some great activities at Hakea to reconnect dads with their children

- 7.7 The new service complemented the support and assistance ordinarily available from the officers within the units, which was often limited by the lack of staff continuity and the competing demands of the unit officer's role. The Prisoner Counselling Service was also available for any new young offender (persons under 21 years of age) or others identified by uniformed staff as possibly being at risk.

WELFARE, INTERVENTIONS AND TRANSITIONAL SUPPORT

7.8 The following table summarises the practical help available to new prisoners throughout their stay. Most of the services are accessed via the Transitional Manager’s checklist.

Issue/Program	Provider	Service	Eligibility/Access
Remand welfare	Outcare Remand	Welfare assistance for new remandees (first 2–3 weeks only)	New remandees Through re-entry form or PCS
Social security	Centrelink	Wing officer assists with inquiries, applications, advice to Centrelink	All prisoners Through unit manager or wing officer
Outstanding fines	Fines Enforcement Registry	Transitional Manager inquires with FER, arranges payments from prison gratuities	All prisoners Through re-entry form
Legal aid, fines & bail information	Legal Aid Commission	Information session on legal aid, fines and bail hosted by Transitional Manager	All prisoners Through re-entry form
Obtaining identification	Registrar Births, Deaths & Marriages	Transitional Manager forwards application for birth certificate	Sentenced prisoners Through re-entry form
Obtaining Medicare card	Medicare	Transitional Manager forwards application for Medicare Care	Sentenced prisoners Through re-entry form

7.9 The range of services available to prisoners seeking assistance with family-related issues has also improved since 2009. Perhaps the most significant addition has been the acquisition of Good Beginnings, which was in pilot at the time of the last inspection and is now funded as a contracted service through the Department. Good Beginnings’ staff attend Hakea on a full-time basis with the primary focus of ensuring that children are not unduly disadvantaged by their parent’s incarceration. Refocusing prisoners on their relationship with their children can also provide a powerful motivation to change lifestyles and priorities.

WELFARE, INTERVENTIONS AND TRANSITIONAL SUPPORT

7.10 As well as receiving individual assistance, prisoners have benefited from the family incentive visits which offer opportunities for fathers to play more naturally with their children in a more casual atmosphere, usually involving food and an activity such as a small animal petting zoo, face painting, bouncy castle or the like.<sup>164</sup> This is also a valuable new addition since the previous inspection.

7.11 There are a number of other information and liaison type services available to prisoners to assist with family issues. The following table summarises the services that were available at the time of the inspection. However, one gap in the services, as shown by this table, is a service to provide relationship counselling or to address family violence, issues which affect a large number of Hakea prisoners.

Issue/Program	Provider	Service	Eligibility/Access
Child support	Child Support Agency (CSA)	Transitional Manager facilitates contact with CSA to organise payment reduction	All prisoners Through re-entry form
Legal information on child protection	Legal Aid Commission	Information session on child protection involvement and related legal aid hosted by Transitional Manager	All prisoners Through re-entry form
Dad & Kids Connect Program	Good Beginnings	Two-day parenting program	All prisoners Through re-entry form
Parenting support	Good Beginnings	Support advocacy, post-release support, remote visits (Skype)	All prisoners Through re-entry form or Prison Counselling Service
Family incentive visits	Good Beginnings	Occasional opportunities for dads to interact with their children in a less institutional environment	All prisoners Through form in unit
Family law & mediation	Family Relationship Centre	Information session on family law and Violence Restraining Orders Family Court mediation	All prisoners Through re-entry form

164 A more comprehensive discussion of family visits and visits generally can be found in Chapter 5.

**PROGRAMS<sup>165</sup>**

**Cognitive Skills and Life Skills**

- 7.12 The Cognitive Brief Intervention (CBI) program which is offered to remand prisoners is a shortened version of the Think First cognitive skills program which is available to sentenced prisoners. The program seeks to promote pro-social thinking and enhance relapse prevention skills for prisoners. The previous inspection reported that 26 CBI programs had been delivered up to October 2009.<sup>166</sup> In 2011 the number of CBI programs delivered had decreased to 11, although one Building on Aboriginal Skills (BOAS) program – a special cognitive skills program adapted for Aboriginal participants – had also been delivered. The schedule for 2012 proposed the delivery of 24 CBI programs, two Think First programs and a BOAS. However, at the time of the current inspection this schedule was in jeopardy as the single uniformed officer responsible for delivery of the programs had been seconded to Casuarina Prison for a number of weeks, causing the cancellation of at least one program. The reliance on one individual for an entire suite of programs is a precarious arrangement that needs to be reassessed.
- 7.13 As at the 2009 inspection, Outcare continued to provide a re-entry life-skills program targeted towards sentenced prisoners due for release, but was always inclusive of remand prisoners who may apply through the Transitional Manager’s checklist. Outcare also provided a career development service including group information sessions and individual career counselling and referral to job search agencies.

