



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

MEDIA RELEASE – EMBARGOED UNTIL 12 NOON ON THURSDAY 17TH JANUARY 2013

**Report No. 81 - Announced Inspection of Hakea Prison: A challenging prison which must
front the challenges of change**

The Inspector of Custodial Services has released the report of an announced inspection of Hakea Prison conducted in May-June 2012. In launching the report, the Inspector Neil Morgan said:

‘Hakea is a complex facility, which comes not only from its functions but also its culture, history and relationships. This inspection identified many examples of staff getting on with the job in a pragmatic and resourceful way despite some infrastructure challenges. Unfortunately, however, the prison has suffered from a negative and divided workplace culture for too long. This has been affecting relationships and performance and needs to change.’

Hakea is the state’s primary remand prison and is also responsible for assessing newly sentenced prisoners with a view to developing management plans for their time in the WA prison system. It is therefore a very busy prison which must handle significant numbers of volatile and vulnerable men, manage a large number of movements in and out of the prison, and facilitate video links to the courts. The report found that Hakea is meeting satisfactory standards in most areas, including the safe and secure movement of people in and out of the prison.

However, the site has some serious infrastructure limitations. Prison staff work around these as best they can but some level of investment is needed. Professor Morgan said:

‘The video links area provides a particularly good example of how the prison and its staff have adapted to changing demands and have achieved substantial savings for the state by reducing the number of transports to court. The staff who work there do a remarkable job in managing significant security and safety challenges but the facilities are in need of major upgrade.

The ‘management unit’ (Unit One) also needs to be replaced: it is currently performing too many disparate functions and is not fit for purpose. Serious delays in the opening of two new units have compounded Hakea’s problems, though some relief should come if these units do become operational, as planned, over the next three weeks.’

The report emphasises the need for a stronger system wide focus on the needs of specific groups of prisoners, including people held on remand, people with mental health problems and newly received prisoners. Professor Morgan said:

‘The state has invested a great deal of money in additional prison beds over recent years. This was a necessary and urgent response to a rapid rise in prisoner numbers but it is

unfortunate that to date the focus has essentially been limited to providing 'more beds' rather than targeting the specific needs of such groups.

It is particularly important to reflect on the position of unconvicted prisoners whose numbers have been increasing rapidly over recent years. Currently more than 20 per cent of the state's prisoners are on remand and they represent a growing proportion of a growing prison population. Legally they are innocent until proved guilty but they are not separated from other prisoners and the resources available to them and their legal representatives to prepare for court are limited. In this report we discuss the challenges of balancing the security needs of prisons against the fact that so much of legal practice now requires the use of technology. I hope this report will provide a catalyst for further discussions and improvements.'

In terms of the workplace culture, Professor Morgan said:

'The divisions were painfully marked at the time of the inspection. The then Superintendent had a sound strategic vision but we concluded that the management team needed to become more visible and engaged with staff. However, communication and engagement are a two-way process. Regrettably, many staff displayed a degree of cynicism and dismissiveness towards management that I have not encountered at any other prison. This was unhealthy, unhelpful and sometimes disrespectful. The report emphasises that these issues must be addressed. The key ingredients of change 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 direction and support from head office.

In the seven months since the inspection, there have been some changes to the management team at Hakea and there are some promising signs of improved relations. However, this is clearly still a 'work in progress' and one that this Office will continue to monitor.'

Neil Morgan

15th January 2013

For more detail, see the Inspector's Overview to the Report (copy attached).

Neil Morgan will be available for comment from 12 noon on Thursday 17th January and can be contacted on 0427 426 471.

The full report will be available on the Inspector's website (www.oics.wa.gov.au)

The Inspector's Overview

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

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.ⁱ 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.ⁱⁱ

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.ⁱⁱⁱ

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.

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.

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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;^{iv} 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);^v the assessment system is efficient and up to date;^{vi} and security systems and processes are generally sound.^{vii}

However, many parts of the site faced some serious environmental health issues in May 2012, including vermin infestations.^{viii} 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.^{ix} 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.^x

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.^{xi}

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’.^{xii} 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.^{xiii} Since the inspection there have been some tentative signs of improvement but this is an area requiring continuing attention.

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.^{xiv}



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,^{xv} people with mental health problems, foreign national prisoners, newly arrived prisoners and protection prisoners.

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.

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Hakea has two new units. They were officially opened by the then Minister on 11 April 2011 but are not currently operational.^{xvi} 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.^{xvii} 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.^{xviii} 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.^{xix}

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

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].

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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.^{xx} 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

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