Issue/Program	Provider	Service	Eligibility/Access
Cognitive Brief Intervention program	DCS Cognitive Skills Unit	Eight sessions over two weeks – concerned with relationship of thoughts and feelings to actions	Remand prisoners Through re-entry form
Think First	DCS Cognitive Skills Unit	Medium intensity Assessment and case management (ACM) cognitive skills course (usually offered quarterly)	Priority to sentenced prisoners Through IMP assessment
Building on Aboriginal Skills program	DCS Cognitive Skills Unit	Low intensity ACM cognitive skills course (offered once per year)	Priority to sentenced prisoners Through IMP assessment

Table continued below

165 A discussion of programs delivered for alcohol and other drug issues can be found in Chapter 5.

166 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010).

Issue/Program	Provider	Service	Eligibility/Access
Lifeskills program	Outcare	Information sessions on accommodation, employment, money, health, Motor Driving Licence issues etc.	Priority to sentenced prisoners Through re-entry form
Outcare Career Development	Outcare	Individual assessment or group information sessions	All prisoners Through re-entry form

## EMPLOYMENT

### Still Overcrowded and Still Underemployed

- 7.14 The main finding of the 2009 inspection with regard to employment was that prisoners at Hakea were ‘overcrowded and underemployed’ and that the prison was ‘unable to provide a sufficient number of jobs to satisfy the demands of the increased prisoner population’.<sup>167</sup> The unemployment rate was then around 43 per cent. While remand prisoners cannot be compelled to undertake employment,<sup>168</sup> at the time of that inspection only 55 per cent of the population were remandees therefore exacerbating the demand for paid employment. It is also the case that most remand prisoners would prefer to work as it alleviates the boredom of imprisonment, provides a small income for prison bought necessities, and gives some opportunity for skill development.<sup>169</sup>
- 7.15 Unfortunately, no improvement had been made in providing additional employment opportunities for prisoners in the three years since the last inspection. At 17 February 2012 the unemployment rate at Hakea was 44 per cent (371 prisoners). Furthermore, of the 66 per cent of prisoners with designated employment, 25 per cent were employed as unit workers, a role which often involves only one hour’s work each day. Unemployment and underemployment therefore remain a significant problem.
- 7.16 To compound the problem, two significant employment areas of the prison, concrete products and the market garden, had recently ceased operations. While a small number of prisoners retained their pay points within the industries, about 30 prisoners had lost their employment when the areas closed. Hakea reported that it anticipated two new vocational support officers (VSO) would start work in early June, which would enable concrete products to reopen and again provide active employment to 17 prisoners. The future of horticulture was undecided at the time of the inspection, as the gardens may need to be relocated or reduced in size to accommodate other needs and one of the VSO positions may also be used for an alternative industry.

167 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 69.

168 *Prison Regulations 1982 (WA)* reg 43(2).

169 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 70.

- 7.17 It is difficult to maintain a constant and consistent prisoner workforce in industries that require specific skills within a remand prison. The short-term nature of most remand stays, the need for remand prisoners to attend court and other appointments and the transfer of prisoners once sentenced means that workshops experience a constant change of workers with differing skill levels. In this environment the need for training is continuous.



*Figure 23: The main vegie gardens were idle at the time of the inspection*

- 7.18 Hakea must also examine the impact of its gratuities policy on the retention of skilled prisoner workers. Currently, the average amount of gratuities received by skilled workers in the cabinet shop (an all-day job) is only eight per cent more than that of a unit cleaner (most of whom work only one or two hours a day).<sup>170</sup> This provides little incentive for a prisoner to engage in industries. Incentives that were able to be offered by some industries, such as monthly barbeques were felt by staff to be insufficient. If Hakea is committed to improving its industries, it must address the issue of imbalance in its gratuities system.

<sup>170</sup> The average daily rate for gratuities was \$7.08 for carpentry and \$6.55 for unit workers. Prisoners are paid for a set number of hours worked per week. DCS, *Offender Employment Profile – Facility: Hakea Prison From 17/02/2012 to 17/02/2012* (February 2012).



- 7.19 As discussed later, there are also opportunities for education and vocational training to be enhanced.<sup>171</sup> The following recommendation is to be read in conjunction with that discussion.

*Recommendation 28*

*Ensure that there are better opportunities for employment and skill development at Hakea and that the gratuity system positively promotes active engagement by prisoners.*

### Staff and Resources

- 7.20 Vocational Support Officers (VSOs) felt under a great deal of pressure, primarily because over 20 per cent of VSO positions were vacant.<sup>172</sup> The closure of some industries (see above) and a shortage of officers in others meant that a reduced number of staff were being required to take as many prisoners in their work locations as possible. While recruitment action had been taken to recruit new staff, several positions remained in limbo. Prison management reported that the ageing profile of many VSOs and ‘the mining boom’ with its lucrative salaries had made maintaining a full complement of skilled VSO staff difficult. The Department’s head office human resources managers need to support the prison to recruit the necessary staff.
- 7.21 Feedback from VSOs also indicated that they felt a lack of support from Hakea management, and that certain equipment they needed to do their jobs was not being provided. For example, a number of tools and other equipment in the cabinet shop derive from Fremantle Prison, which was closed in 1991. There was also criticism that while VSOs could do more to save the prison or the Department money, they were prevented from working overtime. VSOs felt this was inequitable given the amount of overtime worked by prison officers.
- 7.22 Despite the pressure and frustrations felt by the VSOs, their relationship with prisoners in their care was very positive and constructive. Significantly, the prisoner pre-inspection survey indicated that prisoners felt a positive relationship existed between them and VSOs. Eighty-four per cent of respondents stated they ‘mostly got on well’ with VSOs at Hakea, slightly above the state average of 78 per cent. This was a better response than for the same question asked about unit officers (69%). Observations made throughout the course of the inspection supported the positive survey feedback. Inspection staff witnessed prisoners approaching VSOs with issues that we would normally expect to be dealt with by unit officers. It was clear that prisoners felt comfortable approaching VSOs and that they believed they would receive a positive response.

171 [7.24]–[7.28].

172 At the time of the inspection 10 of 46 VSO positions were vacant, 22 per cent of the VSO workforce.

7.23 At the time of the inspection both Hakea's Business Plan and the Prison Industries Action Plan were 18 months out of date. At the 2009 inspection a single manager was responsible for both facilities (maintenance) and industries, which was contributing to a lack of strategic direction. A recommendation from the 2009 inspection report to split these responsibilities was supported by the Department, subject to funding. Indeed, this split in functions is indicated in the most recent management structure for Hakea Prison which shows two separate positions for facilities and industries. However, the 2009 recommendation is reiterated here as support to remedy any outstanding funding deficit that could affect the realisation of these two distinct positions.



*Figure 24: Hakea boasts an innovative recycling program involving cardboard, aluminium cans and foam mattresses*

*Recommendation 29*

*Provide an additional FTE to take over some of the responsibilities currently being performed by the Industries and Facilities Manager.*

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**EDUCATION**<sup>173</sup>

- 7.24 In common with the provision of programs, the Hakea education centre is predominantly providing services to a remand population that is often only accessing it for relatively short periods of time. This centre should therefore be targeting its services at providing short and discrete modules of education and training that can be continued upon release back into the community or upon sentencing and transfer to another prison. As a core of sentenced prisoners (in particular protection prisoners) will remain at Hakea for more extended periods, education services must also be made available to this group.
- 7.25 Most of the education and training activity at Hakea takes place within the confines of the education centre but prisoner access is seriously impeded by lack of physical facilities. The centre is small in comparison to the prison population. At most only 60 to 70 people (approximately 10% of the prison population) can access it at any time. This is a small proportion, especially when considered in the context of a lack of other purposeful activity available to prisoners, detailed elsewhere in this report. Records examined during the inspection showed that in most months about 130 individuals participate at some point in education and training (approximately 20% of the population).<sup>174</sup>
- 7.26 Prisoners can participate in traineeships in Certificate II and III Asset Maintenance (Cleaning Operations), Certificate II and III Horticulture, and Certificate II in Laundry Operations. This is a much more limited range of work-based training than that found at other prisons in Western Australia. This is no doubt influenced by the short-term remand nature of the population; however, as indicated by Recommendation 30, other short-term training options should be increased.
- 7.27 As outlined in Chapter 6, access to education for protection prisoners remains limited to one afternoon per week. The session, which includes a number of classes, generally attracts between eight and 10 prisoners, around one-third of the total number of the protection population. Staff stated that different prisoners usually attend each week and so around 40 to 50 per cent of protection prisoners are generally engaged in education of some kind. This is a higher proportion than the general population.
- 7.28 The running of classes for this group is expensive, however, with only two or three students per class usually present each week. The progress of students when they are not in class is hampered by lack of access to computers and the library meaning they are unable to complete much of the work outside of class time. It is not reasonable to exclude such an engaged group of prisoners from participation in education for most of the week, especially when protection prisoners are even more deprived of constructive activity than the general population. A potential solution could be to provide protection prisoners with access to a part of the education centre. This approach was observed at Albany Regional Prison.<sup>175</sup>

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173 The Inspector wishes to acknowledge Ms Cheryl Wiltshire, Curriculum Officer, Department of Training and Workforce Development, for her services as an expert inspector.

174 Hakea Prison Education Centre, *Number of students enrolled vs. prison muster by month* (2011).

175 Wiltshire C, *Albany Inspection Evidential Notes* (OICS, 2011).

**PREPARATION FOR RELEASE**

**Sentenced Prisoners**

- 7.29 As discussed in Chapter 1, the composition of the prisoner population at Hakea has significantly changed since the time of the last inspection in 2009. At that time a large number of sentenced prisoners were held at the prison and as a consequence Hakea was releasing a significant number of prisoners who had completed their term of imprisonment. This created a high level of demand on pre-release services.
- 7.30 While the reduction in sentenced prisoners at Hakea has reduced this pressure on services, there are some sentenced prisoners who require re-entry services, including a number who have been transferred from regional facilities for release into the metropolitan area. The inspection found that these prisoners were receiving a good level of assistance by Hakea as outlined in the table below.

Issue/Program	Provider	Service	Eligibility/Access
Re-entry link program	Outcare	Preparation for release and post-release support	Sentenced prisoners Offered directly 3–6 months before release
Finding accommodation	Outcare, Transitional Accommodation Support Service & Accommodation and Support Services Program	Supported short to medium term accommodation services	Sentenced prisoners Through re-entry form
Transport Options Program (TOPS)	Regional TOPS providers	Transport home to regional areas	Sentenced prisoners Through re-entry form

**Assisting All Prisoners – the Transitional Manager Role**

- 7.31 The pivotal positions at Hakea for the coordination and provision of services that prepare all prisoners (both sentenced and remand) for release back into the community were the Transitional Manager and the Assistant Superintendent Offender Services. The individuals in these two positions (with support from their head office coordinators) have, over time, developed and facilitated a comprehensive and useful range of re-entry services.
- 7.32 The inspection found efficient processes that appropriately managed the hundreds of referrals received from the checklist issued to all new prisoners and that were available in the units to all prisoners on an ongoing basis. Communication to the prisoners about requested services or programs was also well organised, consistent and timely.

- 7.33 The Transition Manager at Hakea collects information from the majority of referrals and enters it on the relevant prisoner's central electronic departmental record. This was a unique practice found at Hakea and enabled prison officers preparing parole reports or community corrections officers to see efforts that prisoners had made in preparing for release.<sup>176</sup> The tracking was done through a custom program developed locally at Hakea. This is an excellent initiative but such information should, ideally, be accessible through the TOMS system so that it is more widely available.
- 7.34 As in 2009,<sup>177</sup> the role of Transition Manager remains under pressure from the sheer volume of referrals received, risking service gaps when the manager is unavailable. In the six months to December 2011, 2,260 requests for service or referrals were received. Many of the most in-demand services are those that the manager herself must action, such as the Fines Enforcement Registry (342 requests) and obtaining a Medicare Card (252 requests). There were 549 requests for referral to Alcoholics Anonymous (the only addictions program remand prisoners could seek through the Transition Manager) and 668 requests for an interview with the Good Beginnings program.
- 7.35 The current physical location of the Transitional Manager's office, in the main administration block, is far from ideal for interaction with and facilitation of prisoners' needs. The manager has limited capacity to respond to more complex needs or to develop and sustain new services that would benefit prisoners due to the limited interactions. Although this is not made the subject of a formal recommendation, consideration should be given to locating the service with the orientation team or in assessments to facilitate direct contact with prisoners. The high demand for services also warrants the consideration of the adequacy of the human resources devoted to this role.

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176 The Transition Manager was using the 'Offender's Notes' function within the records system.

177 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) [6.38]–[6.39].

# Appendix 1

## THE DEPARTMENTS' RESPONSES TO THE 2012 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p><b>Human Rights</b></p> <p>1. The Department of Corrective Services and the Department of the Attorney General commission comprehensive research into the factors driving the recent upward trend in remand numbers and identify whether any changes in law, policy or practice are desirable.</p>	<p><b>DCS: Noted</b></p> <p>Strategic Executive Services will consider the rise in the number of remand prisoners in the prioritising of research projects for 2013. This will require collaboration with the Department of the Attorney General.</p> <p><b>DotAG: Agrees in Part</b></p> <p>DotAG acknowledges that the remand prisoner population is complex in nature. The causes are also likely to be complex. Following the Coroner's Inquest into the death of Mr Ward, the Government undertook to review the operation of the <i>Bail Act 1981</i>. That review and a review of the <i>Sentencing Act 1995</i> have been completed and are under consideration by Government. Dependent on decisions by Government, both reviews are likely to provide an informed basis on which to determine whether or not the recent trend noted by the Inspector necessitates further research. Should this be the case, DotAG will consider inclusion of such research with Department research priorities.</p> <p><b>DotAG Action Plan:</b></p> <p>Reviews of both the <i>Bail Act 1981</i> and the <i>Sentencing Act 1995</i> have been completed and are under consideration by Government. Further research into the remand prisoner population can be undertaken but will depend on the outcome of the two reviews.</p>

THE DEPARTMENTS' RESPONSES TO THE 2012 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p><b>Administration and Accountability</b></p> <p>2. The Department of Corrective Services work with the courts and the Department of the Attorney General to develop agreed protocols and procedures to ensure accurate legal documentation, timely communication (including the use of more efficient modern communication tools) and improved liaison channels.</p>	<p><b>DCS: Supported in Principle</b></p> <p>The Department acknowledges that protocol and procedures between courts and the Department can be problematic and will consider the viability of establishing a Court Users Group with all relevant stakeholders to improve both communication and the documentation process. The Department notes that the improved processes depend on the involvement and support of Department of the Attorney General and there may be budgetary and system implications.</p> <p><b>DotAG: Agreed in Part</b></p> <p>The e-Courts project is a significant effort being undertaken by DotAG with completion scheduled for August 2013. Included in this project is the Bail Module which is expected to resolve the issues identified by OICS.</p> <p>Aspects of the e-Courts project include the sharing of information between systems used by DCS, WA Police and DotAG.</p> <p>Some legislative changes are required to permit the electronic transmission of certain legal documentation. The relevant areas of DotAG, DCS, and WA Police are working together on these changes.</p> <p><b>DotAG Action Plan:</b></p> <p>DotAG will complete the e-Courts project including the necessary legislative changes by August 2013.</p>

THE DEPARTMENTS' RESPONSES TO THE 2012 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p><b>Correctional Value-for-Money</b></p> <p>3. The Department of Corrective Services, with input and support from the Department of the Attorney General, judicial officers and the legal profession, develop improved facilities at Hakea Prison for video links to courts, including more video link facilities, adequate waiting areas, more options for the separation of prisoners, and improved safety, security and supervision.</p>	<p><b>DCS: Supported in Principle</b></p> <p>There are multiple aspects to this recommendation some of which will be addressed by the Departments Strategic Asset Plan. Subject to funding improvements to the specific issues raised in this recommendation will be addressed on a Departmental priority wide basis.</p> <p><b>DotAG: Noted</b></p> <p>Considerable effort has been made to maximise the use of AV and to improve the AV facilities at both courts and prisons. DCS currently has carriage of a joint business case to Treasury seeking to improve the infrastructure at prisons, WA Police locations and some courts. This will enable these departments to maximise the effective use of AV while also greatly improving the management of risks by establishing a support model.</p> <p><b>DotAG Action Plan:</b></p> <p>DotAG will continue to work with DCS and WA Police in the development of the business case for AV infrastructure.</p>
<p><b>Human Rights</b></p> <p>4. The Department of Corrective Services, in consultation with the Department of the Attorney General, judicial officers and other stakeholders:</p> <ul style="list-style-type: none"> <li>i. Develop policies which clearly articulate the legal entitlements and needs of remand prisoners;</li> <li>ii. Implement strategies and practices to give effect to those policies at all of the state's prisons and detention centres; and</li> <li>iii. Ensure that the policies, strategies and practices which are adopted meet the obligations and legitimate expectations of modern legal practice and maximise the opportunities presented by modern technology.</li> </ul>	<p><b>DCS: Supported – Existing Departmental Initiative</b></p> <p>This recommendation covers a number of aspects, some of which are in train and will be modified in line with our internal policy development and implementation processes.</p> <p><b>DotAG: Noted</b></p> <p>While DCS will need to be the lead agency for this, DotAG will participate in any working groups necessary.</p> <p><b>DotAG Action Plan:</b></p> <p>DotAG Directorate will assist DCS in this process as required.</p>



THE DEPARTMENTS' RESPONSES TO THE 2012 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p><b>Administration and Accountability</b></p> <p>5. i. Improve senior management visibility in the prison; and</p> <p>ii. Improve communication and engagement between head office and the prison and between all groups of local management and staff.</p>	<p><b>DCS: Noted</b></p> <p>The feedback provided from the Inspection will be considered in accordance with standard leadership and management practices.</p>
<p><b>Administration and Accountability</b></p> <p>6. Drawing on the Department's strategic plan and the expertise of Hakea management and staff:</p> <p>i. Develop a specific charter for the prison addressing its vision, roles, culture and values; and</p> <p>ii. Develop business plans and local procedures to embed the charter and provide appropriate change management programs and supports.</p>	<p><b>DCS: Supported – Existing Departmental Initiative</b></p> <p>Business planning is standard Departmental practice and has been for a number of years. Current changes to the management team at Hakea will result in a renewed approach to the Prison's current and future ethos.</p>
<p><b>Custody and Security</b></p> <p>7. Open Units 11 and 12 as soon as possible. Articulate the role of these units in better meeting the needs and challenges posed by Hakea's diverse prisoner group, and develop the regimes for each unit accordingly.</p>	<p><b>DCS: Not Supported</b></p> <p>The provision of two new units (11 and 12) was part of an overall project to increase bed capacity across the Adult Male Estate and to that end will achieve its aim and purpose. The new units were never intended to provide specific accommodation for a particular cohort of prisoner and essentially provide additional capacity for Hakea. This additional capacity however, does provide the opportunity to review the current configuration of the whole prison to ensure best use of assets and resources.</p>
<p><b>Rehabilitation</b></p> <p>8. Remove the blanket ban on personal computers and develop a policy that, taking into account security concerns and best practice, provides access in accordance with prisoners' reintegration, legal and educational needs.</p>	<p><b>DCS: Not Supported</b></p> <p>There are too many security risks and resource implications associated with the provision of individual personal computers. The ongoing development of alternative strategies to address prisoner reintegration, legal and education needs will continue.</p>

THE DEPARTMENTS' RESPONSES TO THE 2012 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p><b>Custody and Security</b></p> <p>9. Review gate house procedures, practices and resources to reduce the risks of contraband or unauthorised items entering or leaving the prison.</p>	<p><b>DCS: Supported – Existing Departmental Initiative</b></p> <p>There are ongoing reviews looking at gatehouse operations, broader security management and the Department Drug Strategy (which includes the reduction of contraband entering the prison).</p>
<p><b>Human Rights</b></p> <p>10. Ensure clear and comprehensive documentation is maintained with respect to:</p> <ul style="list-style-type: none"> <li>i. The reasons why prisoners are placed into Unit 1; and</li> <li>ii. The exact regime under which each prisoner is being held.</li> </ul>	<p><b>DCS: Supported</b></p> <p>Procedures will be reviewed to ensure compliance in that all prisoners who are placed into the Management Unit (Unit 1), under a regime other than standard supervision, will be provided with a documented regime that is known and observed by Staff and prisoners. These procedures will also clearly indicate the reasons for initial and/or continuing placement in the Management Unit including the date of review.</p>
<p><b>Human Rights</b></p> <p>11. Ensure that peer support prisoners, prison support officers, members of the Aboriginal Visitors Scheme and Independent Visitors have regular and routine access to Unit 1 and that records of such access are maintained.</p>	<p><b>DCS: Noted</b></p> <p>The Department is of the view that what is being called for in the recommendation is already happening and is standard practice.</p>
<p><b>Human Rights</b></p> <p>12. Ensure that appropriate medical supervision is incorporated into standard operating procedures with respect to the use of the restraints bed in order to reduce the risks of medical emergencies.</p>	<p><b>DCS: Supported – Existing Departmental Initiative</b></p> <p>The CCU is a dedicated facility designed for the specific purposes of the care and management of prisoners at imminent risk of self harm or suicide. It is not an appropriate facility for housing refractory or violent prisoners and as such these individuals are managed in a designated management unit within the facility. Policy Directive 5 is currently being reviewed and will include provisions and guidelines for the medical supervision of prisoners under restraint.</p>
<p><b>Custody and Security</b></p> <p>13. Construct a purpose-built, stand-alone Management Unit or substantially modify an existing unit to reduce risk and to meet established need.</p>	<p><b>DCS: Supported – Existing Departmental Initiative</b></p> <p>These facilities are being considered as part of the strategic asset planning process.</p>

THE DEPARTMENTS' RESPONSES TO THE 2012 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p><b>Custody and Security</b></p> <p>14. Improve dynamic security by increasing staff patrols and promoting stronger and more positive staff-prisoner interactions.</p>	<p><b>DCS: Supported In Principle</b></p> <p>The Department supports continuous improvement in this area and the importance of patrolling and positive interaction communicated through corporate values/behaviours and by management on the units. Staff Patrols are provided by designated Officers on the Units and Recreation Areas, and positive interaction with prisoners is evident and encouraged. All Staff will be reminded of the importance of good interpersonal communication with prisoners and the contribution this makes to improve dynamic security.</p>
<p><b>Staffing Issues</b></p> <p>15. Increase staff numbers in the Hakea health centre (both medical and administrative) in order to improve service delivery and promote continuous improvement.</p>	<p><b>DCS: Supported In Principle</b></p> <p>The Department is continually evaluating staffing needs and service delivery outcomes subject to standard budgetary management.</p>
<p><b>Rehabilitation</b></p> <p>16. Provide additional addictions group places and throughcare counselling for remandees.</p>	<p><b>DCS: Supported In Principle</b></p> <p>As above in 15.</p>
<p><b>Health</b></p> <p>17. Provide the nicotine replacement therapies and QUIT groups required to support the implementation of the smoking reduction policy, as originally intended.</p>	<p><b>DCS: Noted</b></p> <p>The Department is currently assessing the future direction of the smoking reduction strategy and this recommendation will be considered as part of that assessment.</p>

THE DEPARTMENTS' RESPONSES TO THE 2012 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p><b>Health</b></p> <p>18. Hakea management support and promote the initiative to extend the food safety program to the accommodation units to help control pest infestation.</p>	<p><b>DCS: Supported – Existing Departmental Initiative</b></p> <p>In May 2012 the Hakea Operations Team instigated a 'Cleaning and Pest Control Program' for the whole of Hakea, especially the accommodation units. This involved the following;</p> <ul style="list-style-type: none"> <li>• Contracting an independent Professional Pest Control company to assess the problem at Hakea and to recommend preventative measures.</li> <li>• The introduction of improved professional cleaning products to address ALL areas within Hakea that were also 'environmentally friendly' in line with Government recommendations.</li> <li>• The introduction of a cleaning program for all accommodation units which is monitored.</li> <li>• Assurance that ALL 'Kitchen workers and Regithermic worker' would have to attend the 'Food Safe' program, prior to or during their employment.</li> <li>• That ALL new prisoners to Hakea would partake in a shortened version of the 'Food Safe' program. This is currently being developed by the catering manager to be incorporated into the prisoners 'Orientation Package'.</li> </ul>
<p><b>Health</b></p> <p>19. In order to minimise the spread of blood-borne viruses and the risks of infectious disease transmission, implement improvements with respect to:</p> <ol style="list-style-type: none"> <li>i. The monitoring and enforcement of hygiene and infection control practices;</li> <li>ii. Immunisation screening and programs;</li> <li>iii. Harm minimisation strategies including the provision of bleach or other cleaning agents; and</li> <li>iv. Education about health and hygiene.</li> </ol>	<p><b>DCS: Supported – Existing Departmental Initiative</b></p> <p>The Department already has a process to manage the transmission of blood borne viruses and infectious diseases which is regularly monitored.</p>

THE DEPARTMENTS' RESPONSES TO THE 2012 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p><b>Care and Wellbeing</b></p> <p>20. Actively promote and actually utilise Skype or other similar technologies to enable social contact, both as an alternative and as an addition to personal visits.</p>	<p><b>DCS: Supported – Existing Departmental Initiative</b></p> <p>The Department implemented Skype in a number of sites over the past 18 months, including the use of Skype for social contact to supplement personal visits. The Department has and will continue to evaluate risks , opportunities and improvements in utilisation of Skype and other similar technologies.</p>
<p><b>Care and Wellbeing</b></p> <p>21. Improve recreation opportunities at Hakea by providing better facilities (especially the gymnasium and oval maintenance) and by ensuring that sufficient recreation officers are on duty.</p>	<p><b>DCS: Supported in Part</b></p> <p>Hakea currently has sufficient recreation staff in line with its approved FTE level. An additional oval has now been provided and all recreation areas are subject to routine maintenance. At this point in time, the provision of a gymnasium is not a priority.</p>
<p><b>Health</b></p> <p>22. Review the provision of mental health services at Hakea Prison with a view to improving service delivery. This should include:</p> <ul style="list-style-type: none"> <li>i. A placement option which provides a mid-way point between the Crisis Care Unit (CCU) and mainstream placement for those prisoners who need longer term mental health care or who need a staged transition out of the CCU;</li> <li>ii. Improved staffing levels; and,</li> <li>iii. Better integration of the Prisoner Counselling Services.</li> </ul>	<p><b>DCS: Supported</b></p> <p>A review will be carried out.</p>

THE DEPARTMENTS' RESPONSES TO THE 2012 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p><b>Health</b></p> <p>23. The Department of Corrective Services work in collaboration with other departments and agencies to drive comprehensive systemic reforms to mental health services for prisoners and juvenile detainees. This should focus not only on achievable outcomes within the state's correctional facilities but also on more options for acutely unwell prisoners to reside in designated forensic mental health facilities.</p>	<p><b>DCS: Supported – Existing Departmental Initiative</b></p> <p>The Department has been working with the relevant agencies for some considerable time including the Mental Health Commission, the Disability Services Commission and the Department of Health to achieve outcomes as expressed in this recommendation.</p>
<p><b>Racism, Aboriginality &amp; Equity</b></p> <p>24. Improve the processes and systems for identifying 'out of country' prisoners at Hakea and other prisons, and for meeting their needs.</p>	<p><b>DCS: Supported in Principle</b></p> <p>The identification of such prisoners is somewhat reliant on self disclosure at a point in time. Therefore the numbers of out of country prisoners is subject to change as information becomes available. The need for ascertaining accurate information on induction will be reinforced.</p>
<p><b>Racism, Aboriginality &amp; Equity</b></p> <p>25. Reinvigorate the Prison Aboriginal Services Committee at Hakea Prison and use this committee to assist in developing improved strategies for the management of Aboriginal prisoners and better coordination of services.</p>	<p><b>DCS: Supported</b></p> <p>The Prison Aboriginal Services Committee will be reinvigorated and the comments made by the Inspection Team will be considered accordingly.</p>
<p><b>Human Rights</b></p> <p>26. Ensure that the policy relating to the management and treatment of foreign national and culturally and linguistically diverse prisoners is finalised and implemented within six months.</p>	<p><b>DCS: Supported – Existing Departmental Initiative</b></p> <p>This is in the final stages of drafting and will be completed in the near future.</p>

THE DEPARTMENTS' RESPONSES TO THE 2012 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p><b>Human Rights</b></p> <p>27. Rescind the provisions of Assistant Commissioner Custodial Operations (ACCO) Notices 8/2011 and 14/2011 which prevent certain foreign national prisoners from remitting to their families monies which they have earned in prison.</p>	<p><b>DCS: Noted</b></p> <p>This is a matter for consideration by the State and Federal government and a number of discussions have taken place.</p>
<p><b>Reparation</b></p> <p>28. Ensure that there are better opportunities for employment and skill development at Hakea and that the gratuity system positively promotes active engagement by prisoners.</p>	<p><b>DCS: Supported in Principle</b></p> <p>Hakea supports the aim to maximise employment opportunities for prisoners. Since the inspection VSO vacancies have been addressed providing more employment opportunities. In line with these work opportunities the prisoners' gratuities profile will be reviewed to reflect the above. What must also be considered is that Hakea is a remand facility and as a result full employability is restricted.</p>
<p><b>Staffing Issues</b></p> <p>29. Provide an additional FTE to take over some of the responsibilities currently being performed by the Industries and Facilities Manager.</p>	<p><b>DCS: Supported in Principle</b></p> <p>Hakea supports this recommendation and a business case has been created for consideration of abolishing an existing position to create an industries manager within Hakea's approved FTE.</p>

## Appendix 2

### SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2010 RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 63, <i>Report of an Announced Inspection of Hakea Prison.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
1.	<p><b>Administration and Accountability</b></p> <p>A separate remand facility should be constructed in the metropolitan area to better meet the specific needs of the remand population in Western Australia. A range of options should be considered, including expansion of the Hakea site.</p> <p>There should be consultations with the legal profession and other relevant stakeholders to determine the feasibility and optimal use of modern communications technology in the new facility.</p>		•			
2.	<p><b>Staffing Issues</b></p> <p>Senior Officers and prison administration should establish a joint committee as agents for change working together to develop and implement strategies to manage the increasing prisoner population at Hakea Prison.</p>		•			
3.	<p><b>Staffing Issues</b></p> <p>Additional resources should be made available to enhance the training program at Hakea Prison. Further, given the primary functions of Hakea Prison as a remand and assessment centre, remand-specific training should be prioritised within the staff training program and made compulsory for all staff.</p>		•			
4.	<p><b>Administration and Accountability</b></p> <p>The Department needs to reassess its method of allocation of population estimates for budget purposes.</p>		•			
5.	<p><b>Staffing Issues</b></p> <p>The Department must ensure there is a robust and effective occupational safety and health system at Hakea, as required by legislation. In doing so, it must take full account of the findings contained in the Worksafe report that was provided following the inspection.</p>				•	



SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE  
2010 RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 63, <i>Report of an Announced Inspection of Hakea Prison.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
6.	<b>Care and Wellbeing</b> The Department must proactively pursue a greater understanding of religious diets using the community standard as a baseline.		•			
7.	<b>Care and Wellbeing</b> In the interests of human dignity, hygiene and disease control, all prisoners at Hakea Prison should be issued with a new set of underwear and socks on admission, and rigorous systems must be in place to ensure that these are returned to the same prisoners when they are sent away for laundering.		•			
8.	<b>Administration and Accountability</b> The Department should fast track the processes involved in progressing the central facilities building project.		•			
9.	<b>Care and Wellbeing</b> Hakea Prison should implement a more family-friendly approach to social visits.			•		
10.	<b>Care and Wellbeing</b> The use of Skype for social visits at Hakea should be extended and made available to all those social visitors who have difficulty physically visiting their friends and family in Hakea. If the experience at Hakea proves successful, 'internet visits' should be rolled out across the whole of the prison system within the shortest feasible timeframe.	•				

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE  
2010 RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 63, <i>Report of an Announced Inspection of Hakea Prison.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
11.	<b>Health</b> That health services ensure that all self-referring patients at Hakea are assessed in person by phone within 24 hours for prioritisation of treatment and given an appointment to see a clinician. A patient presenting to unit staff with a high degree of discomfort should be able to attend at the medical centre directly, as if to a hospital.		•			
12.	<b>Health</b> Decisive action must be taken to engage all staff in change management processes and efforts made to improve the staff culture in the Hakea Health Centre.			•		
13.	<b>Health</b> The nurse manager and business manager positions must be substantively filled and these must be located on site at Hakea Prison.			•		
14.	<b>Human Rights</b> Hakea Prison must ensure that the day to day requirements of the Indonesian prisoners (and other specific groups) are met, such as access to appropriate food (see Recommendation 6), improved communication, and provision of all the necessities for religious practice.		•			
15.	<b>Human Rights</b> The Department must develop and implement clear standards with regard to the management of foreign nationals within the Western Australian prison system.	•				
16.	<b>Racism, Aboriginality and Equity</b> Hakea Prison must reinvigorate the Indigenous Services Committee whose first task should be to develop a detailed strategy for managing both in and out of country Aboriginal prisoners.		•			

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE  
2010 RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 63, <i>Report of an Announced Inspection of Hakea Prison.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
17.	<b>Staffing Issues</b> The Department should support the creation of one additional full-time equivalent position to drive the development and implementation of a meaningful constructive day system at Hakea Prison.		•			

## Appendix 3

### THE INSPECTION TEAM

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Neil Morgan	Inspector
Andrew Harvey	Deputy Inspector
Christopher Davers	Director Operations
Lauren Netto	Principal Inspections and Research Officer
Cliff Holdom	Inspections and Research Officer
Stephanie McFarlane	Inspections and Research Officer
Charles Staples	Inspections and Research Officer
Joseph Wallam	Community Liaison Officer
Christine Wyatt	Audit and Research Officer
Kyle Heritage	Audit and Research Officer
Hylton Quail	Expert Adviser Barrister, past President Law Society of WA
Dr Andrew Aboud	Expert Adviser Clinical Director, Prison Mental Health Service, Queensland
Megan Reilly	Expert Adviser Director, Hands-on Infection Control
Dace Tomsons	Expert Adviser Manager, Drug and Alcohol Office
Cheryl Wiltshire	Expert Adviser Curriculum Officer, Dept. Trade and Workforce Development
Caroline Fotheringham	Expert Adviser Clinical Quality Officer, Hollywood Private Hospital
Andrew Bogle	Expert Adviser Senior Investigations & Review Officer, Dept. of Justice, Victoria

## Appendix 4

### KEY DATES

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Formal notification of announced inspection	30 January 2012
Pre-inspection community consultation	11 April 2012
Start of on-site phase	21 May 2012
Completion of on-site phase	30 May 2012
Inspection exit debrief	6 June 2012
Draft Report sent to the Department of Corrective Services and the Department of the Attorney General	14 September 2012
Draft report returned by the Department of Corrective Services	29 October 2012
Draft report returned by the Department of the Attorney General	9 November 2012
Declaration of Prepared Report	27 November 2012



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OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

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